

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 Tuesday, 7 February 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:32:40] Good morning. Good morning to
15 everybody here in the courtroom, in the public gallery, which is not as full as it was
16 yesterday, with looking us from remote.
17 Good morning also to Mr Blé Goudé. I hope you are well today.
18 And I would like to give the floor because it was requested to the Office of the
19 Prosecutor just for a few minutes, as it was announced. Please, yours the floor.
20 MR GARCIA: [9:33:21] Good morning, Mr President, your Honours. Thank you
21 very much for granting the Prosecution's request at such a late time. Just to start
22 off, Mr MacDonald is not present, will not be present today. Unfortunately, he had
23 a medical appointment which could not be postponed, so he extends his apologies.
24 He will not be here today.
25 Now, the matter that required a small comment on the Prosecution's part this

1 morning is regarding an item on the Defence list of Charles Blé Goudé number 55.

2 It's a video, CIV-OTP-0020-0558. Now, your Honours, this is a video that relates to
3 paragraphs 96 to 105 of Witness 106's statement.

4 PRESIDING JUDGE TARFUSSER: [9:34:12] Which paragraph? Sorry.

5 MR GARCIA: [9:34:14] Paragraphs 96 to 105.

6 PRESIDING JUDGE TARFUSSER: [9:34:18] Okay.

7 MR GARCIA: [9:34:18] Now, in sum, the Prosecution is here to put on the record that
8 it will not be relying on these paragraphs of the witness statement and it does
9 apologise for this. This is the consequence of an oversight by the Prosecution. I'll
10 explain.

11 The video in question that the Defence has indicated, 0020-0558, is a video that -- yes,
12 it's a video that relates to paragraphs 96-105 where the witness explains that he had
13 received the video apparently or purportedly depicting people being burnt in
14 Yopougon during the post-election violence in Côte d'Ivoire.

15 During the interview, the investigators present looked at this video, extracted the
16 video, and afterwards it was analysed here at the headquarters of the ICC.

17 The conclusions of this investigation demonstrate that the video is unrelated to the
18 Côte d'Ivoire post-election violence. It is related -- actually it depicts people being
19 burnt in Kenya and has been uploaded according to the investigator report as far
20 back as 2009 apparently. So this is irrelevant to this present case. The
21 investigator's note had already been disclosed to the Defence I believe on three
22 occasions. This whole matter indicating obviously the whole procedure of the
23 Prosecution, the OTP in this matter, and the results, the whole matter has already
24 been discussed at the confirmation hearing and those are on 25, 26 February 2013,
25 and those are, just for the references, transcript 18, lines 15 to 17, and transcript 19,

1 page 4 and following, where the Prosecution did advice Defence counsel about this
2 problem in the video and the fact that it was not relying on this video.

3 So just to sum up this whole issue, the video was disclosed at Rule 77 and the
4 Prosecution does not intend to rely on this video at all; it is unrelated to this case.

5 It is an oversight of the Prosecution. We do apologise to the Chamber and Defence
6 counsel for that. The Prosecution is not therefore intending on relying on the
7 paragraphs that relate to this video, and those are paragraphs 96 to 105. So before
8 the cross-examination of the Charles Blé Goudé team does start on this matter, we
9 wanted to advise the Chamber because we noticed that, we wanted to give
10 notification. We don't want to use up valuable Court time on a matter that's
11 irrelevant to this case. Thank you, your Honours.

12 PRESIDING JUDGE TARFUSSER: [9:37:04] Thank you very much. I must say
13 not -- quite a concerning matter, I would say, because it's not a light mistake. But
14 anyhow, thank you for this.

15 I don't know if the Defence has to say something on this, but I would really ask to be
16 brief because it could just be a comment. I mean, if they do not rely, they just -- it's
17 kicked out and that's it. I think that some -- an intervention by the Defence is due,
18 of course. Please, Maître Altit.

19 MR ALTIT: [9:37:40] (Interpretation) Thank you, your Honour. Your Honours, no
20 particular comment. We take note of the Prosecution's position in this regard and
21 remind the Prosecution that it was the Defence in 2013 that pointed out that the
22 video in question actually was filmed in Kenya, and thus led to the Prosecution's
23 review of the matter. So not to dwell on the matter, but no comment in particular,
24 your Honour.

25 PRESIDING JUDGE TARFUSSER: [9:38:15] Thank you very much, Maître Altit.

1 Mr Knoops.

2 MR KNOOPS: [9:38:21] Mr President, Mr Gbougnon will conduct the examination of
3 the witness. But for the Defence it's relevant to confront the witness nevertheless
4 with the video in order to test his credibility and why he introduced this video to the
5 Prosecution alleging that this related to events in Yopougon, while it's been
6 established that it's not related to Yopougon.

7 So despite the Prosecution's admission today, we as Defence have the -- we still need
8 the opportunity to confront the witness with this question, and that's why we would
9 rely on this video during the examination by the Defence. Thank you.

10 PRESIDING JUDGE TARFUSSER: [9:39:06] We'll see about this. We will decide on
11 this.

12 Now I think we continue with the questioning of the witness. I would ask the court
13 usher to introduce the witness into the courtroom. Thank you.

14 MR O'SHEA: [9:39:21] Your Honours --

15 PRESIDING JUDGE TARFUSSER: [9:39:23] Yes, Mr O'Shea.

16 MR O'SHEA: [9:39:25] -- I think it's my duty to point out that I will be launching into
17 this credibility issue around the video immediately. So if there is any question of
18 debate around this, maybe the witness should not be brought back in. My first
19 questions are going to relate exactly to this issue.

20 PRESIDING JUDGE TARFUSSER: [9:39:43] Well, another thing I wanted to ask you
21 now in the next couple of minutes, how long do you think, just coming back to what
22 we discussed yesterday at the end of the hearing on how long you expect to question
23 this witness.

24 MR O'SHEA: [9:40:04] I plan to be finished within the first session.

25 PRESIDING JUDGE TARFUSSER: [9:40:08] Okay. Thank you.

1 And the Defence for Mr Blé Goudé?

2 MR GBOUGNON: [9:40:16] (Interpretation) Thank you, your Honour. Your
3 Honour, it will all depend naturally and logically upon the Gbagbo Defence team's
4 questions and responses thereto. In any event, we do not expect to be taking more
5 than two sessions.

6 PRESIDING JUDGE TARFUSSER: [9:40:40] Okay.

7 (The witness enters the courtroom)

8 PRESIDING JUDGE TARFUSSER: [9:41:03] So I give the floor to the Defence of
9 Mr Gbagbo. Mr O'Shea, I think that there is -- obviously, it is relevant, the matter of
10 the video, of course. But I think, and this goes also to the Defence for Mr Gbagbo, I
11 think we should keep it really short. I mean, this is the question. We should not
12 dwell too much into it. But of course, I think it's relevant for what we discussed
13 before. So please go ahead.

14 MR O'SHEA: [9:41:47] That is noted, your Honour.

15 PRESIDING JUDGE TARFUSSER: [9:41:49] Okay. Thank you.

16 MR O'SHEA: [9:41:52] I will see how the answers go.

17 PRESIDING JUDGE TARFUSSER: [9:41:54] Yes, and maybe it's also for the Defence,
18 I mean the Defence of Mr Blé Goudé. If you already talk about this, maybe the
19 Defence for Mr Blé Goudé can also take advantage of this. This is the message to
20 the Defence for Mr Blé Goudé, please, go ahead. Thank you.

21 WITNESS: CIV-OTP-P-0106 (On former oath)

22 (The witness speaks French)

23 QUESTIONED BY MR O'SHEA: (Continuing)

24 Q. [9:42:23] Good morning, Mr Witness. I hope you're well rested.

25 A. [9:42:34] Thank you. Yes, good morning.

1 Q. [9:42:37] I don't plan to be too much longer with you. I would like to begin,
2 if I may, to ask you about a video which you spoke about with the Office of the
3 Prosecutor, you say with persons burnt alive. Now, you speak about a friend, and
4 you say that this friend gave you the contents of this video on a computer, and this is
5 paragraph 97 of your statement.

6 Now, just to be consistent with yesterday, although we believe that these things
7 should be in public, consistent with yesterday's ruling, we perhaps go into private
8 session for the next question.

9 PRESIDING JUDGE TARFUSSER: [9:43:57] For the name of the friend? Okay.

10 Let's go for a minute in private session. Thank you, Mr O'Shea for this.

11 (Private session at 9.44 a.m.)

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)

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Open session at 9.46 a.m.)
- 12 THE COURT OFFICER: [9:46:22] We are in open session.
- 13 PRESIDING JUDGE TARFUSSER: [9:46:30] Thank you.
- 14 Mr O'Shea.
- 15 MR O'SHEA: [9:46:32] Your Honours, thank you.
- 16 Q. [9:46:34] Witness, this friend of yours at the time that he transferred this video
- 17 content to you, what was his occupation?
- 18 A. [9:46:57] He was a student. But after his schooling, well, he was no longer
- 19 going to school, and he was managing to get by where we were doing this, that, and
- 20 the other thing. Then the (Redacted) --
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [9:48:51] Where did he normally live?

8 A. [9:48:59] Me or my friend?

9 Q. [9:49:04] Your friend.

10 A. [9:49:08] He was in Yopougon Koweït, but then he moved to Abobo.

11 Q. [9:49:18] When did he move to Abobo?

12 A. [9:49:25] During the crisis in Abobo. During the crisis he moved to Abobo.

13 Q. [9:49:52] Do you know which political party he supported?

14 A. [9:50:03] I haven't understood. Could you repeat your question, please.

15 Q. [9:50:17] Do you know which political party he supported during the crisis?

16 A. [9:50:23] He was one of the LMP people.

17 Q. [9:50:41] And when he transferred this video to you, what did he tell you
18 about the video?

19 A. [9:50:57] Well, he -- I was the one who went to Yopougon, and I saw them
20 burning people. And when I told him, he said, "That's my old neighbourhood" --
21 THE INTERPRETER: [9:51:15] Inaudible.

22 A. [9:51:18] -- and he said -- well, the video, there was a video of people being
23 burnt alive.

24 MR O'SHEA: [9:51:24]

25 Q. [9:51:25] When you saw the video, did it show the same images which you

1 had witnessed or were they different images?

2 A. [9:51:45] It was different images. The images were different. What I saw
3 and then I showed him, and he said, "Well, the video was more different than my
4 video."

5 Q. [9:52:07] Did you say, "The video was more different than my video"?

6 A. [9:52:24] It was different to my video because he took -- well, he took the
7 video and it was longer than mine, so that was one difference. I took the video,
8 well, at least maybe 5 seconds. But when the film took, it was more like 1 minute, 1
9 minute that he filmed. So there was a bit of a difference.
10 When you see a man who is being burnt up alive completely and go all to the end, so
11 that was one little difference. Mine was less.

12 Q. [9:53:22] So was this little difference the only difference?

13 A. [9:53:28] That was the only difference.

14 Q. [9:53:35] So did your individual why and your friend's video relate to the
15 same incident?

16 A. [9:53:43] Yes, the same incident.

17 Q. [9:53:49] And this is an incident that you witnessed personally?

18 A. [9:53:56] Yes. And then some other people came and filmed as well. And I
19 saved some. They also after --

20 THE INTERPRETER: [9:54:16] Message from the interpreter: The witness's reply is
21 incomprehensible. Could the question be put again.

22 PRESIDING JUDGE TARFUSSER: [9:54:25] Did you hear this, Mr O'Shea, from the
23 interpreters? Could the question be put again because the answer was not
24 understood by the interpreters.

25 And I again ask you, Mr Witness, to speak clearly and not to mumble into the

1 microphone. Thank you.

2 MR O'SHEA: [9:54:51] Your Honour, yes.

3 Q. [9:54:55] The question, Mr Witness, so that you can repeat your answer, was:

4 And this was an incident that you witnessed personally?

5 A. [9:55:10] Yes, yes.

6 Q. [9:55:18] Now, the video that you took, what did you do with your video?

7 A. [9:55:33] I kept the video to show people that people in Yopougon were really
8 being torched after -- well, the video really got people worked up. People were all
9 worked up and, you see, the women in Abobo who had been shot and then people
10 saw this video and then later I deleted it.

11 But when I -- when the battle -- and then you see, the footage, and it showed
12 and -- because many people said, "Well, the video in Yopougon, the people being
13 burnt already."

14 Q. [9:56:33] So you've said that your video and the video of your friend related to
15 the same incident?

16 A. [9:56:48] Yes.

17 Q. [9:56:49] So when you watched the video of your friend, you recognised the
18 location, did you?

19 A. [9:57:01] Yes, yes, the place where it happened. But he recorded a lot longer.
20 And as I said really me -- later, it was deleted because it got people all worked up,
21 not in Yopougon until the crisis was over.

22 Q. [9:57:26] And you recognised the person who was burnt alive as being the
23 same person who you'd seen being burnt alive; is that right?

24 A. [9:57:41] Repeat.

25 Q. [9:57:47] So when you watched your friend's video, you recognised the person

1 who was in that video as being burnt alive as the same person who you had
2 personally witnessed being burnt alive; is that right?

3 A. [9:58:08] Yes.

4 Q. [9:58:13] Witness, what if I told you that we have a basis for believing that that
5 video, that video footage, was taken in Kenya; what would be your reaction?

6 A. [9:59:06] The video? I gave some video footage to the ICC.

7 Q. [9:59:18] Now, you mentioned that the video footage of your friend was
8 transferred from a computer to a memory card and onto your phone?

9 A. [9:59:38] Yes.

10 Q. [9:59:40] What kind of phone did you have at that time?

11 A. [9:59:45] I had an LG, an LG phone, if I recall correctly. I used a lot of phones
12 at that time. It was an LG.

13 Q. [10:00:05] Do you remember the model?

14 A. [10:00:12] Well, I had many different telephones and each one was a different
15 model, so I can't really remember.

16 Q. [10:00:27] How many telephones did you have?

17 A. [10:00:34] Do you mean now?

18 Q. [10:00:38] At that time.

19 A. [10:00:42] Well, often I had three or I had two, but I had many telephones. It
20 was --

21 THE INTERPRETER: [10:01:02] The answer was inaudible.

22 MR O'SHEA: [10:01:09]

23 Q. [10:01:10] Your answer could not be heard, Witness. Would you like to
24 repeat it and try to speak a bit louder and more clearly.

25 A. [10:01:23] I had many different telephones. Sometimes I had two.

1 Sometimes I had three. When a new one came out, I would change; and when I
2 changed a telephone, sometimes I'd have an older model or I'd get a new one and so
3 that's why I would have several.

4 Q. [10:01:46] Would you -- were you at that time using all these telephones?

5 A. [10:01:55] Yes, I used them, yes.

6 Q. [10:02:02] And did you use different telephones for different purposes?

7 A. [10:02:10] Well --

8 THE INTERPRETER: [10:02:35] The interpreter does not understand what the
9 witness just said. I beg your pardon. Please ask him to repeat.

10 PRESIDING JUDGE TARFUSSER: [10:02:40] Mr Witness, again, sometimes I have to
11 step in. Please speak clearly. We have interpreters who do not understand you in
12 French sometimes, so please speak clearly so that we have all the possibility to get
13 your answer in French and in English. Thank you.

14 MR O'SHEA: [10:03:08]

15 Q. [10:03:09] Would you consider that at the time you were an important person
16 in your community?

17 A. [10:03:18] What do you mean by that?

18 PRESIDING JUDGE TARFUSSER: [10:03:32] That's a good question.

19 MR O'SHEA: [10:03:36]

20 Q. [10:03:36] You were the second vice-president of the union of scrap metal
21 dealers; is that right?

22 A. [10:03:50] Yes, I was the third, third vice-president.

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Some would come for a week and then we wouldn't see him again. He might
5 change jobs. So I really can't tell you how many apprentices there were. There
6 might have been four or five or three or six depending on the moment.

