

Trial Hearing
WITNESS: CIV-OTP-P-0436

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Koudou Gbagbo and Charles Blé
5 Goudé - ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera-Carbuccia
8 Trial Hearing - Courtroom 1
9 Tuesday, 2 May 2017
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: [9:36:00] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:36:29] Good morning. Good morning,
15 Mr Witness, in the remote location.
16 WITNESS: CIV-OTP-P-0436 (On former oath)
17 (The witness speaks French)
18 (The witness gives evidence via video link)
19 THE WITNESS: [9:36:41] (Interpretation) Good morning, Counsel.
20 PRESIDING JUDGE TARFUSSER: [9:36:43] I give now immediately the floor back to
21 Madam Naouri, to Ms Naouri for the questioning on behalf of the Defence for Mr Gbagbo.
22 Are you ready, Mr Witness?
23 THE WITNESS: [9:37:00] (Interpretation) Yes.
24 PRESIDING JUDGE TARFUSSER: [9:37:01] So the floor is yours.
25 MS NAOURI: [9:37:11](Interpretation) Thank you, Mr President.

1 QUESTIONED BY MS NAOURI: (Continuing)

2 Q. [9:37:14] Good morning, Mr Witness.

3 A. [9:37:17] Good morning, Counsel.

4 Q. [9:37:19] Did you rest well?

5 A. [9:37:22] Yes, thank God.

6 Q. [9:37:23] Very well. Mr Witness, I will come back to the clashes of 25

7 February 2011 before clarifying certain things, is that okay?

8 A. [9:37:38] Okay.

9 Q. [9:37:43] On 25 February 2011, you were in the grin near you?

10 A. [9:37:54] Yes.

11 Q. [9:37:54] Were you with Bobby?

12 A. [9:37:57] Yes.

13 Q. [9:37:59] And you saw two groups gathering in the main road; is that correct?

14 A. [9:38:07] Yes.

15 Q. [9:38:10] And who were in those groups?

16 A. [9:38:23] These groups were young people that Blé Goudé had called to a rally at
17 the CP1. It was at the end of their rally that they came and took up position there.

18 Q. [9:38:53] Very well. And these were young people from Yao Séhi; is that correct?

19 A. [9:38:59] There were young people from Yao Séhi amongst them, but it was almost
20 the entire Yopougon because there were very, very many of them.

21 Q. [9:39:23] Very well. And these people crossed the main boulevard and tried to
22 enter into Doukouré?

23 A. [9:39:30] They did not cross the main avenue, but they were on both sides of the
24 Doukouré neighbourhood. This means that coming from Siporex, before reaching the
25 police station of the 16th arrondissement, there were two parliaments, one behind the

1 Wakouboué pharmacy, and then just behind, right adjacent to the police station of the
2 16th arrondissement, that's where a group had gathered on the main boulevard which
3 had been divided into two at that time. To the left of the Doukouré neighbourhood, that
4 is Cinema Saguidiba, there is a parliament behind that cinema hall. At that roundabout
5 there was another group positioned at the Saguidiba roundabout. When you were on
6 the boulevard, when you looked to your right, you will see those who were on your right,
7 and if you look to your left at the Saguidiba roundabout, you would see them. So there
8 were those two groups that converged towards the Doukouré neighbourhood, from the
9 left and from the right.

10 Q. [9:41:28] Very well. And the young people of Doukouré attacked those young
11 people and pushed them back; is that correct?

12 A. [9:41:40] They came to the Doukouré neighbourhood on the boulevard. And the
13 young people started throwing stones. So these people in Doukouré were in the
14 neighbourhood and you could not see them, so when the stones were thrown they
15 threw -- they went back and positioned themselves where they were before, that is next to
16 the police station and at Saguidiba.

17 Q. [9:42:30] In order to understand well what you have just said, when the Yao Séhi
18 young people were near the Doukouré neighbourhood, the young people of Doukouré
19 retaliated; is that correct?

20 A. [9:42:48] Yes.

21 Q. [9:42:50] Very well. And so the young people from Doukouré pushed back the
22 Yao Séhi young people into their neighbourhood?

23 A. [9:43:05] Yes, but it was not only the people from Yao Séhi. As I said, it was
24 almost the entire Yopougon. There were many of them. The young people from
25 Yao Séhi were amongst them but not all of them were from there; there were people from

1 Sicogi and so on, because Blé Goudé had convened a major rally at the CP1 square.

2 Q. [9:43:41] Very well. And prior to 25 February 2011, had there already been
3 clashes between the young people from Yao Séhi and Doukouré?

4 A. [9:43:53] Yes.

5 Q. [9:43:58] And one of the reasons for those clashes was daily criminal activities such
6 as the theft of mobile phones, for example?

7 A. [9:44:09] Yes.

8 Q. [9:44:15] Were you aware that Bobby had asked the young people of Doukouré to
9 monitor the roadsides in order to stop the thieves?

10 A. [9:44:25] Yes, it was not Bobby alone who had taken that decision. As you know,
11 when people were coming back from town, when they reached Doukouré and then they
12 alighted from the vehicles, they would alight on the side of Yao Séhi. So the young
13 people from Yao Séhi would come and seize the phones and dash back into Yao Séhi.
14 And since these incidents were increasing in numbers and there were very many victims,
15 a decision was taken to monitor the roadsides so as to track down the thieves of mobile
16 phones. So it was not Bobby alone, it was almost everyone in Doukouré. At that time
17 when this phenomenon was stopped, Cobri -- the chief and Cobri came to Doukouré and
18 told us that we were doing a great job and whether we could go and provide security in
19 Yao Séhi. So the chief of Yao Séhi at that time came. He's no longer alive. But they
20 came and asked us to come and put an end to the crime in Yao Séhi, but we did not accept
21 that.

22 Q. [9:46:16] So they, too, were facing criminal activities in their neighbourhood; is that
23 correct?

24 A. [9:46:22] Yes, because when young people stole, they knew each other but they
25 could not speak because if they said anything, they could be exposed and there would be

1 settlement of accounts. So they told us that they knew the children and they knew their
2 parents, but they could not say anything.

3 Q. [9:47:00] And did you manage to agree with them on a way of putting an end to
4 crime amongst the young people?

5 A. [9:47:13] In any case we did not accept to go and provide security in Yao Séhi.
6 We just said, "Do not steal in Doukouré. If customers from Doukouré alight from
7 vehicles, they have to be safe and secure." This is something they had not respected. So
8 we did not agree to go and provide security in Yao Séhi, we did not accept that.

9 Q. [9:48:00] And you, in Doukouré, did you set up a monitoring system using
10 roadblocks, for example?

11 A. [9:48:11] On 25 February, after the shops along the main road were burned, the
12 roof sheets were taken and used as roadblocks to prevent people from being attacked.
13 That was as from Saturday, the 26th.

14 So we took the rooftops from the burnt buildings to block the entries into the
15 neighbourhood from the main boulevard, and this was done for security reasons.
16 Everyone came through the main road near the mosque and they went out through that
17 road also. The other entrance were all blocked.

18 Q. [9:49:17] Very well. And were you aware that Bobby had had roadblocks erected
19 on 25 February 2011?

20 A. [9:49:28] No.

21 Q. [9:49:32] Were there any roadblocks before 25 February 2011 as far as you know?

22 A. [9:49:49] No.

23 Q. [9:50:01] And after 25 February 2011, the young people erected roadblocks; is that
24 correct?

25 A. [9:50:07] Yes, but I should say that before 25 February, the Borsalino roadblock had

1 been erected, the roadblock at Gotham had been erected. I did not go there, but you had
2 the Borsalino and Gotham roadblocks that were there but because these were the main
3 entries into Doukouré from Gotham. But on the main boulevard there were no
4 roadblocks.

5 Q. [9:51:03] And was there a roadblock set up by the young people of Doukouré at the
6 mosque?

7 A. [9:51:13] Well, you cannot call that a roadblock. I told you that when we were
8 attacked and the houses were set on fire, we took the roofing sheets to use as roadblocks
9 and prevent infiltrations from those attacking us. There were young people who were at
10 the main entrance into the Doukouré neighbourhood. They did not ask for any money,
11 they did not ask for identity papers. So people were moving about, but there were
12 young people there. We would not refer to that as a roadblock.

13 Q. [9:52:04] Very well. Now, Mr Witness, we have talked about Okou Traoré
14 yesterday.

15 A. [9:52:22] Yes.

16 Q. [9:52:22] He testified in this Court just before you. Are you aware of that?

17 A. [9:52:27] Yes, I saw him on television.

18 Q. [9:52:30] Very well. And he told us regarding the roadblock at the mosque, and I
19 will quote the transcript, it is transcript 147 of 26 April 2017, page 62, line 10 onwards, and
20 the question was this:

21 "When did you know that those roadblocks existed?"

22 And he answered: "In any case, after the 26th there were small roadblocks in Yopougon,
23 but in our Sicogi Lem neighbourhood there were no roadblocks, it was the young people
24 from there who had set up a roadblock near the mosque. There is an entry there, there is
25 a road entering into Doukouré. There it was closed on that side. And on the other side

1 of the mosque, it was also closed. That was at our place."

2 Do you confirm what Mr Traoré said regarding the mosque?

3 A. [9:54:02] Yes. The Lem neighbourhood is on the left when you are coming out of
4 the Doukouré neighbourhood. Mr Okou lives in Lem, on the other side of the mosque.
5 And the Doukouré neighbourhood is on the other side of the mosque and behind the
6 mosque.

7 To enter the Doukouré neighbourhood, if you're coming from Lem, there was a roadblock

8 (Redacted)

9 (Redacted)

10 (Redacted) On the other side, that is the roadblock

11 I had been talking about. It was the main entrance into the Doukouré neighbourhood,
12 that is on the other side of the mosque. I did not want to talk about Lem because we
13 were talking about the Doukouré neighbourhood.

14 Q. [9:55:35] It is very clear. Thank you, Mr Witness.

15 Now, let us go back to 25 February. You were with the young people from Doukouré; is
16 that correct?

17 A. [9:55:46] Yes.

18 Q. [9:55:48] How many of them, about 25, 50, 100?

19 A. [9:55:55] In any case, when we saw the crowds, as from about 10 a.m., the young
20 people came out to stand either on our platform or around the mosque. There were
21 many people. I cannot tell you how many, but there were many young people there.

22 Q. [9:56:44] Very well. Yesterday, in answer to questions from the OTP you started
23 mentioning the names of people who were with you and amongst them, I will quote you,
24 you mentioned - that is transcript 148, page 31, line 1 - and you said:

25 "There was myself, Timité Bouaké who was injured. There was Bakayoko Siaka, there

1 was Gberti Siaka, nicknamed Dougoutigi (phon), there was Fofana Brahima, Diallo
2 Adama. There were many of us. There were many of us."

3 So my question is: Were there other people with you, and can you tell me who were
4 those people?

5 A. [9:57:59] Well, all those who were living not far away from the main boulevard
6 were there. I just mentioned the names of a few of them, but there were many people,
7 neighbours from the area, young people.

8 Q. [9:58:25] Very well. And when the young people, let us say from Yao Séhi, throw
9 stones at you, you did not recognise any of them?

10 A. [9:58:45] Well, since these were young people, those who could recognise them
11 must have been the young people of the Doukouré neighbourhood; for example, Diallo
12 Adama could recognise some of them. Soumah Seydou could have recognised some of
13 them. But those of us who were a bit older were really not familiar with the young
14 people, and the young people knew themselves so the young people with us can give
15 some of the names of the people they saw on that day from the Yao Séhi site.

16 Q. [9:59:49] Very well. But just to confirm, you, personally, you did not recognise
17 any of those young people?

18 A. [9:59:59] No. I really did not pay attention because the situation was such that
19 you had to collaborate with somebody that you really knew. Tension was really high.
20 So you could not really pay attention to people's faces, otherwise -- I knew some young
21 people from Yao Séhi but I did not see any one of them that day, or I did not really pay
22 attention. That's it.

23 Q. [10:00:45] Very well. And the young people from Yao Séhi were able to repel
24 these people from behind the police station? I beg your pardon, the young people from
25 Doukouré were able to repel the people from Yao Séhi behind, push them back behind the

1 police station?

2 A. [10:01:06] Yes, not just the young people from Yao Séhi. I said there were many
3 people, many people that day. You see, there was a rally that day at CP1 square and so it
4 was the crowd from that rally. So it wasn't just the young people from Yao Séhi, it was
5 nearly all of Yopougon.

6 Q. [10:01:39] Very well, Mr Witness. So we won't refer to them as the young people
7 from Yao Séhi, we'll call them the young people who were coming from that
8 neighbourhood. So you, yourself, weren't at CP1 at the time on that particular day?

9 A. [10:01:59] I wouldn't even venture to go to any parliament in Yopougon. I am a
10 public figure. People know who I am. They recognise me because, you see, I organised
11 a number of meetings. I organised the visit of President Alassane in Doukouré and
12 people saw me going about making arrangements, so if I were to go to any of the
13 parliaments I could have been recognised and lynched, so I did not go to any rally, any
14 parliament.

15 Q. [10:02:53] Very well. And when the young people from Doukouré repelled the
16 young people coming from Yao Séhi, there was a large crowd at the police station, wasn't
17 there?

18 A. [10:03:06] Yes.

19 Q. [10:03:07] And the young people from Doukouré went back into the
20 neighbourhood; is that correct?

21 A. [10:03:17] Yes. When they were repelled, the police, the first time, when -- when
22 they were repelled, the police officers from the station of the 16th arrondissement came
23 out and told us to go back and that those young people were going through and were not
24 going to trouble the inhabitants of that -- of the neighbourhood of Doukouré. So
25 everyone left the main boulevard and went back into the neighbourhood of Doukouré;

1 that's how it happened.

2 Q. [10:04:30] Very well. And so that was when the young people who were coming
3 from Yao Séhi tried to loot a number of shops along the main boulevard; is that right?

4 A. [10:04:40] Right.

5 Q. [10:04:41] And that was when the young people from Doukouré repelled the
6 young people coming from Yao Séhi a second time?

7 A. [10:04:50] Yes.

8 Q. [10:04:52] And you, you were still with the young people from Doukouré; right?

9 A. [10:04:57] Yes.

10 Q. [10:04:59] So at the beginning of the clashes, the young people from Doukouré had
11 an advantage over the people from Yao Séhi; is that right?

12 A. [10:05:11] Right.

13 Q. [10:05:15] So the young people from Doukouré were able to counter-attack and
14 chase off their attackers and push them back to the police station in the 16th
15 arrondissement; right?

