

Trial Hearing
Witness: CIV-OTP-P-0442

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Thursday, 11 February 2016
10 (The hearing starts in open session at 9.35 a.m.)
11 PRESIDING JUDGE TARFUSSER: So good morning.
12 Good morning, Mr Witness.
13 Good morning to everybody.
14 We are in open session and we continue with the questioning by the Defence of
15 Mr Blé Goudé. Yours is the floor. You said another half an hour, you said,
16 about. You said about a half an hour.
17 MR GBOUGNON: (Interpretation) I shall try to comply with that, your Honour.
18 PRESIDING JUDGE TARFUSSER: Okay.
19 MR GBOUGNON: (Interpretation) Good morning, your Honours.
20 QUESTIONED BY MR GBOUGNON: (Continuing) (Interpretation)
21 Q. Good morning, Mr Witness.
22 CIV-OTP-P-0442 (On former oath)
23 (The witness speaks French)
24 A. (Interpretation) Good morning.
25 Q. Now, this morning we are going to go back to the events of 25 February. On 25

1 February, what time did you open your store at?

2 A. I said --

3 Q. I'm talking about 25 February. At what time did you open your store?

4 A. Well, when I say no specific time, that means I open my store when I feel like it
5 at whatever hour. So I don't know what time I opened the store. I come there, I
6 open up the store. 9 -- by 9 o'clock I'm no longer at home.

7 *Q. Sir, do you not remember what time you opened the shop on that day?

8 A. No, no. Me, when -- I work for myself.

9 Q. When did you see the armoured vehicles in front of the 16th arrondissement?

10 A. Around 10 o'clock, about 10 o'clock, around then.

11 Q. Between 10 and 11, you saw those vehicles *burning in front of the 16th
12 arrondissement?

13 A. Yes.

14 Q. Please wait --

15 A. No.

16 THE INTERPRETER: Overlapping speakers.

17 PRESIDING JUDGE TARFUSSER: Mr Witness, please, wait until the counsel has
18 finished, then you wait a few seconds and then you reply. There is no need to
19 overlap, to interrupt. Let the counsel finish, and then you reply, and he lets finish
20 you, and then he will pose the next question, okay? It's for our interpreters and
21 transcribers, of course, court reporters. Thank you very much.

22 THE INTERPRETER: Many thanks from the interpreters.

23 MR GBOUGNON: (Interpretation)

24 Q. You said that the young people from the *Yaho Séhi neighbourhood went off to
25 the rally at 8 in the morning; is that right? Is that correct?

1 A. Yes.

2 Q. And you were already at your store?

3 A. Yes.

4 Q. Who set the cars on fire?

5 A. The Gbagbo supporters.

6 Q. Yesterday you said here that when you were in your store, you did not see -- you
7 could not see that place in front of the 16th arrondissement?

8 A. Yes.

9 Q. How did you know then that it was a particular person who set those cars on fire
10 if you couldn't see?

11 A. You said the store is behind. Once you see the fire, people started to burn, and
12 people came to look and watch. They said, "Oh, look, they burnt a gbaka." And you
13 had to stay -- you couldn't go and look. Everyone came onto the side of the road,
14 even -- people came, they came to see. I didn't say -- the store is behind. Then people
15 started to go and look, and everyone came out to look and see. Everyone came closer.
16 People who didn't want to come close, they didn't. But you couldn't stay in the store.

17 Q. Witness, you just said that it was said or people said that the things were being
18 put on -- set on fire. Does that mean you're reporting about what someone else said?

19 A. I saw, I saw. If people say -- if people say "Fire over there," you go look, you go
20 look. People went to the road and they -- and the distance people -- like by the 16th,
21 if something is burning over there, something is on fire.

22 Q. (Redacted)

23 (Redacted)

24 (Redacted);

25 A. Yes, the distance, it is a distance.

1 Q. Could you confirm that the distance we're talking about is (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MS PACK: I don't want to interrupt my friend -- well, I am, I apologise. But I just
6 wanted to check just the distances we're talking about, because it wasn't clear to me
7 when my friend asked the question. Perhaps I don't know if it's clear to the witness.
8 What's coming out on the transcript is (Redacted)

9 (Redacted) seems. I wasn't sure whether that was the question or whether it's just
10 coming out differently, but it seemed to me a bit confusing what my friend -- away
11 from what? I was confused about what question was being put.

12 PRESIDING JUDGE TARFUSSER: I'm a bit confused about this objection.

13 MS PACK: I didn't really understand the question.

14 PRESIDING JUDGE TARFUSSER: I see.

15 MS PACK: I just thought that perhaps -- it could be me, but I just thought perhaps it could
16 be clarified, from where to where is the distance that my friend is talking about.

17 PRESIDING JUDGE TARFUSSER: Okay. Could you please clarify what distance you're
18 talking about or you asked the witness to talk about, from where to where.

19 MR GBOUGNON: (Interpretation) I asked the witness, and he responded. He said from his
20 store to the 16th arrondissement. I asked about the distance between those two places. Since I
21 know the place, I asked him if he could be more specific, and I asked him to confirm that there
22 was a distance of (Redacted) between these two places, and he responded by saying yes.
23 I shall now continue.

24 Q. Now, from where you were, could you identify people who allegedly were committing
25 certain acts at that place in front of the 16th?

26 A. I don't know, but -- but that distance, (Redacted), that's what I want to know,

1 the distance, first of all. If you can't stay there, and if you can't --

2 Q. You just said that you did not recognize those people.

3 *A. I do not know them.

4 Q. Thank you.

5 Now on the 25th, how were you injured? What happened?

6 A. My foot was broken.

7 Q. How were you injured? What was it?

8 A. It was a weapon. I was injured by a weapon. And when I got to the hospital,
9 since I had these rips or tears, the doctor said it had been a grenade. And he said I
10 was -- and he said it was the bits that *were scattered.

11 Q. What kind of weapon injured you?

12 A. I don't know. I don't know.

13 PRESIDING JUDGE TARFUSSER: We heard all of this. We know. We heard it
14 already. I mean, I think the witness has already answered these questions. I think
15 the witness has already answered these questions.

16 MR GBOUGNON: (Interpretation) Yes, indeed. But please bear with me. I am
17 heading somewhere.

18 Q. Witness, I would like to now read the statement that you made. (Redacted)

19 (Redacted)

20 "As the stones were being thrown back and forth, I was on the main road close
21 to *a café called Guantanamo. This place is closed now, but the sign
22 'Guantanamo' is still there above.

23 The police officers were positioned at about 100 metres away. I saw one police
24 officer load the grenade into the end of his rifle and shoot in the air in our
25 direction. Now, I don't know a lot about weapons, they are the ones that know

1 about weapons, and they told us that it was a grenade. And this grenade
2 exploded in front of us, and many people were injured, including myself. I
3 was injured. My left" -- correction -- "my right leg."
4 Next paragraph, "When the grenade fell, there was smoke, and I thought that it was
5 one of those grenades that sting your eyes. I wanted to pick it up. But (Redacted)
6 who is a senior sort of brother in the neighbourhood, called out not to touch it."

7 And so this is why I'm asking you, did you see what actually wounded you?

8 A. I was wounded by a grenade. It was a grenade. It came. And I wasn't born like this.
9 I was injured. I didn't see, but I know that there were shots everywhere. And the object
10 that fell, I thought it was one of those tear gas things, you know. You know, the smoke
11 comes out and your eyes sting.

12 But this other fellow said "Don't, don't." And I was leaving it aside, but then I didn't
13 even get from there to there, and it threw me off to the side. That's what I said
14 yesterday. I was there and then I -- and I fell over there.

15 Q. Yesterday you said, I'm quoting from the transcript which you haven't seen -- now, Mr
16 Witness, we're going to return to this particular point now.

17 When you were injured, where were you taken?

18 A. Hey, hey, wait. I didn't see what? I didn't see --

19 Q. Mr Witness --

20 A. No, no, no. I'm not going along with this. No, I didn't see. Saw what? Something
21 that fell right -- hey -- and I didn't see it. I didn't see it. I didn't see it.

22 PRESIDING JUDGE TARFUSSER: Stay calm, Mr Witness. Please stay calm. Remain calm
23 and wait until counsel has finished and then you reply.

24 MR GBOUGNON: (Interpretation) Thank you, your Honour. I will repeat my question.

25 Q. Now, Mr Witness, when you were wounded, where were you taken? Where were you

1 taken to?

2 A. I was taken home.

3 Q. And then from your home?

4 A. (Redacted)

5 Q. Where did you go?

6 A. *Back in the same neighbourhood, to a brother's house.

7 *Q. In the same neighbourhood, Doukouré. Back in the same neighbourhood.

8 A. Yes, because we're close, close to the mosque, where (Redacted)

9 where the people were buried, the people who -- I'm going to say everything, that place. The
10 people who died, all of that.

11 I would like, your Honour, I think we should go and look at the mass grave.

12 Q. Witness, I will read out your statement, the statement you gave to the Prosecution,

13 *paragraph (Redacted)

14 "I stayed at the house for one hour. And the young people said that they had to
15 get me out of the house and take me elsewhere because they heard that the
16 Gbagbo supporters saying that a rebel had been hit, and he had been taken to a
17 house. So they went to get a taxi, and the taxi took me to my brother's place,
18 who lives in (Redacted)

19 A. No.

20 Q. Witness, you just said you went to Doukouré. You said one hour after the incident you
21 went to (Redacted) which is in the middle of Doukouré neighbourhood.

22 A. I didn't say that. When I was injured directly, directly to the house, from the house to
23 the neighbourhood to another brother, that's what I said to -- that's what I said, in the same
24 neighbourhood behind. When I left the hospital, I was taken back home. From the
25 house -- and these guys, they said, "Get him out of here. Get him out of here. Go there.

1 Don't wait here. Not a good idea."

2 So that day I went, took the taxi to (Redacted). That's what I said. You
3 mustn't twist things around. (Redacted)

4 Q. Witness, what I just read to you was the statement that you gave to the OTP.

5 A. What happened to me is what is -- was said.

6 PRESIDING JUDGE TARFUSSER: Wait, Witness, wait, wait. When the question is
7 finished, wait and then start to give the answer.

8 MR GBOUGNON: (Interpretation)

9 Q. Witness, you stated that you went into a taxi. I'm not quite sure when. And
10 you crossed a number of roadblocks, you got through them, and you were not checked
11 at any of these roadblocks; whereas according to what you said, there were checks
12 everywhere.

13 But now you're saying you went to a taxi that same day, they were attacking
14 the taxis, the gbakas. And you're from the north. And you were in a taxi.
15 And you ended up going through several roadblocks, but you weren't
16 checked?

17 A. That's what I said yesterday. They didn't check. The guy, the mister, the
18 gentleman asked the question, and I said, I said they wanted money. They wanted
19 money. And when you are at a roadblock, you just give some money. You give the
20 money to the driver. The driver gives some money. You don't say anything. 2,000.
21 And then that's the way it is. And if I had said, "Oh, I'm not paying anything," then
22 they would have checked.

23 And, you see, I said -- if I had said I'm wounded, they would have said "Where
24 were you wounded?"

25 We've been through all of this. I've said all of this. I'm repeating myself.

1 Q. If I've understood, contrary to your allegations, the roadblocks were not set up
2 against the Dioula people, is that what you are saying?

3 A. That's the way it was.

4 Q. So you were the exception?

5 A. Yes.

6 Q. You were the exception?

7 A. What do you mean "exception"?

8 Q. So you were a Dioula person. You were in a taxi. You didn't --

9 A. No. I paid. I paid for my security, yes, my security, for my security. If -- well,
10 if my foot wasn't injured, I would have avoided the roadblocks. I was avoiding the
11 roadblocks. But when your -- when your leg -- when your foot is broken, what do
12 you do?

13 MR GBOUGNON: (Interpretation) Thank you, your Honour. I have no further
14 questions.

15 PRESIDING JUDGE TARFUSSER: Thank you very much.

16 Maître Altit, I'm sure you're brief, because it doesn't affect you, right?

17 MR ALTIT: (Interpretation) Thank you, your Honour. I will try to be as brief as
18 possible. But, of course, matters will depend on the witness's replies.

19 If you don't mind, I do hope to have concluded before the break.

20 PRESIDING JUDGE TARFUSSER: Okay. That's good. Thank you very much.

21 MR ALTIT: (Interpretation) But I can't -- I can't promise. I thank you, Mr
22 President.

23 QUESTIONED BY MR ALTIT: (Interpretation)

24 Q. Mr Witness, good morning.

25 A. (Interpretation) Good morning.

1 Q. My name is Emmanuel Altit, and I am counsel representing President Gbagbo.

2 A. Yes.

3 Q. How are you this morning?

4 A. I'm fine. Thank you.

5 Mr President, I'm going to broach three subject areas. I would firstly like to
6 obtain clarification from the witness in order to understand his account and
7 assess the plausibility thereof.

8 Q. Mr Witness, over the last few days and today again, you talked to us about a
9 main road that goes through two different neighbourhoods, on one side Doukouré,
10 and on the other Yaho Sehi; is that not correct?

11 THE INTERPRETER: The witness nods.

12 PRESIDING JUDGE TARFUSSER: Mr Witness, you have to say something because it
13 has to go to the record. It's not sufficient that you're nodding.

14 THE WITNESS: (Interpretation) Yes.

15 MR ALTIT: (Interpretation)

16 Q. Very well. You said in the French transcript that is of your testimony of
17 yesterday on page 3, lines 22 and 23, quote:

18 "There is just a road separating us, that is to say,
19 the two neighbourhoods."

20 I'm quoting you: "The road separates the two of us. The two
21 neighbourhoods face each other." End of quote.

22 Is that what you said?

23 A. Yes.

24 Q. So it's a yes you're giving me?

25 A. Yes.

1 MR ALTIT: (Interpretation) Mr President, I don't want to take any risks here, and I
2 will request the authorisation to move into private session very briefly, and in such a
3 way I will be able to put a question to him, and then we come back straight into open
4 session.

5 PRESIDING JUDGE TARFUSSER: Court officer, please, can we go in private session?

6 (Private session at 10.01 a.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Open session at 10.04 a.m.)

10 THE COURT OFFICER: (Interpretation) We are in open session, Mr President.

11 PRESIDING JUDGE TARFUSSER: Again, please pause. Slowly and pause. When
12 the counsel has finished to make the question, you wait a few seconds, and then you
13 respond, okay? Thank you.