7 Q. [10:05:21] Let me just read you a passage from your statement that you gave
8 to the Office of the Prosecutor, and I'll read the passage in full and I quote in
9 French --

10 PRESIDING JUDGE TARFUSSER: [10:05:50] Paragraph please.

11 MR O'SHEA: [10:05:53] Yes, madam, paragraph 90.

12 PRESIDING JUDGE TARFUSSER: [10:06:01] Excuse me, can I just -- are you away
13 now from the videos?

14 MR O'SHEA: [10:06:06] I am away from the videos, your Honour. I'm now on
15 another topic --

16 PRESIDING JUDGE TARFUSSER: [10:06:15] Yes.

17 MR O'SHEA: [10:06:15] -- but which is only related because of one aspect.

18 PRESIDING JUDGE TARFUSSER: [10:06:18] Yes. I have only a correction, what is
19 probably a correction in the transcript because at page 13, line 16, when we talked
20 about the video: "The answer was the video I gave some video footage to the ICC."
21 While in French it should be "two video footage," not "some," which is on page 12,
22 line 11 and 12.

23 MR O'SHEA: [10:07:00] Is your Honour is saying that he's saying that he gave two
24 videos?

25 PRESIDING JUDGE TARFUSSER: [10:07:04] Yes. This is what he said in French,

1 while in English it came out "some videos."

2 MR O'SHEA: [10:07:08] Do you mind if, your Honour, I step back for a moment and
3 just clarify that?

4 PRESIDING JUDGE TARFUSSER: [10:07:12] Yes, okay, of course. Thank you.

5 MR O'SHEA: [10:07:14]

6 Q. [10:07:14] Witness, did you say that you'd given --

7 PRESIDING JUDGE TARFUSSER: [10:07:18] How many, how many?

8 THE WITNESS: [10:07:25] (Interpretation) Yes.

9 THE INTERPRETER: [10:07:36] There were overlapping speakers.

10 THE WITNESS: [10:07:39] (Interpretation) Yes, I gave two videos. So I don't know
11 which video. The video I had on the telephone. It's been a long time, you know.

12 And since I can't read and write, it's hard to remember these things. It's been more
13 than five years. And given the accident I had, it injured my head, and it's hard
14 to -- from last Wednesday, I've been thinking back on all these things, it's very tiring.

15 I don't really remember all of these aspects to be able to tell you precisely after the
16 crisis, after my injury. And it's hard for me to remember. It's hard to speak in
17 front of the microphone. It's hard for me to talk about this.

18 PRESIDING JUDGE TARFUSSER: [10:08:55] Can I intervene.

19 Just asking - the witness asked and I agree with it - that we show these two videos to
20 the witness. We are talking about videos we haven't seen, and I think it's good that
21 we show them to the witness in order for him to comment on it. The Chamber
22 would very much appreciate that the videos are shown.

23 MR O'SHEA: [10:09:23] Since my learned friends for Mr Blé Goudé have planned
24 showing the video, perhaps I should allow them to undertake that exercise.

25 PRESIDING JUDGE TARFUSSER: [10:09:40] Yes, this could be an option. Well, in

- 1 any case, we show them only once, not twice of course.
- 2 MR O'SHEA: [10:09:47] Yes, yes.
- 3 PRESIDING JUDGE TARFUSSER: [10:09:52] I didn't know about this plan.
- 4 MR O'SHEA: [10:09:54] Well, apparently it's in their list.
- 5 PRESIDING JUDGE TARFUSSER: [10:09:58] Yes, of course. There is many things in
- 6 their list they don't use during their questioning, so I didn't know about the plan.
- 7 MR O'SHEA: [10:10:12] May I ask them if they are going to show it?
- 8 PRESIDING JUDGE TARFUSSER: [10:10:16] Yes, please.
- 9 MR GBOUGNON: [10:10:17] (Interpretation) Yes, your Honour, we intend to show
- 10 it.
- 11 PRESIDING JUDGE TARFUSSER: [10:10:21] Okay.
- 12 MR GARCIA: [10:10:38] Your Honour, if I can just take this time, if there is an issue
- 13 regarding the said videos, then we would have to inform the Chamber and the
- 14 parties of something obviously regarding this video outside the presence of the
- 15 witness very briefly. We can do that when the --
- 16 PRESIDING JUDGE TARFUSSER: [10:10:50] Of course.
- 17 MR GARCIA: [10:10:51] -- Defence counsel for Charles Blé Goudé will undertake
- 18 that line of questioning.
- 19 MR O'SHEA: [10:10:55] Well, if you don't mind, your Honours, I would like to know
- 20 what it is. Can we do it now?
- 21 PRESIDING JUDGE TARFUSSER: [10:11:00] No, no, it's outside of the -- without
- 22 the --
- 23 MR O'SHEA: [10:11:02] Yes. Can the Prosecution speak outside the presence of the
- 24 witness now because otherwise --
- 25 PRESIDING JUDGE TARFUSSER: [10:11:05] No, I would like, I would like -- or we

1 show it now, we look at it now, then we do this or we do it after.

2 MR O'SHEA: [10:11:13] Well, the only thing is --

3 PRESIDING JUDGE TARFUSSER: [10:11:15] No.

4 MR O'SHEA: [10:11:16] The only thing is that I don't want to spend time on the

5 videos, right. But the thing is that if there is something significant that the

6 Prosecution wants to draw to our attention, I may have to deal with it and I would

7 rather deal with it now than have to come back to it later.

8 MR GARCIA: [10:11:34] Your Honour, I don't think it's anything that is going to

9 disrupt the line of questioning that Maître O'Shea has engaged already. I'm pretty

10 sure I think he has exhausted most of his questions on the issue. It's just one

11 clarification regarding the number of videos that the Prosecution does have in its

12 possession from this witness. I believe there is a question of two videos. That's not

13 our information. It's going to take only a couple of seconds to inform the Chamber.

14 PRESIDING JUDGE TARFUSSER: [10:12:03] Well, I wouldn't say it's very much

15 relevant to it, so please go ahead.

16 MR O'SHEA: [10:12:10] In light of what my learned friend has just said, it's not

17 necessary.

18 PRESIDING JUDGE TARFUSSER: [10:12:13] Yes.

19 MR O'SHEA: [10:12:14] We have confidence in what he says.

20 Q. [10:12:32] So just one last point on this, Witness. Whatever you gave to the

21 Prosecution was in relation to events in Yopougon; is that right?

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

23 Q. [10:13:00] All right. I finally move away from the videos.

24 Right. Now, what I was about to do, before His Honour, the Judge President

25 pointed out an error on the transcript, was to read you a passage. So I'll come back

1 to that, Witness.

2 And, madam interpreter, I'm quoting in French:

3 (Interpretation) "There were several injured people amongst the people there.

4 Children were also injured. I saw people with light injuries at the market the next

5 day. Some of the injured people in the shelling are still salespeople at the market

6 today. Amongst the people who died there was someone from Guinea whom I

7 knew, someone from Mali, but also some Ivorians who were Moké (phon) and

8 Kayagas ethnic group. I am aware of this information because I was the third

9 vice-president of the union of scrap metal dealers in Côte d'Ivoire. When there was

10 a death or a problem in one of the families of the scrap metal dealers or in the

11 neighbourhoods, the scrap metal dealers informed the committee, including myself."

12 (Speaks English) End of quote.

13 So, Witness, your position as third vice-president of the union of scrap metal dealers

14 puts you in a special position with regard to receiving information about events in

15 Ivory Coast during the crisis; is that right?

16 A. [10:15:37] Well, that wasn't my goal, that wasn't the purpose.

17 Q. [10:16:01] But people used to come to the union and discuss the events which

18 were taking place during the crisis; would that be correct?

19 A. [10:16:15] Yes, yes, that's correct.

20 Q. [10:16:16] And how often did the union meet?

21 A. [10:16:30] We would meet every Friday for quite a long time; and if there was

22 something more urgent, we would have an extra meeting.

23 Q. [10:16:50] How many union members were there of this union for Ivory Coast

24 scrap metal dealers?

25 A. [10:17:07] Well, today there is -- well, at least in the bureau there is at least

1 16 -- 16, 16 in the bureau if I remember correctly.

2 Q. [10:17:37] So those are the members of the bureau. How many members of
3 the union? So those are the members of the bureau of the union, 16, and how many
4 members of the union were there at that time?

5 A. [10:17:59] Well, the others who are not in the bureau, there is a lot of them,
6 very many. But the ones who are in the front line, so to speak, who are making
7 decisions, there were at least 16. Ordinary members, they were very numerous.

8 Q. [10:18:29] In Ivory Coast, is the scrap metal business a lucrative business?

9 A. [10:18:44] What do you mean by the word "lucrative," please?

10 Q. [10:18:58] Is it a business which involves a lot of money, a lot of exchange of
11 money? Is it one of the significant businesses within the country?

12 A. [10:19:13] No -- well, well, the scrap metal dealers sold second-hand spare
13 parts, and there was no specific price. And if we were stopped by the police, for
14 example, we didn't have to pay a particular price. And the union defended people
15 who were arrested by the police, for example.

16 Q. [10:19:52] If you are a scrap metal dealer in Ivory Coast, is it compulsory to be
17 a member of the union?

18 A. [10:20:07] Yes.

19 Q. [10:20:14] And do you have to pay a fee to the union?

20 A. [10:20:28] Every Friday you have to pay 200, 200. For example, if you have to
21 travel, he might say to the secretary, "Go to Yopougon. Here is 1,000 francs," and so
22 it's shared out. Then the first vice-president is going to get a certain amount for
23 transportation, a thousand francs, and the second and the third as well. And he
24 might be told to go somewhere and they'll get money for transportation, and that's
25 why each person contributes 200. And depending on -- it wasn't depending on the

1 people who were there. We're talking here about scrap metal dealers who were
2 selling spare parts.

3 Q. [10:21:37] Now, this union being one of the big unions in Ivory Coast, did the
4 union engage with the political parties in the country?

5 A. [10:21:55] No.

6 Q. [10:22:02] Really?

7 A. [10:22:08] Yes. No, it was not in politics.

8 Q. [10:22:18] But there are significant business interests in the trading of scrap
9 metal, and if you're a large union, there is no interaction whatsoever with political
10 platforms; is that your evidence?

11 A. [10:22:40] Well, in our statutes, in our regulations, it's an apolitical
12 organisation because that's what the statutes say.

13 Q. [10:23:00] Now, when there is a decision to have a strike, at that time do you
14 and other members of the bureau engage with politicians at the time that there is a
15 strike in the country?

16 A. [10:23:25] Well, scrap metal dealers don't go on strike. There are several
17 unions in Côte d'Ivoire. You have the wôrô-wôrô drivers, taxi drivers, they go on
18 strike; but scrap metal dealers never go on strike.

19 Q. [10:23:50] Is there a federation of the different big unions in the country?

20 A. [10:24:04] Well, you have the small business owners and transportation; is
21 that what you're talking about?

22 Q. [10:24:18] Well, is there cooperation between the different major unions
23 operating in Côte d'Ivoire?

24 A. [10:24:26] The major unions are the transport unions. But for us, we were
25 just dealing with scrap metal. We are not related to official ministerial documents.

1 Those refer to larger unions. We're just the scrap metal dealers.

2 Q. [10:24:56] Now, when a march was organised for the purpose of making
3 change for the people in Ivory Coast, the unions were to some extent involved in the
4 discussions and the organisation; is that not right?

5 A. [10:25:25] Well, I can't really say yes because as a union, we didn't tell anyone
6 to go and march. No one was marching behind the banner of our union, so to
7 speak.

8 Q. [10:25:50] Well, when political leaders like Guillaume Soro were planning a
9 march, would they not consult with the big unions?

10 PRESIDING JUDGE TARFUSSER: [10:26:05] But not with the witness, I would
11 suppose.

12 MR O'SHEA: [10:26:08] Well --

13 PRESIDING JUDGE TARFUSSER: [10:26:09] Where are we going with this
14 questioning of -- this is very political. It becomes very political here. It's going
15 outside the scope of the charges and I think it's going -- it's a little bit broad in
16 respect of this witness, I would say.

17 MR O'SHEA: [10:26:24] Well, the Defence may have evidence later.

18 PRESIDING JUDGE TARFUSSER: [10:26:29] Well, may have. But that's what the
19 thing is about that -- or we come up with something in case also without the witness
20 or otherwise. I mean, we can't sit here and ask -- and listen to questions which are
21 completely unrelated to the scope of the charges and have faith in that sometimes
22 something will come up.

23 MR O'SHEA: [10:26:56] Well, your Honour, I understand your Honour's perspective,
24 but the Defence intends to come with evidence which will show the importance of
25 the unions in the marches.

1 I don't want to say too much in front of the witness, but there is -- you know, there is
2 an evidential point here about why this witness is here now, whether this witness is
3 telling the truth. If he's not telling the truth, why is he not telling the truth? Is he
4 being supported from behind? These marches which were taking place in Ivory
5 Coast during the crisis, were they being supported by the very forces that this
6 witness forms part of, i.e., the unions? That is the area which I'm exploring.
7 It may not be entirely clear to the Chamber right now, but to us it's of some
8 importance.

9 But in any event, I've gone through the large part of this discussion, so it will be
10 closing soon.

11 PRESIDING JUDGE TARFUSSER: [10:28:15] Thank you.

12 (Counsel confer)

13 MR O'SHEA: [10:28:44] Your Honour, thank you.

14 Q. [10:28:51] Now, as the third vice-president of this union of scrap metal
15 dealers, which you say had numerous members, you explained that there was a
16 bureau 16, within that bureau, any significant information about the activities of
17 your union would have come to your knowledge; is that right?

18 A. [10:29:34] Well, the union was informed of many things, but there are also
19 many things that I have forgotten since these things happened a long time ago.
20 After the crisis, well, we stopped. Right now we have stopped.

21 Q. [10:30:01] But the point is that any activities undertaken by your union, you
22 personally would have been aware of; that's correct, isn't it?

23 A. [10:30:15] Not all the activities. Some activities.

24 Q. [10:30:24] Can we say any significant activities on the national level?

25 A. [10:30:31] What type of activities?

1 Q. [10:30:44] Now, Mr Witness, I'm going to just move on to another issue now.
2 In your evidence, you described how the fognon put up roadblocks on the road in
3 front of the university. This road in front of the university was the main auto route;
4 is that right?

5 A. [10:31:33] I said that they put up the roadblocks at the service, at Coco Service.

6 Q. [10:31:49] And this was on -- at Coco Service, but this was on the main road?

7 A. [10:32:01] The main road which goes all the way to the university Abobo
8 Adjamé.

9 Q. [10:32:11] And when were these roadblocks erected?

10 A. [10:32:26] What do you mean by "erected"?

11 Q. [10:32:36] Put in place.

12 A. [10:32:46] Yes.

13 Q. [10:32:48] When?

14 A. [10:32:52] During the crisis.

15 Q. [10:32:54] When?

16 A. [10:32:57] After the second round of elections.

17 Q. [10:33:06] How soon after the second round of elections?

18 A. [10:33:11] When tensions began to increase significantly, when people were
19 being killed every day, people were afraid that the forces of law and order could
20 return to create havoc in the population in Abobo, Abobo.

21 Q. [10:33:36] So were these roadblocks put in place before the women's march?

22 A. [10:33:50] Before the women's march, there were no such roadblocks in place
23 if I remember correctly, if I haven't forgotten. Well, I don't think there were any
24 roadblocks by the time of the march. I don't think so. But this might not be
25 correct. I don't remember that part. It's been a long time ago.

1 MR O'SHEA: [10:34:44] Just give me one moment, your Honours, please.

2 (Counsel confer)

3 MR O'SHEA: [10:35:28] Thank you, your Honours.

4 Q. [10:35:42] You -- at some point, you met with an NGO or NGOs to give
5 statements about your -- what had happened to you and what you had witnessed
6 during the crisis. Can you give us the names of the NGOs which you met with?