16 A. [10:05:31] Yes.

17 Q. [10:05:31] Could we say that they had gained the upper hand against their
18 attackers and that they were stronger than them?

19 A. [10:05:46] Well, you can't really say that they were stronger. It was -- they did
20 that to ensure peace, not to be attacked, because if they were there, they might steal things,
21 they might hurt people, kill people. So you can't really say that they won. I said that
22 since the young people from both sides were on the main boulevard, there was no spot to
23 hide. So, you see, the young people from Doukouré neighbourhood were there behind
24 the buildings, they were throwing stones, yelling. The people on the main boulevard
25 were scared and they went back to their initial positions. So it's not really that one side

1 won, it's more -- that might have been the feeling that the police officers had and then they
2 intervened, but that wasn't -- well, it wasn't -- it wasn't really a victory, to our mind. We
3 were able to push them back, but it was to ensure peace.

4 Q. [10:07:15] Very well. That's clear. And these young people who had come from
5 Yao Séhi never actually got into Doukouré neighbourhood, they never actually entered?

6 A. [10:07:28] Oh yes, they did, some of them, and some houses not too far from the
7 main boulevard, those particular houses were looted. About -- well, all the houses
8 within, say, 20, 30, 40, 50 metres from the main boulevard were looted. But beyond that,
9 because at one particular point the armed men went back into Doukouré neighbourhood
10 and pushed back people, others went into the houses to close, others continued and went
11 as far as the middle of the neighbourhood. Up until then the -- well, you see, alongside
12 the main boulevard, and then, let's say 50 metres into the neighbourhood, that area, those
13 people were really at the mercy of the attackers. They broke things, they looted
14 everything.

15 Q. [10:08:41] That's clear. So that is when the police officers came out and lobbed the
16 canisters of tear gas?

17 A. [10:08:49] When the young people were at -- the first time -- well, when they were
18 repelled and went back to their initial positions, the police came out and told us to go back,
19 to go away, and when we went back the young people from the police side, once they got
20 to Doukouré, once they started to loot, they began to loot the shops, and then after the
21 shops they wanted to attack our actual homes. So we came out again to repel them, and
22 that is when we saw the four-by-four that had left CP1 and headed to the police
23 commission.

24 After the four-by-four left, that is when the police officers came out and shot. And after
25 the four-by-four came out, that is when the police officers came out and started shooting,

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1 but before that they hadn't been shooting, but once the four-by-fours came out of the
2 police, that is when they started to shoot. Once they got to the bridge, one police officer
3 turned back and got some grenades and started -- and lobbed three grenades, two of
4 which exploded; one did not explode.

5 Q. [10:10:21] Very well. And you said something about grenades, offensive
6 grenades. Did you see them?

7 A. [10:10:31] I saw the grenade that didn't explode. Because, you see, when they
8 threw the first grenade I was on the road. And then the second one, since the first
9 grenade exploded, I --

10 THE INTERPRETER: [10:10:50] Inaudible.

11 THE WITNESS: [10:10:52] (Interpretation) -- running and then there was Timité and
12 Siaka Bakayoko, they threw the second grenade and it went off. When they threw the
13 third, I did not see that at first. I went back into the house because, you see, I didn't live
14 very far away, I live close to the main boulevard. So I went and said to my wife and my
15 children to go out and to go to the home of my younger brother, who is now deceased.
16 And, you see, then the young people entered the neighbourhood and --

17 Q. [10:11:38] Mr Witness, Mr Witness.

18 A. [10:11:42] Yes.

19 Q. [10:11:44] I'm putting some questions to you to ensure clarity, and you're repeating
20 what you've said yesterday. And it's very clear, we don't need to go over this again.
21 Now, my question is this: Did you see these offensive grenades, and in relation to your
22 response, can you tell us what you mean by "offensive grenade," what does that mean to
23 you?

24 PRESIDING JUDGE TARFUSSER: [10:12:10] Did he say "offensive grenade"? Because
25 it was translated as "grenade." Okay, sorry. But I take the chance to ask you to speak a

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1 little bit slower, Mr Witness, okay, just a little bit slower. Thank you.

2 So what do you mean? Have you seen the grenade and what do you mean by "offensive
3 grenade"?

4 THE WITNESS: [10:13:05] (Interpretation) An offensive grenade, to my mind, is a
5 grenade that explodes and does damage that can kill people, like the grenade that hit
6 Timité, Bouaké and Siaka.

7 MS NAOURI: [10:13:32] (Interpretation)

8 Q. [10:13:32] Very well. Now, does this kind of grenade create smoke when it hits
9 the ground?

10 A. [10:13:38] No, that's a tear gas grenade. That's the one that killed
11 Bakayoko Salimata.

12 Q. [10:13:54] Very well. Now, Mr Witness, yesterday you told us that Timité set up a
13 table and he did that to create a roadblock to close off the road. Was that correct?

14 A. [10:14:25] Yes.

15 Q. [10:14:25] So he wanted to block off the road, and who would not -- who --

16 A. [10:14:29] Well, he wanted to block the road so that the people who were attacking
17 us could not get through, the people who had come from the police station on the main
18 boulevard.

19 Q. [10:14:59] Very well. Mr Witness, now, the young people who were with you,
20 were they organised into small groups?

21 A. [10:15:22] No.

22 Q. [10:15:29] Were there people responsible for these young people?

23 A. [10:15:35] No.

24 Q. [10:15:48] Mr Witness, were you thought of as one of the leaders of the young
25 people in Doukouré?

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1 A. [10:15:56] No, because I'm not young.

2 Q. [10:16:04] Very well. But weren't you the president of the young people of
3 Doukouré, wasn't that your title?

4 A. [10:16:10] People would call me president. People called me president because
5 when you talk to young people, often they listen to you, so we were referred to as
6 presidents, Brahima and myself, but we weren't presidents.

7 Q. [10:16:39] Now, Mr Witness, we talked about Okou Traoré and his testimony, and
8 I'd like to tell you what he told us about your role in relation to the young people.

9 Transcript 147, 26 April, page 95:

10 "Adama, mm-hmm. He played an important role with the young people, didn't he?

11 Answer: Yes, that's for sure.

12 Question: And what was his role?

13 Answer: "He was the leader of the young people. I can say that for -- when young
14 people were needed, we would turn to him or go through him."

15 PRESIDING JUDGE TARFUSSER: [10:17:54] Madam Prosecutor.

16 MS CHUBIN: [10:17:55] I'd just like to raise a procedural point, and I'll cite you.

17 PRESIDING JUDGE TARFUSSER: [10:18:01] You'll cite me?

18 MS CHUBIN: [10:18:04] Yes, in a previous oral decision: "Witnesses can be
19 confronted with the information provided in the testimony of a prior witness, but the
20 names or the P number should not be mentioned."

21 PRESIDING JUDGE TARFUSSER: [10:18:17] Yes, but this probably was in relation to a
22 witness which was not -- which was protected. This witness is not protected, so I mean
23 not the name maybe but the number can be obviously mentioned, come on.

24 Please, go ahead.

25 MS NAOURI: [10:18:40] (Interpretation) Thank you, your Honour.

1 Q. [10:18:44] Mr Witness, Okou Traoré told us that you were the leader of the youth.
2 Can you tell us, well, in your opinion, why did he say this? Why did he say you were
3 the leader?

4 A. [10:19:04] Yes, even today, if young people are needed in the Doukouré
5 neighbourhood, they call upon me. Brahima and I, we do the -- we work -- we do the
6 commission of the young people. Now we're like the link between the young people and
7 the elders or the more senior people.

8 Q. [10:19:57] Very well. So you're the link and it's through you that people pass on
9 messages to young people; is that right?

10 A. [10:20:11] Right.

11 Q. [10:20:14] And who turns to you in order to get messages across to the young
12 people?

13 A. [10:20:29] If President Okou needs young people, he entrusts us with this task.
14 Often the imam, the great imam of the mosque, if he needs some young people, he turns
15 to us. Even today, if they need young people, they turn to us. And you see, Traoré is
16 the president of the committee that manages the mosque. Although he's not actually the
17 imam, he manages or runs the mosque.

18 Q. [10:21:24] Very well. And when you send these messages to the young people,
19 they listen to you?

20 A. [10:21:33] Yes.

21 Q. [10:21:33] Very well. And Bobby was the president of the young people, wasn't
22 he?

23 A. [10:21:43] No. We play the same role.

24 Q. [10:21:50] Very well. Mr Witness, do you know whether these young people used
25 weapons to keep an eye on the neighbourhood?

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1 A. [10:22:15] There were no weapons, since we were with them at all times. There
2 were no weapons.

3 Q. [10:22:24] They did not have machetes or clubs?

4 A. [10:22:31] No.

5 Q. [10:22:40] Mr Witness, I'd like to read out something to you, it's from the statement
6 that you gave to the OTP investigators. Paragraph 99, you said, and I quote:

7 "The investigators asked me if, indeed, there were rebels within the Doukouré
8 neighbourhood. There never were rebels in our neighbourhood of Doukouré. We
9 repelled the young pro-Gbagbo militiamen ourselves. We only had stones, clubs and
10 machetes."

11 A. [10:23:22] Yes.

12 Q. [10:23:23] Is that correct?

13 A. [10:23:24] Yes.

14 Q. [10:23:26] Very well. Do you know whether Koné Gilbert gave weapons to the
15 young RDR supporters?

16 A. [10:23:47] No. I don't think that he did that, otherwise -- well, you see, as a
17 person in charge, I would have known.

18 Q. [10:24:00] Very well. Mr Witness, you are a carpenter and a cabinetmaker, isn't
19 that so?

20 A. [10:24:19] Yes.

21 Q. [10:24:25] Are you still working?

22 A. [10:24:28] Well, I can't say that I am working still like before, since my equipment
23 and such was stolen, the equipment I had. And really, I no longer know how I would go
24 about getting equipment, so I manage to get by with the little resources that I have.

25 Q. [10:25:04] Very well. But that's your main income source, isn't it?

- 1 A. [10:25:10] Yes.
- 2 Q. [10:25:12] Very well. Mr Witness, on the day of the events that occurred on 25
- 3 February, did you see any UNOCI helicopters?
- 4 A. [10:25:34] Yes.
- 5 Q. [10:25:39] How many did you see?
- 6 A. [10:25:41] I saw two. Because when the hostilities began, I called and 10 minutes
- 7 later I saw one helicopter in the sky, and then a second, if I recall correctly.
- 8 Q. [10:26:14] Very well. And where were you exactly when you saw these
- 9 helicopters?
- 10 A. [10:26:23] In the Doukouré neighbourhood.
- 11 Q. [10:26:33] And did you call the UNOCI when you saw these helicopters?
- 12 A. [10:26:39] Yes, I did call them.
- 13 Q. [10:26:47] And what time was it approximately?
- 14 A. [10:26:51] When I called it was around 1330 or 1400 hours in the afternoon.
- 15 Q. [10:27:08] Very well. And why did you have the ONUCI number on you?
- 16 A. [10:27:19] We were given that at the meeting of the RDR because we might be
- 17 subjected to threats, and since the UNOCI was there to ensure peace, they could come and
- 18 end the hostilities.
- 19 Q. [10:27:54] So you made a point of recording that number that had been given to
- 20 you; is that right?
- 21 A. [10:28:00] Right.
- 22 Q. [10:28:04] How many times did you try to reach the UNOCI forces that day?
- 23 A. [10:28:10] Twice.
- 24 Q. And you spoke to someone each time you called both times?
- 25 A. [10:28:28] Yes.

1 Q. [10:28:31] And did the person say whether or not they could intervene on the
2 ground?

3 A. [10:28:36] The second time when I called, I said that I was the one who had called
4 earlier and that we were still under attack. I asked them if they heard the gunshots, and
5 the person said, "Yes", but, sorry, they couldn't intervene on the ground and that the
6 equipment that had been stolen was their equipment. That is the answer they gave me.

7 Q. [10:29:17] Very well. Very well. I would now like to clarify a number of things
8 that you said yesterday regarding the people you referred to as the militiamen, the militia
9 members. What does that expression mean to you?

10 A. [10:29:43] Well, a militia member is someone that a party in power recruits to do
11 something on their behalf, to do their work for them.

12 Q. [10:30:13] Very well. And according to you, Cobri was enlisting young people
13 from the Doukouré neighbourhood; is that correct?

14 A. [10:30:37] He enrolled all the young people who came to see him in order to
15 become members of his movement. There were young people from Doukouré who had
16 themselves enlisted by him, but it was not all the young people of the Doukouré
17 neighbourhood.

18 Q. [10:31:09] Very well. So people from all ethnic origins went to see Cobri; is that
19 correct?

20 A. [10:31:20] Well, I cannot confirm the ethnic groups, but it was a young man,
21 Koyaka, that we saw, that -- he could be seen running with those young people, and at the
22 end he left.

23 Q. [10:31:47] Very well. And when you saw people running, this was sports training;
24 is that correct?

25 A. [10:32:06] Yes, sports training but with their coach, who was usually carrying a

1 weapon and who was leading the group.

2 Q. [10:32:19] Very well. Mr Witness, Bobby was also a coach of a football team; is
3 that correct?

4 A. [10:32:33] He was the president of a training centre, a football training centre.

5 Q. [10:32:43] Very well. Yesterday when we were talking about Cobri you told us,
6 and I quote you, page 1, lines 3 to 5:

7 "Cobri was a young Bété who was secretary general or president of the Sicogi market in
8 the past."

9 Can you explain to us what is the secretary general or president of the Sicogi market?

10 A. [10:33:28] Yes, he was the one who sort of managed the Sicogi market in relation to
11 who could set up shop there, who had to pay the taxes. He organised them. He was
12 the one.

13 Q. [10:33:49] Very well. And what was this market?

14 A. [10:34:00] It was the main market of Sicogi.

15 Q. [10:34:16] So if I understand well, he was in contact with all the traders of the
16 neighbouring neighbourhoods?

17 A. [10:34:25] Yes.

18 Q. [10:34:26] Very well. Did he have competitors, enemies?

19 A. [10:34:52] I beg your pardon?

20 Q. [10:34:53] In his position as secretary general in the market, did he have enemies?

21 A. [10:34:59] Well, I wouldn't know that. I am a carpenter and woodworker. I
22 don't work in the market, unless I went there to do a job and leave. So I really don't
23 know anything about his relationship with the traders.