14 THE WITNESS: (Interpretation) Yes. Thank you, Mr President.

15 MR ALTIT: (Interpretation) Thank you, Mr President.

16 Q. Now, Mr Witness, in Doukouré, you told us -- and I'm referring here to your
17 testimony of yesterday -- of the day before yesterday on 9 February in the French
18 version page 91, line 28. In Doukouré you said, and I quote: "The pro-Ouattaras
19 lived there." End of quote. Is that correct?

20 A. Yes.

21 Q. And in Yaho Sehi you said that Laurent Gbagbo supporters were to be found.

22 A. Yes.

23 Q. Very good. And you went on during your testimony of yesterday to specify in
24 the French version page 70, lines 25, and I quote: "These two neighbourhoods, that's
25 the neighbourhood containing the Ouattara supporters, and that's the neighbourhood

1 containing the Gbagbo supporters, and we faced each other. We were opposite each
2 other." End of quote.

3 Is that what you said?

4 A. Yes.

5 THE INTERPRETER: Says the witness without a pause.

6 MR ALTIT: (Interpretation) And for the record, the witness said yes.

7 Q. Now, what do you mean by Ouattara supporters?

8 A. The Ouattara activists.

9 Q. The Ouattara activists, and what precisely is an activist? In this -- on this
10 occasion you say "Ouattara activists." What do you mean?

11 A. I don't know. I don't know. That's all I can say. I know that I'm an activist or
12 a supporter. I know both of those words. Well, supporter, yes. Well, you know,
13 this is French speak. I don't know.

14 Q. Very well. Thank you. You have just defined yourself as a Ouattara activist
15 and a Ouattara supporter. And for the record, the witness is saying yes.

16 But I'm trying to understand quite what that means. I would like to ask you
17 what the difference is between your activities and those of an individual who is
18 not a supporter. Do you, for example, take part in meetings?

19 A. No.

20 Q. No?

21 A. No.

22 Q. And your friends, are they Ouattara supporters, or are they Ouattara activists?

23 A. We are all one and the same thing. We are all supporters. That is an activist.
24 That's what I know.

25 Q. Yes, I understand you.

1 Did you altogether, because you all share the same political ideas, did you
2 organise common activities of a political nature?

3 A. No.

4 Q. No?

5 A. No.

6 Q. And amongst you are there any individuals who give instructions when there
7 are important moments in political -- in the politics of Côte d'Ivoire?

8 A. I don't quite grasp you.

9 Q. Yes, I understand that you don't understand.

10 In your group that you have just defined as Ouattara supporters or Ouattara
11 activists, in your midst are there any individuals who give other members of
12 the group instructions telling them what to do when, for example, elections
13 occur?

14 A. Yes.

15 Q. Yes?

16 A. Yes.

17 Q. So for the record, the witness is saying yes. Could you give us a little bit more
18 information?

19 A. Yes. They come and tell us and they say: Even if they provoke you, even if
20 they provoke you, leave them because they're the ones in power. That's what they
21 say, that we should leave them. That's what they say. If we're provoked, we should
22 leave them. That's what they say to us.

23 Q. Very well. And where would you meet when you convene such a meeting?

24 A. We don't meet as such. They provoke us in our neighbourhoods at all times
25 and our elder brothers say just leave it alone. Leave it. Otherwise -- well, if we were

1 to meet, then people might bomb us. And they're going to say that we are a bunch of
2 assailants who were after them, so we didn't do that. We didn't do that. Otherwise
3 they would want to kill us.

4 Q. Okay. Thank you.

5 Well, yesterday you said during your testimony, and this is the French
6 transcript dated 10 February, page 21, line 14 and I quote: "There were
7 activists on both sides, activists on both sides." End of quote.

8 Were you referring here to individuals such as yourself, or were you referring
9 to groups of young people who were more energetic, shall we say?

10 A. Sorry?

11 Q. I shall put my question in a different manner. Yesterday you said, and I quote:
12 "There were activists on both sides." End of quote.

13 So that's very clear, isn't it?

14 A. Yes.

15 Q. But when you say "activists," are you thinking about people like yourself, or are
16 you referring to individuals who were more wound up, who are going to provoke
17 people? What are you thinking of precisely?

18 A. Those are the ones who provoke. They come to provoke us.

19 Q. Very well. But you will understand my question because you say that there are
20 activists on both sides, namely on the Ouattara side. This is what I thought I
21 understood from what you said, on the Ouattara and on the Gbagbo sides. And these
22 activists, do they provoke people in the same way? Do they have the same -- how
23 could I say? Do they have the same types of activities?

24 A. Well, we put them all in the same bag because they -- they said --

25 THE INTERPRETER: Inaudible. Inaudible. The witness needs to be requested to

1 repeat the last section of his answer.

2 PRESIDING JUDGE TARFUSSER: Can you repeat the last part of your answer
3 because it wasn't heard by the interpreter.

4 THE WITNESS: (Interpretation) Well, we put them all in the same bag. They were
5 all provoking us, and they say that we are foreigners.

6 MR ALTIT: (Interpretation)

7 Q. We did understand you. So, Mr Witness, I would like to put a question to you.
8 Now that we have seen what the framework is and we have understood the
9 antagonism existing between the groups of the various neighbourhoods, I would like
10 to put a question to you with regard to the way in which this antagonism materialised,
11 and I'm going to explain this to you now.

12 Before the incident of the 25th of February, were there any incidents between
13 the inhabitants of these two neighbourhoods?

14 A. Before what? Could you please repeat? You need to repeat.

15 Q. Yes, I shall repeat. No problem.

16 You, yesterday and also today, talked to us of the incident of the 25th of
17 February, the major incident. We agree, don't we?

18 A. Yes.

19 Q. For the record, the witness is saying yes.

20 And my question is simple. Were there any incidents before the 25th of
21 February but in the period of December and January, maybe even at the
22 beginning of February?

23 A. Was that before the 25th of February? Before the 25th of February there was
24 provocation, and on occasion even they would -- they would grab somebody over
25 there in that neighbourhood, and that person was an assailant.

1 Q. Very well. So if I understand you correctly, before the 25th of February and the
2 incidents of that date there was provocation, but there were not any serious incidents;
3 is that correct?

4 A. Yes.

5 Q. You say yes. Very well.

6 So in your testimony of the 9th of February in the French version, page 99, line
7 2, you say, and I quote: "After the first round, they started to ransack a little
8 bit." End of quote. But it wasn't that serious then, was it?

9 A. No. That was after the first round. They were ransacking, but it wasn't that
10 excessive. We knew that something was about to happen. We knew that. No
11 problem.

12 Q. But it wasn't that serious?

13 A. Well, they were -- they were killing, you know. They were killing, yeah.

14 Q. Okay. So with your leave we will now briefly, very briefly come back to the
15 incident or incidents of the 25th of February. Do you agree?

16 A. Yes.

17 Q. Very well. And I'm going to quote from your testimony of the 9th of February,
18 that is to say the day before yesterday in its French version page 99, line 23, and you
19 say as follows, I'm quoting: "We could see the crowd coming." End of quote. Is
20 that what you said?

21 A. Yes.

22 Q. I'm trying to understand what you said here, okay?

23 A. Yes.

24 Q. So the crowd is coming towards you. We agree?

25 For the record, the witness is saying yes.

1 And you go on to add still the same day of testimony, lines 25 and 26, and I

2 quote: And they came with stones. They started throwing stones at us."

3 End of quote. Is that correct?

4 A. Yes.

5 Q. For the record, the witness is saying yes.

6 So they are coming towards you, they're throwing stones at you, and you stay

7 put; is that correct?

8 A. Well, you know, we can't just stay there. If you stay where you are, they're

9 gonna come on you because there was so much tension. So if you -- if you let things

10 happen to you, you're gonna -- you're gonna, you know, lose your life.

11 Q. Yes. So you're saying to us that they approached you with stones and they

12 threw stones at you. Rather than taking those stones, you counter-attacked; is that

13 what you are saying?

14 A. Yes.

15 Q. Are you saying yes?

16 A. Yes.

17 PRESIDING JUDGE TARFUSSER: Please, the interpreter is absolutely starving, so I
18 intervene also to give her time to breathe a little bit. So now the floor is again to you.

19 MR ALTIT: (Interpretation) I thank you, Mr President. Please excuse me because I
20 do not have a headphone. I'll try and look at you more often.

21 THE INTERPRETER: Merci. Thank you.

22 MR ALTIT: (Interpretation)

23 Q. So you counter-attacked. I did understand that from what you said. And you

24 said on 9 February, the French version of page 100 line 7, quote: "We also called our

25 guys. We also called our guys." End of quote.

1 And how many guys were there on your side approximately?

2 A. Quite a few.

3 Q. And many is what? A hundred, ten?

4 A. Ten is an understatement.

5 Q. A hundred?

6 A. *It was more like 100. There were many of them. There were many of us.

7 Everybody needed to come out, come on, call the others, everybody.

8 Q. So approximately what are we talking about?

9 A. Well, all those shops, you know, we had to all be together, all those shops right
10 to the end of the road.

11 Q. So okay. "Our guys" were all those people who were present there?

12 A. Yes. Yes. Even those who were not working, we called those guys to join us,
13 even those who were not working.

14 Q. So you were saying all the inhabitants of the neighbourhood; is that what you are
15 saying?

16 A. Yes, all the inhabitants, even the women, even the women, even those who had
17 gone off to work, we called them and we said, "Come. They're trying to burn our
18 neighbourhood." So everybody came and many people came.

19 Q. And how did it -- how did you defend your possessions? Did you have
20 weapons?

21 A. We weren't able to defend. As I said, they were helped by uniformed
22 individuals. We weren't able to defend.

23 Q. Please listen to me. We'll come to that in a moment. But what I'm trying to
24 ascertain, there is a crowd coming towards you, throwing stones at you; and you,
25 rather than fleeing, you stay put; but you all come out in force and you counter-attack.

1 What do you use to counter-attack?

2 A. Stones.

3 Q. Stones?

4 A. Stones or anyone will grab whatever they could, and they would throw it
5 because we were throwing things at each other.

6 Q. Did you have any instruments? Did you have any machetes or such things?
7 Did you have large knives, machetes? Did you have any such things?

8 A. No, we didn't have any machetes on that day. You know, any bit of wood or
9 any stone, whatever you found you'd use. We didn't have any machetes because we
10 hadn't planned for it.

11 Q. Very well. And in your midst there were some people who were directing the
12 manoeuvre, if you like. They said that you needed to attack on this side or that side?

13 A. Yes. Some people were saying, you know, they're attacking here and there.
14 We should go in this way. You should go over there. You go over there in little
15 groups, you know.

16 Q. And who was in charge?

17 A. Everybody. It wasn't just one person who was in charge. Maybe that's what
18 the whites do. But we said, you know, you push on that side, we'll push on this side,
19 you know, each person had their power in their hands.

20 Q. Very well. In your testimony dated 9 February, and still in the French version,
21 page 100, line 8, you say, I quote -- and I quote you: "They came" - and you're talking
22 here about your guys - "and they managed to drive them back into the 16th
23 arrondissement."

24 A. Near the 16th. We have our perimeter, you know. Guantanamo is here and if
25 we come in the centre here, well, we know that we would come across policemen, we

1 know that they are their supporters, so we stopped here.

2 Q. So if I understand you correctly, what you said two days ago, that is, you
3 counter-attacked and you followed or went after those who were attacking them - who
4 were attacking you - up to the police station in the 16th?

5 A. Yes.

6 Q. The witness says yes.

7 And could we say that you were stronger than your attackers by virtue of the
8 fact that you went after them?

9 A. Yes. We were all wound up. You know, somebody comes and throws stones
10 at you in the morning. Why? And where were we going to go if we had to leave
11 Côte d'Ivoire? We weren't just going to sit there and let them do this to us.

12 Q. Very well. So you were stronger than they were?

13 A. Yes, we were stronger than them. That's why the uniformed persons were assisting
14 them at all times, because we were stronger than them. Laurent Gbagbo and Blé Goudé
15 know this. They know that we are stronger than them in terms of having a fight. They
16 have no chance. But they had assistance. They had the assistance of the uniformed men.

17 Q. *Wait, wait. When it comes to fighting they have no chance?

18 A. No. They don't even have. Civilians versus civilians like that, no.

19 Q. Because you are stronger.

20 A. We are stronger than them.

21 Q. I'm going to come back to the 25th of February. And after having repelled
22 those individuals who were attacking you, you are on their heels, you're running after
23 them. After you repelled them, you ran after them and you are on their heels and
24 you come following them to the police station; is that correct?

25 A. Yes.

1 Q. At that moment in time there were policemen present, were there not?

2 A. Yes.

3 Q. There were policemen. Very well. I have understood you.

4 And what is more, you say this clearly, and we are still looking at your

5 testimony dated 9 February, line 16 of 17 you say: "We were at a halt..* We

6 were- we had stopped." *So, when you saw the policemen you stopped. Is that right?

7 A. We saw the policemen .We had stopped. And they were the ones who were going to put
8 some kind of order into the situation. We thought that they were going to come and ask us
9 what was going on and we were going to explain this to them. We thought that they were
10 going to push back both camps.

11 *Q. So you were waiting for them to drive out both sides?

12 A. Indeed. We were in agreement with that. That's why we said that it would not be good
13 if somebody *were to flee, but they were approaching us. But for people who were coming
14 on ... they were throwing stones.

15 THE INTERPRETER: Overlapping speakers, Mr President.

16 PRESIDING JUDGE TARFUSSER: Overlapping. Please. Continue calm. This is
17 not a political arena. I, again, advise you just stay calm. Say the facts and that's it.

18 MR ALTIT: (Interpretation) Very well. Thank you, Mr President.

19 Q. So you then go on to say, and this is in your testimony line 17, quote: "The
20 policemen were saying move back, move back."

21 Was it to you that they were saying that?

22 A. Yes. They didn't even ask us what has happened.

23 Q. Wait. Wait. But at that moment in time, you say in your testimony that you, all of
24 you - that is to say you and your guys - you started throwing stones at those who had
25 attacked you and at the policemen because they were hiding behind the policemen.

1 A. Throwing at the policemen? They could say that by virtue of the fact that they were
2 standing in front of the others that we were throwing stones at them, yes. *Otherwise, the
3 uniformed people who were with those people, those demonstrators, they came together, they
4 were throwing stones. Well, you know, they were saying: Move back, they're throwing stones.

5 Q. So, in fact, what you are saying is that you threw stones at those people who had
6 attacked you; is that correct?

7 A. Yes.

8 *Q. But those people who had attacked you, were hiding behind the policemen...

9 A. They were behind the policemen.

10 Q. Is that right?

11 A. Yes.

12 Q. By virtue of the fact that they were hiding behind the policemen, you could -- you also
13 hit the policemen with those stones?