7 A. [10:36:14] The NGOs I met, well, I don't remember the names, but I gave the
8 business cards of the members of those NGOs to the investigators of the ICC. The
9 small business cards they gave me, I made -- I took photographs of them and I
10 handed them over.

11 Q. [10:36:39] Do you remember any of the people that you spoke to?

12 A. [10:37:00] I met with people of the NGO. If I see them again, I could
13 recognise them. I even know where their office is located in Abobo.

14 MR O'SHEA: [10:37:33] One moment, your Honour.

15 (Counsel confer)

16 MR O'SHEA: [10:39:03] Sorry, your Honours, I was just verifying if there were other
17 matters which needed to be dealt with.

18 Q. [10:39:24] So this office, this office at Abobo, where specifically is the office?

19 A. [10:39:39] Behind the 14th.

20 Q. [10:39:50] And these NGOs, were they local NGOs or international NGOs?

21 A. [10:40:13] It was --

22 THE INTERPRETER: [10:40:18] We didn't get the word the witness mentioned.

23 PRESIDING JUDGE TARFUSSER: [10:40:22] Local, local, he said, local.

24 THE WITNESS: [10:40:30] It's local.

25 MR O'SHEA: [10:40:33]

1 Q. [10:40:33] And how did you come to being in contact with the Office of the
2 Prosecutor? Did you approach somebody to say that you had relevant evidence or
3 did someone approach you?

4 A. [10:40:43] After meeting, after the meeting with the ONUCI, and the NGOs
5 that were contacted, I was called up one day to meet or answer to questions from the
6 ICC.

7 PRESIDING JUDGE TARFUSSER: [10:41:27] By whom were you called? Excuse me
8 if I -- you said you were called. The question is: By whom were you called?

9 THE WITNESS: [10:41:44] (Interpretation) Thank you. People from victim. I
10 went to talk about the investigations and the victims and the problems that people in
11 Côte d'Ivoire were experiencing. I talked about what happened at Carrefour 81. I
12 was called up and they explained to me about such and such things and I was asked
13 whether I was ready to meet with the people of the ICC. And I said, yes, I am
14 willing to go and talk to them about the things that concern me directly.

15 PRESIDING JUDGE TARFUSSER: [10:42:30] Excuse me, you said to my question,
16 you said people from victim called you. Who are those people from victim? Is this
17 the NGO you are referring to?

18 THE WITNESS: [10:42:52] (Interpretation) It's another NGO, but that was the first
19 time I was seeing them. I don't know how they got my file. They called me.
20 Maybe these are -- some people worked with that NGO. There are NGOs here and
21 there, so I don't know. I don't know how they found my file. I was very surprised.
22 At Hotel Plateau at the former terminus 81, they called me and they called me, "This
23 is your file. Do you want to meet with the people of the ICC?" I said, "Yes, I want
24 to meet with them because these things concern me directly."

25 PRESIDING JUDGE TARFUSSER: [10:43:27] Mr O'Shea.

1 MR O'SHEA: [10:43:28]

2 Q. [10:43:29] Before you met with the ICC, did you have meetings involving
3 other victims?

4 A. [10:43:52] No.

5 Q. [10:43:52] Were you invited to such meetings?

6 A. [10:43:54] By whom?

7 Q. [10:43:58] By these what you described as the people of victims.

8 A. [10:44:03] I met them once. And they gave me some news, but I haven't seen
9 them again to this day. I never went back again. These are confidential matters
10 dealing with the ICC, so I had to keep all of them to myself alone.

11 MR O'SHEA: [10:45:08] Those are all my questions. Thank you, Mr Witness, for
12 your patience.

13 Thank you, your Honours.

14 PRESIDING JUDGE TARFUSSER: [10:45:15] Thank you, Mr O'Shea. We have 15
15 minutes, and I would ask the Defence for Mr Blé Goudé to start the questioning.
16 Thank you.

17 MR KNOOPS: [10:45:27] Mr President, Mr Gbougnon will conduct the examination
18 of this witness. Thank you very much.

19 PRESIDING JUDGE TARFUSSER: [10:45:31] Thank you very much. You informed
20 me already yesterday. Thank you.

21 Maître Gbougnon.

22 MR O'SHEA: [10:45:53] The ICC has got some more money.

23 PRESIDING JUDGE TARFUSSER: [10:45:56] Yes, for lots of things; for others, not.

24 MR GBOUGNON: [10:46:19] (Interpretation) Good morning, Mr President. Good
25 morning to everyone in the courtroom.

1 QUESTIONED BY MR GBOUGNON:

2 Q. [10:46:33] Good morning, Mr Witness.

3 A. [10:46:44] Good morning.

4 Q. [10:46:48] I am Maître Jean-Serge Gbougnon of the Abidjan bar, member of
5 Mr Charles Blé Goudé's Defence team. Following my learned colleague, I will
6 continue to put some questions to you. As you will notice, I am speaking in French
7 and you are also speaking in French, so there is a risk of overlapping each other
8 when we both speak at the same time. So I will try to speak slowly, very slowly
9 and quite simply, because I understand that your level of language is not very high.
10 So please, when I am speaking wait for me to completely finish asking my question
11 before you answer. Can you understand that? Can we proceed?

12 A. [10:47:54] Yes.

13 Q. [10:47:55] A short while ago reference was made to a video which you gave to
14 the members of the OTP who came to interview you. During that discussion on
15 that matter, my learned colleague suggested to you that this video was not about
16 Yopougon, but then you asked the President that the video be shown to you?

17 A. [10:48:31] Yes.

18 Q. [10:48:31] So to deal with that aspect of the examination, I would like to start
19 by showing you the video.

20 PRESIDING JUDGE TARFUSSER: [10:48:48] Just to know for us, which one?

21 MR GBOUGNON: [10:48:57] (Interpretation) Mr President, I will read out the
22 reference shortly, but in the statement which I have, which is in the case file,
23 reference is made of one video being given to the OTP, that is the reference I'm going
24 to read and that's the video I will be showing the witness.

25 MR GARCIA: [10:49:27] I was kind of hoping, in light of my most recent

1 intervention, that Defence counsel might hold off on his questions regarding the
2 video until after the break, given that I just wanted to provide certain information to
3 the Chamber regarding the video in question, if that's not too much difficulty for
4 Defence counsel. I realise that we have maybe 10 minutes just to hold off on that
5 part, because outside the presence of the witness I just want to inform the Chamber
6 so it can be properly informed on the matter; and then if this doesn't cause undue
7 prejudice to my colleague, we can continue afterwards, after the break, and he can
8 continue on this line of questioning if the Chamber deems it necessary and if
9 Defence counsel also deems it necessary.

10 PRESIDING JUDGE TARFUSSER: [10:50:07] So what we are going to do is to ask the
11 witness to leave the courtroom and to have his break. Then I give the floor to the
12 Office of the Prosecutor for his clarification. Then we go for the break, and then we
13 come back and we continue. I think this is the way forward. So please, court
14 usher, can you accompany the witness out.

15 (The witness stands down)

16 PRESIDING JUDGE TARFUSSER: [10:50:52] And we'll be back at 11.30, just for the
17 witness and the unit to know.

18 Now I think I can give the floor to the Office of the Prosecutor.

19 MR GARCIA: [10:51:12] Thank you, your Honour. And thank you, Defence
20 counsel, for permitting me to make this brief statement.

21 Now, I know it's been a question of a couple of -- two videos that have come out of
22 the testimony of the witness, according to my understanding. I've been re-reading
23 the transcript. What the Prosecution has is only seizure of one video during the
24 interview, so we want that to be particularly clear.

25 We're not sure obviously of what the second video is about. There is an

1 investigator's report on this whole matter, it's CIV-OTP-0021-1004. I have some
2 hard copies for the Chamber. We can have these admitted into the Court record so
3 that this matter can be clear.

4 This is an investigator's report that details the findings of the OTP in their
5 investigation of this video that was provided by the witness. It is a video which
6 contains, depicts people being burnt, my understanding. It is of a graphic nature,
7 so I think that needs to be considered in whether we actually need to go through
8 this, given that the Prosecution is not going to be relying on these paragraphs of the
9 witness statement.

10 One last clarification so the record is clear. This -- sorry. This investigator's report
11 was disclosed to the Defence of Laurent Gbagbo in May 2012. So contrary to what
12 Maître Altit states, it's not the Defence that informs the Prosecution but rather the
13 inverse, just so that be clear on the record.

14 I have these copies for the Chamber and, as I've stated, we have -- actually we think
15 it might be good if they were in the Court record just so that the matter is clear.

16 PRESIDING JUDGE TARFUSSER: [10:52:51] Here it's not a game who is better, if the
17 Defence or the Prosecution.

18 MR GARCIA: [10:52:55] Just so that the -- yes, your Honour, thank you for that. But
19 it's just so that the record is clear. With those comments, I leave it up to the
20 Chamber and, obviously, Defence counsel to determine whether it is indeed
21 necessary to go into this line of questioning.

22 PRESIDING JUDGE TARFUSSER: [10:53:10] Now here I think the problem is that
23 the witness himself spoke about two videos: One taken by himself and one given to
24 him by a friend. So what we have is the one given to him by a friend. This is what
25 I understand from the OTP. Is that right?

1 MR GARCIA: [10:53:32] This is our understanding.

2 PRESIDING JUDGE TARFUSSER: [10:53:33] Okay.

3 MR GARCIA: [10:53:33] The one that we've provided, the one that's been mentioned
4 a couple of times --

5 PRESIDING JUDGE TARFUSSER: [10:53:38] Okay.

6 MR GARCIA: [10:53:38] -- the one that is number 55 on the Defence list is the one
7 that the Prosecution, the OTP, did seize from the witness. We don't have any other
8 video.

9 PRESIDING JUDGE TARFUSSER: [10:53:46] Okay.

10 MR GARCIA: [10:53:47] And this is one that relates to events unrelated to this case.
11 It's Kenya. It's a graphic video.

12 PRESIDING JUDGE TARFUSSER: [10:53:52] Okay. Thank you.

13 Maître Gbougnon, do you want to say something on this?

14 MR GBOUGNON: [10:53:58] (Interpretation) Yes, Mr President. Without getting
15 into any polemics, I believe this is what I was doing when you gave me the floor. I
16 mentioned that in the statement I have here, that statement refers to one video
17 having been handed to the investigators. That is what I said. So I thought maybe
18 the OTP had other information, additional information. So that's what I was saying.
19 Now, as to the relevance, I need to show this video, you've already mentioned it.
20 The witness himself when being questioned by my learned colleague, when he
21 mentioned that the video might come from Kenya, the witness himself asked for the
22 video to be shown. So we cannot now ask us to justify why it is necessary to do so.
23 It is necessary because the witness has to identify whether this is the same video he
24 gave to the OTP.

25 PRESIDING JUDGE TARFUSSER: [10:55:04] The video will be shown in 34 minutes

1 when we come back after the break. Thank you.

2 THE COURT USHER: [10:55:11] All rise.

3 (Recess taken at 10.55 a.m.)

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

5 THE COURT USHER: [11:32:54] All rise.

6 Please be seated.

7 PRESIDING JUDGE TARFUSSER: [11:33:10] Good morning once again.

8 Good morning, Mr Witness.

9 I give immediately the floor to Maître Gbougnon for his questioning. I think we left

10 at the video. Thank you.

11 MR GBOUGNON: [11:33:29] (Interpretation) Thank you, your Honour. Indeed, we

12 would like to have the video played. CIV-OTP-0020-0558. Now, the video does

13 not have timestamps.

14 PRESIDING JUDGE TARFUSSER: [11:33:59] Meaning that's the full video. How

15 long is it, just to have an idea?

16 MR GBOUGNON: [11:34:11] (Interpretation) Two minutes.

17 PRESIDING JUDGE TARFUSSER: [11:34:13] Thank you.

18 THE COURT OFFICER: [11:34:16] If I may, we might have to turn to private session

19 because the video is confidential.

20 PRESIDING JUDGE TARFUSSER: [11:34:21] Is it confidential?

21 MR GARCIA: [11:34:26] Your Honours, I don't believe there is anything confidential

22 on that video. It doesn't relate even to this case.

23 THE COURT OFFICER: [11:34:33] My mistake then. Sorry.

24 MR GARCIA: [11:34:35] Not your mistake. It could be that there was initially some

25 type of confidential attached to it, but I don't see it.

1 PRESIDING JUDGE TARFUSSER: [11:34:41] What's -- Maître Gbougnon, where is
2 the problem?

3 MR GBOUGNON: [11:34:49] (Interpretation) The last comment from the OTP is
4 quite superfluous.

5 PRESIDING JUDGE TARFUSSER: [11:34:55] Well, but innocent. Superfluous but
6 innocent. It didn't influence anything. It just said it could have been confidential
7 sometimes and now there is no reason to be confidential. I don't understand your
8 reaction. Please, so let's play the video.

9 And, Mr Witness, please look at this video because then questions will be put to you
10 in relation to this video.

11 (Viewing of the video excerpt)

12 PRESIDING JUDGE TARFUSSER: [11:36:29] We don't, excuse me, we don't see it.

13 (Viewing of the video excerpt)

14 PRESIDING JUDGE TARFUSSER: [11:38:26] I think we can also -- oh, now it's finish.
15 Okay.

16 Was this the video that you gave to the Office of the Prosecutor?

17 THE WITNESS: [11:38:50] (Interpretation) No. It's not that video. They're
18 speaking a different language. It's not a language that's spoken in Côte d'Ivoire. If
19 there is another video, show me that one again.

20 PRESIDING JUDGE TARFUSSER: [11:39:12] Maître Gbougnon.

21 MR GBOUGNON: [11:39:20] (Interpretation) Your Honour, before we continue, I'd
22 like to point out one thing. Now, a few moments ago right in front of the witness a
23 comment was made when the Prosecution rose, and I didn't want to stress the point
24 but they did already say that the video had nothing to do with this case. So I really
25 don't think that it was appropriate to say such a thing before this witness. Thank

1 you, your Honour.

2 PRESIDING JUDGE TARFUSSER: [11:39:54] Yes, it was not. I agree.

3 MR GBOUGNON: [11:40:04] (Interpretation)

4 Q. [11:40:15] Mr Witness, yesterday you told my learned friend that when the
5 members of the OTP took a statement from you, there were some interpreters; is that
6 correct?

7 A. [11:40:32] Yes.

8 Q. [11:40:35] Now, when the investigators from the OTP came to take a
9 statement from you in Abidjan with them or with all of you, was there someone who
10 did the translation; that is correct?

11 A. [11:40:56] Yes.

12 Q. [11:40:59] Now, in your statement CIV-OTP-0019-0211, we read the following,
13 "Place of statement, Abidjan, Côte d'Ivoire." Names and titles of all those present
14 when the statement was taken --

15 MR GBOUGNON: [11:41:58] (Interpretation) Your Honour, unfortunately I cannot
16 mention the OTP investigators' names, but I would point out that in this particular
17 statement, we do not find any mention of an interpreter. And unfortunately, I
18 cannot give the name of the OTP staff members because we are in public session, but
19 I would point out that we do not see anything about an interpreter being present
20 when this witness was heard by members of the OTP.

21 PRESIDING JUDGE TARFUSSER: [11:42:32] Maître Gbougnon, the statement is in
22 the record of the case, so we see exactly the same. So I think this is clear.

23 MR GBOUGNON: [11:42:49] (Interpretation)

24 Q. [11:42:58] Mr Witness, what year was it that you opened your little shop in
25 Adjamé?

1 A. [11:43:09] I really can't remember. I didn't write it down. I didn't go to
2 school. I kept everything in my head. I didn't put it down on paper. You see, I
3 didn't go to school, so I really didn't jot that down. I don't think it was all that long
4 ago.