24 Q. [10:35:20] Very well. But you had known Cobri for a long time; is that correct?

25 A. [10:35:29] Yes, ever since around 1995.

- 1 Q. [10:35:38] You told us, page 13, lines 11 to 15, yesterday in answer to the question:
2 "What type of political activities did you carry out together?"
3 And your answer: "At that time the FPI and the RDR were in alliance and there was an
4 active boycott. We organised meetings together."
5 Can you tell us what was that merger or alliance?
- 6 A. [10:36:20] That alliance means that the RDR and the FPI -- well, their leaders had
7 agreed to carry out activities together, to speak with one voice. That is what I mean by
8 the alliance.
- 9 Q. [10:36:48] And did you continue engaging with each other even if you still did not
10 work together with Cobri?
- 11 A. [10:36:58] Before the post-election crisis, yes.
- 12 Q. [10:37:02] Very well. Mr Witness, who is Abou Dawe?
- 13 A. [10:37:16] Abou Dawe is the person responsible for security in the district in which
14 I am political commissioner.
- 15 Q. [10:37:34] Very well. So this was an official position within the RDR; correct?
- 16 A. [10:37:47] Yes.
- 17 Q. [10:37:50] And Abou Dawe knew the young people very well?
- 18 A. [10:38:00] Almost all of them.
- 19 Q. [10:38:04] And he joined the FRCI; is that correct?
- 20 A. [10:38:10] Yes.
- 21 Q. [10:38:10] Did any other young people of the neighbourhood join him in the FRCI?
- 22 A. [10:38:19] Yes.
- 23 Q. [10:38:22] How many?
- 24 A. [10:38:31] I am not in a position to say, but I know about five or six people.
- 25 Q. [10:38:45] Very well. Mr Witness, who is Fofana Vamara?

1 A. [10:38:57] Fofana Vamara, if I remember correctly, he had -- had himself enrolled
2 by Cobri.

3 Q. [10:39:19] Mr Witness, I will read out paragraph 41 of your statement to the OTP:
4 "As for Cobri, I know him ever since 1995. We carried out activities together within the
5 framework of the republican front. At that time he was a secretary general of the Sicogi
6 market. He was a militant of the FPI and has remained so to date. When he moved
7 around with a megaphone, he was doing so in his capacity as an FPI militant. He
8 worked with Charles Blé Goudé and reported to him. I know this from Fofana Vamara.
9 He is a young Koyaka from the Mankono region. He enlisted himself as one of the
10 young militias because he wanted to become a soldier, but in the final analysis he
11 understood that he would have to fight against the Dioulas and so he withdrew. Today
12 he is a member of the FRCI. And so he is the one who told me that those responsible for
13 the groups of recruited individuals reported to Charles Blé Goudé."
14 So Fofana Vamara was one of your sources; is that correct?

15 A. [10:41:07] That is correct.

16 Q. [10:41:07] And he became a member of the FRCI; is that correct?

17 A. [10:41:13] Yes.

18 Q. [10:41:15] Do you know when he joined the FRCI?

19 A. [10:41:27] No, because during the post-election crisis and ever since after that I
20 never saw him again, to this day.

21 Q. [10:41:43] Very well. And did Cobri tell you that he had been a guide for the
22 FRCI in Doukouré in April 2011?

23 A. [10:42:07] In April 2011, no. No, he never told me about that.

24 Q. [10:42:13] And did you talk with Bobby about the young people who had enlisted
25 with the FRCI?

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1 A. [10:42:35] It is possible because on our platform we talk about everything, so we
2 talk about those who were FRCI and those who were not FRCI.

3 THE INTERPRETER: [10:42:56] Interpreter correction: And the person talked about
4 acting as a guide in FRCI -- to the FRCI was Bobby, not Cobri.

5 MS NAOURI: [10:43:07] (Interpretation)

6 Q. [10:43:07] Mr Witness, after the events of 25 February 2011 you started identifying
7 and registering the victims; is that correct?

8 A. [10:43:19] Yes.

9 Q. [10:43:22] And you carried out that work with Bobby; correct?

10 A. [10:43:28] Yes.

11 Q. [10:43:34] Are you the one who took the initiative to register the victims of the
12 neighbourhood or did you decide to do that?

13 A. [10:43:47] We decided to do that because those who were injured came to explain
14 the situation to us.

15 Q. [10:44:00] Very well. A short while ago we talked about Okou Traoré, and during
16 his testimony he stated, and I quote --

17 MR GARCIA: I'm sorry to interrupt, but I'm just going to object on this on a question of
18 principle, and it is quite important. It is going back to what my colleague objected to
19 beforehand. And what Defence counsel is doing is completely inappropriate, contrary to
20 one of -- a decision of the Chamber already. It is this thing of putting to the witness
21 another witness -- what another witness has stated.

22 PRESIDING JUDGE TARFUSSER: [10:44:47] That is perfectly legitimate, if it is stated
23 in court and it is on the record.

24 MR GARCIA: [10:44:52] Your Honour, this is what -- the Prosecution's comment on
25 this, the Chamber has already rendered a decision stating that the Defence could achieve

1 what it wants to achieve confronting a witness through putting simply the information of
2 what another witness has stated. The problem, what I see is a problem here,
3 your Honour, is that we're asking the witness to comment indirectly on the credibility of
4 another witness before this Chamber, and that's solely for the Chamber to decide. Now
5 what the Defence is doing, they can do it otherwise, much more easier and avoid this
6 question --

7 MS NAOURI: [10:45:27] (No interpretation) (Overlapping speakers)

8 MR GARCIA: [10:45:29] Your Honour, this is a procedural issue, simply a procedural
9 issue. It can be done easier without having the witness commenting on the credibility.

10 PRESIDING JUDGE TARFUSSER: [10:45:37] Excuse me, but he's not commenting on
11 the credibility, which is something different than on what was said. I mean, it is
12 absolutely legitimate to confront a witness with a statement, with something the witness
13 has said on the record of the case. It is not -- if it's a witness who is a future witness
14 which will come, then you have to be more broad and say -- and talk about the
15 information because you can't confront him with something which is not in the record of
16 the case. But if it's a document, if it's a witness, if it's a declaration, it is legitimate and
17 that's it. Please go ahead.

18 MR GARCIA: [10:46:16] Your Honour, just -- just, your Honour, if I may. There is a
19 decision of this Chamber saying --

20 PRESIDING JUDGE TARFUSSER: [10:46:20] There is no decision of this Chamber in
21 that sense. There is a decision of this Chamber, but no. There is a decision of this
22 Chamber but it goes vis-à-vis the witnesses which are not yet have been -- which have not
23 witnessed yet before this Chamber.

24 MR GARCIA: [10:46:35] All right. Your Honour, this is the decision that I was
25 reading of the Chamber and this is what I read of it. And it -- the rationale that the

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1 Prosecution had put forth before, which is an important one, is this whole question of
2 having witnesses commenting on the credibility of other witnesses indirectly.
3 Now, the Prosecution's position is the Defence counsel can do this very easily by just
4 putting the information of that other witness, and not having the witness commenting,
5 because the moment you start putting a name before the witness, then it puts a pressure
6 on the witness as well. If this person said that, well, then maybe it might be right or
7 wrong. This is a standing objection of the Prosecution on this matter.

8 MS NAOURI: Monsieur le Président.

9 PRESIDING JUDGE TARFUSSER: [10:47:15] Can you please go ahead with the
10 questioning. Thank you.

11 MS NAOURI: [10:47:21] Oui, bien sûr.

12 PRESIDING JUDGE TARFUSSER: Thank you.

13 MS NAOURI: (Interpretation)

14 Q. [10:47:21] Mr Witness, are you still there?

15 A. [10:47:24] Yes.

16 Q. [10:47:27] Bravo. As I was saying, I will read an excerpt of the testimony of
17 Okou Traoré --

18 PRESIDING JUDGE TARFUSSER: [10:47:39] Can you please avoid to make the name
19 and that's it, so we are on the safer side. Just avoid to make the name.

20 MS NAOURI: [10:47:49] Mais, Monsieur le Président --

21 PRESIDING JUDGE TARFUSSER: [10:47:51] No, avoid to make the name and say "of
22 Witness P" whatever. Please.

23 MS NAOURI: [10:48:24] (Interpretation)

24 Q. [10:48:24] I will read out an excerpt to you, Mr Witness: "Are you the one who
25 had asked Adama and Bobby to identify and register the victims of your neighbourhood?

1 No. But those who did that work are those who buried the dead and drew up a list and
2 transmitted it to Diomandé and Bobby."

3 Mr Witness, I will read you paragraph 72 of your statement.

4 "Mm-hmm, and he called me to talk about the dossier."

5 And the number of the statement is CIV-OTP-0057-1345. In paragraph 112 you say:

6 "Mm-hmm, I would like to specify to the investigators that apart from the report of the
7 belief that I mentioned a short while ago, all the other documents, annexes 2, 3, 4, 5, 5bis,
8 6, 7 and 8, were prepared by Bakayoko, Adama and Ibrahim. These were people who
9 were mandated to register everything that happened in Doukouré and Lem, such as
10 people who died, people who were exhumed, those women who were raped during the
11 2010-2011 crisis.

12 So my question is: Did you assign these people to that?

13 Yes, indeed, because even at the beginning of the crisis, that is what I asked them to do."

14 Question: "So you asked them from the beginning of the crisis to identify and register the
15 victims?"

16 Answer: "Yes, I started compiling a dossier and that is the dossier I have right now.

17 Very well."

18 Now, my question is this: Did the president of the management committee of the Lem
19 mosque mandate you or assign you to do that work of compiling the lists?

20 A. [10:51:25] Yes, as early as Friday when some people were injured and others were
21 killed, we started because no one knew that that would happen, and on Saturday there
22 were people who had died, those who were injured, and others. So we started writing
23 down the names, Brahima and myself. That is why I said that we were the ones who had
24 taken the initiative to do that. When we met with President Okou, he asked us for the
25 same thing and we said, "Okay", but we had already started, so we placed everything at

1 his disposal. That's it.

2 Q. [10:52:19] Very well. And did you report to the president of the management
3 committee?

4 A. [10:52:30] Yes, on the compilation of the list of victims, the problems and so on.

5 Q. [10:52:41] How regularly?

6 A. [10:52:44] I do not quite understand.

7 Q. [10:52:49] How many times did you report to him, every day, every week? How
8 many times did you report to the president?

9 A. [10:53:03] Yes, several -- several times. There is no number by day or by week.

10 We pray in the same mosque. Immediately after the prayer, if I have something to tell
11 him, if he goes out, I go out with him and tell him in case there is something I need to
12 inform him about. Generally, it is after the prayer that I give him a verbal report, but if I
13 need to give him a document, I will wait for the time when there is no prayer or when he
14 is not resting and I will go to his house, with or without Brahima, and give him the
15 documents.

16 Q. [10:54:02] Very well. And did the president of the management committee put
17 you in contact with potential victims?

18 A. [10:54:19] I no longer remember, but generally speaking, if someone came to see
19 him because that person was a victim, he would refer them to us because we would be the
20 ones to register them. They came to us and we would take down their names.

21 Q. [10:54:46] Very well. Mr Witness, Imbassou Ouattara also asked you and Bobby
22 to register the victims of your neighbourhood; is that correct?

23 A. [10:55:16] Yes.

24 Q. [10:55:16] At what time?

25 A. [10:55:19] It was during the post-election crisis.

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1 Q. [10:55:26] Very well. Imbassou Ouattara and Okou Traoré, were they in contact
2 in relation to your work registering victims, since both of them had asked you to do it?

3 A. [10:55:46] I do not think so.

4 Q. [10:55:59] Very well. And did you report to Imbassou Ouattara on your work of
5 registering victims?

6 A. [10:56:10] Yes. I even gave him a document, that is the list of victims. I handed
7 it over to him.

8 Q. [10:56:22] Very well. When you say, "I gave him a list of documents", are you
9 talking about the list of 25 widows?

10 A. [10:56:37] There was the list of the 25 widows and then the complete list of the
11 dead and disappeared and so on and so forth, but it was the list of the 25 that I gave him
12 before the 30th of the fifth month of 2011.

13 Q. [10:57:10] Very well. And did you give that same list to Koné Kafana?

14 A. [10:57:33] No.

15 Q. [10:57:35] Did you give that list to Touré Adama?

16 A. [10:57:46] Yes.

17 Q. [10:57:47] Very well. Do you know whether Touré Adama gave that list to Koné
18 Kafana?

19 A. [10:57:57] He didn't tell me about that.

20 Q. [10:58:00] Very well. And you, Mr Witness, were you present during the
21 ceremony of 8 January 2012, that is when envelopes were given to the widows by Minister
22 Koné Kafana Gilbert?

23 A. [10:58:22] Yes.

24 Q. Mr Witness, we have understood that you were the president of the collective of the
25 victims of Doukouré and Bobby was the vice president. When did you decide to create

1 that collective?

2 A. [10:58:57] Ever since we started identifying and registering the victims. I do not
3 know precisely when, but it was in 2013 that we applied for approval to the Minister of
4 the Interior. So that is the date that we take into consideration; otherwise, ever since 2011,
5 after I returned from my internal exile, we decided to create a list and a database about
6 everything that we were doing. And in 2012, we found a name, that is the Collective of
7 Victims of the Doukouré-Yopougon neighbourhood, and we tried to make it formal
8 in 2013.

9 Q. [10:59:59] Very well. So before that you were acting informally; is that correct?

10 A. [11:00:04] Yes.

11 Q. [11:00:06] Who told you that you had to formalise your activities, make them
12 official?

13 A. [11:00:20] We ourselves, we took the initiative to do that because in order to be
14 taken seriously, you have to be official, that's all.

15 Q. [11:00:35] Very well. And for how long did you continue your work after that
16 formalisation?

17 A. [11:00:45] It went on, and even now someone comes with his name and documents
18 proving that the person in question had been a victim during the post-election crisis, or
19 ever since all the various crises in Côte d'Ivoire. And so we identify these people, we
20 register them, we make sure that the person has not been registered with another
21 association of victims.

22 Q. [11:01:27] Very well. So you're still in contact with all the victims of your
23 collective up until now, is that what you're telling us?

24 A. [11:01:36] Not with all the victims because some no longer live in the
25 neighbourhoods, some no longer live in the country. Unfortunately, some have passed

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1 away. But we do have our list with everyone's name. We may not necessarily be in
2 contact with some people, but we do help people that we can still reach.

3 Q. [11:02:11] Thank you.

4 MS NAOURI: (Interpretation) Perhaps it's the time for us to have a break, Mr President.

5 PRESIDING JUDGE TARFUSSER: [11:02:16] Yes, and a question for how long do you
6 think you will continue with this witness?

7 MS NAOURI: [11:02:32] (Interpretation) The next session, at the very most, at the very
8 most, and I'm being quite conservative in my estimate.