14 A. Well, I'm not too sure. You know, we were moving back, but *they are tenacious. So I
15 said here on the first day of my testimony, you know, there was even something that hit me
16 here; if you see, there's something here, and they were throwing stones.

17 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

18 By saying "here," just for the record, the witness indicates his nose. Okay.

19 MR ALTIT: (Interpretation)

20 Q. Well, in actual fact -- in actual fact, you said -- and this is quite relevant. You said that
21 you were injured then. And now you are telling us that you were hurt right here, your nose.

22 A. Yes.

23 Q. Okay. Okay. And we're still talking about when you were alongside the police station?
24 For the purposes of the court record, the witness has said yes.

25 So I guess we have a crowd here of Ouattara supporters who went after a crowd of

1 Gbagbo supporters. They hid behind the police officers, behind the police station,
2 and then the two groups are throwing stones at each other. Is this what we're
3 talking about?

4 For the purposes of the Court record, the witness has said yes.

5 Now, couldn't we say it this way -- you were there. You saw what happened.

6 Let's -- okay. I realise people were worked up. Now, could we say that the police
7 officers were on the defensive because people were throwing stones at them? I'm
8 not making any kind of judgment. I mean, if someone -- if someone is getting
9 thrown -- stones thrown at them, *wouldn't they say to themselves: "I need to get out
10 of here, I need to react?" --

11 A. Well, it was serious. It was serious. But they were coming at us.

12 *Q. Mm-hm.

13 *A. But they can't say that we threw stones at them. But they were advancing together at the
14 same time. They can... They can't say, the policemen, that we threw stones at them. Well,
15 everyone was angry, and people were throwing stones; they too, that's what they wanted.
16 That's what they wanted. So they wanted us to throw stones at the police officers.

17 Q. I understand. Let me put the question to you somewhat differently. A few moments ago
18 you said that all of you had counter-attacked and went after those people who had attacked
19 you until you got to the police station. And the people who attacked you, *that means that
20 they were the underdogs, they were less strong, weren't they? You were stronger?

21 *A. That's what I told you.

22 Q. Yes, yes, yes, yes, yes, yes, I understand.

23 A. I said that we were stronger than them. That's why I'm saying that I will -- I'm never
24 gonna lie. *Well, I am answering rapidly. Because, when you lie, they will catch you out with
25 that. So as soon -- so the answer like -- how do you -- those people -- the investigators, for two

1 years -- two years ago I told them.

2 Q. I'll ask you a question now. So you were stronger than them. You were going
3 after them. Now, if you were stronger, they must have been afraid, so afraid that
4 they hid behind the police officers. Have I got it right? *That's right, isn't it?

5 A. *They weren't afraid, but if they had been afraid...

6 Q. Mm-hm

7 A. Somebody drives you away...

8 Q. Mm-hm

9 A. and then you come back and face the police again...

10 Q. Wait

11 A. you need to find another route home.

12 Q. Wait, wait. You told us a few moments ago that there was no chance and that -- and this
13 part was a bit vague, but then you were more specific. Yesterday in your testimony, French
14 version page 66, lines 17, "Between them and us" - and "us" you mean the Ouattara
15 supporters - "they have no chance."

16 So that means that during this incident -- we're talking about 25 February, right?

17 They, the people you attacked, had no chance. Is that -- have I got it right?

18 A. Yes.

19 Q. Yes says the witness.

20 In actual fact, you said that the people in the uniforms defended them. So if the
21 police officers hadn't intervened...

22 *A. No, they would not have come.

23 Q. If the police officers had not said... -- if they hadn't hidden behind the police
24 officers, you would have -- you would have caught them?

25 A. No, no. As long as -- if you don't come and provoke us, we're not going to *talk loudly...

1 Q. *Mm-hm.

2 A. Because I say, I say: one morning you see somebody, a group that comes down on you like
3 that, it hurts a lot.

4 Q. Mm-hm.

5 A. But if you find the person, it's to kill them. *You see the stones... the people from
6 Burkina Faso... Come out... Where are we supposed to go? To whose place? They
7 come to you, here...

8 Q. Very well.

9 A. ...paper to get out? Where are we going to go?"

10 Q. You stated -- once again, French transcript lines 25 and 26, I'm quoting the transcript of
11 your testimony, and I'm quoting you: "Since" -- same page.

12 THE INTERPRETER: Message from the interpreters. Could it be page 66?

13 MR ALTIT: (Interpretation) We will get back to you in just a moment, my learned friend.
14 May I continue?

15 PRESIDING JUDGE TARFUSSER: Yes, of course.

16 MR ALTIT: (Interpretation)

17 Q. I'm reading from my notes, and my handwriting leaves something to be desired, and
18 sometimes I can't even make out what I've written myself. Let me quote. And we will
19 provide the page reference in a few moments. And I'm quoting you, Witness: "Since we
20 began to throw stones, well, they -- they started to shoot." Okay. That's what you said, yeah?
21 So I understand that because you were throwing stones, there were a lot of you doing
22 that, and there were not a lot of police officers.

23 A. The police officers?

24 Q. Were there more or --

25 A. No. There might have been ten of them, but -- but there were a lot of demonstrators.

1 Q. So let's make it -- let's make sure everything is very clear. There were ten police
2 officers, ten?

3 A. I said about, nearly, about.

4 Q. Okay. About. So I understand from your account that they were afraid. They feared for
5 their lives. They were facing a *threatening crowd, a hundred people. There might have been
6 ten of them, there weren't a lot of them, so they were afraid. Isn't -- so that -- is that what
7 happened?

8 A. No, they weren't afraid. They weren't afraid.

9 Q. Very well. You added February 9th, page 100, line 26. Line 26, transcript of 9 February.

10 MR ALTIT: (Interpretation) If you will bear with me, if I could just take one moment. Yes, it
11 was page 100, page 100, my learned friend, lines 25 and 26 French version, transcript of the
12 9th of February, line 25. "Well, since they started to throw stones, they started to shoot."
13 Have I answered your question? I think this is the same thing here.

14 MS PACK: Is that a question to me?

15 MR ALTIT: (Interpretation) Have I answered your question?

16 MS PACK: It was just the page number, so I'm grateful.

17 MR ALTIT: (Interpretation) Very well.

18 Q. Let's get back to where we were. Now, on the next line you said - same reference - you
19 said that there was tear gas, *real bullets, and grenades, that they launched those things, yes?

20 A. Yes.

21 Q. And that was when you were injured; isn't that so?

22 A. Yes, when they were shooting a lot. I saw people falling down, other people falling
23 down. So, you see, we saw blood everywhere.

24 Q. Yes, yes. You told us about that very clearly. My question is much more simple, and
25 you've answered. But just to make sure for the record, that is when you were wounded.

1 The witness has said yes.

2 Thus you've told us that at that time during the clash, when facing that crowd,
3 the police officers launched some tear gas canisters; is that right?

4 A. Yes.

5 *Q. You said they had "big guns", were they guns used to launch the tear gas?

6 A. Yes.

7 Q. Yes, yes, yes.

8 The witness has said yes.

9 Q. So yes it was the guns that were not used to fire at people but to fire tear gas, is
10 that right?

11 A. Ah, I don't know. What is sure is that they put something on the end and they open fire.

12 THE INTERPRETER: Overlapping speakers.

13 MR ALTIT: (Interpretation)

14 Q. So were many tear gas canisters launched?

15 A. Many.

16 Q. Do you know what happens when a tear gas canister actually lands?

17 A. Well, there's smoke, it gets into your eyes, people run around. But we saw -- but it
18 wasn't tear gas.

19 Q. Wait, wait. We're talking about tear gas, tear gas canisters and then something else.
20 So the tear gas canisters, if they fall in a certain perimeter fairly close, can you still see things?

21 A. No, you can't see because you choke. The tear gas -- other people were falling down.
22 You see, people were falling down. *But in terms of real bullets. Well, back home, you take --
23 you take -- what's it called, shea butter, I don't know if you know it -- if you know it, you wipe
24 it on your face -- water - splash water. And we saw -- it wasn't that -- I saw blood, lots of blood.
25 And my, my -- I myself, I was hit.

1 Q. Very well, very well. *So, that's a good thing, the shea butter -

2 A. There we are.

3 Q. - to avoid the effects of - the tear gas canisters, is that right?

4 A. Huh?

5 Q. It is used to avoid the effects of the tear gas canisters?

6 A. Yes. People choke, everybody.

7 Q. So you -

8 A. Even in the neighbourhood this was being thrown.

9 Q. So, you were thinking ahead, as you had shea butter on you, you had foreseen that the
10 policemen were going to launch tear gas, hadn't you?

11 A. No. It's our neighbourhood. We didn't say that we were -- if we go into their
12 neighbourhood, it's like everything is planned in advance. Other -- everything was there -- we
13 took that -- you put it in your eyes, water.

14 Q. Very well. So there was all these canisters of tear gas. What did you do, all of you, did
15 you fled?

16 *A. We ran - running in the neighbourhood. We can't go into the other neighbourhood.
17 Why weren't they firing in the other neighbourhood, only in ours. See - just in ours.

18 Q. I'm asking you this because you said in yesterday's transcript, page 10, line 23, you said
19 that "The police officers were shooting and that people were throwing stones." End of quote.
20 So I understand that this battle between the two groups -- the battle between the two
21 groups was continuing?

22 A. Yes.

23 MR ALTIT: (Interpretation) The witness says yes.

24 Q. Then you said, line 26, same reference, and I quote, "I fell down. Then I looked at my
25 foot. It was bleeding." End of quote.

1 So what happened to your foot?

2 A. Well, I saw it was broken, and there I was. And I became really heavy. It's like
3 someone had put a brick on me. And I -- and then -- and you know, if I went over, they
4 would have put me in the fire. And I saw I couldn't. And then they put stones on me. But
5 it's -- my -- my whole body became like really heavy.

6 Q. If you don't mind, my question is very simple. Did an object hit your leg?

7 A. An object hit my leg.

8 Q. What was it this --

9 A. A grenade, according to the doctor *otherwise, I said that they fired at me. They fired at
10 my foot. But there were bits -- he said, no, "it's a grenade". He said, "those are the bits of
11 shrapnel that tore you open."

12 Q. That's what you said yesterday. So this doctor said that it was a grenade? Very well. But
13 what did he say? Did he say it was a tear gas canister or was it a military grenade?

14 A. This is what I told you. *Well you white people, here, you know all that. Once he said it
15 was a grenade, that's that for us back home. So there, that's what I said and that's what I'm
16 saying.

17 Q. Very well. You see, you have told us, you told us yesterday, and now you've
18 said -- well, you've hinted, well, you seem to be giving the impression that it was a military
19 grenade, and you talked about shrapnel that hit certain parts of your body. Yet the only
20 document that you provided yesterday --

21 MR ALTIT: (Interpretation) Your Honour, I'm not sure whether the ERN number is
22 necessary. I can give it if you wish. It was the document, yes, from yesterday.

23 PRESIDING JUDGE TARFUSSER: Which document? Which document? Because there --

24 MR ALTIT: (Interpretation) Yes, quite right. I will provide the ERN number to be more
25 specific. CIV-OTP-0062-0872.

1 Q. This is a document that comes from a hospital. This document does not make any
2 mention of a grenade, and no mention of military grenade. It doesn't mention any shrapnel.
3 The document says, and I quote, and this is a concept I have a hard time with, "accident
4 balistique," bullet wound, ballistic accident.

5 So are we to understand that something hit your leg, an object hit your leg, and that
6 object did not explode? Do you remember this document?

7 MS PACK: I think in fairness, I don't know, I mean, firstly, of course, it is difficult for the
8 witness to read, but, secondly, perhaps if there is going to be extended questions about the
9 document, then maybe the witness can see at least a copy of it, perhaps not on the screen.

10 PRESIDING JUDGE TARFUSSER: But I think a document is a document, and it's not -- he is
11 not the source of the document, so I don't think that he's the right person who should put the
12 question about what's written in the document, because it's not him to have written the
13 document itself. So that's a document. We interpret it as we think. But I don't think it's
14 for the witness to have to give clarification about the document. Thank you.

15 MR ALTIT: (Interpretation) Very well. My point is just this, I wish to stress that the
16 document that the witness provided in support of his statement actually contradicted what he
17 said. But I will leave it at that for the time being when it comes to that document.

18 PRESIDING JUDGE TARFUSSER: Yes, but this I think is your conclusion. You have all the
19 rights to say. But it's not something which should be debated with the witness itself.

20 MR ALTIT: (Interpretation) Very well. We shall not debate this point. I shall now move
21 on to my last point.

22 Q. Now, Witness, you say that you went to (Redacted) on 26 February 2011. You
23 said that in yesterday's testimony, page 16, line 17, yesterday's transcript. Now, why
24 is it that you went there?

25 But you see, we are in open session right now, thus, do not give any names; or

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(Open Session)

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- 1 if you need to give names, tell us in advance and we will go into private session, very
2 well? We're in open session.
3 So why did you go there?
4 A. Go -- go where?
5 Q. To (Redacted) on 26 February.
6 A. I said I left the hospital. When I left the hospital, I went back home, my house.
7 Q. Very well. I'm going to repeat yet again. Let me question. I beg your pardon. I'm
8 trying to understand.
9 A. No, no, no, no.
10 Q. I'm asking you a question because I'm trying to understand. You were wounded?
11 A. Yes.
12 Q. You went home. *is that what you are saying?
13 A. Yes, I left the hospital first.
14 Q. Wait, wait. You went home. Then you went to the hospital, is that right? You went to
15 (Redacted) first and then to the hospital?
16 A. No, no, no. That's why I told you to listen. I was wounded. I went -- I was sent to a
17 brother behind. Do you get it? That's where. And then I went to the CHU, to the hospital.
18 Q. Very well, very well.
19 A. From the hospital, I was one week in the hospital. I said to the doctor -- and he said,
20 *there is too much, they are firing in all directions, you can't go anywhere else right now."
21 Q. Thank you. So you went to the hospital? You went to the hospital?
22 A. Yes.
23 Q. You stayed there for a week, and you said to a doctor, if I've understood correctly, that
24 as an RDR activist, the RDR would cover all the hospital costs. Did I get that right?
25 A. Yes, he asked me.

1 Q. You said that?

2 A. A doctor asked me -- could I say something in private session? Yeah, yeah?

3 MR ALTIT: (Interpretation) Your Honour, the witness would like us to go into private session.

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

5 MS PACK: And could we also have a reference to that, the evidence that the RDR
6 would -- whatever that last point was.