5 Q. [11:43:32] Approximately 2001-2002?

6 PRESIDING JUDGE TARFUSSER: [11:43:45] Can we change the question, how old
7 were you approximately when you opened first the shop?

8 THE WITNESS: [11:43:58] (Interpretation) That's a bit difficult, because I can't write.
9 But the age that I opened my shop, that company, well -- you know, if it's a proper
10 company, you write everything down; but little guys like us, we don't write things
11 down. We start up a little trade or a little shop, but we don't write everything
12 down.

13 PRESIDING JUDGE TARFUSSER: [11:44:27] But you say you write everything down
14 in your memory. I mean, approximately the age, your age, how old were you when
15 you started to work in the shop, more or less? We don't ask for the date, but for
16 your age when you opened the shop, approximate age.

17 THE WITNESS: [11:44:54] (Interpretation) Well, I remember quite well that it was the
18 day that I started to burn the scrap material in the year 2000, and that was when we
19 moved it Abobo.

20 PRESIDING JUDGE TARFUSSER: [11:45:13] You see, it works with a little bit of
21 help.

22 Maître Gbougnon.

23 MR GBOUGNON: [11:45:22] (Interpretation)

24 Q. [11:45:31] And when they burnt the scrap in Abobo in the year 2000, your
25 place was open in Adjamé; isn't that so?

1 A. [11:45:43] No. In Adjamé?

2 THE INTERPRETER: [11:45:48] Could the witness be asked to repeat his reply.

3 PRESIDING JUDGE TARFUSSER: [11:45:53] Can you please repeat in Adjamé and
4 then the interpreters lost you. You said: "No." And then you said: "In
5 Adjamé" --

6 THE WITNESS: [11:46:10] (Interpretation) They burnt store. When they burnt the
7 stores in Adjamé, I had a workshop at the Riviera II, and from Riviera II I went to
8 Abobo and I was very focused on that.

9 MR GBOUGNON: [11:46:40] (Interpretation) I believe the witness had not concluded
10 his response. I think he's still trying to explain something.

11 THE WITNESS: [11:46:49] (Interpretation) When I opened up the place in Adjamé,
12 you see I had been in Riviera II, but the gentleman who gave me that spot where I
13 was working, he ripped someone off by selling a car. And he took off and garage
14 and I closed down the place, and then I had a workshop and I started to work there
15 in Abobo and to -- I managed to make myself -- make a bit of a living for myself
16 there.

17 MR GBOUGNON: [11:47:27] (Interpretation)

18 Q. [11:47:28] So you were in Riviera II area?

19 A. [11:47:31] I was there.

20 Q. [11:47:35] Please let me finish my question. So first you were at Riviera II
21 before you went and set up shop in Adjamé again, correct?

22 A. [11:47:48] Yes.

23 Q. [11:47:48] So this shop in Riviera II was before the year 2000?

24 A. [11:47:58] Well, it was before people started to burn scrap.

25 Q. [11:48:06] So you went to Riviera II in the year 2000; is that correct?

1 A. [11:48:13] Yes, yes, I do remember that. I have a good memory.

2 Q. [11:48:16] Now, in Riviera II, where was your workshop located?

3 A. [11:48:26] Carrefour Alpha, not by the station, but close by, where they built
4 the cinema. There is a Protestant --

5 THE INTERPRETER: [11:48:40] Inaudible.

6 MR GBOUGNON: [11:48:42] (Interpretation)

7 Q. [11:48:43] Thank you, Mr Witness. Now, you said in your statement when
8 my colleague was putting questions to you that you are not a member of a political
9 party; is that correct?

10 A. [11:49:06] Yes.

11 Q. [11:49:09] You never attended any rallies in Abobo; is that correct?

12 A. [11:49:19] Yes.

13 Q. [11:49:22] And then the march of 16 December, you learnt about it on the
14 television; is that correct?

15 A. [11:49:37] Yes.

16 PRESIDING JUDGE TARFUSSER: [11:49:45] The last three or four questions are of
17 the ones who yesterday I said shouldn't be put, because it came out clearly from
18 what he already said.

19 MR GBOUGNON: [11:50:02] (Interpretation) Thank you, your Honour.

20 Q. [11:50:13] You never -- how did you learn about the march of 16 December
21 and that there was supposed to be a gathering at the Abobo town hall? How did
22 you know about that?

23 A. [11:50:42] Well, since I was in Abobo there, it was said, it was said that there
24 would be a march. We were told that Soro Guillaume said that the march would be
25 held, a peaceful march for the liberation of the RTI.

1 Q. [11:51:11] Mr Witness, let me be more specific in my questioning.

2 Now, you see, your Honour, I think this is an important point because we need to
3 lay the foundation here.

4 Now, you said, Witness, that you were not a member of a political party?

5 A. [11:51:34] Yes.

6 Q. [11:51:34] You never went to any meetings, preparing for the march?

7 A. [11:51:38] Yes.

8 Q. [11:51:39] You only heard the message from Patrick Achi and Guillaume Soro
9 on the television?

10 A. [11:51:48] Yes.

11 Q. [11:51:49] So these two gentlemen did not give the right to gather but since
12 you never went to any preparatory meeting or any kind of rally, how did you know,
13 how did you come to learn that on 16 December in the morning the marchers were
14 supposed to give in front of the Abobo town hall, how did you know that?

15 A. [11:52:19] Thank you. Since I -- in Abobo, since I gave in Abobo, there were
16 people who were heading out to the march, and they were gathering together. And
17 at the roundabout in front of the town hall, at the roundabout there, violence was
18 erupting and so some people decided to go to the pharmacie Dokui and to meet up
19 with a group there.

20 Q. [11:53:01] Mr Witness, you keep saying "they," "people," who are you talking
21 about? I'm going to ask you one last time. You heard on the television -- so
22 judging by your statement, no one actually told you. You decided to spend the
23 night in Abobo after watching the television; is that correct?

24 A. [11:53:29] Yes.

25 Q. [11:53:29] And thus, after watching the television, how was it that you knew,

1 how could you have known that people were supposed to gather in front of the
2 Abobo town hall?

3 A. [11:53:46] Thank you. The several marches that I took part in in Côte
4 d'Ivoire, there never were gatherings. There would be five or six people who
5 would come together and then you would join in and off you would go. I didn't go
6 to some -- there was no big rally or anything like that.

7 Q. [11:54:08] Thank you, Mr Witness. So you're telling the Chamber that --

8 PRESIDING JUDGE TARFUSSER: [11:54:15] Wait for the interpreters.

9 MR GBOUGNON: [11:54:35] (Interpretation) I apologise, your Honour.

10 Q. [11:54:45] Mr Witness.

11 A. [11:54:47] Yes.

12 Q. [11:54:48] So you heard the Presiding Judge, and we must strive not to speak
13 at the same time. Please wait until I've finished. So you are telling the Chamber
14 that you found yourself that fine morning or you are saying that apparently there
15 was a gathering in front of the town hall, and it was just sort of random or
16 spontaneous, the marchers just kind of showed up there; is that what you are telling
17 the Chamber?

18 A. [11:55:20] No.

19 Q. [11:55:24] What do you mean then?

20 A. [11:55:29] Well, what I mean is that any kind of ceremony or anything like
21 that, people would organise at the roundabout and would go and often there would
22 be --

23 THE INTERPRETER: [11:55:42] Inaudible.

24 A. [11:55:44] -- wouldn't get there. That's what I'm saying.

25 Q. [11:55:52] Mr Witness, in December 2010, what situation prevailed? Were

1 things calm?

2 A. [11:56:25] When?

3 Q. [11:56:29] December 2010, in Attecoubé, after the sound round of voting,
4 December 2010 in Attecoubé. Was the situation calm?

5 A. [11:56:44] It was calm inside the area, but along the road, you know the main
6 road, it was problematic. It was -- but once you got in a bit and then the crisis
7 erupted and then it --

8 Q. [11:57:08] I'm not talking about when the crisis unfolded. I'm saying between
9 November and December 2010, between November and December 2010, before the
10 march, in Attecoubé, were things calm?

11 A. [11:57:27] Before the march, Attecoubé was calm, but there were some things
12 going on, there were roundups going on, raids.

13 Q. [11:57:43] And which neighbourhood was calmest, the most calm?

14 A. [11:57:52] Attecoubé was calmer than Abobo.

15 Q. [11:57:55] So you're saying Attecoubé was calmer than Abobo and yet, and yet
16 just before the march you described - paragraph 20 of your statement - you
17 described the atmosphere, you said it was calmer; but then you decided that you
18 would spend the night in Abobo, but you say it was more dangerous there. And
19 then you say Attecoubé was quieter. Why are you telling us that?

20 A. [11:58:35] Thank you. When there are marches like that, if it's night,
21 nighttime, you stay where you are, because there are raids, roundups.

22 Q. [11:59:00] So on the day of the march you said that your group was at the
23 Dokui pharmacy; is that correct?

24 A. [11:59:06] Yes.

25 Q. [11:59:07] And from the pharmacy where did you go?

1 A. [11:59:20] Towards the RTI.

2 Q. [11:59:22] Let me repeat that question. I asked you from the Dokui
3 pharmacy, where did you go? I didn't ask you toward what place were you going,
4 but where did you go?

5 A. [11:59:37] Well, we couldn't get there.

6 Q. [11:59:39] Witness, you were at the Dokui pharmacy. Were there lots of
7 people there?

8 A. [11:59:59] Yes, 50, 40, something like that.

9 Q. [12:00:05] When you left the Dokui pharmacy, when you left the pharmacy,
10 how far were you able to proceed?

11 A. [12:00:24] We got to around the gendarmerie, to Paillet.

12 Q. [12:00:38] Which gendarmerie do you mean?

13 A. [12:00:40] The Agban gendarmerie.

14 Q. [12:00:54] Agban. I'm going to read out what you have stated in paragraph
15 30 of your statement. This is paragraph 30:

16 "We left toward the RTI taking the Paillet road. Paillet is the road that separates
17 Abobo and Deux Plateaux. It goes from Abobo towards the zoo and it leads all the
18 way to the RTI. At the level of the intersection which is called Kablan Duncan
19 named after a former minister near the intersection that leads to Deux Plateaux, not
20 far from the gendarmerie." End of quote.

21 Did you reach the Kablan Duncan intersection?

22 A. [12:02:21] Well, it's toward the Paillet, we stopped because there were FESCI
23 people who stopped us and the people in uniform.

24 MR GBOUGNON: [12:02:41] (Interpretation) Your Honour, I would like to ask
25 someone to come and help the witness read something, because I'm going to show

1 him a map, because otherwise I'm afraid the Chamber might not be able to follow
2 what I'm trying to explain.

3 PRESIDING JUDGE TARFUSSER: [12:03:03] Can someone help the reading
4 assistance help the witness with a map? Yesterday a gentleman was here. Then of
5 course one was the reading. But I think reading a map is again something else than
6 reading from a document.

7 Now somebody is coming in a minute, he will be here. So we can set up in the
8 meantime, we can set up the map. So tell us which map you want.

9 MR GBOUGNON: [12:04:30] (Interpretation) It is document CIV-D225-0024-0004.

10 THE INTERPRETER: [12:04:53] Correction: It's CIV-D25-0024-004.

11 PRESIDING JUDGE TARFUSSER: [12:05:54] In any case, it would be very helpful if
12 we had a big screen in this courtroom where we permanently have the map of
13 Abidjan over there. I mean, we have everything in this Court but some essential
14 things are missing.

15 Is it displayed? We don't know if it is displayed and on which channel.

16 THE COURT OFFICER: [12:06:58] Mr Gbougnon, could you please correct the ERN
17 number and repeat please for the map. Thank you. Then we can display it on the
18 screen. Thank you.

19 MR GBOUGNON: [12:07:09] (Interpretation) It is CIV-D25-0024-0004.

20 THE COURT OFFICER: [12:07:35] Evidence channel 1 for the map.

21 PRESIDING JUDGE TARFUSSER: [12:07:37] Okay. I would like to have this map of
22 Abidjan on which the parties have agreed always available immediately, otherwise
23 we lose a lot of time just to pick it up and we have to try to find a system where we
24 have it permanently somewhere immediately available. Thank you.

25 Now please, Maître Gbougnon.

1 MR GBOUGNON: [12:08:03] Thank you, your Honour.

2 Q. [12:08:07] Good morning to the interpreter.

3 Would you be so kind as to show to the witness where the Dokui pharmacy is
4 situated, given that he's not able to read, can you show him where it is?

5 A. [12:08:35] I can see it.

6 Q. [12:08:42] So it's from the Dokui pharmacy that you and your group started
7 from at the beginning of the march?

8 A. [12:08:49] Yes.

9 Q. [12:08:50] Please wait until I've finished my question.

10 So it is at the Dokui pharmacy that you and your group started from at the
11 beginning of the march. Perhaps with the help again of the interpreter, can you
12 indicate the Dokui pharmacy.

13 PRESIDING JUDGE TARFUSSER: [12:09:22] How do you want to indicate if it is
14 written? It's written. We can see it all.

15 MR GBOUGNON: [12:09:34] (Interpretation) Thank you, your Honour.

16 PRESIDING JUDGE TARFUSSER: [12:09:41] Because the witness indicates that this
17 authenticates the map. The map authenticates itself.

18 MR GBOUGNON: [12:09:54] (Interpretation) Thank you, your Honour.

19 Q. [12:09:58] Witness, from the Dokui pharmacy, let's try to remember slowly but
20 surely where you went from the pharmacy to the Abidjan zoo.

21 A. [12:10:14] The Abidjan zoo, it was near Paillet. It was in front of it that we
22 stopped.

23 Q. [12:10:28] So you're saying to the Chamber that you did not reach the group of
24 marchers, that is, the group that you were with, you did not reach the Abidjan zoo?

25 A. [12:10:49] Well, I'm not really sure, but I'm familiar with Paillet.

1 Q. [12:10:59] The statement that I've just read out to you, in that statement you
2 stated that you reached the zoo and from there you went to Duncan intersection.
3 That's what you stated to the OTP; is that correct?

4 A. [12:11:23] What was that?

5 MS HENDERSON: [12:11:27] Your Honours, if my friend could identify the section --

6 PRESIDING JUDGE TARFUSSER: [12:11:30] Wait, we're overlapping. I would
7 really ask a little more discipline.

8 MS HENDERSON: [12:11:36] I'm sorry, your Honour. I didn't respect the pause.

9 PRESIDING JUDGE TARFUSSER: [12:11:40] Please.

10 MS HENDERSON: [12:11:41] I would just ask my learned friend to identify the
11 portion of the statement where the witness says that he arrived at the zoo and to put
12 that to him specifically.

13 MR GBOUGNON: [12:12:03] (Interpretation) The question? I already read out the
14 statement, but I could refer again to the same paragraph.

15 PRESIDING JUDGE TARFUSSER: [12:12:10] Yes, you read out the statement, but I
16 have no memory that the statement -- what you read out spoke about the zoo.

17 MR GBOUGNON: [12:12:24] (Interpretation) Well, I shall re-read it again.

18 Paragraph 30:

19 "We left toward the RTI taking Paillet road."

20 PRESIDING JUDGE TARFUSSER: [12:12:39] Yes. The zoo, the zoo is there. Okay.

21 MR GBOUGNON: [12:12:47] (Interpretation)

22 Q. [12:12:49] So, Witness, you stated to the OTP investigators that from the
23 Dokui pharmacy you got to the zoo?

24 PRESIDING JUDGE TARFUSSER: [12:13:04] They go towards --

25 THE INTERPRETER: [12:13:05] Microphone, your Honour.

1 PRESIDING JUDGE TARFUSSER: [12:13:07] Yes, sorry. They got towards the zoo,
2 the road goes towards the zoo if I understand well French, and I can read it.

3 (Interpretation) It goes from Abobo to the zoo, (Speaks English) the road, which is a
4 little bit different than they went to the zoo or they arrived to the zoo.

