

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 Monday, 8 February 2016
10 (The hearing starts in closed session at 11.34 a.m.)
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22 (Open session at 11.47 a.m.)

23 THE COURT OFFICER: We are in open session, Mr President.

24 PRESIDING JUDGE TARFUSSER: Thank you very much. Before continuing with the

25 witness statement by the Defence, the Chamber doesn't want to give the impression that it

1 does as if nothing had happened on Friday. We don't want just to go back to business as
2 usual without pointing out some things.

3 We don't want, in other words, to continue with the trial and the witness testimony
4 giving the impression that we do not realise really what happened and, therefore, the
5 Chamber wants to make a statement and two recommendations.

6 The statement is as follows: What happened on Friday afternoon just before the
7 adjournment of the hearing, and I'm referring to the closed session ordered by the
8 Chamber which leaked out, is of utmost and inexcusable gravity for which the
9 Chamber -- but I would say the whole ICC -- apologises first and foremost, vis-à-vis
10 the persons whose names were unduly made public.

11 That an order of such sensitivity like the one to go from open to closed session in
12 order to discuss, to discuss issues which obviously should not be revealed to the
13 general public is not implemented is of such gravity that the Chamber has ordered an
14 accurate internal investigation in order to find out how this could have happened.

15 Therefore, we don't know yet if the reason for this is recklessness, superficiality, stupidity,
16 and I don't even want to speculate about something else. But we are waiting a detailed
17 report, which as I said was given, the order to draft.

18 The first recommendation is more legal, of a legal nature, because it is an offence, it
19 sounds a little bit, a little bit strange that I say this now after what happened on
20 Friday, but still I'm cognizant of that, but it is an offence against the administration of
21 justice pursuant to Article 70 of the Rome Statute for anyone to do anything
22 intentionally that would amount to corruptly influence a witness, obstructing or
23 interfering with the attendance or testimony of a witness, or retaliating against a
24 witness for giving testimony in a case pending before the Court.

25 And apart from any specific provision in the Rome Statute, conduct such of those may

1 amount to contempt of court under customary international law or general principles
2 of law as recognized by the civilised nations, recognized as a source of law applicable
3 before this Court also under Article 21 of the Statute.

4 In the result, any revelation of the identity of a witness whose identity has been
5 protected by this Court amounts to an offence to this Court. So too will any attempt
6 to engage in any such revelation.

7 The Chamber reminds, therefore, everyone inside the courtroom, in the public gallery,
8 in Côte d'Ivoire and anywhere else to do nothing that would reveal or continue to
9 publish and so reveal or attempt to reveal the identity of a protected witness.

10 The reason for such conduct is immaterial, so too the manner of gaining access to or
11 arriving at or gleaning such information.

12 Members of the press, bloggers, social media members or participants and their web
13 hosts are particularly called upon to desist from anything that would reveal or
14 attempt to reveal the identity of protected witnesses or to engage in secondary
15 dissemination of such wrongful and illegal information.

16 The second recommendation I will want to make is more of a didactic one, may I say
17 with more a moral background than a legal one. The ICC is a court of law. It's not
18 a political arena. What we are doing here is serious, is a trial based on precise legal
19 provisions on rules, on regulations to ascertain if the accused are innocent or are
20 guilty in relation to precise facts they are accused to have committed.

21 The laws, the rules, the regulations we apply in this Court, in this courtroom, in this
22 trial are recognized by the international community and, this is even more important,
23 are recognized by Côte d'Ivoire, who has ratified the Statute and therefore recognized
24 the Court and the law which this Court applies.

25 But in order to be able to apply the law to re-construe and understand the facts we are

1 dealing with, and to take at the end a free, I repeat, a free and an informed and
2 hopefully right decision, we, the Judges of this Chamber, we need to analyse
3 documents, but we need also to listen to what persons who lived these facts, who saw
4 them, who participated come to tell us. These persons, the witnesses, are per
5 definition not against and not in favour of the accused, but they are persons who are
6 obliged to come here and to tell the truth, nothing but the truth. And we, the Judges
7 of this Chamber have to understand and to assess what they have to say, to say in
8 order, as I said before, to take this free and informed decision.

9 Therefore, I call upon the ethical, but even more above -- even more above the legal,
10 the ethical obligation, especially of journalists to well balance their right to inform,
11 which is absolutely one of the rights of journalism, but the right to inform with their
12 obligation, with their responsibilities to inform correctly, not to put in danger people
13 and by not informing correctly, maybe also to ignite the atmosphere.