7 MR ALTIT: (Interpretation) I will give you that reference in a few moments.

8 Now let's see, transcript, yesterday, *10 February, French version, page 25, line 23. I
9 believe it's line 23. It might be 29. Once again, problems with my own handwriting.

10 And I quote, "What worked him up the most" -- this is what the witness said -- "When
11 I said that -- when I was told that the RDR people said to go to the hospital and that
12 they wouldn't just drop." End of quote.

13 I think this might be the time to go into private session.

14 (Private session at 10.55 a.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CIV-OTP-P-0442

(Private Session)

ICC-02/11-01/15

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Open session at 10.58 a.m.)
- 12 MR ALTIT: (Interpretation)
- 13 Q. If I've understood correctly --
- 14 THE COURT OFFICER: (Interpretation) We are in open session.
- 15 PRESIDING JUDGE TARFUSSER: Thank you, court officer.
- 16 Maître Altit.
- 17 MR ALTIT: (Interpretation) Thank you, your Honour.
- 18 Q. Now, if I've understood correctly, Witness, there was a discussion at the hospital, but
- 19 you, you, you thought that the RDR was going to cover your hospital expenses; is that
- 20 correct?
- 21 A. Since we were at home, some brothers, some people said that the RDR had been saying
- 22 that all the wounded people just had to go to the hospital. That's -- and otherwise, I would
- 23 have gone -- the UN people were taking care of -- were treating people.
- 24 Q. Hold on. Hold on, if you don't mind. If I have correctly understood what you've said,
- 25 in actual fact the RDR had said to activists like you --

1 A. No, no, no.

2 Q. I'm going to tell you what I understood. You had to go to a particular hospital, and
3 you -- and you regretted -- because otherwise you would have gone to *see the UN people.

4 A. No, no. You haven't understood. I said that the UN people, the wounded people were
5 going there. I even have a brother. He was lucky. He went there. That's what I was told. When
6 I wanted to go, when I wanted to go --

7 Q. What did the RDR say?

8 A. No, no, no, no. I wanted to go to the UN place for treatment. I have a brother, and they
9 went there, the one who was hit there. They called, and I said that yesterday and let me repeat
10 it now. The taxi stopped for me and they said: "Oh, you mustn't go to the UN place. The road
11 has been blocked off. And if you go, they're gonna ask where did you get that wound."

12 Q. I understand.

13 A. And someone said -- okay. There's this one brother said, "You just have to go to the
14 CHU, the Yopougon CHU."

15 Q. I understand. I've understood. And let me ask you the question again What did the
16 RDR say?

17 A. That's what I said. When I went, it was people said -- I was told that -- well, they said:
18 "Is someone behind you?" And I said: "What do you mean?"

19 And they said: "To pay." And I said: "We were told that the wounded people just
20 had to come and they were at the hotel, at the hotel, that the wounded people just had
21 to go and they will cover the costs." They weren't happy.

22 Q. Now, if I have got it right, you refused to pay saying that the RDR would cover?

23 *A. I didn't have any money.

24 Q. Well, you...

25 A. I didn't -- I -- let me tell you, I only had 60,000. I had 60,000. I gave that to my wife.

1 But of the 60,000, well, nothing was left over. I was in pain. My leg was hurting. I called
2 one of the staff -- for one of the staff, something to lessen the pain.

3 Q. I understand.

4 A. Well, you know, that plaster, I paid 40 thousand for that. They suggested two
5 different --

6 Q. Wait. You explained that to us very well yesterday. Yes, you did. I just have a
7 question to put to you. Generally speaking, you explained this whole story to us, you know,
8 the story of the hospital costs; but generally speaking, did you follow the instructions of the
9 RDR or on occasion would you say to yourself that you didn't need or shouldn't follow them?

10 A. I didn't follow.

11 Q. Did you follow always what the RDR gave to you in terms of instructions, or did you
12 sometimes say no?

13 A. Well, what instructions are you talking about?

14 THE INTERPRETER: Maître Altit, microphone please. Microphone please, counsel.

15 MR ALTIT: (Interpretation)

16 Q. For example, when we're talking about hospital costs, it was the RDR who said, if I
17 understood you correctly.

18 A. Yes. Yes.

19 Q. Were there any other instructions from the RDR? And if so, did you follow them, you
20 know, in general?

21 A. Were there any other instructions?

22 Q. Instructions that you should do something like that.

23 *A. Well if it's not ok I won't go.

24 Q. Ok.

25 A. Well, I wouldn't go. I -- I'm just an activist. I don't have any card. And if it doesn't suit

1 me, I'm not a politician, then I don't go. If it was okay for me, then I would go. This was okay
2 for me so I went. *I didn't have any money. I had already spent two days at home, and that
3 was serious and, you know, they gave us the information that all the wounded, as I said
4 yesterday, all the wounded, and that they understood.

5 Q. Mr Witness, time is ticking, and I'd like to put a question to you on the subject of your
6 shop because this is an important thing for you, you know, this shop of yours.

7 A. Yes, very.

8 Q. Very important?

9 A. Yes, very important, my shop.

10 Q. Did anybody make you the promise that they would compensate you for the loss of this
11 shop, that they would give you any money for -- to try and limit your loss?

12 A. Currently?

13 Q. Since you lost your shop that is.

14 A. Nobody, nobody, nobody. And to date, well, I'm suffering. I have -- I haven't -- I
15 didn't get anything. Who should I approach for this?

16 Q. The RDR?

17 A. No. As I said, I'm ruined. I'm an activist. You know, you said to me, well, maybe if
18 you went to meetings, then maybe. How am I going to gain access to meetings?

19 MR ALTIT: (Interpretation) Mr President, thank you, I have no further questions.

20 PRESIDING JUDGE TARFUSSER: Thank you very much. We take the break now, 11.45,
21 then I will give the floor to the Prosecutor for the re-examination and then you are through,
22 you can go home. But you have to come here back in 40 minutes just for a very short time.
23 Thank you very much. The hearing is adjourned.

24 THE COURT USHER: All rise.

25 (Recess taken at 11.07 a.m.)

1 (Upon resuming in open session at 11.48 a.m.)

2 THE COURT USHER: All rise. Please be seated.

3 PRESIDING JUDGE TARFUSSER: Good morning again. The floor is to the Prosecution.

4 MS PACK: Thank you very much, Mr President.

5 QUESTIONED BY MS PACK:

6 Q. Mr Witness, I'm going to ask you a few more questions just now. Can you hear me
7 now okay in your headphones?

8 A. Yes, I can hear.

9 Q. I'm going to ask you a few more questions now, just a few.

10 Now, you've been asked a bit this morning about your evidence two days ago that
11 you gave when you were answering questions that I was asking, and I just want to
12 read some of your answers just to put it in context a bit, so bear with me. Now, the
13 reference that my friend was referring to is page 100 in the French, lines 14 and
14 following; and in the English the reference is page 97, lines 20 and following.
15 I notice he's risen there.

16 PRESIDING JUDGE TARFUSSER: Maître Altit.

17 MR ALTIT: (Interpretation) I thank you, Mr President. The decision of 3 September of
18 2015 on the conduct of proceedings is very clear, and I'm going to provide with you an
19 excerpt of this decision, and you will excuse my personal translation.

20 "The calling party may re-examine their witness, but this re-examination must be
21 limited to the questions that were broached for the first time during the
22 cross-examination by the non-calling party." That is paragraph 38 of said decision.
23 I thought that I had understood, but I'd like things to be clear from the outset, that the
24 Prosecution intends to conduct a reexamination on questions that were already
25 broached during their examination and that were then once again broached during

1 the cross-examination. But whatever the case may be, certainly not with regard to
2 questions that were broached for the first time during cross-examination and as a
3 consequence and if this is the case and if I am not mistaken, I would request that the
4 Chamber do not authorize this.

5 MS PACK: Your Honours, perhaps I can explain.

6 PRESIDING JUDGE TARFUSSER: Let him just finish.

7 MR KNOOPS: Mr President, thank you. We have exactly the same objection, Mr President.
8 With all due respect, re-examination is not to -- not for the purpose of putting things in
9 context. It's about issues which were, for the first time, raised in cross-examination. And if
10 the Prosecution can show that this is, indeed, a topic which was not touched upon during the
11 examination in chief, and for the first time at cross-examination that could be authorized by
12 the Chamber, so not for putting things in context and we, therefore, concur with the objection
13 of the team of Mr Gbagbo. Thank you.

14 MS PACK: Your Honours, perhaps it's my fault for not being quicker on my feet during
15 cross-examination, but your Honours have the reference, parts of which were read to the
16 witness during cross-examination to his direct examination. My friend cross-examined on
17 parts. I leave it at that. If there's an objection to my reading the whole of the relevant
18 passage out to the witness in fairness to him, I leave it at that.

19 PRESIDING JUDGE TARFUSSER: The requestioning should refer to the questioning by the
20 non-calling parties, so to objects which were questioned by the non-calling parties. This is
21 the sense of --

22 Maître Altit. But the problem is that you trigger and Mr Knoops and everybody stands up
23 again, but this was the sense. I can't find out the decision, but this was the sense of the
24 decision, but please.

25 MR ALTIT: (Interpretation) Thank you, Mr President. I'll be very brief. Firstly, I do

1 acknowledge my thought in the sense that I launched the discussion, but it would seem
2 fundamental to me because the issue of a re-examination is not to come back to a point that
3 was broached in examination-in-chief and then cross-examination but only to come back to a
4 point that was raised by the cross-examiner for the first time. We have to have a balance. The
5 cross-examiner broaches issues which were broached by the calling party, there's a balance
6 there, one can answer the other. And then in the re-examination the calling party can then
7 rebroach an issue that was broached by the other party, but we need not to come back for a
8 third time to something that was broached again and again by both parties.

9 PRESIDING JUDGE TARFUSSER: I don't give the floor to anybody else because I
10 read out what the ruling is. It's in the English transcript page 1, line 15 to page 3 line
11 18 but just an excerpt. "A re-examination by the calling party is allowed insofar as it
12 only relates to issues raised for the first time during the questioning by the non-calling
13 party." So therefore, this was stated and inside this frame the floor is to the
14 Prosecutor.

15 MS PACK: Thank you, Mr President.

16 Q. You were asked in answer to questions by -- from Mr Bognon yesterday, you
17 gave evidence -- and this is on the 10 February French transcript, page 69 line 4 and
18 following, English I don't have the reference. I'd have to deal with it in private
19 session, I'm afraid, if we could just briefly go into private session.

20 PRESIDING JUDGE TARFUSSER: Can we go into private session, court officer.

21 (Private session at 11.57 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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(Open Session)

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Page redacted – Private session.

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4 (Open session at 12.00 p.m.)

5 PRESIDING JUDGE TARFUSSER: Thank you, court officer. Prosecution, yours is
6 the floor.

7 MS PACK:

8 Q. You were giving evidence this morning about your foot and I want to ask you,
9 please, just if you would with Your Honours' permission if you would show their
10 Honours -- perhaps if you could just stand up -- where it was you felt you were hit
11 when you're talking about your foot.

12 MR KNOOPS: Mr President, this was raised already in the examination in chief.
13 The Prosecution did examine the witness already --

14 PRESIDING JUDGE TARFUSSER: Please, please, Mr Knoops. I don't think it's
15 really something big. Please show us where the foot was hit.

16 THE WITNESS: You want me to stand up?

17 MS PACK:

18 Q. Would you mind -- don't step forward, just to the side, please. Is that
19 sufficiently safe, then, for purposes of the -- don't come forward. Just stand to the
20 side there.

21 Could somebody assist the witness, please? Thank you.

22 Thank you. Thank you. So the witness is pointing to his right lower limb,
23 your Honours, just between the knee and the foot. Thank you.

24 Now -- you can hear me again?

25 A. Yes.

1 Q. Now, when you were questioned this morning -- and this is just the last thing I
2 wanted to ask you -- you were questioned and the English and the French transcripts
3 say something slightly different. I'll read from the English at page 32, that's line 20,
4 and you said: "We can't go into the other neighbourhood. We can't go into the other
5 neighbourhood. Just we had to stay where we were, our neighbourhood, just where
6 we were, our neighbourhood."

7 And this is when you were describing the shooting. Now, let me just ask you
8 this one question: You've talked about different locations during all of your
9 testimony; the police station, the maquis Guantanamo and the mosque. And
10 I'd like to ask you when you say here that you stayed where you were - and
11 this was at the time when you were saying when there was police firing bullets
12 and tear gas and grenades - where were you nearest? Were you nearest the
13 maquis -- the police station, the maquis or the mosque?

14 A. The mosque.

15 MS PACK: Your Honours, those were all the questions I had in re-examination.

16 PRESIDING JUDGE TARFUSSER: Thank you very much. Mr Witness, thank you
17 very much. You are released. You can go back to your country. Please, thank you
18 very much for your time and could somebody please provide for the witness to be
19 brought out and witness 190 to be brought in? Thank you.

20 (The Witness is excused)

21 MS PACK: Your Honour, I won't be taking the next witness, so if I could change
22 places with my friend, Mr Demirdjian, if you don't mind us before your Honours just
23 swapping seats.

24 PRESIDING JUDGE TARFUSSER: Just do.

25 MS PACK: Thank you very much.

1 MS MASSIDDA: May I address the bench while we are waiting for the witness, your
2 Honour?

3 PRESIDING JUDGE TARFUSSER: Mrs Massidda, please.

4 MS MASSIDDA: Thank you very much, your Honour. First of all for the record, the
5 legal representative does not request to question this witness.

6 And I would also like to address another point, your Honour. This morning
7 when my learned colleague, Mr Altit, has taken the floor to question the
8 witness, he pronounced these words -- and I'm reading from the French

9 transcript page 12, line 2 in French: (Interpretation) My name is Emmanuel
10 Altit. I'm counsel for President Gbagbo."

11 (Speaks English) I'd like to ask the Chamber to kindly request my colleague to
12 refrain from using the term "president" in this Court.

13 (Interpretation) I'm sorry. I'm not finished. You can wait before you object.
14 Thank you.

15 (Speaks English) I would like to recall a previous ruling by this Chamber
16 dated 4 November 2014. It's in the English transcript, ICC-02/11-01/11-T-25,
17 page 6, line 4 to 8. I'm quoting in English.

18 PRESIDING JUDGE TARFUSSER: Repeat the date.

19 MS MASSIDDA: Yes. 4 November 2014. And I'm quoting in English: "It's also
20 important to mention this at the outset. These proceedings are against Mr Gbagbo in
21 his personal capacities. In both circumstances, this Chamber does not consider the
22 use of a title 'President' appropriate in filings in this case, as appears to be the practice.
23 The Chamber, therefore, invites the Gbagbo defense team to refrain from using the
24 title." End of quote.