5 MR GBOUGNON: [12:13:38] (Interpretation) Thank you, your Honour. Yes, I was
6 perhaps being a bit too quick. I was trying to take a shortcut.

7 Q. [12:13:51] Witness.

8 A. [12:13:54] Yes.

9 Q. [12:13:55] You said that from the Dokui pharmacy you went toward the zoo,
10 and it goes all the way to the RTI. And you continued saying around the Kablan
11 Duncan intersection.

12 Can you confirm to the Chamber that Kaplan Duncan intersection is on Latrille
13 boulevard that's now called the boulevard of the Martyrs?

14 A. [12:14:37] Well, the road that leaves Dokui, it goes along Paillet, there -- it's on
15 the way to the zoo. I told you we didn't get all the way to the RTI.

16 Q. [12:14:52] I'm not trying to say that you reached the RTI. Let's take it step by
17 step. I'm not trying to say that you got to the RTI. We want the Chamber to
18 understand exactly how far you got. I am merely reading the statement you gave to
19 the investigators of the OTP. You mentioned when you spoke to the investigators,
20 you mentioned the Kaplan Duncan intersection, and that's why I would like to know
21 whether it is true that that intersection, Kaplan Duncan, you even stated that it was
22 the name of a former minister. Is that intersection on the boulevard of the Martyrs
23 or the former name Boulevard Latrille?

24 A. [12:15:54] I'm not familiar with that name, Boulevard Latrille. I don't know
25 all the names. But I know that to go that way, it's toward the zoo, and there is

1 Paillet and there is an intersection Kablan Duncan, and then there is the
2 gendarmerie. And there was a civilian command to the right going toward
3 Yopougon and then toward the 220 road.

4 Q. [12:16:33] Witness, let's take it slowly. My question was as follows: What I
5 read out a moment ago, is that what you stated to the investigators? Let me finish.
6 What I've just stated, is that what you said to the OTP?

7 A. [12:17:13] Yes, that's what I've just said.

8 MR GBOUGNON: [12:17:18] (Interpretation) Your Honour, I'm afraid I have to
9 re-read the statement once again to be sure that the witness understands.
10 Paragraph 30: "We left toward the RTI taking the Paillet road. Paillet is the road
11 that separates Abobo and Deux Plateaux. It goes from Abobo toward the zoo and
12 leads all the way to the RTI. At the level of the intersection called Kablan Duncan
13 by the name of a former minister, close to the intersection that leads to Deux
14 Plateaux, not far from the gendarmerie." End of quote.

15 Q. [12:18:14] That is what you stated to the OTP investigators. Do you
16 remember making that statement?

17 A. [12:18:25] I made a statement to explain that we stopped toward Paillet. And
18 now they asked me "Where is Paillet?" I said, "Well, it's not far from Duncan
19 intersection," to give them an idea of where it was. And I explained where Duncan
20 intersection was just to give them an idea of where along Paillet road we stopped.

21 PRESIDING JUDGE TARFUSSER: [12:19:07] Mr Witness, the question was
22 completely different. The question was: Do you remember having said to the
23 Office of the Prosecutor, to the investigators, what Maître Gbougnon has read out to
24 you; yes or no?

25 THE WITNESS: [12:19:29] (Interpretation) Well, I'm not sure what he said. The

1 French is a bit complicated there. I'm not -- I'm not really sure. Can I hear -- can he
2 read it again before I answer?

3 PRESIDING JUDGE TARFUSSER: [12:19:43] I do read it. So I read in a strange
4 French also, not in a real one.

5 (Interpretation) "We left, we left toward the RTI taking Paillet road. Paillet is the
6 road that separates Abobo and Deux Plateaux. It goes from Abobo toward the zoo
7 and leads to the RTI at the level of the intersection that we call Kablan Duncan, by
8 the name of a foreign minister, near the intersection that leads to Deux Plateaux, not
9 far from the gendarmerie." (Speaks English) End of quote.

10 Did you say this to the investigators? Did you give this explanation, of how you
11 proceeded, to the investigators of the OTP?

12 THE WITNESS: [12:21:00] (Interpretation) Yes.

13 PRESIDING JUDGE TARFUSSER: [12:21:09] Thank you.

14 Maître Gbougnon.

15 MR GBOUGNON: [12:21:15] (Interpretation)

16 Q. [12:21:18] So you yourself and your group, you got as far as Kablan Duncan
17 intersection; is that correct?

18 A. [12:21:32] Toward the Paillet.

19 PRESIDING JUDGE TARFUSSER: [12:21:37] Maître Gbougnon, now I don't know
20 where you want to go. What do you want to achieve? That they went in the other
21 direction or what? I don't understand.

22 MR GBOUGNON: [12:21:54] (Interpretation) I don't know how I can explain it. Let
23 me try.

24 PRESIDING JUDGE TARFUSSER: [12:22:01] And I must say something else. This
25 map is not one the parties have agreed upon. It's a map which is misleading in any

1 case. It's prepared by probably you where things are -- indications are given only
2 the one -- not by you, by the team of course -- where indications are written. I think
3 it's misleading to have these maps. If we have agreed on one map, this map should
4 also be the one we use in the courtroom.

5 Now please explain.

6 MR GBOUGNON: [12:22:45] (Interpretation) Your Honour, the first comment I
7 would like to make is as follows. I am insisting here, because I don't think the map
8 is creating any confusion for the witness, that has nothing to do with it. There
9 is -- indeed the Chamber is not familiar with Abidjan.

10 When the witness refers to Paillet and to Kablan Duncan, those are two separate
11 places that are distant from each other, and that's what I'm trying to understand, to
12 understand what was said to the investigators and what he is telling us, exactly how
13 far he got. So my question is: Did he actually say these words to the investigators?
14 That's my first question.

15 Maybe he will tell us he doesn't recognise this description and he has insisted that
16 they stopped at Paillet, and then we can move forward.

17 You asked him the question, and he said, yes, he recognised it. So according to
18 what's in the statement, he got to Kablan Duncan; and when I asked him the
19 question, he said he got to Paillet. It's not a question of the map.

20 Paillet and Kablan Duncan are two separate things. Either they got to Paillet or
21 they got to the Duncan intersection, and that's what I'm trying to establish.

22 PRESIDING JUDGE TARFUSSER: [12:24:21] As I don't want to interfere, I would
23 have something to say but I don't want to interfere in your questioning. Just I think
24 that -- I do understand that those are two different things, but I think one is a road
25 which is called Paillet and then while going on this road you come to this

1 intersection. This is how I understand it.

2 MR GBOUGNON: [12:24:51] (Interpretation) Unfortunately, that's not exactly how
3 things are.

4 Q. [12:25:00] Mr Witness, let me try once again. You and the group you were
5 with, where exactly did you get to? In other words, what precise place did you
6 reach before the incidents took place?

7 A. [12:25:21] We got to the Paillet. If you want me to tell you, I can explain
8 where it is. I know exactly where the incidents took place. I can show you.

9 Q. [12:25:39] Thank you, Witness. So, contrary to what's in your statement, you
10 did not reach the Kablan Duncan intersection; is that correct?

11 A. [12:25:50] We stopped at the Paillet. That's where we got. That's what I told
12 them. And they asked me, "Where is that?" I explained the Paillet. I explained
13 that there is an intersection. There is the gendarmerie. That's what we did. And
14 where I was injured, I can -- I can tell you exactly where it was.

15 Q. [12:26:19] Thank you. So the names that are indicated, the places in your
16 statement, did someone suggest those to you? Did someone help you indicate those
17 names?

18 A. [12:26:37] Help? What do you mean exactly?

19 Q. [12:26:43] When the question was put to you by the investigators in order to
20 indicate the various places where you were, to indicate where you went, along
21 which road, et cetera, did someone help you? Did someone give you the name of
22 Kablan Duncan intersection or anything else?

23 A. [12:27:20] Well, after I was injured, I remember it was, you know, I said there
24 was Kablan Duncan intersection, and that way was the zoo, et cetera. But all of
25 these places, I know exactly where they are. I'm familiar with the area. I can show

1 it to you, if you want.

2 Q. [12:27:43] Thank you, Witness. So it was at Paillet that you were injured; is
3 that correct?

4 A. [12:28:04] Yes.

5 Q. [12:28:08] Do you remember approximately what time it was?

6 A. [12:28:17] No.

7 Q. [12:28:21] How do you know about the zoo?

8 A. [12:28:41] From walking around.

9 Q. [12:28:47] My question was: How are you familiar with the zoo?

10 A. [12:28:55] Well, when I travelled around, I went by the zoo.

11 Q. [12:29:02] Let me explain what I mean. You stated that --

12 THE INTERPRETER: [12:29:18] The interpreter did not catch the name referred to by
13 Mr Gbougnon.

14 PRESIDING JUDGE TARFUSSER: [12:29:24] The interpreter didn't catch the name
15 you referred to.

16 MR GBOUGNON: [12:29:35] (Interpretation) Roujo, Roujo, R-O-U-J-O, Roujo.

17 Q. So the question was: How did you know Roujo?

18 A. Yeah, so I knew Roujo because I saw him with the FESCI people.

19 Q. [12:30:13] So you mentioned that when you had your workshop in 2002 in
20 Riviera II?

21 A. [12:30:18] Yes.

22 Q. [12:30:19] When you say that you used to see him with FESCI, how did you
23 know the students who were members of FESCI?

24 A. [12:30:40] Thank you. The students of FESCI used to meet near the area
25 leading to Shawarma. They would block the roads, take away people's cell phones,

1 and then the armed forces would come or the security forces would come and
2 handle the situation and it is because these things were happening that I became
3 familiar with the FESCI.

4 Q. [12:31:19] Mr Witness, you didn't answer my question. I'll put it to you
5 again. How did you know that the youth whom you saw at the Shawarma as
6 you've indicated, how did you come to know that those students as you referred to
7 them, how did you know that those students whom you saw at Shawarma, how did
8 you come to know that they belonged to the FESCI?

9 A. [12:31:49] I knew that they were members of the FESCI because we went to
10 see them one day at the mayor's office, which had come to collect our gas bottles and
11 our tools. So we went to negotiate with the mayor's office, but they refused. So we
12 called on the FESCI to come and assist. And when the FESCI showed up, they gave
13 back our tools. So the FESCI did that on our behalf and we gave them whatever we
14 could, and that's how we were able to know who FESCI was.

15 Q. [12:32:32] Mr Witness, when you were injured, when did you regain
16 consciousness, at what time?

17 A. [12:33:09] I regained consciousness, I came to quite --

18 Q. [12:33:15] Yes. When did you regain consciousness?

19 A. [12:33:19] Well, I regained consciousness twice. When I heard that my arm
20 was cut, then I came to and then there was another time when I was jolted back to
21 consciousness.

22 Q. [12:33:43] So that was at what time?

23 A. [12:33:49] It was when I felt that I was -- I had to be a man, but on the spot I
24 lost consciousness.

25 Q. [12:33:58] Witness, when you were injured, you say that you lost

1 consciousness. At what time was it -- at what time did you gain consciousness, was
2 it at the CHU or after?

3 A. [12:34:31] Well, it was at the CHU that I became fully conscious, but it was
4 gradually over time.

5 Q. [12:34:36] As you became conscious gradually, at what time and at what time
6 did this happen?

7 A. [12:34:40] I don't know the time. I don't know what time it happened.

8 Q. [12:34:45] Where were you?

9 A. [12:34:55] We were leaving.

10 Q. [12:34:56] Where were you specifically?

11 A. [12:35:01] I really don't know what to tell you. It was gradually. It was
12 gradually that I came to. And it is when we got to the CHU, C-H-U, that I heard the
13 bad news and then I became a little more conscious.

14 Q. [12:35:29] So you don't remember anything prior to you getting to the CHU?

15 A. [12:35:35] Well, I remembered somewhat when my friends told me when we
16 got to the ONUCI, and I do remember some parts of what I was being told in bits
17 and pieces.

18 Q. [12:35:57] So you don't remember anything at ONUCI?

19 A. [12:36:03] Yes, indeed, I don't.

20 Q. [12:36:07] How did you get to the Yopougon CHU?

21 A. [12:36:36] I don't know how I got there. I just found myself at the CHU.

22 Q. [12:36:42] Do you remember talking with a white doctor who was referred to
23 yesterday by the Prosecutor? Do you remember that?

24 PRESIDING JUDGE TARFUSSER: [12:37:11] He said already yesterday yes, so that's
25 one of these questions which should not be put.

1 MR GBOUGNON: [12:37:21] (Interpretation)

2 Q. [12:37:32] I'm going to read out to you what you said to that doctor. The
3 document I'm referring to is CIV-OTP-0059-0367, page 0370. "He was taken on a
4 motorcycle to the hospital."

5 That is what you said to the doctor, that you were taken on a motorcycle to the
6 hospital. Is that what you told him?

7 A. [12:38:20] If I remember well -- well, this happened a long time ago, a very
8 long time ago.

9 Q. [12:38:26] Today you have told the Court that you were unconscious before
10 then that time?

11 A. [12:38:33] Well, sometimes I have moments of consciousness, and it is at the
12 CHU that I regained consciousness.

13 Q. [12:38:46] When did you leave the CHU, at what time?

14 A. [12:39:03] I don't know.

15 Q. [12:39:06] The nurse who attended to you at home, at what time did she
16 come?

17 A. [12:39:34] I don't know at what time she came.

18 Q. [12:39:49] At page 0371 of the same document, you say that she came to your
19 house at 2 p.m.; is that correct?

20 A. [12:39:58] This happened a very long time ago. I have no clear recollection.

21 PRESIDING JUDGE TARFUSSER: [12:40:07] It might have happened a long time ago
22 that you went the way you went to the hospital and when the time when the nurse
23 came to see you, but it's not so -- not such a long time ago that you said this, that you
24 made these declarations. What is the date of the declaration? Do you want some
25 glasses?

1 MR GBOUGNON: [12:41:00] (Interpretation) Mr President, the date mentioned here
2 is the date on which it was drafted, but the date on which it was received is redacted,
3 Mr President, at page 0368, I believe, it's redacted.

4 PRESIDING JUDGE TARFUSSER: [12:41:34] When was it, the document drafted?
5 When was the document drafted?

6 MR GBOUGNON: [12:41:43] (Interpretation) 8 June 2014.

7 MS HENDERSON: [12:41:49] Your Honours, I can assist.

8 PRESIDING JUDGE TARFUSSER: [12:41:51] Yes, please.

9 MS HENDERSON: [12:41:52] At page 0369 it's stated as 22 October 2013, the same
10 date as the consent form was signed. And I'd just ask that because this is not the
11 statement that has been signed by the witness, if the formula could be followed of
12 putting to him first that he in fact did say the words that were attributed to him,
13 otherwise it becomes --

14 PRESIDING JUDGE TARFUSSER: [12:42:16] Yes, of course. I didn't know that it
15 was not signed.

16 So just to say it's not such a long time, a little bit quite some time after the injuries.
17 So I just want to ask you to think good about what you say, because here you
18 are -- you have said that you will say the truth, and that should be. So please, we
19 are not joking here.

20 Maître Gbougnon.

21 MR GBOUGNON: [12:42:55] (Interpretation) Thank you, Mr President.

22 Q. [12:43:03] Mr Witness, I was saying the following: Did you know the nurse
23 before?

24 A. [12:43:11] No.

25 Q. [12:43:15] What did you offer that nurse for them to leave the CHU to come

1 and give you treatment at home?

2 A. [12:43:31] He made some suggestions and I do remember that some friends
3 and family said that with that proposal they had no difficulty.

4 Q. [12:43:46] What type of proposal did he make?

5 A. [12:43:55] That if resources were available, he could come and provide
6 treatment for my arm at home. We asked for his number, but he didn't want to give
7 his number. He took our number. And we didn't believe that he was going to
8 show up, but then at some point the telephone rang and it was the gentleman who
9 was calling and I was very happy on that day.