9 PRESIDING JUDGE TARFUSSER: [11:02:42] Yes, just to remind you that you're
10 questioning the witness, it is over two hours now, and it's two and a half which was
11 permitted for this questioning.

12 So now we have a break and we come short after 11.30. Thank you.

13 THE COURT USHER: [11:03:05] All rise.

14 (Recess taken at 11.03 a.m.)

15 (Upon resuming in open session at 11.33 a.m.)

16 THE COURT USHER: [11:33:28] All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: [11:33:50] Good morning.

19 Ms Naouri, yours the floor. Remember the timing, please.

20 MS NAOURI: [11:34:03] (Interpretation) Yes, your Honour.

21 PRESIDING JUDGE TARFUSSER: [11:34:04] Two hours and a half.

22 MS NAOURI: [11:34:10] (Interpretation)

23 Q. [11:34:12] Good morning once again, Mr Witness.

24 Now, before the break we were talking about this collective that you formed. Do you
25 have by-laws for this association or collective?

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1 Can you hear me, Mr Witness?

2 MS NAOURI: [11:34:42] (Interpretation) I don't know whether it's just me but I don't
3 hear anything from the witness.

4 PRESIDING JUDGE TARFUSSER: [11:34:46] Mr Witness, can you hear me?

5 THE WITNESS: [11:34:54] (Interpretation) Yes, just fine.

6 PRESIDING JUDGE TARFUSSER: [11:34:55] Okay, now I think it's fine now.

7 Please, Ms Naouri.

8 MS NAOURI: [11:35:07] (Interpretation)

9 Q. [11:35:07] Since I couldn't hear you just a few moments ago, I'll put the question
10 again: Did your association have by-laws?

11 A. [11:35:16] Yes.

12 Q. [11:35:20] You did not provide them to the OTP, did you?

13 A. [11:35:28] I think I did. I think I did, actually.

14 Q. [11:35:33] Very well. Now, here in The Hague, do you have a copy of the by-laws
15 of your association?

16 A. [11:35:46] No.

17 Q. [11:35:47] Very well. Now, Mr Witness, when the OTP questioned you, you were
18 shown two documents, and I'd like us to hark back to these documents. The first one
19 was CIV-OTP-0058-0333, this was a receipt for the provision of certain documents and this
20 was in 2016.

21 THE COURT OFFICER: [11:36:39] (Via video link) Your Honours, the item is currently
22 being displayed to the witness.

23 PRESIDING JUDGE TARFUSSER: [11:36:44] Thank you very much.

24 MS NAOURI: [11:36:48] (Interpretation)

25 Q. [11:36:48] Can you see the document?

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1 MS NAOURI: [11:37:05] (Interpretation) We can't see the document up on our screen.

2 I'm speaking to the courtroom officer here.

3 THE COURT OFFICER: [11:37:17] Evidence 1 channel.

4 MS NAOURI: [11:37:21] (Interpretation) Very well. Thank you.

5 Q. [11:37:24] Now, here we see on this document, Mr Witness, and I quote, "This
6 document does not replace a *récépissé de déclaration*." So this document really doesn't
7 prove that your association has been officially founded?

8 A. [11:37:49] Yes, that's what it says here.

9 Q. [11:37:51] Very well. We will now show another document to you, a second one,
10 CIV-OTP-0058-0334.

11 THE COURT OFFICER: [11:38:22] (Via video link) Currently displayed to the witness.

12 MS NAOURI: [11:38:43] (Interpretation)

13 Q. I'm just waiting for the document to come up on the screen here.

14 Now here on this particular document we read, and I quote:

15 "The Minister of State, the Minister of Interior and Security under the provisions of Article
16 37 of law 60-315 of 21 September 1960 relating to associations hereby issues an official
17 document, after the file has been properly reviewed."

18 But, you see, this is --

19 A. [11:39:30] Well, here we do not see anything about the file not being officialised or
20 formalised. It says that it will be provided, that a document shall be provided. That's
21 all.

22 Q. [11:39:51] Well, what I read here is that you will be receiving a *récépissé*, a
23 document, once the file is received. So I think this means that your file will be reviewed;
24 is that right?

25 A. [11:40:11] Well, that's a legal turn of phrase. I don't know.

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1 Q. [11:40:16] Very well. One last question in this regard: Did you receive any other
2 documents that would prove that your association has been officially constituted?

3 A. [11:40:32] Other than these two, no.

4 Q. [11:40:35] Very well. Yesterday you told us, and I quote, page 55, line 26 to page
5 56, line 12 -- no, page 56, line 2:

6 "I am the president of the collective. I have my vice president, Mr Bakayoko, and his
7 nickname is Bobby. He and I are the ones who do the work."

8 Question: "And other than you and Bakayoko Brahima, is anyone else involved in the
9 work of this collective?"

10 "Yes, there's the general's secretary of the collective, the late secretary Kassiri Mohamed
11 Gnahoré, the general -- the deputy secretary general, Bakayoko, and Bakayoko has helped
12 all of us register the names of the various victims."

13 Can you give us the name of other people who are part of your collective?

14 A. [11:42:11] Just let me set the record straight, it is the late Gnahoré Kassiri who was
15 the general secretary. The deputy general secretary was Akapo (phon) Denis. Other
16 people involved, are members of the bureau; there is Bakayoko Gahoussou and Matiéné
17 (phon) Diomandé, and the treasurer. There's the most senior one, Adama --

18 THE INTERPRETER: [11:42:59] Inaudible.

19 THE WITNESS: [11:43:02] (Interpretation) -- leader Doukouré neighbourhood, Adama
20 Touré, they are honorary members of the collective. I don't have the list right here but
21 there are other people too.

22 MS NAOURI: (Interpretation)

23 Q. [11:43:24] Very well. Could you tell us the political affiliation of the two honorary
24 members you have just mentioned?

25 A. [11:43:39] Well, our collective is not political in nature. We identify all the victims

1 no matter what political side they might be on. The list bears witness to this. So our
2 lists are not just RDR people. Everyone is on the list.

3 Q. [11:44:07] Very well. I'd like to ask you to answer my question because we don't
4 have much time left, and it was a simple question. What is the political affiliation of the
5 two honorary members who you just mentioned?

6 A. [11:44:22] They are RDR member supporters.

7 Q. [11:44:26] Very well. Does your collective have an office?

8 A. [11:44:35] No.

9 Q. [11:44:38] So Bobby's building is not --

10 A. [11:44:49] Well, a shed. Well, a "hangar" in French. It's not an office really, it's
11 where we meet and so on and so forth.

12 Q. [11:44:58] Very well. Now, we've spoken about some lists that you have handed
13 over. The lists don't include any accounts of the events. Could you tell us how you
14 went about identifying the victims?

15 A. [11:45:31] Well, the victim comes and gives a statement that he or she was a victim,
16 with documents. If the person was injured, the person comes with a medical certificate
17 or a prescription from a clinic and the date is on the prescription, or in some cases a
18 person comes with a death certificate with the date recorded, and we take these things
19 into account. Now, the dates that are of interest to us -- well, we take into account the
20 dates provided.

21 Q. [11:46:20] Very well. And what sort of questions do you put to the victims?

22 A. [11:46:33] When the victim comes to us, we have a document, a questionnaire, and
23 so we determine the identity of the victim, the person's date of birth, the harm suffered,
24 the date on which the harm was suffered, whether there was a witness, whether there was
25 any sort of court statement or record, and a photocopy of the person's identity card as

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1 well as an account of what happened to the person.

2 Q. [11:47:24] Very well. Do you have any criteria? Once you've gathered this
3 information, do you have any criteria to determine who was a victim?

4 A. [11:47:35] Yes, the victim gives us the name of the witness, we approach the
5 witness or we call and ask the witness whether the victim's account is true or false.

6 Q. [11:48:02] Very well. And if the person is deemed to be a victim, do you give the
7 person a membership card from the collective?

8 A. [11:48:11] No.

9 Q. [11:48:13] Now, when you interview the victims, were several victims present at
10 the same time?

11 A. [11:48:28] No.

12 Q. [11:48:36] Would you talk about damages and interest and the like to the victims?

13 A. [11:48:42] No. If it's on the government side, yes, but us, ourselves, we don't
14 have -- we don't have the means to provide compensation.

15 Q. [11:49:00] Were there any costs for opening up a file?

16 A. [11:49:04] No.

17 Q. [11:49:16] Now, the person who came to you and said that he was a victim, would
18 the person ask how to receive compensation or anything like that?

19 A. [11:49:30] Domestically, yes, some people would ask about that since there's the
20 CD --

21 THE INTERPRETER: [11:49:37] Inaudible.

22 THE WITNESS: [11:49:40] (Interpretation) -- and the special investigation unit, and we
23 would direct the victims to them, and so we would ask the question.

24 MS NAOURI: [11:49:51] (Interpretation)

25 Q. [11:49:53] Very well. Now, Mr Witness, how were you informed of the various

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1 arrangements to be made and applications to be filed in order for a victim to be party to
2 the proceedings?

3 A. [11:50:16] I was contacted by a member of the OTP and this person explained to
4 me what procedure was to be followed.

5 THE INTERPRETER: [11:50:39] Interpreter correction: The question included
6 participating in the proceedings at the ICC.

7 MS NAOURI: [11:50:51] (Interpretation)

8 Q. [11:50:52] Who contacted you exactly, Mr Witness?

9 A. [11:50:54] Do I have to give the name of the person?

10 MS CHUBIN: [11:51:01] If we could perhaps get the name in closed session, private
11 session.

12 PRESIDING JUDGE TARFUSSER: [11:51:03] Yes, let's go into private session.

13 For the name we go into private session, Mr Witness.

14 (Private session at 11.51 a.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 11.51 a.m.)

22 THE COURT OFFICER: [11:51:59] We are back in open session.

23 PRESIDING JUDGE TARFUSSER: [11:52:07] Thank you very much. Now we are in
24 open session again. Please, Madam Naouri.

25 MS NAOURI: [11:52:15] (Interpretation) Thank you, your Honour.

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1 Q. [11:52:19] Mr Witness, we just mentioned someone, we won't give the name in
2 open court. Now, did this person provide you with the forms, the victim application
3 forms?

4 A. [11:52:33] Yes.

5 Q. [11:52:42] And do you know who informed this person and told this person how to
6 reach you?

7 A. [11:52:53] I beg your pardon? I haven't understood.

8 Q. [11:53:00] How did this person manage to reach you, through whom?

9 A. [11:53:16] Since I am the leader of the community, it was in that capacity that the
10 person contacted me. I asked the person who gave me his number and he didn't say to
11 me, he didn't tell me who had given my number.

12 Q. [11:53:49] Very well. And you personally, did you help people fill out victim
13 application forms?

14 A. [11:53:56] Yes.

15 Q. [11:54:11] Very well. Exactly how did you help these people fill out these forms
16 to take part in proceedings at the ICC as a victim?

17 A. [11:54:21] Well, first of all, the person who gave me the participation forms, before
18 giving me the forms, they sent a group of victims -- correction, they brought in --

19 Q. [11:54:36] Mr Witness, I beg your pardon, I'm interrupting you because I'd like to
20 have an answer to my question. Can you provide us more information? If so, that's
21 fine, you said many things yesterday. But my question is this: Once you had these
22 participation forms, how did you help the victims fill them out?

23 A. [11:54:59] Yes, we had training sessions for the filling out of the forms.

24 Q. [11:55:16] And who was taking part in these training sessions?

25 A. [11:55:30] The victims' association.

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1 Q. [11:55:39] So people from your collective were helping the victims who wanted to
2 take part in the proceedings at the ICC, they helped them fill out the forms; is that what
3 you're telling us?

4 A. [11:55:52] During the forming -- correction, during the training, as a person from
5 the association and other people from the association, it wasn't several people from the
6 collective.

7 Q. [11:56:09] Very well. Now, the number of victims allowed to take part in the
8 proceedings as a victim, the total is 106; right?

9 A. [11:56:27] Yes.

10 Q. [11:56:27] Some victims were not approved, including yourself?

11 A. [11:56:34] Yes, that's right.

12 Q. [11:56:41] How many people that your association put forward, how many were
13 not approved or not given leave to take part, according to you, an estimate?

14 A. [11:56:57] About three people, I think.

15 Q. [11:56:59] Very well. Mr Witness, you also met with Ms Massidda, the lawyer
16 representing the victims at the ICC, isn't that right?

17 A. [11:57:23] Yes.

18 Q. [11:57:24] And when was that?

19 A. [11:57:27] I don't have the exact dates but I met with her several times.

20 Q. [11:57:37] How long after the crisis, a few months, a year, two years?

21 A. [11:57:45] I don't know if it was one or two years, but well after the crisis.

22 THE INTERPRETER: [11:57:57] Inaudible.

23 MS NAOURI: [11:57:58] (Interpretation)

24 Q. [11:57:59] Very well. Was it the Organisation of Active Women of Côte d'Ivoire
25 who put you in touch with the Legal Representative of Victims?

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1 A. [11:58:17] She didn't tell me that. I got a phone call and she didn't tell me who
2 had given her my number.

3 THE INTERPRETER: Interpreter correction: I got a phone call on her behalf.

4 MS NAOURI: [11:58:49] (Interpretation)

5 Q. [11:58:49] Was Bobby in touch with l'OFACI?

6 A. [11:58:57] Yes.

7 Q. [11:59:02] Did Bobby tell you that l'OFACI had given the collective's contact
8 information to the person, the gentleman whose name we mentioned in closed session?

9 A. I wasn't told about that.

10 Q. [11:59:21] Very well. So you collaborated with the counsel for victims; is that
11 correct?

12 A. [11:59:46] Yes.

13 Q. [11:59:49] What did you do for them?

14 A. [11:59:58] Since we were the focal point for victims, if she came and needed some
15 victims, she would call us, and then if we need to pass on some information to the victims,
16 she would provide us with that information. And if she wanted to meet with them, we
17 would send them to meet with her.

18 Q. [12:00:28] Did you organise any meetings with the representatives of the counsel
19 for victims and the victims?

20 A. [12:00:40] Yes.

21 Q. [12:00:40] Were you the one who organised, along with Bobby, transport for the
22 victims?

23 A. [12:00:45] Yes.

24 Q. [12:00:47] Where did those interviews take place?

25 MR CARNERO ROJO: [12:00:56] Your Honour.

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- 1 PRESIDING JUDGE TARFUSSER: [12:00:57] Yes, please.
- 2 MR CARNERO ROJO: [12:00:59] Can we go into private session for this question.
- 3 PRESIDING JUDGE TARFUSSER: [12:01:02] Okay, let's go into private session.
- 4 (Private session at 12.01 p.m.)
- 5 (Redacted)
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- 7 (Redacted)
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14 (Redacted)

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20 (Redacted)

21 (Open session at 12.05 p.m.)