25 Now, it's true that the ruling was mainly addressing the issue of a filing, but it's

1 our submission that this should also stand to oral submission in Court and to
2 questioning. Thank you.

3 PRESIDING JUDGE TARFUSSER: Maître Altit.

4 MR ALTIT: (Interpretation) Thank you, your Honour. First of all, there has been a
5 closed session decision that has been quoted to you. Is that not it? Well, I retract
6 what I said, but the discussion we had was in closed session. Thank you.

7 Second observation. Why -- how does this relate to the personal interest of
8 the victims? The victims are participating in a certain context. They are not
9 parties. They are participants. So how does that relate to them?

10 Thirdly, regarding this hearing of 4 November, your Honour, you probably
11 recall that at the time the Presiding Judge had raised this issue saying President
12 Gbagbo at that time had specific connotations and at that time I know that you
13 were there. I explained that in our French, Latin and Ivorian contexts, a
14 former president or a former leader of a country is usually referred to by that
15 same title. You will always be President Tarfusser or President Henderson
16 after a long time, even after 5 or 50 years. And at the time the Presiding Judge
17 was Mr Henderson, Judge Henderson. This is -- not doing that is humiliating
18 because it is against our culture, against our practice. So in our culture, not
19 saying President Gbagbo is to undermine the legitimacy of his election at that
20 time. It is implying that he had not been elected democratically. So it is
21 attacking the Ivorian people and their freedom to choose the person that they
22 chose in October 2000 when they elected President Gbagbo. And it is also
23 attacking the international community because they accepted President
24 Gbagbo's election in 2000 -- in the year 2000. So what is being said there, it is
25 not neutral. They are asking you to undermine the legitimacy of President

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1 Gbagbo. President Gbagbo and Mr Blé Goudé, the two Accused, are
2 presumed to be innocent before this Court as of now.

3 PRESIDING JUDGE TARFUSSER: I believe that nobody wants to take the floor, not
4 even the legal representative, I would say.

5 I have my opinion. I will consult with the colleagues and then advise you, but
6 I -- until we have taken a decision, I will ask you to refrain from saying
7 "President Gbagbo," and then we take a decision and then we -- okay. So I
8 think this for the time being.

9 Now can the witness 190 can be brought in.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE TARFUSSER: Good morning, Madam Witness.

12 WITNESS: CIV-OTP-P-190

13 (The witness speaks Dioula)

14 THE WITNESS: (Interpretation) Good morning. Did you have a good night?

15 PRESIDING JUDGE TARFUSSER: I will now go in what we call "closed session," so
16 nobody outside from this courtroom can see or hear anything what we are talking here
17 for your identification. After you're identified for the record, we again go in open
18 session.

19 So please, court officer, could you call the closed session?

20 Well, I was always saying private. I was saying private, that private is
21 enough. I didn't want to say closed. It was my mistake, but it's okay.

22 (Private session at 12.15 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Open session at 12.18 p.m.)

16 THE COURT OFFICER: We are in open session, your Honour.

17 PRESIDING JUDGE TARFUSSER: Thank you.

18 Madam Witness, this Chamber has granted you some protective measures,
19 which will apply during the whole testimony. I now briefly explain to you
20 which protective measures are in place.

21 First of all, as you have seen, we just went in private session so that nobody
22 could hear your name and your other identifying details.

23 Second, we are calling you "Madam Witness" without saying a name. And for
24 us, you have a number. You are identified by a number among the people in
25 Court.

1 Third, when you are speaking, your voice cannot be heard clearly outside
2 because it's distorted. So nobody can recognize you by your voice. And also,
3 your image is distorted on the video, so nobody can recognize you from the
4 video.

5 Now, of course, we need also your collaboration, meaning that you have not to
6 say your name publicly or to tell something which could identify you.

7 If you have to do so, just tell me and we can go again in closed session.

8 Finally, you are speaking in Dioula, and you have been -- you have to be
9 interpreted in French -- from Dioula in French and in English. Therefore,
10 please speak slowly, as I'm speaking slowly, because we have to help also the
11 interpreters to do their job properly. So speak slow and clear.

12 Now we come to your testimony. You know that this is the Chamber and this
13 is a trial before the International Criminal Court against Mr Gbagbo and Mr Blé
14 Goudé. You are one of the persons who should assist us to find the truth, so
15 you will be asked questions by the office of the Prosecutor, by the Legal
16 Representative of the Victims and by the Defence lawyers of the Accused.

17 As a witness, it is your obligation to tell the truth, only the facts you know you
18 have seen and which are true.

19 To this effect, before we start the questioning, the law requires you to make a
20 solemn undertaking, so I ask you to repeat with me the following words: I
21 solemnly declare that I will speak the truth.

22 THE WITNESS: (Interpretation) I will speak the truth.

23 PRESIDING JUDGE TARFUSSER: The whole truth.

24 THE WITNESS: (Interpretation) I will speak the whole truth.

25 PRESIDING JUDGE TARFUSSER: And nothing but the truth.

1 THE WITNESS: (Interpretation) And nothing but the truth.

2 PRESIDING JUDGE TARFUSSER: I must also inform you that not saying the truth is
3 an offence before this Court and, as such, punishable. Do you understand this?

4 THE WITNESS: (Interpretation) Yes, I've understood.

5 PRESIDING JUDGE TARFUSSER: Last thing, at any time you feel not at ease, you
6 would like a break, you're tired, just tell me.

7 THE WITNESS: (Interpretation) Very well. I have understood.

8 PRESIDING JUDGE TARFUSSER: Okay, then. Now we start the questioning
9 by -- and I give the floor to that effect to the Office of the Prosecutor.

10 MR DEMIRDJIAN: Thank you, Mr President. Good morning, your Honours.
11 Good morning to everyone in and around the courtroom. Your Honours, for the
12 purpose of this witness, I will be leading my examination in French, and I will switch
13 to English if necessary.

14 QUESTIONED BY MR DEMIRDJIAN: (Interpretation)

15 Q. Good morning, Madam Witness.

16 A. (Interpretation) Good morning. Are you doing fine?

17 Q. Yes. Thank you. My name is Alexis Demerdjian. We met very briefly last
18 week. I wish to know whether you are comfortable.

19 Very well. I am going to put mean questions to you. Do not hesitate to ask
20 me to repeat if the question is not clear. You have to be at ease and, once
21 again, I will call you "Madam Witness." It's not because of lack of respect.
22 It's simply to protect your identity.

23 As you know, we are going to focus today on the events of 2010 and 2011. To
24 begin with, where did you live in 2010 prior to the elections?

25 A. I was living in Abobo.

1 Q. And where precisely is Abobo located?

2 A. Abobo is close to Anyama.

3 Q. Very well. If I understand you correctly, it is a commune in Abidjan; is that
4 correct?

5 A. Yes. It is a commune in Abidjan.

6 Q. For how long have you been living in Abobo?

7 A. I have been living in this neighbourhood for almost 15 years.

8 Q. During the elections in October, November 2010, were you living in Abobo?

9 A. Yes, I was living in that neighbourhood.

10 Q. Did you stay in Abobo after the election?

11 A. I stayed in the neighbourhood after the election.

12 Q. Did you leave Abobo at any time after the election?

13 A. After the election, I did not leave Abobo.

14 Q. Very well.

15 Now, in 2011 -- the election took place in October, November 2010. In 2011
16 did you spend the entire year in Abobo?

17 A. Yes, I stayed there.

18 Q. Very well. I would like you to tell us a little bit about the elections. Did you
19 support a particular political party or a candidate during the elections?

20 A. At the time of the elections, there was the campaigns. We took part in the
21 campaigns.

22 Q. And whose campaign was that?

23 A. I was a supporter of Alassane.

24 Q. Can you give us his full name?

25 A. Alassane Dramane Ouattara.

1 Q. Thank you. Were you able to vote during the elections.

2 A. No, I was not able to vote because I did not have an identity card.

3 Q. And did you learn of the results of the vote as to which candidate had won?

4 A. In the first round we heard that Alassane had won and also in the second round.

5 Q. Very well. And could you tell us a little bit what the situation was like in
6 Abobo after the elections?

7 MR KNOOPS: Mr President, I think this is the same objection as we raised before.
8 The question is really too general. The witness cannot speak about the general
9 situation in Abobo we believe.

10 PRESIDING JUDGE TARFUSSER: I think so as well. I mean, the question should be
11 on facts, not on --

12 MR DEMIRDJIAN: Very well, your Honours. I'll rephrase.

13 PRESIDING JUDGE TARFUSSER: Thank you.

14 MR DEMIRDJIAN: (Interpretation)

15 Q. Madam Witness, I would like to bring you to talk about a situation. Did you
16 hear at any moment in time that there was a women's march in Abobo?

17 A. Yes, indeed.

18 Q. Could you tell us when and how you heard that there would be a march?

19 A. I heard a lady talking about it and she asked us to come out on 3 March 2011 and
20 that we would come out in order to go to the crossroads.

21 Q. I heard the date of 3 March 2001. Is that date precise?

22 THE INTERPRETER: Message from the Dioula booth. It is 3 March 2011.

23 MR DEMIRDJIAN: (Interpretation)

24 Q. I thank you. And you say that a lady talked to you about coming out on 3
25 March 2011. And who was this individual?

1 A. Her name was (Redacted) this lady.

2 Q. And do you know what her position was or what her role was?

3 A. She was an activist, an RDR activist.

4 Q. And could you tell us why this march was organised?

5 A. We took part in the march. Women from Bassam also took part with a view to
6 saying that President Gbagbo *had not won the elections and had to step
7 down.

8 Q. You say that also women from Bassam took part. Did they take part in that
9 same march, or was it another march that they took part in?

10 A. The women from Bassam joined us.

11 Q. Very well. And Madam Witness, were there any other marches organised
12 during that period?

13 A. There were other individuals who came from other regions of Côte d'Ivoire.

14 Q. Very well. I do apologize. Maybe my question wasn't specific enough. My
15 question was to ascertain whether in addition to the march that you have just talked to
16 us about in Abobo whether there were any other marches that took part during that
17 period.

18 A. In Abidjan there was also a march in Treichville that took place.

19 Q. And did that march take place before or after the march in Abobo?

20 A. It took place before our march.

21 Q. Very well. And could you explain to us why this was a women's march and
22 why only women were involved?

23 A. Why women? Well, because at the time men were frightened of going out and
24 about and we thought to ourselves that nothing could happen to women.

25 Q. And why was it that men were frightened of coming out -- of going out?

1 A. They were frightened of going out because people were disappearing, and they
2 were afraid of going out.

3 Q. And when you say to me that people were disappearing, are you personally
4 aware of any such people who disappeared?

5 A. I did not know any people, but I heard people speaking about people
6 disappearing, but I do not know any such people personally.

7 Q. And how did you come to hear about people disappearing?

8 A. On occasion, I would find myself in places where I was privy to conversations
9 that referred to this.

10 Q. And a last question on this subject: When you say that people were
11 disappearing, where precisely was this occurring?

12 A. When people went into town, they might be confronted with certain problems
13 and then your relations might look for you and not find you.

14 Q. Very well. And you say when people were disappearing, what kind of people
15 are we referring to?

16 A. People like me, civilians.

17 Q. And in response to a question that was put to you earlier, when I asked you
18 where this occurred, you said people went into town. So is there a particular spot in
19 town that you have in mind?

20 A. No. People might be going to work, for example.

21 Q. Very well. Now, did you come to find out how these people disappeared and
22 who spirited them away?

23 A. I heard people talking about this. I do not know what happened to them, but I
24 did hear some individuals saying that they could not find their family members and
25 that they had disappeared.

1 Q. Let's go back to the subject of the march. You were informed that there was
2 going to be a march on 3 March 2011. Were you informed as to when precisely it
3 would start and from where?

4 A. We left the station in order to go to the Banco crossroads.

5 Q. Very well. So let's go straight to this point. How did you get to the Banco
6 crossroads?

7 A. On foot.

8 Q. And when you say "we," how many were you?

9 *A. I was accompanied by Mama, Aminata, Rokia, Djara and...

10 THE INTERPRETER: And could the witness please repeat the last name?

11 MR DEMIRDJIAN: (Interpretation)

12 *Q. If we focus on the names, you said you were accompanied by Mama. Who
13 exactly was she?

14 A. Mama, a person, Mama was (Redacted)

15 Q. And could you please give us her full name?

16 PRESIDING JUDGE TARFUSSER: In open session?

17 THE WITNESS: (Interpretation) Fatimata Coulibaly.

18 MR DEMIRDJIAN: I'm sorry, I didn't get that, your Honours.

19 PRESIDING JUDGE TARFUSSER: I asked "In open session?"

20 MR DEMIRDJIAN: Yes, that's fine.

21 PRESIDING JUDGE TARFUSSER: Okay.

22 MR DEMIRDJIAN: (Interpretation)

23 Q. And at approximately what time did you leave your house, did you go towards
24 the march?

25 A. We left our home at approximately 9 o'clock.

1 Q. Very well. And let us talk about Fatimata Coulibaly. Do you know this
2 person well? Were you close?

3 A. Yes, indeed, we were. We were close.

4 Q. And how long had you known her at the time?

5 A. Approximately ten years.

6 Q. Very well. And on your way to the march, could you tell us what Fatimata
7 Coulibaly was wearing that morning, if you recall?

8 A. She was wearing short trousers and she had a scarf tied around her waist, but I
9 do not remember the colour of her clothes.

10 Q. Very well. And how long did it take you to get to the Banco crossroads?

11 A. Approximately 40 minutes.

12 Q. And once you reached the Banco crossroads, were you still in the company of
13 your neighbours?

14 A. Yes, we were still together.

15 Q. Very well. And could you tell us at that time when you arrived at the Banco
16 crossroads what you observed? What was there -- there?

17 A. When we arrived, we found a lot of people at the Banco crossroads.

18 Q. When you say "people," "a lot of people," do you know approximately how
19 many?

20 A. No. I do not recall. But there were many people at that place.

21 Q. Very well. And when you say "many people," are we talking about men and
22 women or both?

23 A. Well, it was ladies, women.

24 Q. Were there any men present as well?

25 A. No. There was no man or no men present, only women.

1 Q. And what were the women doing when you arrived at the Banco
2 headquarters -- Banco crossroads?

3 A. They were dancing. They were playing tam-tam. Others were dancing, and
4 people were happy.

5 Q. So you say that they were dancing and singing. Were they saying anything in
6 particular?

7 A. No. They had given -- they had given some wood, and they were dancing.

8 Q. And the women who were present at this Banco crossroads, were they dressed in
9 any particular attire?

10 A. Yes. Those who were dancing were wearing t-shirts. But there weren't many
11 of them.

12 Q. And you say that they were wearing t-shirts. Did those t-shirts have anything
13 characteristic?

14 A. The t-shirts *bore the image of Alassane.

15 Q. You say -- very well. You say that they were holding pieces of wood. They
16 had drums. Did they have -- were they holding anything else in their hands?