10 Q. [12:44:19] Mr Witness, this is my question: What did or how much did you
11 give the nurse for him to come provide treatment for you at home?

12 A. [12:44:38] We gave him some money, but I don't remember the amount.

13 Q. [12:44:47] Thank you, Mr Witness. You've forgotten the amount; is that
14 correct?

15 A. [12:44:51] Yes, I have forgotten. Well, I had the accident and within two or
16 three years, my head wasn't working. I had all types of issues. I was angry. I
17 would faint. I would lose consciousness. I felt a lot of pain. But then I sought
18 treatment and gradually I received treatment. I could not even have control of
19 myself. I was always angry. I lost consciousness and so on and so forth. You can
20 see I had some stitches here. It was always itchy. I always got angry and I had
21 problems with my head, so it was very, very difficult.

22 So now I can be very thankful to God because right now I'm able to express myself.
23 For five years now up till today things have been extremely difficult for me, but I
24 was injured. I know that I was injured. The injury is there. That's all I know, but
25 I don't know the details. Maybe somebody can tell a lie to you about what I said or

1 may have not said -- all those details, well, I don't know. And this is not really very
2 good.

3 Q. [12:46:08] So when you got to ONUCI, were you unconscious? Were you
4 able to see anything?

5 A. [12:46:54] Well, I could hear people speak, but my vision wasn't very clear. I
6 wasn't in a good state, and that's the truth.

7 Q. [12:47:09] So you did not see the Republican Guard?

8 A. [12:47:15] Well, one could hear the Republican Guard firing. When you are
9 unconscious you might hear a little bit of what people are saying, but then it is after
10 you are healed that things might be explained to you that this is what happened on
11 the day we were taking you and then you can say thank you. So you thank them
12 for providing the information, maybe not every detail.

13 Q. [12:47:42] Mr Witness, very specific question. So you did not see the
14 Republican Guard with your own eyes; is that correct?

15 A. [12:47:52] Well, a man who is not very conscious, what do you expect?

16 Q. [12:48:02] Mr Witness, did you see, yes or no, the Republican Guard with your
17 own eyes? Did you see the Republican Guard?

18 A. [12:48:11] There was firing, and it was the Republican Guard that was firing.
19 Now, when you say "see," whether I saw or I did not see -- I was conscious, but
20 maybe I didn't see things clearly. Maybe I could have seen a few things clearly too.
21 Well, I was concerned about my injury. People said -- but I would see things, but in
22 a rather blurry manner.

23 Q. [12:48:44] At page 63 of the transcript, Mr Witness, you say at lines 18 to 19,
24 you said "I was conscious." Is that what you said?

25 A. [12:49:27] Yes, I've told you that, and I said these things happened a long time

1 ago, a very long time ago. When I now speak it might be contrary to what was
2 written. Whatever I remember, this is what I can tell you now.

3 (Counsel confer)

4 MR GBOUGNON: [12:50:15] (Interpretation)

5 Q. [12:50:20] Mr Witness, did you see with your own eyes or hear with your ears
6 a call by Mr Charles Blé Goudé relating to enrolment in the army?

7 A. [12:50:51] What enrolment? What call?

8 Q. [12:50:57] Let me read paragraph 53 of your statement. "One day" -- and I'm
9 quoting, paragraph 53.

10 "One day Charles Blé Goudé was on RTI and called on the youths to go to the
11 headquarters to take up arms and defend the country." End of quote.

12 Is that what you said? Let me finish my question. Is that what you said to the
13 investigators of the OTP?

14 A. [12:51:33] Yes.

15 Q. [12:51:37] What you said, is that what you heard or is that what you were
16 told?

17 A. [12:51:53] I heard that on TV.

18 Q. [12:52:01] So what I have just read out are indeed what you heard when you
19 were watching TV and listening to Charles Blé Goudé?

20 A. [12:52:15] Yes. Charles Blé Goudé himself was on TV. I heard him. I saw
21 it. And it was broadcast several times.

22 MR GBOUGNON: [12:52:37] (Interpretation) Mr President, we will now show video
23 CIV-D25-0002-00033. There is a transcript CIV-D25-0024-0001 (sic).

24 PRESIDING JUDGE TARFUSSER: [12:53:20] Channel, which channel? 2.

25 THE WITNESS: [12:53:30] (Interpretation) No, it's not that video. No. It's not that

1 video. That's not the video.

2 PRESIDING JUDGE TARFUSSER: [12:53:48] I think, I see you laughing, but I think
3 that one can identify this. I don't know why you're laughing, but I can imagine,
4 please.

5 MR GBOUGNON: [12:54:10] (Interpretation) Mr President, I was laughing because I
6 hadn't put any question to the witness yet.

7 PRESIDING JUDGE TARFUSSER: [12:54:19] Okay.

8 MR GBOUGNON: [12:54:28] (Interpretation) We don't hear anything, Mr President.

9 PRESIDING JUDGE TARFUSSER: [12:54:36] Let's start then the video and then pose
10 the question. We don't hear the signal. I don't hear as well.

11 (Viewing of the video excerpt)

12 THE INTERPRETER: [12:55:07] "Charles Blé Goudé issued several calls during the
13 second round of the presidential elections. What is the particularity of this call?

14 What has changed? I would like to tell you that we are making a difference
15 between the methods of those opposite and ours. If you have a weapon, you must
16 be entitled to have that weapon. That means that you are either a policeman or
17 gendarme or a soldier. You cannot in a country that you want to lead distribute
18 weapons to civilians who put them under their clothes and then fire everywhere in
19 the country and slaughter people in the country. That's not how things are
20 going -- Côte d'Ivoire is going to be led. We the Young Patriots and those who are
21 burning -- who wish to free the country, that is the proper way to join the army of
22 the Côte d'Ivoire."

23 The sound is not clear for the interpreters, Mr President.

24 "Well, that is the rule of law. Otherwise those who want to transform Côte d'Ivoire,
25 well, we say we don't want civil war here. We don't want civil war in this country.

1 You will not find a country where there are only pro-Ouattara people and where the
2 pro-Gbagbo would disappear. You cannot find a country either where there are
3 only pro-Gbagbo where the pro-Ouattara have disappeared. Madam, I'm
4 convinced, and this is very important, that the Ivorian crisis, the solution to it will be
5 found by political actors in Côte d'Ivoire. I am convinced that some day
6 Mr Gbagbo, Mr Ouattara, and Mr Bédié will end up sitting together and that is what
7 I am calling for. I call for an inter-Ivorian dialogue. That is what I call for."

8 THE WITNESS: [12:57:15] That is not the video. They know very well, that it not
9 the video that was screened on channel 1. That is not what I was talking about.

10 This was done -- at what time was this done? When was this done?

11 PRESIDING JUDGE TARFUSSER: [12:57:26] Mr Witness, we have learned from you
12 that this is not the video you are referring to in your statement, but please listen to
13 the question by Maître Gbougnon.

14 MR GBOUGNON: [12:57:48] (Interpretation)

15 Q. [12:57:58] Witness, I will now put my question to you. Have you ever seen
16 this video that you have just been shown; did you ever see it on RTI?

17 A. [12:58:14] The video that I saw has nothing in common with this one.

18 PRESIDING JUDGE TARFUSSER: [12:58:19] No. But this was not the question.

19 You have to answer the question. The question was -- let alone the other video you
20 are referring to in your statement, the question was: Have you ever seen this video?

21 THE WITNESS: [12:58:37] (Interpretation) I will answer the question. Well, he
22 appeared on TV several times and sometimes he spoke well, others he did not speak
23 well. We saw everything. But the things were changing. And as the crisis
24 deepened, he became more violent.

25 PRESIDING JUDGE TARFUSSER: [12:59:03] This is not the response to the question.

1 Have you ever seen this video on television; yes or no?

2 THE WITNESS: [12:59:12] (Interpretation) Yes. Yes, I've seen it on television.

3 PRESIDING JUDGE TARFUSSER: [12:59:17] Thank you.

4 Maître Gbounon.

5 So if you just reply or answer to the questions, we are going ahead more easily and
6 quicker.

7 Maître Gbounon.

8 MR GBOUGNON: [12:59:30] (Interpretation) I thank you very much, Mr President.

9 Q. [12:59:42] Mr Witness, that video, yes, you have already seen it, which video
10 are you then talking about? Which video are you talking about?

11 A. [13:00:03] What does "talking about" mean? The word in French used is
12 "allusion."

13 Q. [13:00:12] A short while ago while the video was being played, you said
14 several times that this is not the video you are talking about. You are talking about
15 a particular video. Which one is it?

16 A. [13:00:26] I am talking about the video in which he had a microphone in hand.
17 "Young people I'm telling you, tomorrow go to the headquarters, take up arms and
18 defend your father land." That's what I'm talking about. It is when the crisis got
19 worse that violence set in.

20 But we thought at the beginning that he was one who was rallying people. But
21 when the crisis became more serious, he called on people to go and take up arms
22 and become more violent. That's what I'm talking about, not this one.

23 Q. [13:01:01] Mr Witness, the video which you are referring to where was Mr
24 Charles Blé Goudé and when was it?

25 A. [13:01:28] I don't know the date, but it was on TV and he issued a number of

1 calls.

2 Q. [13:01:37] What I mean, and I hope we can be calm about all this, let us calm
3 down. I am sure we will come to an understanding, so that all parties can
4 understand what's going on here. Now, what I'm asking you is the following: On
5 what occasion -- you see, you say that when the crisis deepened, when you say that
6 the crisis had deepened -- you see, because I had not even given you the date of this
7 video, but you see, when the crisis had become more serious, what are you referring
8 to?

9 A. [13:02:25] As tensions increased, because it was being said in Abidjan that the
10 pro-Ouattaras would enter Abidjan, so I don't know what the occasion was, but one
11 night I saw it and indeed, when he said that, the youth went and collected weapons
12 and started to terrorise the country.

13 Q. [13:02:57] So you are talking about a video that you saw on TV but you don't
14 know what the occasion was on which the video was taken; is that your testimony?

15 A. [13:03:05] Yes.

16 Q. [13:03:10] Nor did you know the date on which or at least the period of time
17 during which the video was shot; is that what you are telling us?

18 A. [13:03:21] But that Blé Goudé, he was having relays -- correction, rallies.

19 Q. [13:03:30] Let me repeat my question. You said that you did not know the
20 place, you did not know the occasion. I'm now asking you the period of time. You
21 don't know --

22 A. [13:03:42] During the crisis.

23 MR GBOUGNON: [13:03:51] (Interpretation) It is 5 minutes after 1 now your
24 Honour.

25 PRESIDING JUDGE TARFUSSER: [13:03:54] We go to 9 minutes after 1.

1 MR GBOUGNON: [13:03:57] (Interpretation) Thank you, your Honour.

2 Q. [13:04:09] Mr Witness, now, the crisis lasted from at least November until
3 April, from November until April, November 2010 to April 2011. Now, during the
4 crisis it was not possible if you did not have any reference point, so to speak?

5 A. [13:04:35] Thank you. I never went to school. If I had gone to school, I
6 would have under -- I didn't go to school. What I saw on the television is what I'm
7 telling you. But, you know, if I had gone to school I could have -- but I never went
8 to school, so I can't --

9 Q. [13:04:55] Thank you, Mr Witness. Now, in 2010-2011, do you know who the
10 secretary general responsible for the FESCI was?

11 A. [13:05:14] 20 when?

12 Q. [13:05:17] 2010-2011, did you know the name of the person in charge of the
13 FESCI?

14 A. [13:05:28] I no longer recall that. I would say no. I no longer recall. The
15 secretary of FESCI, I don't -- I don't know. I don't know about their programme and
16 their president or their secretary or any of that.

17 Q. [13:05:47] You don't know how the FESCI was operating, so you were not
18 familiar with that organisation?

19 A. [13:05:59] The organisation -- well, except that at times FESCI was there.

20 Q. [13:06:09] You never met a single official from FESCI?

21 A. [13:06:15] An official? For me, it's Blé Goudé. He's the --

22 Q. [13:06:21] So for you, ever since -- in your opinion, up until 2011, the person in
23 charge of FESCI was Blé Goudé; is that what you are telling us?

24 A. [13:06:39] That's what I'm telling you.

25 Q. [13:06:43] Are you familiar with the COJEP?

1 A. [13:06:55] No.

2 PRESIDING JUDGE TARFUSSER: [13:07:06] Okay. We go for lunch and we resume
3 at 2.45 sharp, and we have another one hour and a half and hopefully we finish in
4 this hour and a half. Is the OTP asking for re-questioning?

5 MS HENDERSON: [13:07:33] Not at this point, your Honour. We'll confer, but we
6 think not.

7 PRESIDING JUDGE TARFUSSER: [13:07:36] Okay. Thank you very much.

8 MR O'SHEA: [13:07:38] I should point out, your Honours, that I will be applying for
9 leave to address an issue which arose out of Mr Gbougnon's questions, but I will
10 address that at the appropriate time.

11 PRESIDING JUDGE TARFUSSER: [13:07:52] Okay. We'll see. Thank you very
12 much. 2.45. The hearing is adjourned.

13 THE COURT USHER: [13:07:58] All rise.

14 (Recess taken at 1.08 p.m.)

15 (Upon resuming in open session at 2.50 p.m.)

16 THE COURT USHER: [14:50:33] All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: [14:50:58] Good afternoon. We are again 6
19 minutes late. Just before giving the floor to Maître Gbougnon, I just want to ask the
20 OTP. A filing came in today, application on Rule 68, to file the public redacted
21 version by Monday, because there is no time limit, it said only it will be filed. So I
22 would say we have a deadline by Monday only to the benefit of the Defence.
23 Now I give the floor to Maître Gbougnon for his questioning. And as I said
24 yesterday, we would really like to have the questioning of this witness finished by
25 today.

1 Maître Gbougnon.

2 MR GBOUGNON: [14:52:04] (Interpretation) Thank you, your Honour. We shall
3 finish today.

4 Before we continue I'd like to make a correction to a reference number. I misspoke.
5 It was D25-0024-0007, 0024-0007.

6 Q. [14:52:39] Mr Witness --

7 PRESIDING JUDGE TARFUSSER: [14:52:40] In relation to what, the correction?
8 Otherwise, we have to find the wrong number.

9 MR GBOUGNON: [14:52:55] The video that was played and the transcript thereto. I
10 said "0001" rather than "0007." It should be 7 at the end.

11 Q. [14:53:08] Witness, before we continue I'd like us to revisit one little point.
12 Now, you said that in the year 2000, when you had your shop in the Riviera II
13 neighbourhood; is that correct?

14 A. [14:53:30] Yes.

15 Q. [14:53:30] And it was that same day that you saw again, ten years later, and
16 once again this person belonging to the FESCI?

17 A. [14:53:45] It was the same person, Roujo; I recognised him.

18 Q. [14:54:02] Thank you, Mr Witness.

19 Now, Mr Witness, after Mr Charles Blé Goudé's call to enlist, did you
20 personally -- were you personally present when weapons were handed out?

21 A. [14:54:40] On the television -- well, I saw the footage on the television.

22 PRESIDING JUDGE TARFUSSER: [14:54:48] The answer is you were not personally
23 present? Is that what we have to understand?

24 THE WITNESS: [14:54:56] (Interpretation) Yes.

25 MR GBOUGNON: [14:55:02] (Interpretation) Thank you, your Honour.

1 Q. [14:55:40] When and at what occasion did you hear Mr Charles Blé Goudé say
2 that each person should go out and get his own white person?