22 THE COURT OFFICER: [12:05:16] We are back in open session, Mr President.

23 PRESIDING JUDGE TARFUSSER: [12:05:33] Yes, please.

24 MS NAOURI: [12:05:34] (Interpretation) Thank you, Mr President.

25 Q. [12:05:36] Now, Witness, your collective also collaborated with the OTP; is that

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1 correct?

2 A. [12:05:46] Yes.

3 Q. [12:05:55] How did you collaborate with the OTP, and I'm referring to your
4 collective, how did it collaborate with the Office of the Prosecutor?

5 A. [12:06:10] I was contacted to help people fill out the forms and that is the channel
6 through which I was called. In fact, they were the ones who contacted me. They called
7 me and they would tell me they were there and then we would meet and then they
8 explained to me which office they had come from.

9 Q. [12:06:51] Very well. In your capacity as president of the collective, can you tell
10 us how many victims of your association met with the Office of the Prosecutor?

11 A. [12:07:10] Well, I don't have an exact figure.

12 Q. [12:07:13] Very well.

13 MS NAOURI: [12:07:14] (Interpretation) Mr President, could we briefly move into
14 private session?

15 PRESIDING JUDGE TARFUSSER: [12:07:19] Please go into private session.

16 (Private session at 12.07 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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14 (Redacted)

15 (Redacted)

16 (Open session at 12.11 p.m.)

17 THE COURT OFFICER: [12:11:12] We are in open session.

18 PRESIDING JUDGE TARFUSSER: [12:11:23] Thank you.

19 Maître Altit.

20 MR ALTIT: [12:11:33] Thank you, Mr President. Mr President, your Honours, this
21 brings to an end the examination of the Laurent Gbagbo team of this witness.

22 Mr Witness, on behalf of Madam Naouri and on my own behalf, and on behalf of
23 Mr Gbagbo, I thank you.

24 PRESIDING JUDGE TARFUSSER: [12:11:52] Thank you, Maître Altit. I have just one
25 clarification question to the witness, and I'm referring to page 22, line 14 to 16 of the

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- 1 English transcript, and I think it's the same page, line 10 to 12, of the French transcript.
- 2 Mr Witness, the Defence for Mr Gbagbo asked you about -- put to you a question about
- 3 the militiamen, the militia members, and said, "What does that expression mean to you?"
- 4 And you said, and I read your answer:
- 5 "Well, a militia member is someone that a party in power recruits to do something on their
- 6 behalf, to do their work for them."
- 7 So I think I would like to ask you what does that mean, to do the work for them? Which
- 8 work are you referring to?
- 9 THE WITNESS: [12:13:18] (Interpretation) Well, it is to defend the person who has sent
- 10 them. If you have to capture or even kill people, they will do so because they have been
- 11 asked to work, they have been given orders, and they simply execute those orders.
- 12 That's what I meant.
- 13 PRESIDING JUDGE TARFUSSER: [12:13:38] Yes, but still what do you mean under
- 14 "work"?
- 15 THE WITNESS: [12:13:56] (Interpretation) When the Doukouré neighbourhood was
- 16 attacked, we saw militiamen running and training on the roads. They had hammers
- 17 which they used to break down the doors of various stores. They had various clubs and
- 18 other such items.
- 19 Now, prior to the crisis, those are the instruments that the mayor's office was using to
- 20 break tables along the road, and it is the same hammers that were used to break down the
- 21 stores. So that is the work that the militia were doing at the behest of the one who was in
- 22 power.
- 23 PRESIDING JUDGE TARFUSSER: [12:14:43] So it is the dirty work? Could we say it
- 24 is the dirty work, the dirty job?
- 25 THE WITNESS: [12:14:53] (Interpretation) Yes.

- 1 PRESIDING JUDGE TARFUSSER: [12:14:53] Okay, thank you very much.
- 2 Now I give the floor to the Defence for Mr Blé Goudé for his questioning. Mr Knoops.
- 3 MR KNOOPS: [12:15:06] Mr President, the examination will be conducted by
- 4 Mr N'Dry.
- 5 PRESIDING JUDGE TARFUSSER: [12:15:13] Thank you.
- 6 Maître N'Dry (Interpretation) You have the floor.
- 7 QUESTIONED BY MR N'DRY: (Interpretation)
- 8 Q. [12:15:39] Good morning, Mr Witness.
- 9 A. Good afternoon, Counsel.
- 10 Q. My name is Maître N'Dry Claver of the Côte D'Ivoire Bar and member of the Mr
- 11 Charles Blé Goudé defence team.
- 12 A. [12:15:53] Very well. I'm happy to meet you, Counsel.
- 13 Q. [12:15:56] Now, Witness, I would like to hop back to the date of 25 February 2011.
- 14 When you woke up that morning, can you tell us exactly what you observed on that day?
- 15 A. [12:16:32] On 25 February 2011, when I woke up very early in the morning, I did
- 16 not observe anything in particular. Around 9 a.m., 10 a.m., we saw smoke rising from
- 17 around the Sicogi market, and some people came to tell us that the gbaka, some minibuses,
- 18 some gbaka had been attacked and torched by the young people of Sicogi.
- 19 Q. [12:17:29] Mr Witness, I have put that question to you referring to your statement
- 20 to the investigators of the OTP. Now, if you do not recall, maybe I can jog your memory
- 21 by referring simply to the burnt buses in the morning when you woke up. Does that jog
- 22 your memory or do you want me to go further?
- 23 A. [12:18:05] I heard that a bus had been burnt at Bel Air. I did not see it because
- 24 Bel Air is quite far away from Doukouré neighbourhood, so I didn't see that.
- 25 Q. [12:18:29] Let me jog your memory. You said in your statement at page 16 -- page

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1 16, paragraph 64, and I quote:

2 "On that day, when we got up, the youth of our neighbourhood told us that the
3 pro-Ouattaras had burnt two buses around the Bel Air pharmacy."

4 Can you confirm that?

5 A. [12:19:54] Yes, that is the information I received, I was told. But since it happened
6 at a distance from where I was, I did not see what actually happened.

7 Q. [12:20:09] I -- I understand that, I'm not saying that you saw it, but I'm interested in
8 the fact, in the facts. Can you confirm that you told the OTP that that morning of 25
9 February when you got up from sleep, you learnt that pro-Ouattara youth had burnt
10 buses around the Bel Air pharmacy? I did not say that you saw it, but that is what you
11 learnt?

12 A. [12:20:47] Yes, I learnt that two articulated buses had been burnt.

13 Q. [12:20:55] Now, at what time did you wake up on that day?

14 A. [12:21:03] I wake up at 5 a.m. every day for morning prayers, and then I don't go
15 back to sleep.

16 Q. [12:21:18] Now, to bring you back to what you said about that day, you talked
17 about 9 a.m. being the time when you had those discussions with the youth in your
18 neighbourhood. Can you confirm that time?

19 A. [12:21:37] Generally speaking, yeah, I can confirm that because generally speaking,
20 when I wake up, I am at home till about 8, 8.30, and then I leave the house at that time.

21 Q. [12:21:53] Very well, Mr Witness. So before that time, before you left the house,
22 the articulated buses had already been burnt; is that correct, can you confirm that, going
23 by the information which you received?

24 A. [12:22:10] I don't know.

25 Q. [12:22:17] Very well. Now, Mr Witness, after you made that statement to the

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1 investigators of the OTP, in your narration of the events of 26 February 2011, you notice a
2 group of people or groups of people, as you have described. At about what time did this
3 happen, or did you notice this?

4 A. [12:22:58] At around 10, 10.30 a.m.

5 Q. [12:23:09] 10.30?

6 A. [12:23:11] Around 10.30.

7 Q. [12:23:13] When you say "around," is it before or after? I would like us -- I would
8 like you to be more specific because we need the chronology of events.

9 A. [12:23:23] I didn't look at my watch at the time. I didn't look at my watch at the
10 time, so I'm not able to give you an exact time.

11 Q. [12:23:37] So what are we to understand from your answer?

12 A. [12:23:43] Around 10, 10.30.

13 Q. [12:23:45] Very well. Mr Witness, then you go on to talk, after describing those
14 groups that gathered, you go on to talk or to say that -- that those youth had been
15 returning from a meeting organised by Mr Charles Blé Goudé. Do you confirm your
16 statement relating to 10 a.m., 10.30?

17 A. [12:24:53] Yes.

18 Q. [12:24:54] Very well. Where were those youth specifically coming from?

19 A. [12:25:03] That I don't know.

20 Q. [12:25:11] You don't know?

21 A. [12:25:14] Yes, I don't know.

22 Q. [12:25:16] Very well. You talked about a meeting at the CP1 square on that day,
23 Witness.

24 A. [12:25:31] Yes, yes.

25 Q. [12:25:32] Were you there, did you attend that meeting?

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1 A. [12:25:34] No.

2 Q. [12:25:41] How did you know about it?

3 A. [12:25:46] Some three youth or young people from the Doukouré neighbourhood
4 had gone to participate at the meeting or rally, and it is one of them who told me about it.

5 Q. [12:26:09] When did he tell you about the meeting?

6 A. [12:26:16] We saw each other on Saturday, 26 February 2011 and he told me about
7 it.

8 Q. [12:26:34] Can we briefly move into private session for the witness to provide us
9 with the name of that person, or if it's not a problem, maybe the witness could mention
10 the name. I don't know.

11 A. [12:26:50] Well, it's for you to determine whether I can mention that name in
12 public.

13 Q. [12:26:57] I have no trouble with that.

14 A. [12:27:02] What about the person whose name I'm likely to mention?

15 MR N'DRY: [12:27:08] (Interpretation) Now, Mr President, can we move into private
16 session?

17 PRESIDING JUDGE TARFUSSER: [12:27:11] Yes, let's go into private session.

18 (Private session at 12.27 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 12.28 p.m.)

4 THE COURT OFFICER: [12:28:12] We are back in open session, Mr President.

5 PRESIDING JUDGE TARFUSSER: [12:28:24] Thank you very much.

6 Maître N'Dry.

7 MR N'DRY: [12:28:35] (Interpretation)

8 Q. [12:28:37] Mr Witness, so you were not there and the information you're talking
9 about you obtained from that person whose nickname you just mentioned. My question
10 to follow up then is as follows: Can you formally state that this person in talking to you
11 referred to the CP1 square?

12 A. [12:29:09] Yes.

13 Q. [12:29:12] Very well. Mr Witness, we have information to the effect that
14 Mr Charles Blé Goudé had a rally on that very day at the Baron Bar on that very day.
15 Were you informed of that rally or meeting?

16 A. [12:29:57] No. You see, when there is a rally at CP1 square, generally there is a
17 pre-rally at the Baron Bar. They usually do not leave their homes to get to CP1 directly,
18 they would meet at Baron Bar before proceeding to the CP1 square. So I wasn't told
19 about meeting at the Baron Bar.

20 Q. [12:30:36] Mr Witness, we will be showing a video and then return to put a few
21 questions to you.

22 The reference for the video is, on our list of documents it is number 6. ERN
23 CIV-OTP-0026-0020 of 24 February, that's the video of 24 February 2011.

24 Are we the one to play the video? Yes, could you please give us control.

25 THE COURT OFFICER: [12:31:28] Yes, it is. You already have the floor.

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1 And for the other parties and participants, the video will be displayed on the evidence 2
2 channel.

3 PRESIDING JUDGE TARFUSSER: [12:31:38] Is it public? Is it a public document?

4 MR N'DRY: [12:31:44] (Interpretation) Yes, Mr President, it's a public video.

5 MS CHUBIN: Can we get the date for the video, please?

6 MR N'DRY: (Interpretation) 24 February 2011.

7 THE INTERPRETER: And request from the interpreters, a line number, please, start and
8 end.

9 PRESIDING JUDGE TARFUSSER: [12:32:00] Can you also give the line number when
10 you start the transcript and the end of the transcript for the interpreters.

11 MR N'DRY: [12:32:24] (Interpretation) The case manager informs me that it is the
12 page ending in 57, 2557.

13 THE COURT OFFICER: [12:32:40] Could we please have the whole ERN number of the
14 transcript? Thank you.

15 MR N'DRY: [12:32:53] (Interpretation) CIV-OTP-0044-2524, number 7 on our list.

16 PRESIDING JUDGE TARFUSSER: [12:33:12] Does this help the interpreters?

17 THE INTERPRETER: [12:33:20] Message from the interpreters: We have two
18 transcripts from the Blé Goudé Defence team, and we have multiple transcripts from the
19 OTP. If you'll just bear with us for a moment.

20 PRESIDING JUDGE TARFUSSER: [12:33:35] Yes.

21 (Viewing of the video excerpt)

22 PRESIDING JUDGE TARFUSSER: [12:34:07] Who is playing? Just a minute, just a
23 second until the interpreters have found the right page and the right line.

24 THE INTERPRETER: [12:34:31] The interpreters have found the relevant transcript.
25 Our apologies.

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1 PRESIDING JUDGE TARFUSSER: [12:34:37] Thank you very much. I think we
2 can -- no, we cannot.

3 MS CHUBIN: [12:34:41] I believe there might be a problem with the date that was just
4 given for the video.

5 MR N'DRY: (Interpretation) Perhaps you could help us, Madam Prosecutor, because in
6 actual fact this is a transcript of video footage from your own office, 25 --

7 THE INTERPRETER: [12:35:08] Overlapping speakers.

8 PRESIDING JUDGE TARFUSSER: [12:35:10] May I ask, as always, we are overlapping
9 all the time. I mean, half of what is said we don't have it, so I don't know what went on.

10 MS CHUBIN: [12:35:25] We were just correcting the date of the video on the record.

11 PRESIDING JUDGE TARFUSSER: [12:35:29] Yes.

12 MS CHUBIN: [12:35:30] It is 25 February 2011.

13 PRESIDING JUDGE TARFUSSER: [12:35:32] Okay, thank you. Now I think we're
14 ready to play the video.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [12:36:07] (Interpretation of the video excerpt) So that you take
17 the last instructions and summon. As of tomorrow take part in the great general
18 assembly that we are organising to provide the ultimate instructions at Le Baron bar.
19 History is looking to you and you must take part.