17 A. Well, we had brooms and we had some Placali wood, a sort of spatula we were
18 carrying.

19 Q. And this Placali wood, is there anything significant about this wood?

20 A. Yes. This Placali wood was used to ask Gbagbo to leave because he had not
21 won the elections.

22 Q. Very well. And once you reached the Banco crossroads, did you remain at one
23 spot or did you move around?

24 A. We met people at that location.

25 Q. And were you still in the company of your neighbours?

1 A. Yes, we were together. But Fatimata Coulibaly was in front of me and I was
2 behind her. I was looking at what was going on.

3 Q. How long did you spend at the Banco crossroads?

4 A. I do not remember the time, but we didn't stay there for long.

5 Q. And when did you leave the Banco crossroads or roundabout?

6 A. We left at between 10 and 11 o'clock, between 10 and 11. And when I got home,
7 it was already 11 o'clock.

8 Q. And why did you leave the Banco roundabout?

9 A. Because women had been killed there.

10 Q. Very well. Could you explain to us what happened and how these women lost
11 their lives?

12 A. I could not see what was happening in front. I was a little bit to the side. At a
13 given moment in time, something fell, the ground shook, we all fell to the ground. I
14 got up and I ran in order to put -- get to the side.

15 Q. And just before something fell, where was Fatimata Coulibaly just before?

16 A. She was standing in front of me.

17 Q. Very well. So you say that you went to the one side of the road. And how
18 long did you spend on the side?

19 A. I ran. *I wasn't alone. We got lost, we lost each other. I could not locate the
20 women with whom I was. So I went to hide. Everyone was seeking refuge. And
21 once the tanks had gone by, I came out to ask what had happened and I asked whether
22 they had seen Mama. They said no.

23 Q. Very well. So you earlier said that you left said location because women had
24 been killed. Did you see anything in particular happen?

25 A. I then saw tanks go by and they were firing.

1 Q. My question was that earlier you said that women had been killed. Did you see
2 that yourself?

3 A. Yes. I didn't get up close, but I saw people fall to the ground. I took fright and
4 that was why I went to the side.

5 Q. And could you tell us the state of the people who were lying on the ground?
6 What state were they in?

7 A. I fell down and then I wasn't really able to look. I didn't get closer to the people
8 who had fallen.

9 Q. And what state were you in personally after you had fallen to the ground?

10 A. My mind was blank when I fell. I just realized what was happening, quite
11 simply.

12 Q. And what did you realize quite?

13 A. Well, I had blood on one side. I didn't realize at the time. I carried on running.
14 I was so afraid.

15 Q. You say that you had blood on your side. Was it your blood? Had you been
16 wounded personally?

17 A. No, I wasn't wounded. Those who had fallen to the ground, well, it was their
18 blood that had sprayed all over me.

19 Q. And did you have the opportunity to see the types of wounds that they had
20 sustained?

21 A. Well, the bomb that was thrown on them, that was the bomb that wounded
22 them.

23 Q. I wanted to ascertain with my question what kind of wounds they had sustained,
24 the women who were on the ground, that is.

25 A. No, I was not able to approach them in order to ascertain the type of wounds

1 they had sustained.

2 Q. You say that you went to hide to one side and that you saw vehicles go by and
3 fire. Could you tell us what kind of vehicles you saw?

4 A. There were tanks. There were pick-ups. There were also cargo trucks.

5 Q. Very well. And could I ask you to explain these to us one by one? What -- let's
6 start with the tank. What does a tank look like?

7 A. A tank is an instrument of battle and it has a gun on the front.

8 Q. When you say it is an instrument of battle or a weapon for battle, is it mobile?

9 A. It is a vehicle with a gun mounted on it and this vehicle moves. It moves
10 forward.

11 Q. And you also mentioned a truck, a cargo truck. What precisely is a truck or
12 lorry to your mind?

13 A. Well, you could put things in a lorry. You can load a lorry from behind
14 especially.

15 Q. And what does a lorry or truck look like, generally speaking?

16 A. Well, it is a large vehicle.

17 Q. And you also talked to us about pick-ups. Could you please explain to us what
18 a pick-up looks like?

19 A. Well, it's like a tarpaulined vehicle. It's like a small van with a tarpaulin on it.

20 Q. And the pick-up that you saw, was that also a small van, a tarpaulined van?

21 A. Well, there is a difference between a truck or lorry and a tarpaulined van. What
22 I saw go by was a lorry. As to specifying what it is or what it was specifically, I did
23 not stop to have a proper look because I was afraid.

24 Q. And where were those vehicles going, in what direction?

25 A. They were going towards Adjamé, Adjamé.

- 1 MR DEMIRDJIAN: Your Honours, at what time are we expected to break for -- is it 1
2 o'clock or keep going? Thank you.
- 3 PRESIDING JUDGE TARFUSSER: 1.15.
- 4 MR DEMIRDJIAN: Thank you very much.
- 5 Q. (Interpretation) Do you remember the total number of vehicles that you saw go
6 in the direction of Adjamé?
- 7 A. No. I don't know the number.
- 8 Q. Can you give us an estimate?
- 9 A. No. I did not count the vehicles and I cannot tell you the number. If I had
10 stopped to properly count, I would be able to give you the number. But I didn't do
11 that, so I can't give you any number.
- 12 Q. Very well. You have told us that you hid for a certain period of time. Now,
13 where did you go to after you left your hideout?
- 14 A. I went in the direction of the station using the bridge.
- 15 Q. Very well. And where did you go after that?
- 16 A. I crossed the road towards Banco to my right.
- 17 Q. With whom were you at that moment?
- 18 A. At that time I was alone. I was on my own.
- 19 Q. And after that, where did you go?
- 20 A. I went back to town to Banco.
- 21 Q. In the translation you say you went to Banco; is that correct?
- 22 A. I was running and I stopped in front of Banco, the yard in front of Banco.
- 23 Q. You were saying that you asked something. What was it?
- 24 A. I was hiding. When the vehicles passed, I asked where is Mama, and I was told
25 that she had not been seen. I continued running and I went to the Banco

1 neighbourhood and in order go back home.

2 Q. So, in fact, you went back home; that is what you are saying?

3 A. I did not go directly home. I stopped behind -- in front of some staircase and
4 then I continued on foot to go home. And that is where I saw someone I know. I
5 saw a person with whom I had come, and I asked that person whether she had seen
6 Mama. She told me no. And then we continued home.

7 Q. A short while ago you said that you saw some blood on your clothes. Did you
8 keep your clothes with you?

9 A. I removed my clothes. There was a young person who said, "Look at that
10 woman." I touched my back and realized that there was blood all over my clothes.
11 So I had to remove my clothes and throw them away.

12 Q. Very well. Was it only blood that you noticed on your dress?

13 A. There was blood and something that looked like pus.

14 Q. What do you mean by "something that looked like pus"?

15 A. It looked like a sheep that had been killed and its head split open and it looked
16 like the brain tissue.

17 Q. Once you changed your clothes, what did you do with the clothes that you had
18 with the blood on it?

19 A. I removed the t-shirt and then I threw it in a dust bin, in a bin that was nearby.

20 Q. If I understood you correctly you then went back home; is that correct?

21 A. Yes. I returned home after that.

22 Q. And once you returned home, what was the situation like back there?

23 A. I did not enter the house. I leaned against the wall in front of the compound,
24 and I was crying and I was saying: "The woman has been killed, the woman has
25 been killed." And a woman came out and said: "Let us go in. Something

1 happened to Mama." She asked me to go into the house and not to stay out there
2 crying.

3 Q. And that lady who came out, was she one of your neighbours?

4 A. Yes. She was living in the same compound as myself.

5 Q. Were there any other people in your compound or in your house at the time you
6 returned?

7 A. There was a woman whose husband was there as well as the children. People
8 were in the house.

9 Q. And you were told that something had happened to Mama. Did you get to
10 know what had happened to her?

11 A. I was told that Mama had been struck by a bullet. And since I had not gone
12 close to her, I asked where she had been injured. I was not told.
13 I simply knew that she had been hit
14 and I started crying.

15 Q. Did you subsequently learn in detail what had happened to Mama?

16 A. They were hiding what had happened to her from me. There was a lady. She
17 did not want the children to know precisely what had happened. They did not want
18 to tell me. I thought that she was still alive, but they were hiding the news from me.

19 Q. You have said that you thought she was still alive.
20 Did you hear something else later?

21 A. Afterwards, there were people coming to the house. People came to the house
22 and they were asking: Is it true? Is it true what happened to Mama? We saw her
23 pass by a short while ago.

24 Q. What do you mean by: "We saw her pass by a short while ago"?

25 A. We had left the house not so long ago.

1 And so to say that that person was dead, that shocked people and they were really
2 wondering.

3 Q. You say that people were shocked. Now, what was your reaction when you
4 heard that she was dead?

5 A. I was totally lost. I didn't know where I was. I knew that we had been
6 together a short while ago, Mama and myself, and then I was being told that she was
7 dead, that she was dead.

8 Q. Madam Witness, do you need to take a short break? Do you want us to take a
9 break? You can take a drink of water, Madam Witness.

10 PRESIDING JUDGE TARFUSSER: Also, the psychologist can assist her. I mean
11 just -- or I think we make the break now.

12 But just go there, you assist her.

13 I think we should take the break now and come back at 2.45 to continue. The
14 hearing is adjourned.

15 THE COURT USHER: All rise.

16 (Recess taken at 1.11 p.m.)

17 (Upon resuming in closed session at 2.49 p.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Open session at 2.51 p.m.)
- 14 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.
- 15 (The witness enters the courtroom)
- 16 PRESIDING JUDGE TARFUSSER: Thank you very much. I would suggest the
- 17 psychologist to sit next to the witness.
- 18 Good afternoon, Madam Witness. I hope you have recovered a little bit and
- 19 that you are -- so do you feel better now?
- 20 THE WITNESS: (Interpretation) Good afternoon. Everything is fine.
- 21 PRESIDING JUDGE TARFUSSER: Okay. So I give again the floor to the Prosecutor.
- 22 THE WITNESS: (Interpretation) Yes. Everything is fine.
- 23 PRESIDING JUDGE TARFUSSER: Thank you very much. So now I give again the
- 24 floor to the Prosecutor for continuing his questioning to you, which really I
- 25 recommend being as delicate as possible because we have seen the witness is quite

1 weak. Okay. Thank you very much.

2 MR DEMIRDJIAN: Yes, your Honour. Just for maintenance matters, I won't be
3 much longer, probably another half hour maximum.

4 PRESIDING JUDGE TARFUSSER: That's very good news. And I think the Defence
5 is prepared to continue because the ideal situation would be to finish by tomorrow this
6 witness, of course.

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

8 MR DEMIRDJIAN: (Interpretation)

9 Q. Very well. I have a few more questions for you. We will revisit certain
10 questions that I put to you before the break simply for clarification purposes. At the
11 beginning of your testimony, you said that during the election you supported
12 Alassane Ouattara's party. I would like to ask you, were you a member of that party?

13 A. I was not a member of that party.

14 Q. Very well. The question I would like to ask you relates to the vehicles that you
15 saw on 3 March. You mentioned tanks, cargo trucks and so on. Were the vehicles
16 close to each other?

17 THE INTERPRETER: Your Honour, if the witness could be advised to not interrupt
18 during the questions because it makes interpretation difficult.

19 PRESIDING JUDGE TARFUSSER: Excuse me, please. Madam Witness, I was
20 requested by the Dioula interpreter to wait until the question -- the Office of The
21 Prosecutor has finished the questioning without interrupting and then give your
22 answer; otherwise the voices are overlapping, and the interpreters cannot understand
23 and interpret properly. So speak slowly and wait until the question is finished, okay?

24 MR DEMIRDJIAN: Thank you, Mr President.

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

1 MR DEMIRDJIAN: (Interpretation)

2 Q. Very well. The second question that I wanted to ask about the vehicles, you
3 said they were quite close to each other. How -- they were driving. Were they
4 driving side by side or one after the other?

5 A. They were following each other.

6 Q. And at the time that you saw them, were you far away from the road that they
7 were driving on?

8 A. I was a bit far.

9 Q. And can you give us an estimate of the distance between you and the vehicles at
10 that time?

11 A. I cannot give you the precise distance in metres.

12 Q. Very well. Now I would like to ask you about what happened after the event.
13 As far as you know, was the event reported in the media; in other words, in the press
14 and the television?

15 A. Yes, it was reported on the television. The television reported on the injured
16 persons.

17 Q. And what did the media say about the women's march, *about this event?

18 A. I watched the television, but it was not easy. Other people came and watched,
19 but I myself, I was unable to watch because it made me cry.

20 Q. And based on what you saw, do you remember the comments that were made
21 about the event?

22 A. I do not remember. If I had properly watched I would be able to remember and
23 give you an account, but I was not able to watch myself.

24 Q. So according to you, you don't remember any comments in relation to that
25 event?

1 A. I do not remember because I, myself, I did not watch.

2 MR DEMIRDJIAN: Your Honours, I'm in your hands here with respect to the
3 procedure of refreshing the memory of the witness. Obviously the witness cannot
4 read. I am prepared to read extracts from her statement to help her.

5 PRESIDING JUDGE TARFUSSER: Absolutely, yes. You make what we call -- you
6 confront her with what she said, and then you make a question, but quoting and
7 giving all the reference.

8 MR DEMIRDJIAN: Yes.

9 Q. (Interpretation) Witness, I'd like to read an excerpt from your statement. I
10 believe you had a chance to review your statement last week; is that correct?

11 A. Yes, yes.

12 PRESIDING JUDGE TARFUSSER: Can you just -- excuse me. Can you just say the
13 statement to the Office of The Prosecutor given some time ago, not just this morning,
14 so we are on the same page?

15 MR DEMIRDJIAN: Yes. For the record, I'm talking about the statement with the
16 ERN CIV-OTP-0070-1072.

17 Q. (Interpretation) Ma'am, do you remember the statement that you gave in 2014,
18 November 2014, to investigators from the OTP? You remember that, don't you?