3 PRESIDING JUDGE TARFUSSER: [14:55:56] After the question, wait for the second,
4 for the interpreters. Now you can go.

5 THE WITNESS: [14:56:06] (Interpretation) Thank you. I just know that Paillet,
6 Sable, there was someone at Paillet and I came and there were many traffic jams that
7 day, I remember that. And that day, it was the first time I had seen him and a lot of
8 people were carrying signs, signs with his face on them. And there were a lot of
9 gbakas on the streets and I saw many groups. And when they would come, they
10 would say -- and they were saying, "Resist, resist. Côte d'Ivoire is not for white
11 person. Each person should go out and get a white person."
12 And then they went off to have a rally and I just saw -- well, you see, it was on the
13 television. It was the first time I saw that.

14 PRESIDING JUDGE TARFUSSER: [14:57:12] But once again, there is a confusion.
15 Have you seen it with your own eyes directly or on the television?

16 THE WITNESS: [14:57:20] (Interpretation) With my own eyes.

17 PRESIDING JUDGE TARFUSSER: [14:57:30] So you were present, personally
18 present?

19 THE WITNESS: [14:57:35] (Interpretation) I was there personally, myself.

20 PRESIDING JUDGE TARFUSSER: [14:57:42] Maître Gbougnon.

21 MR GBOUGNON: [14:57:51] (Interpretation) Thank you, your Honour.

22 Q. [14:57:55] Where was that? Where did that happen? What was the
23 occasion?

24 A. [14:57:57] I remember that it was a few weeks after Gbagbo went to
25 Marcoussis. That is what I remember.

- 1 PRESIDING JUDGE TARFUSSER: [14:58:13] You mean Mr Gbagbo?
- 2 THE WITNESS: [14:58:17] (Interpretation) Yes.
- 3 MR GBOUGNON: [14:58:22] (Interpretation)
- 4 Q. [14:58:23] Now, before Marcoussis, so we're talking about the year 2002-2003
- 5 or are we talking about 2010?
- 6 A. [14:58:34] It was at that time because -- may I continue?
- 7 Q. [14:58:40] In actual fact, my question is not a long one and is quite specific.
- 8 So we're not talking about 2010. We're not in 2010. You mentioned Marcoussis.
- 9 So we're talking about the period between 2002 and 2003?
- 10 A. [14:58:58] Yes. I don't have the exact date, but it was before.
- 11 Q. [14:59:06] Go ahead.
- 12 PRESIDING JUDGE TARFUSSER: [14:59:19] Before?
- 13 THE WITNESS: [14:59:20] (Interpretation) Before what?
- 14 PRESIDING JUDGE TARFUSSER: [14:59:22] You said: "I have not an exact date,
- 15 but it was before." Before what?
- 16 THE WITNESS: [14:59:30] (Interpretation) Before the first Marcoussis.
- 17 PRESIDING JUDGE TARFUSSER: [14:59:35] And which year?
- 18 THE WITNESS: [14:59:41] (Interpretation) Truly, I don't know which year. But the
- 19 first time that Gbagbo was supposed to go to Marcoussis, it was at that time. But
- 20 the exact date -- well, I could try to check, but I don't know the exact date. It was a
- 21 long time ago. It was actually before the crisis.
- 22 PRESIDING JUDGE TARFUSSER: [15:00:01] Okay.
- 23 MR GBOUGNON: [15:00:14] (Interpretation)
- 24 Q. [15:00:15] To your knowledge in the year 2010, after the second round, were
- 25 there any times during which people living in Abobo fled or tried to leave the

1 neighbourhood of Abobo?

2 A. [15:00:38] What year?

3 Q. [15:00:46] After the second turn, the second round of voting in 2010. During
4 the beginning of the crisis, 2010, did some people flee Abobo?

5 A. [15:01:03] Yes.

6 Q. [15:01:06] Now, if you know, if you know, to your knowledge, why were
7 these people fleeing Abobo?

8 A. [15:01:21] They fled Abobo because there was -- well, I think there was a
9 commander, a commander who had said he was going to kill people at Abobo.
10 People started to flee Abobo. The commander was Guiai Bi Poin.

11 Q. [15:01:57] I think we may have a problem with the date, but I will try to do
12 better. Now, when you are talking about Guiai Bi Poin, what period of time did he
13 allegedly say what you have just told us?

14 A. [15:02:15] I am -- I never went to school. I've said that before. But if you
15 can -- maybe if you can show me, I think it was on the television on channel 1.
16 Everyone saw.

17 Q. [15:02:41] In actual fact, I know this may be difficult, but let's try, let's try to
18 situate ourselves, because you have told us about the time -- well, you've said when
19 the crisis began, when the crisis deepened. I'm not asking you for the exact day or
20 the exact month, but what you have just told us was that approximately during what
21 period, December, January, February, what period of time, March, end of the crisis,
22 April; in approximate terms, when was it?

23 A. [15:03:37] After the second round of voting.

24 Q. [15:03:50] After the second round of voting -- let me finish, please. In
25 December, at the beginning of the crisis then?

1 A. [15:04:03] Second turn or second round of elections finished when? You
2 know, I didn't go to school. I don't know how to write.

3 Q. [15:04:27] On 28 November, that is when the second round of voting ended.
4 Does that help you?

5 A. [15:04:34] That is helpful. After the second round of voting, about two -- one
6 or two weeks, people started to flee Abobo.

7 Q. [15:04:55] So about mid-December, that is when the people began to flee
8 Abobo; is that correct?

9 A. [15:05:05] Mid-December, what does that mean?

10 PRESIDING JUDGE TARFUSSER: [15:05:10] It means about two weeks after the
11 elections. If the elections are on the 28th of November, two weeks later about is
12 mid-December, in the middle of December.

13 THE WITNESS: [15:05:23] (Interpretation) Very well. About something like that.
14 People started to flee Abobo.

15 PRESIDING JUDGE TARFUSSER: [15:05:31] Excuse me, how do you know that
16 people fled from Abobo? Did you see? Did you speak with people? What
17 happened that you can make this statement? What did you see? What did you
18 learn? What did you find out on this and how?

19 THE WITNESS: [15:05:54] (Interpretation) Thank you. We saw people, many even,
20 and even people were in their cars, they had their baggage. I saw that with my own
21 eyes.

22 PRESIDING JUDGE TARFUSSER: [15:06:13] Just one clarification. You said before
23 that -- now I find it. "They fled Abobo because there was a commander who
24 said -- who had said that he was going to kill people at Abobo and this commander"
25 you continue to say "was Guiai Bi Poin."

1 Right? So my question is: Where did you see -- where did you learn this? Did
2 somebody tell you? Did you see it? Did you hear it, that the commander said
3 these words?

4 THE WITNESS: [15:07:04] (Interpretation) Yes, on the television. He gave that call
5 or issued that call.

6 PRESIDING JUDGE TARFUSSER: [15:07:16] He said these words on television, and
7 you saw it on television personally?

8 THE WITNESS: [15:07:24] (Interpretation) Yes, I saw it myself.

9 PRESIDING JUDGE TARFUSSER: [15:07:29] Thank you.

10 Maître Gbougnon.

11 MR GBOUGNON: [15:07:33] (Interpretation) Thank you, your Honour. I shall now
12 continue.

13 Q. [15:07:39] Now, a few moments ago, sir, you said it was two weeks after the
14 second round of voting, mid-December, about the 15th of December, that was when
15 people began to pack up their belongings and leave Abobo. I would like to read out
16 to you something. Now, this is about Guiai Bi Poin, and I'm going to read out what
17 you said to the investigators from the OTP. Now, paragraph 78, and I shall quote:
18 "The threat was about three weeks after the women's march." End of quote.

19 And so you told the OTP investigators that Guiai Bi Poin allegedly made a threat,
20 and in your statement you referred to it as cleaning up Abobo. He said that three
21 weeks after the women's march. And so if people began to flee Abobo in
22 mid-December, it's not because of Guiai Bi Poin. Why were they fleeing Abobo in
23 mid-December?

24 A. [15:09:19] Thank you. What I've told you is -- well, to give a specific date, I
25 might get it wrong. And, you see, he said that and people fled. That was in the

1 beginning. And if you ask me for a specific date, I might get it wrong. I might
2 make a mistake.

3 THE INTERPRETER: [15:09:44] Message from the interpreter: The interpreter
4 believes we are quoting from paragraph 70 of the statement, paragraph 70.

5 PRESIDING JUDGE TARFUSSER: [15:09:53] That's what I was going to say, because
6 it's not 78, but it's 70, I would say.

7 Thank you.

8 MR GBOUGNON: [15:10:04] (Interpretation) There may be a problem with the
9 interpretation or transcription. I did indeed say "paragraph 70."

10 PRESIDING JUDGE TARFUSSER: [15:10:18] Okay. Thank you.

11 MR GBOUGNON: [15:10:25] (Interpretation)

12 Q. [15:10:26] Mr Witness, you say that people began to flee Abobo two weeks
13 after the end of the elections. That was the first thing. And you have said in your
14 statement - and I was quoting from paragraph 70 - that they fled subsequent to the
15 statement made by Bi Poin. But you date that statement, you situate it, as three
16 weeks after the women's march. And thus, this is why I'm asking you: In
17 mid-December, two weeks after the election, before -- before General Bi Poin made
18 his call, why was it that people were fleeing Abobo in mid-December?

19 A. [15:11:32] Well, the statement was -- well, you people began to flee Abobo.
20 And I told you, I didn't go to school. If I give you specific dates or specific
21 days -- and I can't remember everything. It happened a long time ago. I can't
22 remember everything.

23 Q. [15:12:03] So what we see in your statement is a mistake, Mr Witness?

24 A. [15:12:09] I didn't say it was a mistake. It might be because the days that I
25 gave -- well, how long ago was it that I gave the statement? I might have forgotten.

1 Q. [15:12:28] To your knowledge, to your knowledge, other than the
2 neighbourhood of Abobo, did the rebels, were the rebels elsewhere in other
3 neighbourhoods in Abidjan?

4 A. [15:13:17] Thank you. Truly, I didn't go. If I could continue speaking?
5 When the commissioners were broken, some people got weapons. The rebels were
6 in Abobo, but the young people -- and some police stations were broken into, some
7 gendarmeries. So all kinds of young people were out there with weapons. I don't
8 know if they were volunteers or rebels or what.

9 Q. [15:14:04] Now, these young people you have just mentioned, were they in
10 Abobo? Were they in other communes of Abidjan as well?

11 A. [15:14:20] The rebels or the young people who broke into the police stations.

12 Q. [15:14:41] To your knowledge, to your knowledge, who was it? Who broke
13 into these police stations?

14 A. [15:14:48] Young people who were associated and that was in Attecoubé and
15 there were some uniformed men. There were some fires. Some people, there was
16 fire, firing in the markets. They took some weapons and in some neighbourhoods
17 there was the 14th, which was also destroyed, and weapons were taken there. And
18 in other neighbourhoods too weapons were taken because, you see, the Young
19 Patriots were anxious and wanted to protect themselves.

20 Q. [15:15:32] Mr Witness, who are these young people who broke into the police
21 station, if you know? If you don't know, say so. If you saw something, if you
22 know, can you tell us who these young people were who broke into the police
23 station?

24 A. [15:15:57] Well, there were, there was even a policeman who beat up a young
25 man in a bakery shop. And in the warriors neighbourhood, there was a bakery, so

1 again, a bakery. The policemen came and killed someone. And then the young
2 people ran away and then they broke into other places. They were young people
3 from the neighbourhoods because the patriots had handguns. They were young
4 people from the neighbourhoods.

5 THE INTERPRETER: [15:16:47] The interpreter would like to point out that there
6 may be details in that response that were not understood fully.

7 MR GBOUGNON: [15:17:10] (Interpretation)

8 Q. [15:17:11] So other than Abobo, were rebels in other neighbourhoods of
9 Abidjan? Is that the case?

10 A. [15:17:22] Well, what do you mean by "rebels"? They were young peoples
11 from the neighbourhoods. They had weapons. Well, depending on which side
12 you're on, if you were in favour of Gbagbo, the others were rebels.

13 Q. [15:17:45] On page 52 in the realtime transcript from yesterday when my
14 colleague Mr O'Shea asked you some questions on page 52, starting line 28, you said
15 the following, and I'm quoting:

16 "Well, when the crisis broke out and then we would see men, women, and people we
17 considered as fognon."

18 So for it to be perfectly clear I'm going to start with the question. The question was,
19 I'm quoting:

20 "So when you saw people wearing civilian clothes carrying weapons, did you think
21 that they were members of the Commando Invisible but you weren't 100 per cent
22 sure?"

23 And the answer was:

24 "Well, when the crisis broke out, we would see some people with weapons. We
25 considered them as fognon."

1 Witness, that's the answer you gave yesterday to my colleague. You said when the
2 crisis broke out and you saw civilians with weapons, you considered them as
3 fognon, in other words, the Commando Invisible; is that correct?

4 A. [15:20:23] That was in the commune in the town of Abobo.

5 Q. [15:20:28] Well, here is my question: Other than in Abobo, that is, elsewhere
6 other than in Abobo, were there any individuals, rebels who were bearing weapons
7 other than in Abobo?

8 A. [15:21:01] Yes. There were young people who went and made -- did damage.
9 But the ones that we call fognon, they had gris-gris, they had amulets. But here
10 we're talking about the young people from the very same neighbourhood who were
11 doing damage, breaking into buildings. That has nothing to do with the fognon.
12 The fognon were from PK18. The young people who broke into the police station,
13 that's something completely different. They had weapons already. In fact, they
14 were trying to protect certain people. There were women with luggage that they
15 were trying to defend in the market, for example. And the uniformed men would
16 come and try to protect people.

17 PRESIDING JUDGE TARFUSSER: [15:22:08] Maître Gbougnon can I just intervene
18 for a correction, I would say. In the transcript, in the French transcript at page 75,
19 line 18, in response to your question the witness said -- used the word "nettoyer
20 Abobo," which was translated "kill people in Abobo," which I don't think is the right
21 translation. "To clean up Abobo" I would say, because -- so just for the record.
22 And then on my question, obviously, I repeated "kill," because I repeated the English
23 version, which should also be "clean up Abobo," whatever that then means. Agree?
24 Okay. Thank you very much.

25 MR GBOUGNON: [15:23:16] (Interpretation) Thank you very much, your Honour.

1 Q. [15:23:44] On several occasions you talked about roadblocks that the people in
2 Abobo, the Commando Invisible, the fognon as you call them, set up on the roads.
3 To your knowledge, did you hear or see anyone ask those people to set up those
4 roadblocks?

5 A. [15:24:24] Thank you. No, I didn't hear anyone say that roadblocks should be
6 built.

7 PRESIDING JUDGE TARFUSSER: [15:24:44] But did you see the roadblocks
8 personally? Have you seen the roadblocks?

9 THE WITNESS: [15:24:52] (Interpretation) Yes.

10 PRESIDING JUDGE TARFUSSER: [15:24:56] Often? How many? Just to have -- or
11 just once?

12 THE WITNESS: [15:25:04] (Interpretation) Well, the roadblocks were there until the
13 end of the crisis. The roadblocks were removed at the end of the crisis. President
14 Gbagbo ordered them to remove the roadblock.

15 PRESIDING JUDGE TARFUSSER: [15:25:32] How can you say that
16 President Gbagbo ordered it? Did you hear that? Did you see that? Or do you
17 guess this?

18 THE WITNESS: [15:25:47] (Interpretation) No, I didn't say he ordered it. I
19 said -- yes, it was when Gbagbo was arrested that they removed the roadblocks.
20 No, I didn't say Gbagbo gave the order.

21 THE INTERPRETER: [15:26:06] Indeed the interpreter mentions that it was a
22 misunderstanding on the part of the interpreter. The witness said that the
23 roadblocks were removed after Gbagbo was arrested.