20 PRESIDING JUDGE TARFUSSER: [12:36:41] Maître N'Dry, we are ready.

21 MR N'DRY: [12:36:45] (Interpretation) Before I put the question to the witness, I
22 would just like to say that this footage has already been played here already, in actual fact
23 played by the OTP, and it had to do with the event of 25 February. When Mr Blé Goudé
24 speaks to the following day, it has -- it obviously can't be that date that --

25 MS CHUBIN: [12:37:12] In actual --

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- 1 PRESIDING JUDGE TARFUSSER: [12:37:14] Can you please wait until we have the
2 translation. I ask you, please. Now I don't know what the end of the --
- 3 MS CHUBIN: [12:37:37] We indeed made a mistake. The date wasn't included in the
4 list of material that was provided to us, and this video is indeed 24 February. Apologies.
- 5 PRESIDING JUDGE TARFUSSER: [12:37:52] Maître N'Dry.
- 6 MR N'DRY: [12:38:00] (Interpretation)
- 7 Q. [12:38:04] Mr Witness, have you heard this before, this call issued by Mr Blé Goudé
8 on the Ivorian television?
- 9 A. [12:38:17] Yes.
- 10 Q. [12:38:19] Now, you've heard Mr Blé Goudé calling upon people to meet up at Le
11 Baron bar in Yopougon?
- 12 A. [12:38:28] Yes.
- 13 Q. [12:38:32] Ever since yesterday you've been telling us about, and today as well,
14 you've been talking about a rally at the CP1, CP1 square. Can you confirm that that is
15 the case?
- 16 A. [12:38:49] Yes.
- 17 Q. [12:38:49] Very well. Mr Witness.
- 18 A. [12:39:23] Yes.
- 19 Q. [12:39:26] You have told us that your source of information told you, well, told you
20 about the rally the following day, that is to say on the Saturday?
- 21 A. [12:39:37] Yes.
- 22 Q. [12:39:39] Very well. Now, you said this, page 16 of the statement that you gave
23 to the investigators, and I quote, not entirely, but the part that is relevant to me here is
24 more specifically, and in accordance with the instructions given by the Presiding Judge,
25 I'll give the paragraph number, paragraph 65, page 16, and the part that is of interest here

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1 is as follows:

2 "It was around 10 -- it was" -- I quote: "It was around 10 or 11 in the morning that day.

3 At that time, Charles Blé Goudé's rally at the CP1 had just come to an end. I should
4 specify that not everyone was at the rally."

5 So my question, sir, is this: Did your source of information tell you that there was
6 another rally, did he tell you that, your informer, your source of information?

7 A. [12:41:48] No.

8 Q. [12:41:50] No. So you were talking about a rally at CP1 square.

9 A. [12:42:02] Yes.

10 Q. [12:42:02] And it ended between 10 and 11 in the morning?

11 A. [12:42:08] Yes. According to what --

12 THE INTERPRETER: [12:42:14] Inaudible.

13 THE WITNESS: [12:42:16] (Interpretation) -- said I wasn't there.

14 MR N'DRY: [12:42:20] (Interpretation)

15 Q. [12:42:21] You said, and if I could hark back to this particular sentence in your
16 statement, and I quote:

17 "At that time Charles Blé Goudé's rally at the CP1 had just ended. I have to specify that
18 not everyone was at the meeting."

19 So my question is this: You did not attend a rally. How can you know that not
20 everyone was there?

21 A. [12:43:17] My source of information told me the time that is shown here, the time
22 that the rally ended, and at that time some people were already on the main boulevard. I
23 wasn't there to see for myself or determine that not everyone was there, but there were
24 some people already --

25 THE INTERPRETER: [12:43:47] Inaudible.

1 THE WITNESS: [12:43:49] (Interpretation) -- but the crowd was not large. Behind
2 Wakouboué a number of vehicles were going, but there were people on the main
3 boulevard already. At the end of the rally, the crowd grew larger before it went to
4 Doukouré neighbourhood for the rally there.

5 MR N'DRY: [12:44:18] (Interpretation)

6 Q. [12:44:19] Mr Witness, let us be very specific.

7 A. [12:44:24] Yes.

8 Q. [12:44:26] And I would like to ask you to answer my questions.

9 A. [12:44:31] Okay.

10 Q. [12:44:37] You were not at any rally, so how could you know about crowds or
11 people gathering, how could you know that not everyone was at the rally I'm talking
12 about? You, how could you not know, you weren't at any rally?

13 A. [12:44:59] The time that my source of information gave to me, at that time, there
14 were other people who were already on the main boulevard. So you can't be on the main
15 boulevard and at the rally at the same time. That's what I mean.

16 Q. [12:45:24] Mr Witness, my question is not focusing on whether or not you saw a
17 crowd or a group of people gathering. I'm asking you about the link that you are trying
18 to establish between you and this rally. You were not at a rally, so how could you know
19 that some people were on a main boulevard and those people had been at a rally, a rally
20 that you had not attended? That's my first point.

21 And, secondly, when you manage to sort all of this out, you concluded that not everyone
22 was there?

23 A. [12:46:13] I am saying that my source of information told me that between 10 and
24 10.30, around that time, at that time, I repeat, already there were people on the main
25 boulevard, and if that was the time when the rally had just finished, that means that there

1 were still people at the CP1 square.

2 Now, it was necessary to meet up with the people on the main boulevard and then they
3 would have to go.

4 Q. [12:46:54] Mr Witness.

5 A. [12:46:59] Yes.

6 Q. [12:47:01] Please tell us the path these people took, their itinerary once the rally
7 had ended.

8 A. [12:47:09] CP1 square and the parliament behind Wakouboué or behind the police
9 station, that is not a long distance, in five minutes you can go from one place to the other,
10 by foot of course.

11 Q. [12:47:33] So from CP1 square?

12 A. [12:47:37] Yes.

13 Q. [12:47:38] Very well. Mr Witness, you have described to us, yesterday you
14 described a particular scene, you said that you heard young people chanting "General,
15 general, general." Remember that?

16 A. [12:48:06] Yes, I remember it very well.

17 Q. [12:48:08] And where were you located at that time? Where were you?

18 A. [12:48:17] At the Doukouré neighbourhood on the main boulevard.

19 Q. [12:48:29] Well, you and I have an advantage, we are familiar with that place.

20 A. [12:48:33] Okay.

21 Q. [12:48:35] So if I were to turn around and face away --

22 A. [12:48:43] Yes.

23 Q. [12:48:44] -- I would go past the 16th.

24 A. [12:48:50] Yes.

25 Q. [12:48:50] And then I have the antenna to my right.

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- 1 A. [12:48:54] Yes.
- 2 Q. [12:48:54] I have the mosque to the left.
- 3 A. [12:48:57] Yes.
- 4 Q. [12:48:58] Where were you exactly?
- 5 A. [12:49:00] Just after the bridge. Just after the bridge. You've gone a bit too far.
- 6 Just after the bridge at the place where you go into Yao Séhi. Just after the bridge, that's
- 7 where I was, if you are familiar with that place.
- 8 THE INTERPRETER: [12:49:18] Interpreter correction: The initial point mentioned
- 9 was facing the Siporex.
- 10 MR N'DRY: [12:49:27] (Interpretation)
- 11 Q. [12:49:27] Witness, now from that particular spot to the police station in the 16th
- 12 arrondissement, we're talking about how many metres or kilometres?
- 13 A. [12:49:42] A hundred to 150 metres, approximately. I didn't measure the distance.
- 14 Q. [12:50:00] Very well. And from that place, that spot, you heard the young people
- 15 chanting "General, general, general"?
- 16 A. [12:50:09] Yes.
- 17 Q. [12:50:10] And why did you say it was Mr Charles Blé Goudé?
- 18 A. [12:50:16] Well, Charles Blé Goudé was the one called general at that time.
- 19 Q. [12:50:25] Do you know General Philippe Mangou?
- 20 A. [12:50:29] Very well. Not personally, but to see him, yes.
- 21 Q. [12:50:34] General Kassaraté, know him?
- 22 A. [12:50:37] Yes. Not in real life.
- 23 Q. [12:50:42] General Bredou M'bia?
- 24 A. [12:50:47] Yes. Not actually --
- 25 Q. [12:50:51] Why are you saying that Charles Blé Goudé was the only one referred to

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1 as the general?

2 A. [12:50:56] Well, it was the crowd, the group of people who were chanting, calling
3 out that. So if they were soldiers, that would be one thing, but they were civilians. And
4 at that time General Blé, his name was no secret. When people said "the general"
5 everyone was referring to Blé Goudé.

6 Q. [12:51:30] So you saw him that day?

7 A. [12:51:32] No, the convoy had gone past and was on its way to the police station.
8 I wasn't alongside to actually see him.

9 Q. [12:51:40] Mr Witness, yes or no, did you see Mr Charles Blé Goudé?

10 A. [12:51:47] No.

11 Q. [12:51:48] That's fine.

12 A. [12:51:49] Didn't see him.

13 Q. [12:51:51] Fine. That's fine. That's enough.

14 MR N'DRY: [12:52:10] (Interpretation) Your Honour, if I could make the following
15 suggestion to the Chamber. If we could perhaps have the break now? That way I could
16 organise the team. But I wish to reassure the Chamber that I will have concluded before
17 the end of today. And I won't be long about it.

18 PRESIDING JUDGE TARFUSSER: [12:52:28] So the question is can we prepare the next
19 witness, at least to start with the next witness?

20 MR N'DRY: [12:52:42] (Interpretation) I think so. I think so. I'll have some
21 questions after the break.

22 PRESIDING JUDGE TARFUSSER: [12:52:48] Okay. So we break and come back at
23 2.30.

24 And this to the court officer to prepare for the next witness, to be ready when we finish
25 with the questioning by this witness, okay.

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- 1 So thank you very much. The hearing is adjourned for the lunch break.
- 2 To you also, Mr Witness, for you it is not lunch as I can imagine, but much earlier.
- 3 Anyhow, we have the break now and we come back at 2.30 The Hague time. Thank you
- 4 very much.
- 5 THE COURT USHER: [12:53:24] All rise.
- 6 (Recess taken at 12.53 p.m.)
- 7 (Upon resuming in open session at 2.34 p.m.)
- 8 THE COURT USHER: [14:34:33] All rise.
- 9 Please be seated.
- 10 PRESIDING JUDGE TARFUSSER: [14:34:42] Good afternoon.
- 11 Good afternoon, Mr Witness.
- 12 THE WITNESS: [14:34:49] (Interpretation) Good afternoon.
- 13 PRESIDING JUDGE TARFUSSER: [14:34:50] Now we have, we start with the third
- 14 session, and it's still up to the Defence for Mr Blé Goudé to question you and, therefore, I
- 15 give the floor to Maître N'Dry.
- 16 MR N'DRY: [14:35:11] (Interpretation) Thank you, Mr President.
- 17 Q. [14:35:32] Good afternoon, Witness.
- 18 A. [14:35:34] Good afternoon, Counsel.
- 19 Q. [14:35:36] Did you rest well?
- 20 A. [14:35:39] Thanks be to God.
- 21 Q. [14:35:40] Very well. Mr Witness, I would like us to revisit the day of 25 February
- 22 2011. And my question is as follows: You talked about stones being thrown by some
- 23 youth, and I would like you to tell us whether you took part in that stone-throwing
- 24 exercise, so to speak?
- 25 A. [14:36:40] I -- I was there, but I didn't throw any stones myself. But I was at the

1 very heart of the action.

2 Q. [14:36:58] Mr Witness, you were at the heart of the action, what does that mean?

3 A. [14:37:30] Well, when I say at the heart of the action, it means that I was there and
4 these things were happening before my own very eyes.

5 Q. [14:37:43] Mr Witness, so you were going around and about with the young people
6 of Doukouré?

7 A. [14:37:54] Yes.

8 Q. [14:37:58] Mr Witness, the stones that were being thrown, did you throw some
9 stones yourself as well?

10 A. [14:38:10] Myself, no.

11 Q. [14:38:16] What then were you doing on the tarmac of the main road?

12 A. [14:38:25] First of all, I was there to calm down the youth, the young people. I told
13 them to stop throwing stones against each other. So I was on the tarmac talking to the
14 young people.

15 Q. [14:39:06] Mr Witness, when one reads your statement, the statement you gave to
16 the investigators of the OTP, and after listening to you here viva voce, you were
17 practically present at all the fronts with the youth of Doukouré. What you are telling us
18 here now is that you were not involved in the stone-throwing exercise; is that the case?

19 A. [14:39:44] I did not throw a single stone, but I was there. It is the young people
20 who were throwing stones at each other. I did not throw a single stone with my own
21 hand.

22 Q. [14:40:17] Very well. But we will return to this point.

23 You talked to us about one Timité Bouaké; do you recall that?

24 A. [14:40:41] Yes.

25 Q. [14:40:44] After he was injured, where did you say he went? Where did you send

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1 him?

2 A. [14:40:55] I am not the one who sent him. It is his comrades who took him back
3 into the neighbourhood because he did not used to live in Doukouré, (Redacted)
4 (Redacted)

5 So when he was injured, they took him back into Doukouré neighbourhood in order to
6 provide him with first aid. Then in the evening they took him in a taxi to his house and
7 he was then subsequently taken or he subsequently went back to the village to receive full
8 treatment before returning to Abidjan.

9 Q. [14:41:50] Yesterday, if I recall properly, you mentioned a clinic where he was taken
10 to, or to which he was taken, and today you haven't mentioned anything about the clinic.

11 A. [14:42:03] That was in relation to Bakayoko Siaka. He is the one who was taken to
12 the clinic, to the same clinic as his aunt, Bakayoko Salimata. Both of them went to the
13 same clinic, and Siaka ended up dying there.

14 Q. [14:42:27] Very well. Let me read out your testimony of yesterday. Yesterday,
15 French transcript, page 29, at lines 3 to 4, this is what you said, and I quote:
16 "And Timité was taken to a clinic for treatment."

17 Now, what are we to rely on, was it Timité who was at the clinic?

18 A. [14:43:36] Even if Timité went to the clinic, I am not the one who sent him there.
19 What I can confirm is that Bakayoko Siaka, who fell with Timité --

20 THE INTERPRETER: [14:43:51] Counsel interrupts.

21 Q. [14:43:54] Mr Witness, my question is very specific, Timité Bouaké.

22 A. [14:43:59] If he went to the clinic I am not the one who sent him there. What I am
23 sure about is in relation to Siaka and Salimata.

24 Q. [14:44:09] Mr Witness.

25 A. [14:44:09] Yes.

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1 Q. [14:44:10] I would like to be specific in our dialogue.

2 A. [14:44:15] Okay.

3 Q. [14:44:16] Please listen carefully to my questions and please answer only to the
4 question that I have put to you because we need to be specific when we discuss any issues.
5 And as I refer to Timité Bouaké to you, please focus exclusively on Mr Timité Bouaké in
6 your answer.