19 A. Yes.

20 Q. Now, I believe you did place your fingerprint on that statement.

21 A. Yes.

22 Q. Very well. Now, the part of the statement is actually paragraph 60, page 12.
23 This is what you said, paragraph 60, page 12, let me begin the quote: "Many things
24 were said about these events of 3 March 2011. Gbagbo's people even said that it
25 wasn't blood, but it was bissap that had been poured on the women." End of quote.

1 Do you remember that?

2 A. Yes. I don't know. I don't think we had got to that specific point.

3 Q. Very well. Now, in relation to what you said, in the statement what can you tell
4 us now about this remark that it was actually bissap? What is bissap exactly?

5 A. No, it was not red sorrel. It was blood.

6 Q. You said it was blood. Now, why do you say that it was blood? What was it
7 exactly?

8 A. It was blood because someone had bled on me. It was blood.

9 Q. Very well. So you're talking about during the march?

10 A. Yes.

11 Q. And bissap, could you tell us what that is?

12 A. It's a plant. You make a juice from it. And when you soak it in water, it
13 becomes red. It is red sorrel.

14 Q. Very well. So you are saying that during the march *what you saw was blood;
15 is that correct?

16 A. Yes, that's right.

17 Q. Very well. If I could now move onto another topic. Did you stay in Abobo for
18 the entire month of March after that event?

19 A. I stayed for a while in Abobo after that but, you see, there were all kinds of -- all
20 kinds of shooting going on. I couldn't cope really, and I left.

21 Q. You said there was shooting at all time, and you just couldn't bear it. Who was
22 shooting?

23 A. I would hear shooting all the time. Even from far away you could hear
24 shooting. So at any time there was always shooting. And I was afraid. My heart
25 was beating fast. I don't know who was shooting.

1 Q. You left Abobo, and for how long were you away from that place?

2 A. One month about, 20 days.

3 Q. And do you remember when you left Abobo, about when?

4 A. I no longer recall. I don't remember exactly.

5 Q. Was it during March or after the month of March?

6 A. It might have been the end of March, but I no longer recall exactly when.

7 Q. Very well. One last thing that I would like to do, ma'am, is show you part of a
8 video. And I believe that in your statement you said that you could not bear the sight
9 of blood. So I would like to show you a video that does not contain violence, it won't
10 upset you, but you will see this video with some people. But please don't worry, you
11 will not see any violent acts on the video.

12 MR DEMIRDJIAN: For the floor, we will be displaying --

13 PRESIDING JUDGE TARFUSSER: Madam Witness, I just want also to assure you
14 that this matter has been discussed with the psychologist of the VWU just to assure
15 you that there will -- on the video you will see, you won't see anything traumatising.

16 THE WITNESS: (Interpretation) I understand.

17 MR DEMIRDJIAN: For the record, the ERN of the video is CIV-OTP-0077-0411. We
18 will be showing the clip from the beginning until 3 minutes and 30 seconds.

19 PRESIDING JUDGE TARFUSSER: Public.

20 MR DEMIRDJIAN: In public, yes, your Honours. I understand we also have to be
21 on Evidence 2, right? Yes.

22 (Viewing of the video excerpt)

23 MR DEMIRDJIAN: (Interpretation)

24 Q. Ma'am, do you recognize this place, these people on the video?

25 A. I don't remember the place because I remember what happened at the

1 roundabout. That's where people were carrying the signs and also the wooden
2 spoons.

3 Q. On the video did you see any places that you recognize?

4 A. No.

5 Q. Did you recognize any people?

6 A. No, I didn't recognize any people. The people I saw, I don't know those people.

7 Q. What about the singing, do you recognize that?

8 A. Yes, I did hear them.

9 Q. And the songs you heard on the video, were they similar to the songs that you
10 heard during the march on the 3rd of March?

11 A. During the March, I don't remember. We got to one spot. People were
12 dancing. I don't remember the songs.

13 MR DEMIRDJIAN: (Interpretation) Just a moment.

14 (Speaks English) Your Honours, with your leave, there is another small
15 extract that we could show the witness from later on in the video, which again
16 does not show any shocking images, it's just vehicles that one can see. Maybe
17 that will help her situate the location. It's about 30 seconds; but, as I say,
18 nothing shocking, no bodies, no shots or anything of the kind.

19 PRESIDING JUDGE TARFUSSER: Madam Witness, do you agree -- and I would
20 need also the help of the psychologist -- do you agree with seeing another 30 seconds
21 of the same video, the continuing of the same video? But there is nothing which
22 should traumatise you, no blood, no -- nothing else, but probably some other scene
23 which I don't know. Would you agree on that?

24 THE WITNESS: (Interpretation) Yes, I'm willing.

25 PRESIDING JUDGE TARFUSSER: So I will really advise the Prosecutor to stop in the

1 right -- one second before the right moment.

2 MR DEMIRDJIAN: Absolutely, your Honours. We'll be extremely careful. We
3 will show another version of this video. It's CIV-OTP-0082-0357. It's the enhanced
4 version that shows a better quality image. So it will be from the 4-minute mark, and
5 we'll stop at around 4 minutes 30 seconds.

6 PRESIDING JUDGE TARFUSSER: This, to be clear, is it continuing of the same video?
7 Okay. After the 3 minutes 30 seconds, now it goes to 4.

8 MR DEMIRDJIAN: Exactly, yes.

9 PRESIDING JUDGE TARFUSSER: Okay.

10 MR DEMIRDJIAN: (Interpretation)

11 Q. Now, ma'am, we're going to play another passage from this video.

12 (Playing of the video excerpt)

13 MR DEMIRDJIAN: (Interpretation)

14 Q. Madam Witness, did you see a number of vehicles go by?

15 A. Yes, I did, indeed. I saw some vehicles go by.

16 Q. Do you recognize the place or the vehicles that you just saw on the video?

17 A. Yes, I do recognize the place.

18 Q. What can you tell us about this particular place? Where is this place?

19 A. It's at the Banco -- Carrefour Banco.

20 Q. What can you say about the vehicles that you saw go by in the video?

21 A. There was the tank and then a cargo truck, but I didn't see another vehicle.

22 Q. Would you like to view the video again and look at the vehicles more closely?
23 We can play it again, if you wish.

24 A. Yes, sure.

25 MR DEMIRDJIAN: Yes, if we could play the 30-second clip once more.

1 (Playing of the video excerpt)

2 MR DEMIRDJIAN: (Interpretation)

3 Q. Witness, what can you tell us about the vehicles now that you've seen the video
4 again?

5 A. Yes. There was a tank, a cargo truck and then another vehicle, smaller vehicle.

6 Q. Are these vehicles similar to the ones you saw on 3 March?

7 A. Yes.

8 Q. Very well. Very well.

9 Madam Witness, we have finished with the videos, but I have two other
10 questions for you, and then I will have finished my examination.

11 First of all, I would like to ask you, now, after 3 March, you said that you left
12 because there was shooting. Could you tell us whether before the 3rd of
13 March, before the march, whether there had been shooting in Abobo?

14 A. Yes, there had been shooting. But at the time there was shooting as well when
15 we would come back from the market.

16 Q. Very well. Now, I know that it is difficult for you, five years have gone by since
17 the events, but could you tell us how often you would hear shooting before 3 March?

18 A. Often. Often you would hear shooting.

19 Q. Do you know where the shots came from?

20 A. We would hear the noise. I had the impression that the shots came from the
21 station, and that was a bit of a ways off. But we would hear those sounds. We
22 would hear the shooting.

23 Q. Very well. Thank you very much for answering my questions.

24 This completes the examination-in-chief. Thank you.

25 PRESIDING JUDGE TARFUSSER: Thank you, Madam Witness.

1 Thank you, Mr Prosecutor.

2 I will now give the floor to the Defence of Mr Gbagbo, I suppose.

3 MR ALTIT: (Interpretation) Thank you, your Honour. The cross-examination will
4 be conducted by Jennifer Naouri.

5 EXAMINED BY MS NAOURI: (Interpretation)

6 Q. Good afternoon, Witness. My name --

7 A. Good afternoon. Have you had a good day?

8 Q. Very good day. I thank you.

9 My name is Jennifer Naouri, and I'm a member of the Laurent Gbagbo Defence
10 team. Mr Gbagbo is behind me.

11 Now, before I begin to ask you some questions about what you experienced, I
12 would like to make a few things quite clear at the beginning. First of all, I
13 wish to reassure you, we have no intention to reveal your identity. So I will
14 be asking my questions in a very, very careful way. And, of course, the
15 Chamber will be listening carefully to make sure that your identity is not
16 revealed. But I would also like to ask you to be careful as well. Please be
17 sure not to reveal your identity or information that might identify you.

18 What's more, I think I should remind you that this is a trial being held in public
19 and, thus, we will try to make sure that as much as possible the questions and
20 the answers will be public in nature.

21 Secondly, I would like to ask you to listen to my questions carefully, and please
22 try to answer the question, just answer the question. And that way we will be
23 able to move ahead together, and we can understand what happened.

24 A. Yes, I agree.

25 Q. Thank you.

1 Finally, one last point. Since you will be answering my questions in Dioula, I
2 would like to ask you to speak slowly so that the interpreters have the time to
3 translate your answers and then the translation comes to my ears. And please
4 try to direct your responses to the Chamber. Is that all right? Have I been
5 clear, Madam Witness?

6 A. Yes, I've understood.

7 Q. Perfect. Now, I'd like to begin by asking you about the organisation of the
8 march, the march of 3 March 2011. This morning you told us a few things about the
9 organisation, and I will quote the transcripts, the Court transcripts. Page 64, lines 2 to
10 4, today's transcript. And this has to do with the organisation of the march. You
11 said, "I heard a lady speaking, and we were asked to come out on 3 March 2011 and
12 that we would leave from the station and go to Carrefour Banco." That is what you
13 told us this morning.

14 A. Yes.

15 Q. Could you tell us who was this lady and --

16 A. (Redacted)

17 Q. How did you know this lady?

18 A. We are from (Redacted)

19 THE INTERPRETER: Interpreter correction. The lady's name was (Redacted)

20 MS NAOURI: (Interpretation)

21 Q. Did you know her personally?

22 A. Yes, I did know her personally.

23 Q. And what did this lady do for a living?

24 A. She was a member of the RDR. When there were rallies, she would be there.

25 Q. And you would see her at these rallies?

1 A. Yes. When I would go to the rallies, I would see her there.

2 Q. So you used to take part in these RDR rallies; is that correct?

3 A. When there were rallies, yes, I would go to some of them.

4 Q. And would you go to these rallies all by yourself?

5 A. I would go with Mama.

6 Q. Just with Mama?

7 A. The two of us, you see, we would come from the (Redacted) and we would
8 leave together because, you see, (Redacted)

9 (Redacted)

10 Q. And what did you talk about during these meetings?

11 A. Well, we would take the photographs of the people that we were supporting,
12 then people would be dancing and nothing else.

13 Q. This morning while you were answering the questions of the Prosecutor, you
14 said, and I will quote, it's page 63, lines 1 and 2: "At the time of the election, when
15 there were rallies, we would go for the campaigns. We took part in the campaigns."
16 So you were interested in the presidential campaigns?

17 A. Yes, I was interested in them. There were rallies that I attended frequently.

18 Q. You explained to us this morning that you did not vote. Would you have liked
19 to vote during that election, that presidential election?

20 A. Yes, I would have liked to vote.

21 Q. Did you make any efforts to try to be able to vote?

22 A. I made efforts to have an identity card issued to me, but I didn't have one.

23 Q. Very well. We have been told that you can neither read nor write. Did
24 anybody help you in your efforts to have an identity card issued to you?

25 A. Yes. I went with my documents, my birth certificate, and I presented those

1 papers that were requested for the identity card.

2 Q. Thank you. You just told us that during the rallies, you would sing and dance.

3 Did you also take part in any marches, that is, prior to the one of 3 March 2011?

4 A. No.

5 Q. A short while ago the Prosecutor mentioned your written statement, and this

6 was a statement that was given by you to the OTP after your meetings with the

7 investigators. Do you remember?

8 A. Yes.

9 Q. In the attestation, and I will give the references, it is CIV-OTP-0070-1072-R01,

10 paragraph 28. Referring to (Redacted), you said, "I usually saw her in rallies or in the

11 marches of the RDR." So my question to you is as follows: Can you distinguish

12 between an RDR rally and an RDR march or demonstration?

13 A. I took part in the campaign, and I make a difference. I distinguish between

14 campaigns and rallies.

15 Q. So on the one hand, you tell us that there was a campaign; and then on the other

16 hand, there were rallies.

17 A. I did not quite understand you. I did not understand. I was thinking about

18 the marches, but I distinguish between rallies and campaigns.

19 Q. Let me repeat. You can personally distinguish between the campaign and the

20 rallies; is that correct?

21 A. I do not know.

22 Q. Let me try to rephrase. When you were going to take part in the march of 3

23 March 2011, was it the first time that you were

24 taking part in a march?

25 A. Yes. That was the first time.

1 Q. Very well. Thank you.

2 We have just talked about the organisation of the march of 3 March 2011.

3 Once you decided to take part in that march, how was your itinerary
4 determined? I'm asking you that question so that all of us here can try to
5 understand precisely what happened on that day.

6 Now, you decided to take part in the march, and you left your home in the
7 morning.

8 Now I would like to address the Chamber because I want to be cautious.

9 There might be some identifying information, so we may need to go briefly
10 into private session.

11 PRESIDING JUDGE TARFUSSER: Please, court officer, call private session.

12 (Private session at 3.38 p.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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25 (Redacted)

Trial Hearing
Witness: CIV-OTP-P-0442

(Private Session)

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13 Page redacted – Private session.

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1 (Redacted)

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7 (Redacted)

8 (Redacted)

9 (Open session at 3.44 p.m.)

10 THE COURT OFFICER: (Interpretation) We are in open session.

11 PRESIDING JUDGE TARFUSSER: Thank you very much.

12 The floor is to you again.

13 MS NAOURI: (Interpretation) Much obliged, your Honour.

14 Q. And when you were walking together, what was the atmosphere like up until
15 the point that you reached the intersection?

16 PRESIDING JUDGE TARFUSSER: Can you describe better what you mean under
17 "atmosphere," because we haven't had it and we've never allowed it, so just to add a
18 little bit more structure to the question because atmosphere is a little bit vague.
19 Thank you.

20 MS NAOURI: (Interpretation) Thank you, your Honour.

21 Q. Madam Witness, when the three of you were walking, were you happy, were
22 you joyful, or were you apprehensive? Were you fearful?