24 PRESIDING JUDGE TARFUSSER: [15:26:15] Thank you.

25 MR GBOUGNON: [15:26:24] (Interpretation)

1 Q. [15:26:24] Are you familiar with Cité Rouge?

2 A. [15:26:29] Yes.

3 Q. [15:26:30] How many times did you go there?

4 A. [15:26:40] Many times I would pass through.

5 Q. [15:26:43] Let me be more precise. I didn't mean how many times you went
6 by there --

7 THE INTERPRETER: [15:26:59] Overlapping speakers.

8 MR GBOUGNON: [15:27:02] (Interpretation)

9 Q. [15:27:03] Please wait until I have finished to avoid that we speak at the same
10 time. Let me put it very simply. Did you know anyone who lived at Cité Rouge?

11 A. [15:27:24] Any direct -- anyone I knew, no.

12 Q. [15:27:30] In order for the Chamber to understand perfectly well, could you
13 tell us what Cité Rouge is exactly?

14 A. [15:27:37] It's the university, it's where the students are, if I remember
15 correctly.

16 Q. [15:27:50] You said it's a university residence where the students are; is that
17 when you meant?

18 A. [15:28:04] Yes, that's what I meant. Thank you for your help.

19 Q. [15:28:15] So you would often go by, but you never actually went inside?

20 A. [15:28:29] No. After the crisis I was there and I was -- I went in.

21 Q. [15:28:40] You mean after the crisis you went by the Cité Rouge?

22 A. [15:28:49] No. I became more familiar with it after the crisis.

23 Q. [15:29:00] So before and during the crisis, you didn't go there?

24 A. [15:29:06] Well, I would pass by in a car.

25 Q. [15:29:17] So you passed by frequently in a vehicle; is that correct?

1 A. [15:29:25] Yes.

2 Q. [15:29:28] So before the end of the crisis, you never actually went inside the
3 cité?

4 A. [15:29:42] During the crisis, no.

5 Q. [15:29:45] So what you know about the Cité Rouge, is what people have told
6 you; is that correct?

7 A. [15:29:56] Yes.

8 Q. [15:30:00] Earlier you said that you were not aware of who was in charge of
9 FESCI; is that correct?

10 A. [15:30:30] Yes.

11 Q. [15:30:32] Yet the person that you saw at Riviera II, how did you know that he
12 was a former -- a person who formerly was in charge of FESCI?

13 THE INTERPRETER: [15:31:11] Inaudible.

14 PRESIDING JUDGE TARFUSSER: [15:31:13] We did not hear your answer.

15 THE WITNESS: [15:31:19] It was a person apparently. Which person? Which
16 person?

17 MR GBOUGNON: [15:31:31] (Interpretation)

18 Q. [15:31:33] Well, I'll be more precise. In paragraph 64 of your statement, you
19 say after Ouattara took power, and I'm quoting:

20 "After Ouattara took over power, I was at Riviera II near a restaurant called
21 Shawarma and I heard a former member of FESCI say to a wôrô-wôrô chauffeur that
22 while Gbagbo had been in power Charles Blé Goudé didn't need to ask to be heard
23 in order to meet with Laurent Gbagbo or his wife Simone Gbagbo."

24 So this person you're referring to, how did you know that this was a former member
25 of FESCI?

1 A. [15:32:36] Thank you, because I asked about it. And I was told that he was a
2 member of FESCI.

3 Q. [15:32:52] You asked who? When?

4 A. [15:32:59] Well, at Shawarma, since I don't go there very often, I asked where I
5 could sit down and rest for a while.

6 Q. [15:33:15] We're talking about a period after the crisis when Outtara had taken
7 over, when your workshop was in Abobo on the road near the scrap yard. We're
8 talking about Riviera II. And you when you want to rest, you leave your shop in
9 Abobo at the scrap yard to go all the way to Riviera II to take a rest; is that what you
10 are telling the Court?

11 A. [15:33:57] No.

12 Q. [15:34:07] Well, could you answer my question. That particular day after the
13 crisis, this is 2011, shortly after the crisis when you heard this person speaking and
14 you say that you asked around, and you found out that he was a former member of
15 FESCI. So who did you ask about this person and when did you ask about him?

16 A. [15:34:44] I don't remember when it was. I don't remember the date. This is
17 more than five years ago. How do you expect me to remember the date? I mean, I
18 can't read and write, so how can I remember a date like that?

19 Q. [15:35:08] Thank you, Witness. In paragraph 25 of your statement, you
20 stated:

21 "Charles Blé Goudé finished the FESCI -- financed the FESCI. Once during the crisis
22 there was a misunderstanding as regards the sharing of money between the
23 members of the FESCI and it was mentioned on television, and that's how we
24 learned that Charles Blé Goudé gave money to members of the FESCI" --

25 THE INTERPRETER: [15:35:53] The interpreter points out that it was not paragraph

1 25.

2 PRESIDING JUDGE TARFUSSER: [15:36:09] Yes.

3 THE INTERPRETER: [15:36:11] Your Honour, the interpreters would like to point
4 out that it was not paragraph 25.

5 PRESIDING JUDGE TARFUSSER: [15:36:16] The interpreters point out that it was
6 not paragraph 25. And in any case, please slow down; otherwise, I get shouting in
7 my ear.

8 MR GBOUGNON: [15:36:43] (Interpretation) Apparently it was paragraph 65.

9 Q. [15:36:52] Witness, did you hear of the passage that I just read out?

10 A. [15:36:59] Could you repeat it, please?

11 Q. [15:37:19] Since the witness has made the request, I will read it again, I insist,
12 because the witness asked me to do so. This is paragraph 65 and here I go:

13 "Charles Blé Goudé is the person who financed FESCI. Once and still during the
14 period of the crisis there had been a misunderstanding as regards the sharing of
15 money amongst the members of FESCI and this was reported on the television.

16 That is how we learned that Charles Blé Goudé gave money to the members of
17 FESCI." End of quote.

18 Is that okay? Did you understand that?

19 A. [15:38:21] Yes.

20 Q. [15:38:23] Witness, if you remember, can you describe the scene that you
21 actually saw on the television? Can you tell us what you actually saw on the
22 television and the person you saw that led you to believe that that individual was
23 from FESCI and that there had been a misunderstanding regarding money?

24 A. [15:39:19] What do you mean by the word "personnages" in French.

25 Q. [15:39:23] What you saw on TV, what is it that made you believe that there

1 was a misunderstanding about money? What exactly did you see on TV that led
2 you to describe what I have just read out to you?

3 A. [15:39:35] Thank you. We saw the guy from FESCI. They had machetes.
4 They had been injured by knife wounds. There was a guy who was injured and he
5 said that there had been an argument about money. And he's the one who said that
6 Blé Goudé gave the money to finance FESCI, but I didn't see exactly how the money
7 was provided to FESCI. I didn't see anyone giving money, but they didn't say
8 anything about that on TV.

9 Q. [15:41:14] Mr Witness, your workshop in Abobo, is it on the highway, the
10 autoroute, or is it far from the highway?

11 A. [15:41:36] No, it's not far from the highway.

12 Q. [15:41:39] So from your shop, from your workshop, can you see the highway?

13 A. [15:41:49] No. Well, when you go out you can see the highway, it's not far,
14 but not from inside.

15 Q. [15:42:00] When you're inside or in front of your workshop, you can't see it?

16 A. [15:42:05] No, you don't see it directly.

17 Q. [15:42:08] You talked about Guiai Bi Poin. Where was it that you saw him?

18 A. [15:42:26] It was on RTI.

19 Q. [15:42:32] Witness, thank you very much for having answered my questions.

20 MR GBOUGNON: [15:42:35] (Interpretation) Your Honour --

21 PRESIDING JUDGE TARFUSSER: [15:42:48] There is always a souffleur, right, in
22 both teams we have souffleurs.

23 MR GBOUGNON: [15:42:59] (Interpretation) Your Honour, Mr Blé Goudé's team has
24 finished its cross-examination for this afternoon. Thank you.

25 PRESIDING JUDGE TARFUSSER: [15:43:06] Thank you very much. Now --

1 MR O'SHEA: [15:43:10] Your Honours, I have --

2 PRESIDING JUDGE TARFUSSER: [15:43:11] Yes, the floor is to you.

3 MR O'SHEA: [15:43:13] Yes. I have an application to ask further questions. I can
4 make it now or I can make it after the Prosecution has finished, whichever the
5 Chamber prefers.

6 PRESIDING JUDGE TARFUSSER: [15:43:24] No, no, granted because it's the time of
7 the Defence.

8 MR O'SHEA: [15:43:27] Thank you very much.

9 PRESIDING JUDGE TARFUSSER: [15:43:28] But it should be really very short --

10 MR O'SHEA: [15:43:30] Short.

11 PRESIDING JUDGE TARFUSSER: [15:43:31] -- limited to --

12 MR O'SHEA: [15:43:34] Very limited, yes.

13 PRESIDING JUDGE TARFUSSER: [15:43:38] Okay.

14 MR O'SHEA: [15:43:40] Very limited.

15 QUESTIONED BY MR O'SHEA:

16 Q. [15:43:44] Now, Witness, when you met with the investigators of the
17 Prosecutor, you provided them with a memory card which contained a video or two
18 videos?

19 A. [15:44:27] Well, at that time these things happened a long time ago. Well, I
20 don't know how many things I gave them. I had at least three cell phones. The
21 video that was shown, that's not the video. I can confirm that. But whether I gave
22 two or -- I don't know.

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 A. [15:45:57] Yes, I remember giving videos to some people, but maybe some
4 mistakes were made with the video.

5 PRESIDING JUDGE TARFUSSER: [15:46:15] You didn't give videos. You gave a
6 memory card; is that right?

7 THE WITNESS: [15:46:20] (Interpretation) Yes, yes.

8 MR O'SHEA: [15:46:24]

9 Q. [15:46:24] Now, on that day when you gave this memory card, did you show
10 the investigators for the Prosecution the video that you were talking about?

11 A. [15:46:41] I gave the memory card, but I don't remember what happened
12 specifically at that time. It was a long time ago, so I don't exactly remember how
13 things happened. I'm being honest. Today it will be very difficult for me to tell
14 you exactly what happened. You know, after my injury, I was not a normal person.
15 Then it happens that every now and then I remember a number of things and every
16 now and then I forget some things too.

17 PRESIDING JUDGE TARFUSSER: [15:47:16] You said that already. The question, if
18 I interpret correctly, is: Did you only give the memory card, which was then given
19 back to you, or did you watch what was on the memory card together with the
20 investigators and then gave the memory card?

21 THE WITNESS: [15:47:43] (Interpretation) I don't think we viewed it together before
22 I gave them. Well, again, if I remember properly. But I don't know. I have
23 memory problems and I really don't remember exactly how things happened at that
24 time and how I handed these things over to them. I don't really quite remember.

25 MR O'SHEA: [15:48:06]

1 Q. [15:48:06] You have memory problems. This video that you saw in Court
2 today that you said, "That's not the video," did you see it for the first time in court
3 today or have you seen it before?

4 A. [15:48:27] Well, that video was also shown in Côte d'Ivoire a long time ago,
5 and people knew that it was a video of images from elsewhere.

6 Q. [15:48:44] Is that a video, the Kenyan video, the video that is not your video, is
7 that a video which you had ever saved on your phone?

8 A. [15:49:11] What does "sauvegardé," the French word which is saved, what
9 does it mean?

10 PRESIDING JUDGE TARFUSSER: [15:49:17] Have you ever had this video on your
11 telephone in the memory card of your telephone?

12 THE WITNESS: [15:49:35] (Interpretation) Well, I had several video, but that
13 video -- but that's not a video from Côte d'Ivoire. The people are speaking a strange
14 language.

15 PRESIDING JUDGE TARFUSSER: [15:49:43] But you're not answering the question.
16 The question is as follows, it's an easy one: Have you ever had yourself on your
17 telephone that video memorised?

18 THE WITNESS: [15:50:07] (Interpretation) On my phone, yes, I had that video on my
19 phone. Yes.

20 PRESIDING JUDGE TARFUSSER: [15:50:11] Maître O'Shea.

21 MR O'SHEA: [15:50:14] Thank you, your Honour.

22 Q. [15:50:15] Earlier in your evidence you stated that the images from the crisis
23 which you had before, you had deleted them because they were unpleasant. Why
24 did you keep this image from Kenya?

25 A. [15:50:44] Well, it was a new video which we had just received. I saw it and I

1 watched it, and then we would delete it. But I think the idea was simply to view it
2 and then delete it. That was it.

3 Q. [15:51:18] So that video about Kenya was a new video that you had recently
4 put on your phone when you met the Office of the Prosecutor; is that right?

5 A. [15:51:33] Yes, but it's not the same video I gave. I gave a video, but the
6 video that I gave is different from what was displayed today. I know the video
7 very, very well. But I agree that I have this other video, but it was a new video.
8 And I did not know that it was something that I would have to deal with in the
9 Court.

10 Q. [15:52:11] Why did you choose to save the video of people being burnt in
11 Kenya? Why did you choose to save it onto your phone shortly before you met the
12 Prosecutor?

13 A. [15:52:26] Well, these are mistakes or errors and things that can happen.
14 Often you can have on your memory card a number of films and delete some, some
15 will remain. I had three telephones. I had videos, and they were all there. So
16 maybe I forgot to delete that video, but I had been looking at that video for some
17 time. I thought I had probably deleted it. I had several videos on my telephones.
18 Maybe that's my mistake, not to have deleted that particular video.

19 Q. [15:53:09] But my question was: Why did you download that video dealing
20 with the burning people in Kenya?

21 A. [15:53:27] I just wanted to watch it and then delete it.

22 Q. [15:53:35] Are you aware that the same video was circulating on YouTube
23 purporting to be an incident in Ivory Coast? Is that something you're aware of?

24 A. [15:53:55] No, I was never told that this happened in Côte d'Ivoire. People
25 kept saying that it was from another country. Some said it was Liberia, some said

- 1 Somalia, but not Côte d'Ivoire. We were very aware of that.
- 2 MR O'SHEA: [15:54:21] Those are my questions. Thank you.
- 3 PRESIDING JUDGE TARFUSSER: [15:54:24] Thank you very much.
- 4 Re-questioning by the Prosecutor, I got body language that there is no
- 5 re-questioning.
- 6 MS HENDERSON: [15:54:38] I'll confirm there is no re-questioning, your Honour.
- 7 PRESIDING JUDGE TARFUSSER: [15:54:41] Thank you. So there is also no
- 8 re-questioning by -- obviously no re-re-questioning by the Defence.
- 9 Therefore, I can tell you, Mr Witness, that your testimony is over, is finished. You
- 10 can go back to your country and to your occupation.
- 11 THE WITNESS: [15:54:57] (Interpretation) Thank you.
- 12 PRESIDING JUDGE TARFUSSER: [15:55:00] Thank you for being here. I would ask
- 13 now the court usher to bring the witness out.
- 14 (The witness is excused)
- 15 PRESIDING JUDGE TARFUSSER: [15:55:26] As we would have other 20 minutes, we
- 16 will not use them with Witness 45 simply because - this is a message from VWU - the
- 17 witness was scheduled to testify tomorrow, and I don't know why, he's not currently
- 18 in the ICC premises but in the hotel and it would take a couple of hours to bring him
- 19 here. So this is why we go to tomorrow morning for this witness.
- 20 Mr O'Shea, you wanted the floor.
- 21 MR O'SHEA: [15:55:59] Yes. It's a very short oral application following today's
- 22 events, which is that we are applying that the investigators who were present on the
- 23 day that this memory card was handed over be called before the Chamber for
- 24 questioning.
- 25 PRESIDING JUDGE TARFUSSER: [15:56:23] That would have been probably also

- 1 Chamber's decision in any case. So we'll take, obviously we will take care of this
2 and decide in the next days in due course, as we say. And so today's hearing is
3 over and is adjourned to tomorrow morning, 9.30, with Witness 45. Thank you
4 very much.
- 5 THE COURT USHER: [15:56:53] All rise.
- 6 (The hearing ends in open session at 3.56 p.m.)