7 A. [14:44:38] Okay, okay, okay.

8 Q. [14:44:41] So to be very clear, please focus exclusively on Mr Timité Bouaké. Now,
9 I've read out an excerpt from yesterday's transcript in which you said that Mr Timité
10 Bouaké was sent to the clinic. What you said yesterday, as appears in the transcript, is
11 that a reflection of what you wanted to say, or did you mean something else different
12 from what has been written down?

13 MR N'DRY: (Interpretation) I see the representative of the OTP on her feet. I don't
14 know what to do.

15 PRESIDING JUDGE TARFUSSER: [14:45:21] Yes, please, Ms Chubin.

16 MS CHUBIN: [14:45:23] (Interpretation) Just a small clarification. In French, on l'a
17 envoyé, he was sent or we sent. It could be either way in English.

18 MR N'DRY: [14:45:41] (Interpretation)

19 Q. [14:45:42] Witness, did you hear the word "on" in French?

20 A. [14:45:47] Yes.

21 Q. [14:45:47] My question was not to ask you who had sent him to the clinic, my
22 question is, the clinic --

23 A. [14:45:55] I am not the one who --

24 THE INTERPRETER: Counsel interrupts.

25 MR N'DRY: (Interpretation)

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1 Q. [14:46:00] I am not talking about anything except the clinic. I've not asked you who
2 sent him to the clinic. What I would like us to establish is the following: Following his
3 injury, can you confirm that he was sent or taken to a clinic? That's my question to begin
4 with.

5 A. [14:46:17] I cannot confirm that because I am not the one who took him to the clinic.

6 Q. [14:46:22] Very well. I have understood.

7 Now, Witness, I would like us to hark back to something.

8 A. [14:46:42] As you wish.

9 Q. [14:46:44] Yesterday you talked to us about a number of generals who allegedly
10 went to visit Mr Cobri at his home.

11 A. [14:46:54] Yes.

12 Q. [14:46:57] You mentioned General Mathias Doué, of blessed memory.

13 A. [14:47:10] Amen.

14 Q. [14:47:11] And General Philippe Mangou; is that correct?

15 A. [14:47:15] Yes.

16 Q. [14:47:16] Very well. You know that we need dates here in court, we need to have
17 dates linked to events. Can you tell us when it is that you saw General Mathias Doué at
18 Mr Cobri's place?

19 A. [14:47:44] No.

20 Q. [14:47:49] You cannot give us an approximate date?

21 A. [14:47:52] No.

22 Q. [14:47:57] Well, even if you cannot be specific as to the date, please tell us, give us,
23 give us -- locate us somewhat even approximately in time?

24 A. [14:48:14] Well, I don't remember the date and you know that that was a period, a
25 period -- I don't remember the date.

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1 Q. [14:48:25] So could it have been in 2002?

2 A. [14:48:27] It was after 2002.

3 Q. [14:48:28] That's why I'm asking you to help us.

4 A. [14:48:32] Well, it was after 2002, but I don't have a specific date. Maybe if it is not
5 25 February -- I am not able to provide a specific date on such events. You know, many
6 things happened and I don't have a specific date in my head.

7 Q. [14:48:56] Was it 2003?

8 A. [14:48:57] I have said that I don't have any specific date in mind. I cannot
9 remember a specific date which I can point to as being the date.

10 Q. [14:49:13] Very well. Yesterday and today you mentioned several times the
11 acronym CDVR. Without telling the Court what it stood for, can you tell us something
12 about what CDVR stands for?

13 A. It is the Dialogue Truth and Reconciliation Committee.

14 Q. [14:50:02] Very well. So you were contacted by that commission, were you?

15 A. [14:50:17] No.

16 Q. [14:50:18] Very well. After the crisis, the post-election crisis in Côte d'Ivoire and
17 when you returned to Abidjan --

18 A. [14:50:38] Yes.

19 Q. [14:50:41] -- was that following -- who invited you back to Abidjan?

20 A. [14:50:46] My friends were in the neighbourhood after Yopougon was freed,
21 Brahma Bakayoko and several other friends used to call me, friends who had returned to
22 the neighbourhood before me, they were the ones who told me that Yopougon had been
23 liberated and that I could return.

24 So the departmental leader, Imbassou Ouattara called me and asked me to come back so
25 that I could update him on the number of deaths and injuries in the neighbourhood. It is

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1 following all that that I returned on the 15th of the fifth month, otherwise I would have
2 returned later.

3 Q. [14:51:49] So during the crisis you withdrew, and at the end of the crisis Mr
4 Imbassou Ouattara, departmental delegate for the RDR, called you up and invited you to
5 return and conduct an inventory of victims of the post-election crisis. Does that properly
6 summarise what you said to the investigators of the OTP?

7 A. [14:52:26] Yes, I think so.

8 Q. [14:52:30] So the RDR departmental delegate, Mr Imbassou Ouattara, called you up
9 to come and conduct an inventory or registry of the victims of the post-election crisis as
10 you have said. My question following that is the following: During the post-election
11 crisis which we experienced, were there only victims from the north in Yopougon as far as
12 you know?

13 A. [14:53:17] No.

14 Q. [14:53:20] Very well. So you are confirming that there were victims on all sides and
15 from all regions of Côte d'Ivoire; is that correct?

16 A. [14:53:37] Yes.

17 Q. [14:53:38] Mr Witness, apart from your organisation in Doukouré and Yao Séhi,
18 were you aware of the existence of any other victims' organisations, that is apart from
19 yours?

20 A. [14:54:22] Yes.

21 Q. [14:54:23] Can you mention them?

22 A. [14:54:28] In public?

23 Q. [14:54:31] Yes, Mr Witness, please.

24 A. [14:54:35] Okay. We had AFEDEVIDI (phon) based in Yao Séhi. Then there was
25 another organisation in Yao Séhi and I have forgotten the name of that association, but it

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1 looked into the issues of widows in Côte d'Ivoire. Those are the two organisations I am
2 familiar with which addressed victims issues.

3 Q. [14:55:18] Two organisations in Yao Séhi; is that correct?

4 A. [14:55:24] Yes, yes.

5 Q. [14:55:26] Very well. As far as you know, were those organisations contacted by
6 the investigators of the OTP or by the Legal Representative of Victims of the ICC as far as
7 you know?

8 A. [14:55:49] No. I can only speak for myself and for my organisation. I don't know
9 what happened in relation to the other organisations.

10 Q. [14:56:02] Mr Witness, I would like to thank you.

11 A. [14:56:14] Thank you.

12 Q. [14:56:16] Thank you for answering my questions in a bid to clarify matters for the
13 Court. And I want to thank you.

14 A. [14:56:28] I thank you, too.

15 MR N'DRY: [14:56:30] (Interpretation) Mr President, the Defence team for Mr Charles
16 Blé Goudé has finished its examination.

17 PRESIDING JUDGE TARFUSSER: [14:56:37] Thank you very much, Maître N'Dry. I
18 would now turn to the Office of the Prosecutor and ask if there is a need for
19 re-questioning.

20 MS CHUBIN: [14:56:50] Yes, I have a short re-examination of about five minutes, and
21 before that I would like to make one clarification for the record in the absence of the
22 witness, please.

23 PRESIDING JUDGE TARFUSSER: [14:57:04] I am calling the remote location. Please,
24 can we, and also the court officer, can we switch off the audio for a short while.

25 THE COURT OFFICER: (Via video link) [14:57:27] That will be done right away.

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- 1 PRESIDING JUDGE TARFUSSER: [14:57:29] Thank you.
- 2 MS CHUBIN: [14:57:48] Mr President.
- 3 PRESIDING JUDGE TARFUSSER: [14:57:49] No. Just a minute.
- 4 Now we are disconnected and you have the floor.
- 5 MS CHUBIN: [14:58:08] Both the clarification and the re-examination are to bring clarity
- 6 to the record of the line of questioning of the Defence which may have been slightly
- 7 confusing, and I didn't want to interrupt earlier but just for the record, so the Chamber is
- 8 clear, there is a name stated at page 43, line 6 of the realtime transcript.
- 9 PRESIDING JUDGE TARFUSSER: [14:58:46] In English or French?
- 10 MS CHUBIN: [14:58:48] French.
- 11 PRESIDING JUDGE TARFUSSER: [14:58:49] In English?
- 12 MS CHUBIN: [14:58:50] I'm afraid I don't have the reference in the English transcript.
- 13 We can provide that later if it's helpful.
- 14 PRESIDING JUDGE TARFUSSER: [14:58:57] No, that's okay.
- 15 MS CHUBIN: [14:58:59] It was in a line of questioning where the witness was asked how
- 16 he was informed of how to fill the victims' applications and he responded that he was
- 17 contacted by a member of the Office of the Prosecutor, and he gave a name. And I just
- 18 would like to state that that person works for VPRS in the Registry. And if I could now
- 19 just ask the witness a few questions that may clarify. (Redacted)
- 20 PRESIDING JUDGE TARFUSSER: [14:59:39] And I think this can be accepted as such by
- 21 the Defence teams so, because we do know that this is the case.
- 22 MS CHUBIN: [14:59:47] There was a line of questioning that followed that.
- 23 PRESIDING JUDGE TARFUSSER: [14:59:50] Yes.
- 24 MS CHUBIN: [14:59:51] I think there may have been some confusion there, so attempt to
- 25 clarify it with the witness.

- 1 PRESIDING JUDGE TARFUSSER: [14:59:56] Okay. Now we can reconnect.
- 2 THE COURT OFFICER: (Via video link) [15:00:11] So we are connected again,
- 3 Ms Chubin.
- 4 MS CHUBIN: [15:00:35] If we could go to private session for this line.
- 5 PRESIDING JUDGE TARFUSSER: [15:00:38] Now let's go into private session.
- 6 (Private session at 3 p.m.)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
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- 25 (Redacted)

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1 (Redacted)

2 (Open session at 3.06 p.m.)

3 THE COURT OFFICER: [15:06:45] We're in open session, Mr President.

4 PRESIDING JUDGE TARFUSSER: [15:06:47] Thank you very much. I ask now the
5 Defence team for Mr Blé Goudé if they have further questions.

6 MR KNOOPS: [15:06:55] No further questions, Mr President.

7 PRESIDING JUDGE TARFUSSER: [15:06:58] Thank you very much.

8 Now, Mr Witness, this concludes your testimony. Thank you for having been here with
9 us.

10 THE WITNESS: [15:07:10] (Interpretation) Okay, thank you.

11 PRESIDING JUDGE TARFUSSER: [15:07:18] And, well, have a good time.

12 THE WITNESS: [15:07:20] (Interpretation) Okay, thank you. Thank you.

13 (The witness is excused)

14 PRESIDING JUDGE TARFUSSER: [15:07:39] Now I think we need some time in order to
15 bring in the next witness, five minutes I'm told. Therefore, first of all, the next witness, I
16 would read out a decision relating to the next witness. It's an oral ruling by the
17 Chamber.

18 In revision of its previous oral Decision dated 16 January 2016 and pursuant to Rule 87 of
19 the Rules of Procedure and Evidence and Regulation 42 of the Regulations of the Court,
20 having considered the security assessment submitted by the VWU on 28 April 2017, the
21 personal circumstances in view of the witness and in light of its practice as consolidated
22 during this trial, decides that the in-court protective measures are not warranted for
23 Witness P-436 and they are therefore rescinded; while the recommendations by the
24 psychologist in the vulnerability assessment, and in particular the psychological
25 assessment in the courtroom, the recommendation to use short and simple open-ended

1 questions to be put in a non-confrontational and non-pressuring manner so as the reading
2 assistance are maintained.

3 So this is the oral ruling in relation to this next witness. But I would also like to clarify an
4 issue which was raised twice this morning by the OTP, 438 -- should be 438, as I'm told, of
5 course.

6 Let me also now clarify an issue raised this morning twice by the Office of the Prosecutor,
7 and I'm referring to the English transcript, page 17, line 24 and following, and page 27,
8 line 23, when reference was made by the Defence for Mr Gbagbo to the testimony of
9 previous witnesses. Contrary to what was stated by the OTP, there is no decision by the
10 Chamber but, rather, a couple of instances where the issue came up in the debate and the
11 Presiding Judge had to rule upon it on the spot.

12 The reference to these rulings on the spot, and the reference was not made by the OTP but
13 I found them, is the transcript 106, page 71, lines 17 to 24 -- to 25, and transcript 114, page
14 14, lines 5 to 14.

15 Obviously, those rulings were determined by the specific circumstances of each scenario.

16 As a matter of principle, and for future reference, a testimony so as any other evidence can
17 cite to the public record is to be considered in the public domain, and this includes both
18 the testimony itself on the merit and the identity of the witness to the extent that such
19 identity is not protected, obviously.

20 And this has nothing to do with a witness to comment indirectly on the credibility of
21 another witness, it has to do with a necessity that any information presented to the
22 witness be as accurate and complete as feasible, also to prevent any misleading effect.

23 Accordingly, the parties are allowed to make reference to previous testimonies, obviously
24 without prejudice of any applicable protective measures.

25 This just to clarify the issue of this morning.

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1 Now we wait for the witness, the next witness to be brought in. And while doing so, I
2 just want to announce that I was asked to begin the hearing tomorrow morning at our
3 time 10.30, instead of 9.30, and therefore tomorrow we will begin at 10.30 with this
4 witness.

5 (Pause in proceedings)

6 (The witness enters the video-link room)

7 PRESIDING JUDGE TARFUSSER: [15:28:08] We have the witness. Please.

8 I'm calling the remote location. Can we start? Wilfred, can we start? Can you hear us?

9 THE COURT OFFICER: (Via video link) [15:28:50] Your Honours, I hear the English
10 channel. I'm waiting for the Dioula interpretation to come through.

11 Thank you. I can hear it now.

12 PRESIDING JUDGE TARFUSSER: [15:29:15] Okay. So we can start?

13 THE COURT OFFICER: (Via video link) [15:29:18] Yes, we are ready.

14 PRESIDING JUDGE TARFUSSER: [15:29:22] Thank you very much.

15 Good afternoon, Mr Witness.

16 THE WITNESS: (No interpretation)

17 WITNESS: CIV-OTP-P-0438

18 (The witness speaks Dioula)

19 (The witness gives evidence via video link)

20 PRESIDING JUDGE TARFUSSER: [15:29:45] So Mr Witness, good afternoon. We will
21 now begin with your testimony.

22 THE WITNESS: [15:29:59] (Interpretation) Yes, I have understood what you have said.

23 PRESIDING JUDGE TARFUSSER: [15:30:12] So before starting with the questions to
24 which you are requested to answer, I want to ask you to identify yourself and therefore,
25 please, can you give us your name.