23 A. We were happy. All of those who were going there were happy.

24 Q. And why were you happy?

25 A. Because going to the march did not present any problem to us as far as we were

1 concerned, so we were happy. We were conversing amongst ourselves.

2 Q. Madam Witness, you have been living in Abobo ever since you were 15 years,
3 correct?

4 A. Yes.

5 Q. Did you like living in Abobo?

6 A. Yes, I liked living in Abobo very much.

7 Q. Madam Witness, a short while ago the Prosecutor mentioned the fact that you
8 left Abobo at one point. Do you remember? If your answer is yes, can you say it
9 aloud for the transcript?

10 A. Yes.

11 Q. Thank you.

12 A. I really did not quite understand your question. Can you kindly repeat, please?

13 Q. Very well. I was asking you whether you remembered that the Prosecutor a
14 short while ago talked about your departure from Abobo?

15 A. Yes, I remember that.

16 Q. Very well. Now I would like to ask you about the shooting that you were
17 talking about. We have already mentioned the fact that you gave a written statement,
18 and I will read a short excerpt from that. And the reference is as follows:

19 CIV-OTP-0070-1072 R01, paragraph 27, and I quote: "I left Abidjan because all the
20 time I was afraid. I could no longer bear the shooting. During the crisis, there was a
21 lot of shooting in Abobo. The walls were trembling incessantly. I was too afraid,
22 and it is for this reason that I decided to leave."

23 I don't want to mention the place where you went to. Now, my question is as
24 follows: When you say "during the crisis," are you talking about the
25 disturbances that started after the second round of the presidential election?

1 A. It was after the second round of the presidential elections.

2 Q. If I understand you correctly, as from the time of the second round of the
3 presidential elections, which took place on 28 November 2011, as from that time the
4 shootings started; is that correct?

5 A. Yes.

6 Q. Is it correct to say that you did not feel safe in Abobo as from that time?

7 A. We were afraid. There were gunshots. People were going out. I couldn't
8 bear it any longer, and that is when I left.

9 Q. But you experienced this difficult situation for several months, from November
10 to March; is that correct?

11 A. Yes.

12 Q. And during that period, you tell us that the walls were shaking continuously.
13 Was that what you said?

14 A. Yes.

15 Q. Why was there violence in Abobo during that period?

16 A. I do not know the reason.

17 Q. You are a mother; is that correct? You have a child, don't you?

18 A. Yes, I have a child.

19 Q. It must have been very difficult for you and your child during all those months
20 in Abobo.

21 A. It was difficult. The children were insisting that we should leave, and finally
22 they left. I told them to leave, and then afterwards I, myself, I left.

23 Q. And during that period with your neighbours and during the rallies, didn't you
24 discuss your concerns relating to the security situation, ways and means of protecting
25 your children?

1 A. Yes, yes.

2 Q. And when you talked about this, did you try to understand why the shooting
3 was going on?

4 A. Yes. We thought about all those problems.

5 Q. Did you personally see any people shooting? Did you see any people injured,
6 that is, before the march of 3 March 2011?

7 A. No, I did not see any of that.

8 Q. You have told us that things were difficult in Abobo and also that you were
9 happy to go to the march because you were not afraid. Was it the same situation for
10 the men? What was the situation like for the men?

11 A. We were going to the march. The men were afraid. They did not want to go
12 out. They could not go out.

13 Q. Thank you, Madam Witness.

14 Your Honour, I don't know when we are going to adjourn today. I wanted to
15 move on to another subject.

16 PRESIDING JUDGE TARFUSSER: Twenty minutes. You can move.

17 MS NAOURI: (Interpretation) Merci.

18 PRESIDING JUDGE TARFUSSER: We started at -- we started at 50, something like
19 this, so ...

20 MS NAOURI: (Interpretation)

21 Q. Now, let us talk about the incident of 3 March 2011. And if at any time you feel
22 ill at ease and you wish to take a break, do not hesitate to inform the Chamber.

23 Now, when you arrived at the Banco roundabout, did you stay next to Mama?

24 A. I was, in fact, behind her. She was ahead of me.

25 Q. And what were you looking at around you?

1 A. There were people beating on drums and who were dancing. I do remember
2 that.

3 Q. If I understand you correctly, during the march you focused on the people who
4 were dancing, who were beating on drums?

5 A. That is what I remember, yes, indeed.

6 Q. You didn't look around you?

7 A. Well, I was looking at those who were beating on the drums, and at one point
8 Mama said I should come closer to her, and I did at one point, but I was looking at
9 those who were beating on drums.

10 Q. Thank you, Madam Witness. I would like, once again, to quote from the
11 written statement that you gave to the Prosecutor. It is paragraph 41. It's the same
12 document, so I will not give the CIV number. And I quote: "Since the
13 women -- there were many of them at the roundabout. The women who were
14 dancing were off to one side, that is, away from *the group." End of quote.
15 Now, in order to understand correctly, those women had moved away from
16 the rest of the group; is that correct?

17 A. It was not possible to dance inside the crowd because you would be pushing
18 other people. That is why they went off to one side.

19 Q. So they were not in the middle of the march?

20 A. No. *No, but they were close to the marchers, if I can use that term, the people
21 who were marching.

22 Q. Were they moving forwards, or did they stay in the same spot?

23 A. They stayed in one spot.

24 Q. So you were close to these women when the earth began to tremble?

25 A. Yes, that's right.

1 Q. So you were at the same place in a group together?

2 A. Yes, we were together in a group at one spot, in one place.

3 Q. Thank you. I would like to ask you a question. And if this is difficult for you,
4 please tell us so. Now, when the earth began to shake and you heard a big noise --

5 A. Yes.

6 Q. -- you said that you fell down. Did you see what happened to the other women
7 who were around you?

8 A. I fell down, I got up, I ran and I saw some people who were down on the ground,
9 but I didn't go close to them to take a closer look.

10 Q. We will get to that point in just a moment, Madam Witness. But at the time
11 when you -- as you fell, you didn't see what was happening to the women who were
12 dancing; the situation was chaotic. Have I understood correctly?

13 A. We -- well, the women who were dancing fled when it fell.

14 Q. How do you know that they fled?

15 A. Because myself, I fled. And people were screaming, running in every which
16 direction.

17 Q. Were you disoriented?

18 A. Myself, I saw a table, and I hid underneath this table.

19 Q. And when you were hidden under this table, did you know where you were?

20 A. Yes. I was on the Banco side.

21 Q. And when you were hiding there, you told us that you saw some vehicles go by;
22 isn't that so?

23 A. Yes.

24 Q. I apologise to the interpreters.

25 Now, could you explain to us what you felt or experienced as you were hiding?

1 A. I was hiding, and I saw the tanks go by heading towards Adjamé. And then
2 once the tanks had gone by, I came out of my hiding spot.

3 Q. As you were hiding there, did you immediately see the tanks, or were you afraid
4 and you didn't know exactly what was going on for a moment or two?

5 A. I took refuge under the table, and I saw the vehicles heading towards Adjamé.

6 Q. And what were those vehicles doing as they went by?

7 A. They were shooting as they went along.

8 Q. You must have been afraid as they were shooting?

9 A. Yes, of course I was afraid.

10 Q. Now, twice the Prosecutor showed you some videos -- well, passages from a
11 video. And do you remember that, seeing those videos just a few moments ago?
12 The convoy went by during -- in those videos.

13 A. Yes, I do remember that.

14 Q. The Prosecution says that the video shows images of what happened. You've
15 understood that?

16 A. I saw the images, yes, indeed.

17 Q. Does the footage correspond -- and I'm sorry if this is painful for you to -- does
18 the footage match what you remember about the march?

19 A. The footage I saw, the second one, I do remember that.

20 Q. And yet you just told us that you had seen the convoys shooting, and on the
21 footage from the Prosecution we do not see any shooting.

22 A. Shooting?

23 MR DEMIRDJIAN: Your Honours, as you know, we were specifically forbidden
24 from showing the shooting. So trying to confront the witness with a lack of shooting
25 is unfair in the current circumstances. If this line of questioning is going to go

1 forward, we should be permitted to show that excerpt. I don't need to show it, but I
2 would say that we don't get into this area of questioning. Thank you.

3 PRESIDING JUDGE TARFUSSER: If the shooting is referred to the footage, of course,
4 which the witness has not seen, of course, we should not enter into this line of
5 questioning.

6 MS NAOURI: (Interpretation) (Microphone not activated) We are not talking
7 about the shooting on the video. We're talking about the witness's account. She said
8 that as the convoy went along, there was shooting. We certainly don't want to make
9 the witness uncomfortable, but we are just trying to determine what we're dealing
10 with. The witness has mentioned shooting, multiple shots. Now, the Prosecution
11 video shows one episode, so to speak, of shooting, just one.

12 MR DEMIRDJIAN: Your Honours, with respect to the Defence's position, there are
13 several shots heard during the portion we were not allowed to show. There is a
14 boom, there is several shots. So it is incorrect to say there is only one shot. So again,
15 I think we're entering into an area that is quite difficult because there are several shots
16 heard in a portion of a video that we cannot show.

17 PRESIDING JUDGE TARFUSSER: Of course. But if the Defence refers to the video
18 shot which -- to the footage which the Defence has seen, I think you're not allowed.
19 But if she talks about what happened that day and that there were also shootings, I
20 mean, this is something which the witness knows because -- or thinks -- I think she
21 should know if she was there, so not a specific question on what happened and what
22 was to see in the video, but generally speaking what happened that day. If there is a
23 referral also to the shooting, of course, we cannot -- the shooting, if it happened,
24 should be part of the questioning, of course.

25 MR DEMIRDJIAN: Yes, but the excerpt of the video cannot be used in any way to

1 impeach the witness as to the way the shots were --

2 PRESIDING JUDGE TARFUSSER: No, no, no. Of course not. Of course not.

3 MS NAOURI: (Interpretation) Thank you. And just to provide a backdrop, we're
4 talking with a convoy. A convoy in French means several vehicles going along one
5 after another, and shooting is another thing.

6 Q. Now, Madam Witness, you're still with us?

7 Very well. Now, if we could just hark back to what you said. You have told
8 us that you saw shooting when you were hidden after hearing the first
9 explosion of what apparently was a shell; is that correct? Could you please
10 say yes for the interpreters?

11 A. Yes.

12 Q. I would like to hark back -- and, once again, I realise this can't be easy for you, so
13 please tell us if you're upset, but when you came out of the hiding spot and you
14 realized that the convoy had gone by, you decided to go look for Mama; isn't that so?

15 A. Yes, that's right.

16 Q. Were you disoriented at that time?

17 A. I asked someone if they had seen Mama, and that person said no but I should go
18 wait for her at home. After that I headed towards the house.

19 Q. Now, when this person said that you had blood on you, this man said you were
20 covered in blood, what did you do then?

21 A. I was walking, I was moving ahead, then I fell back. And he said to me to touch
22 my back and there was blood, you see. So I borrowed some clothes. I took off the
23 clothes that I had -- that I was wearing, and I put those -- I put those pieces of clothing
24 in the garbage.

25 Q. I'm trying to understand. Now, when you say -- and I will paraphrase. I don't

1 have the exact wording. But in any event, you said that you threw your clothing
2 away. All your clothing?

3 A. The t-shirt that I was wearing, that's what I took off. And I asked for someone
4 to give me some other clothing, which I put on.

5 Q. Who did you ask for -- who did you ask for this new piece of clothing?

6 A. I didn't know that person. There was a young girl who just happened to be
7 there, and she was the one that I spoke to.

8 Q. And what did she say to you?

9 A. She didn't answer me. She went into the house to go look for some clothing for
10 me.

11 MS NAOURI: (Interpretation) Your Honour, I realise we have, well, very little time,
12 but I realise the witness -- that this is very difficult for the witness, so perhaps if we
13 could leave it at that with your leave.

14 PRESIDING JUDGE TARFUSSER: Yes. Well, I think we should go to tomorrow to
15 adjourn the hearing and resume it tomorrow morning at 9.30.

16 Before when I said that I hope that tomorrow we will finish the witness, I saw
17 that -- some incredulity by the Defence teams. Can the witness be brought out?
18 Thank you.

19 Madam Witness, thank you very much.

20 THE WITNESS: Merci.

21 PRESIDING JUDGE TARFUSSER: We'll see you tomorrow morning here. Have a
22 nice evening and a good rest.

23 THE WITNESS: (Interpretation) Thank you.

24 (The witness stands down)

25 PRESIDING JUDGE TARFUSSER: So I saw just some reaction, which I would like

1 only to understand. I think we can close with the witness tomorrow afternoon latest.

2 MR ALTIT: (Interpretation) What concerns us is that tomorrow morning we will

3 probably need another two hours with this witness, at least two hours.

4 THE INTERPRETER: Correction. At the most two hours.

5 PRESIDING JUDGE TARFUSSER: Well, the Prosecution had 70 minutes. Okay.

6 Now you had already 54. And as it is stated in the directions for the proceedings, as a

7 general rule the non-calling party is expected to take no more than twice the amount of

8 time for its questioning than the calling party took in its questioning of the witness.

9 So I mean, it's 70 plus 70 is 140. But I'm not here to balance exactly. It's just

10 an estimation that -- that's why I said if it's 70 by one side, also if it's still a little

11 bit more by the other; but if we have four hours and a half tomorrow, it should

12 be enough for both Defence teams. That's what I think.

13 MR ALTIT: (Interpretation) If you don't mind, naturally it will depend on the

14 witness. And the witness is an important one. And this is a difficult task, because

15 we have to be extremely sensitive when we deal with this witness.

16 Now, the previous witness, I believe the Prosecution had about three hours,

17 and I think if you recall, I spent no more than an hour with that witness. Now,

18 when it is possible, we move as quickly as we can. In this particular case, in

19 light of the sensitive nature of this matter, in light of the importance of this

20 witness and the crucial considerations, I think we have to go slowly, slowly.

21 But we will not exceed the time I mentioned. And if we can move for quickly,

22 we will, because -- on our side, as far as we are concerned.

23 PRESIDING JUDGE TARFUSSER: I don't want to put pressure. I just try to have

24 also a schedule because then we have -- you know, we have to -- the weekend and, you

25 know, we have to organise ourselves. So that's the only reason.

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- 1 MR ALTIT: (Interpretation) We certainly understand. That is why I said that
- 2 when it is possible, we go as quickly as we can, as was the case, for example, with the
- 3 last witness.
- 4 PRESIDING JUDGE TARFUSSER: That was a bit different. On that note, the
- 5 hearing is adjourned 'til tomorrow at 9.30.
- 6 THE COURT USHER: All rise.
- 7 (The hearing ends in open session at 4.20 p.m.)