- 1 THE WITNESS: [15:30:48] (Interpretation) My names are Kandiourou Samoura.
- 2 PRESIDING JUDGE TARFUSSER: [15:30:58] And when are you born?
- 3 THE WITNESS: [15:31:00] (Interpretation) I was born in 1977.
- 4 PRESIDING JUDGE TARFUSSER: [15:31:19] And where?
- 5 THE WITNESS: [15:31:23] (Interpretation) I was born in the Gassambaro near Balé.
- 6 PRESIDING JUDGE TARFUSSER: [15:31:50] Near what? Near?
- 7 THE WITNESS: [15:31:53] (Interpretation) I was born in Gassambaro which is near
- 8 Balé.
- 9 PRESIDING JUDGE TARFUSSER: [15:32:06] And in which country is this place? And
- 10 which state?
- 11 THE WITNESS: [15:32:11] (Interpretation) In Mali.
- 12 PRESIDING JUDGE TARFUSSER: [15:32:27] So you are a citizen of Mali, right?
- 13 THE WITNESS: [15:32:32] (Interpretation) My mother is from Mali.
- 14 PRESIDING JUDGE TARFUSSER: [15:32:47] And your father?
- 15 THE WITNESS: [15:32:50] (Interpretation) My father is also from Mali.
- 16 PRESIDING JUDGE TARFUSSER: [15:33:04] And what ethnic group are you from?
- 17 What is your ethnic group?
- 18 THE WITNESS: [15:33:10] (Interpretation) I am Maraka, but we are known as the
- 19 Sarakole.
- 20 PRESIDING JUDGE TARFUSSER: [15:33:28] And you are a Muslim; is this right?
- 21 THE WITNESS: [15:33:37] (Interpretation) Yes, that is correct, I am Muslim.
- 22 PRESIDING JUDGE TARFUSSER: [15:33:43] Okay. Now, Mr Witness, I will call you
- 23 because we do here, so it's common practice to call somebody "Mr Witness." The Court
- 24 has granted you some special measures, so you will have and you have all assistance,
- 25 psychological assistance you will need during your testimony. If you have any problems,

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1 please ask me so we can make breaks if you need them. You will have reading assistance
2 if this is needed. And in any case, if you have any problem or concern, please tell me,
3 raise these concerns or questions with me and we will address them. Have you
4 understood?

5 THE WITNESS: [15:35:00] (Interpretation) Yes, I have understood.

6 PRESIDING JUDGE TARFUSSER: [15:35:17] So you will be speaking, answering the
7 questions in Dioula; is this right?

8 THE WITNESS: [15:35:23] (Interpretation) Yes, that's correct.

9 PRESIDING JUDGE TARFUSSER: [15:35:33] This makes things a little bit more difficult
10 because we need to translate from Dioula, which you are speaking, into French and into
11 English. All what you are saying and what we say must be interpreted and put on the
12 record of the case, and it must be done correctly, so we need to understand you well and
13 you need to understand us well; therefore, we need to speak slowly.

14 THE WITNESS: [15:36:29] (No interpretation)

15 PRESIDING JUDGE TARFUSSER: [15:36:31] Okay, you speak slowly, and wait for the
16 interpretation to finish. I'm speaking slowly because of this.

17 THE WITNESS: [15:36:38] (No interpretation)

18 PRESIDING JUDGE TARFUSSER: [15:36:51] Okay. You know, and I'm coming now to
19 your testimony, you know that this Chamber has been established to try the case of the
20 Prosecutor against Mr Gbagbo and Mr Blé Goudé and you are a witness --

21 THE WITNESS: [15:37:16] (Interpretation) I have understood.

22 PRESIDING JUDGE TARFUSSER: [15:37:18] -- and you are a witness, and as a witness
23 you are called to assist us, to help us in our search for the truth. You will be asked
24 questions by the Office of the Prosecutor, by the LRVs, Legal Representatives of Victims,
25 so as by the Defence for Mr Gbagbo and for Mr Blé Goudé. The only thing you have to

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1 do is to answer the question as good as you know, meaning saying the truth.

2 THE WITNESS: [15:38:18] (Interpretation) I have understood what you have said
3 clearly.

4 PRESIDING JUDGE TARFUSSER: [15:38:27] Good. So now and before giving the floor
5 to the Office of the Prosecutor, you have to make a solemn undertaking to the effect that
6 you will say the truth and, therefore, I ask you to speak with me the following --

7 THE WITNESS: [15:38:56] (Interpretation) I fast and I pray. All that I say I can repeat
8 it because I am a praying person and I'm in the hands of God, so I will speak the truth.

9 PRESIDING JUDGE TARFUSSER: [15:39:21] Good. That is what we ask for. Now,
10 please repeat with me the following words: I solemnly declare.

11 THE WITNESS: (No interpretation)

12 PRESIDING JUDGE TARFUSSER: Can you repeat please the words I'm saying: I
13 solemnly declare.

14 THE WITNESS: (No interpretation)

15 PRESIDING JUDGE TARFUSSER: Mr Witness --

16 THE WITNESS: [15:40:34] (Interpretation) I have said that I fast and I pray and I'm
17 here to tell the truth, only the truth and I rely on God and the prophet for that.

18 PRESIDING JUDGE TARFUSSER: [15:40:52] Okay, I think we can leave it with this.

19 I give the floor now to the Office of the Prosecutor so for his questioning. And please
20 answer the questions in a truthful way and only saying what you know, what you have
21 personally seen, heard or experienced, okay?

22 THE WITNESS: [15:41:45] (Interpretation) I have understood.

23 PRESIDING JUDGE TARFUSSER: [15:41:47] Okay. Thank you very much.

24 Now the floor is to the Office of the Prosecutor.

25 THE WITNESS: [15:41:55] (Interpretation) Thank you.

1 MR LEDDY: [15:41:58] Thank you, Mr President, your Honours.

2 QUESTIONED BY MR LEDDY:

3 Q. [15:42:09] (Interpretation) Thank you for being here today. My name is Nicholas
4 Leddy, counsel for the Office of the Prosecutor, and I'll be putting a few questions to you
5 this afternoon.

6 We had had the opportunity to meet briefly at our courtesy meeting last Friday. And as
7 you must have already noticed, I will be referring to you as "Mr Witness" and not by your
8 name, but I want to reassure you that it is not for lack of respect but simply because that is
9 the way we work here in the courtroom.

10 I will not repeat all the advice that the Presiding Judge has provided you with, but simply
11 remind you to please speak slowly in order to facilitate the task of the interpreters.

12 If we need you to slow down or to take a break, I will show you a sign with my hand as I
13 have just done. Is that fine by you?

14 A. [15:43:49] Yes, I have understood what you have said.

15 Q. [15:43:56] Now I'll be putting questions to you in English because I have a better
16 mastery of that language than the French language, but we will be able to understand
17 each other thanks to our interpreters. Let me now switch to English.

18 (Speaks English) Now, before we start, Mr Witness, I'll ask you to listen to my questions
19 carefully. If at any point you don't understand what is being asked or if the question is
20 not clear, please let us know and the question will be repeated.

21 I want to emphasise that I will be asking mainly about events that you saw and heard
22 yourself.

23 A. [15:44:49] (No interpretation)

24 Q. [15:44:51] If you refer to something that you did not witness yourself, please let us
25 know and please clarify the source of your knowledge. This will help the Judges to

1 understand what you know and how you know it.

2 And finally, if you need a break at any time for any reason, please do not hesitate to let the
3 Judges know.

4 A. [15:45:21] I have understood what you said.

5 Q. [15:45:24] Now I want to start with a few additional background questions. Are
6 you married currently?

7 A. [15:45:36] Yes, I am married.

8 Q. [15:45:45] What is your current occupation?

9 A. [15:45:50] I sell fish.

10 Q. [15:46:00] And how long have you sold fish for?

11 A. [15:46:05] I started selling fish a long time ago.

12 Q. [15:46:23] Was it several years ago?

13 A. [15:46:29] Yes, over several years.

14 Q. [15:46:41] And how far did you go in school, Mr Witness?

15 A. [15:46:46] Well, I didn't go to school.

16 Q. [15:47:01] Are you able to read and write a little bit, or not at all?

17 A. [15:47:07] No, I can neither read nor write in French.

18 Q. [15:47:28] Can you read or write in another language?

19 A. [15:47:33] Yes, I can write some Arabic because I attended the Koranic school.

20 Q. [15:47:57] For how long did you attend that Koranic school?

21 A. [15:48:06] Well, I was in the Koranic school for some 14 to 15 years.

22 Q. [15:48:25] What languages do you speak?

23 A. [15:48:30] I speak Maraka, Dioula, Peul, and some Wolof as well as some -- as well.

24 Q. [15:48:52] When did you move to Côte d'Ivoire?

25 A. [15:48:57] I arrived in Côte d'Ivoire in 1996.

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1 Q. [15:49:18] And what city did you live in during 2010 and 2011?

2 A. [15:49:35] Ever since I arrived in Côte d'Ivoire I've been living at the same place, and
3 I haven't moved anywhere else.

4 MR LEDDY: [15:49:55] Your Honour, the Prosecution is requesting a very brief private
5 session.

6 PRESIDING JUDGE TARFUSSER: [15:50:00] Can we go into private session.

7 (Private session at 3. 50 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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1 (Redacted)

2 (Open session at 3.52 p.m.)

3 THE COURT OFFICER: [15:53:02] We are back in open session, Mr President.

4 PRESIDING JUDGE TARFUSSER: [15:53:10] Thank you very much.

5 Maître Altit.

6 MR ALTIT: [15:53:12] (Interpretation) I'm sorry to interrupt my learned colleague.

7 We would like to ask for this passage which was heard in closed session to be reclassified
8 because there is no issue here that can be of any consequence. There are millions of -- or
9 thousands of inhabitants living in these neighbourhoods and that can't constitute any
10 problem.

11 MR KNOOPS: [15:53:47] We support this request, Mr President.

12 PRESIDING JUDGE TARFUSSER: [15:53:50] Thank you.

13 We will decide in due course. But obviously Yopougon is not really a place where one
14 can be easily identified, I would say. And in any case, there are no protective measures.
15 So I would really ask you also to refrain from going into, asking to go into private session
16 without strict needs. Thank you. The floor is yours.

17 MR LEDDY: [15:54:21] Understood, your Honour.

18 Q. [15:54:23] So, Mr Witness, you just discussed the neighbourhood of Doukouré.

19 Could you describe the ethnic composition of that neighbourhood in 2010 and early 2011?

20 A. [15:54:55] Okay. You had the Sarakole, the Hausa, the Mossi.

21 Q. [15:55:09] Are there any other ethnicities that resided in Doukouré at that time?

22 A. [15:55:18] I think that those were the ethnic groups that I can mention. But there
23 might have been others, of course. But I was only in contact with members of these
24 ethnic groups. But otherwise there are other, many other ethnic groups in the area.

25 Q. [15:55:52] And you yourself are Dioula, correct?

1 A. [15:55:56] Yes. We are related to the Dioula. All those who speak Dioula are
2 considered to be Dioula, but I am Malaka, that is Soninke.

3 PRESIDING JUDGE TARFUSSER: [15:56:22] Mr O'Shea, I can imagine what you are
4 going to say.

5 MR O'SHEA: [15:56:26] Yes. Maybe I don't need to say it. I mean, the witness has
6 preempted me in a way. Of course, I'd caution my learned friends to refrain from
7 classifying something as an ethnic group if it's in dispute that that's how it's classified.

8 PRESIDING JUDGE TARFUSSER: [15:56:54] Mr Prosecutor.

9 MR LEDDY: [15:56:55] Thank you, your Honour.

10 Q. [15:56:56] Mr Witness, is it fair to say there were many Dioula living in Doukouré at
11 that time?

12 PRESIDING JUDGE TARFUSSER: [15:57:12] Can you please rephrase? I mean, this is
13 quite a leading, leading questions, and I refer to what was said just now by Mr O'Shea.
14 Maître Gbougnon.

15 MR GBOUGNON: [15:57:33] (Interpretation) Mr President, beyond my support to
16 what Mr O'Shea said and in addition to the very correct remark you have made, well, we
17 are going to encounter serious sociological problems as we move, because a short while
18 ago the witness said that they were related to. Now, the witness is here, I don't want to
19 go into any further details on this point, but I think we need to be very careful because the
20 witness has exactly mentioned the various components of the neighbourhood and he has
21 mentioned specific names such as the Soninke group and so on and so forth. So we need
22 to be -- now, if we don't know what we are talking about, we should at least repeat what
23 the witness is saying. If we don't know what we are saying, we should at least repeat
24 what the witness is saying so that we are headed in the same direction.

25 PRESIDING JUDGE TARFUSSER: [15:58:30] Mr Prosecutor.

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1 MR LEDDY: [15:58:31] Yes, your Honour. I'm happy to move to the next subject.

2 PRESIDING JUDGE TARFUSSER: [15:58:35] Okay.

3 MR LEDDY: [15:58:36]

4 Q. [15:58:36] So, Mr Witness, do you remember in particular directing your attention to
5 2010 and early 2011, do you remember any signage or banners at the entrance of this
6 neighbourhood at that time?

7 A. [15:58:51] Which year did you mention? And would that have been in the
8 neighbourhood?

9 PRESIDING JUDGE TARFUSSER: [15:59:18] Mr Witness, we are talking about the crisis,
10 end of 2010, beginning of 2011. This is the period we are referring to.

11 THE WITNESS: [15:59:47] (Interpretation) Well, there were roadblocks. They
12 were -- but I don't know anything about banners. I really don't know.

13 MR LEDDY: [16:00:02] Your Honour, I'm mindful of the time, that it's 4 o'clock. I'm
14 happy to pause now or continue.

15 PRESIDING JUDGE TARFUSSER: [16:00:17] No, no. We stop here because it's 4 o'clock.
16 We will resume tomorrow at 10.30 and then the following sessions will be announced by
17 the court officer, or I can do it, yes, thank you.

18 It's from 10.30 to 12, then we make the lunch break because otherwise we go too late, and
19 then from 1330 hours to 15, and from 15.30 to 17 hours. So we will finish tomorrow at 5
20 o'clock, okay.

21 So, Mr Witness, you can now rest.

22 THE WITNESS: [16:01:12] (No interpretation)

23 PRESIDING JUDGE TARFUSSER: [16:01:14] We will meet again tomorrow morning at
24 9.30 for you, which is 10.30 for us -- no, no, 8.30 for you and 10.30 for us.

25 Thank you very much. The hearing is adjourned.

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- 1 THE COURT USHER: [16:01:26] All rise.
- 2 (The hearing ends in open session at 4.01 p.m.)