14 So I really ask all the people to calm down. We don't want to ignite anything. We
15 just want to do the best possible, the best possible our job, all of us, we are sitting here
16 in the courtroom. And the observers should be very cautious on what they are
17 doing and how they are expressing and disseminating the news which are coming out
18 from here.

19 So I think we can let it now awaiting also the report, and I ask the court officer to call
20 the witness so we can continue our work.

21 PRESIDING JUDGE TARFUSSER: Just how long do you think it will take you? And I ask
22 you, Mr O'Shea, and then also Mr Knoops, more or less, just an estimate.

23 MR O'SHEA: Yes. Obviously it depends on the answers and objections and so forth. I'll
24 definitely go into the afternoon, and given the time we're starting now, I'm not entirely sure,
25 maybe two hours.

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1 PRESIDING JUDGE TARFUSSER: Okay.

2 Mr Knoops?

3 MR KNOOPS: Mr President, we expect two, two and a half hours with the examination by
4 the Blé Goudé Defence team. Of course we will avoid any questions which are already put
5 to the witness by the Gbagbo Defence team, and we will reassure the Chamber that we will
6 try to avoid any duplications. But we foresee that we probably need two, two and a half
7 hours at the least for the witness, unless Mr O'Shea has covered quite some ground we are
8 hopefully to cover. Thank you.

9 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much.

10 So the floor is to the Gbagbo Defence for continuing the witness questioning.

11 MR O'SHEA: (Microphone not activated)

12 THE INTERPRETER: Microphone, please, Counsel.

13 MR O'SHEA: I apologise.

14 WITNESS: CIV-OTP-P-0547 (On former oath)

15 (The witness speaks Dioula)

16 QUESTIONED BY MR O'SHEA: (Continuing)

17 Q. (Interpretation) Good morning, Witness. I hope you were able to rest during the
18 weekend. Today I will continue with what

19 we were discussing last time. But before that, I will begin by asking you this: You made a
20 statement dated 2 January 2015, so roughly a year ago, your statement dates back about one
21 year; is that not so?

22 Did you hear what I was just saying to you, sir?

23 A. I did not hear what you said. Please repeat.

24 Q. I said that we would continue with the matters we were discussing before the weekend,
25 but for the time being I would like to ask you, and this is just a preliminary, I would like to

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1 ask you about this witness statement, the statement you gave to the Prosecution. And the
2 date of the statement is 2 January 2015. And when I say "statement," that is I mean that you
3 were questioned by the Office of the Prosecutor at that time, roughly one year ago. Do you
4 remember that?

5 A. You'll have to remind me of what the OTP asked me, and then I can answer your
6 question.

7 Q. I will repeat what I said. Now, please listen to my question carefully and try to just
8 answer my question. My question is just this: Do you remember that about one year ago
9 you were questioned by the Office of the Prosecutor and you gave some answers to them and
10 you produced a statement. Do you remember that?

11 A. You mean the questions they asked me in Abidjan, is that it?

12 Q. Yes.

13 A. They asked me whether I could come and testify, they asked me how my health was
14 and I said that I could come and give testimony.

15 Q. And they asked you to explain your situation and to explain your entire story about the
16 events; isn't that so?

17 A. No, they didn't ask me that.

18 Q. You mentioned the march of 16 December 2010. You told the Prosecution about that
19 on that day, didn't you?

20 A. What I told you here is what I told them.

21 Q. After the Prosecution put questions to you about that event and you gave your answers,
22 they wrote a statement. Was that statement read back to you?

23 A. I didn't see any other statement. The statement that you're talking about, you have to
24 show me some proof of it. We did a lot of statements.

25 MR MACDONALD: I'll take this moment to intervene just to mention, just to mention that

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1 the date suggested was wrong, if you look at the cover pages. There seems to be a typo on
2 the attestation de l'interprète, but -- all right. Just to clarify that. Maybe we can simply just
3 show him the statement and it will make it much easier.

4 MR O'SHEA: Sorry. That's my mistake. That's my mistake indeed. I was looking at the
5 last page of the statement. I should have been looking at the penultimate page, which is
6 dated 2 February 2015.

7 So I'm going to ask that the statement be shown to the witness. I think that may -- does that
8 mean we have to go into -- no, it doesn't, because they're not showing that on the screen there,
9 okay.

10 So if the statement can please be shown to the witness, if you'd give us a moment.

11 PRESIDING JUDGE TARFUSSER: But do you want to show it in paper, in hard copy or on
12 the screen?

13 MR O'SHEA: Well, it's just that the witness has just said that he wants the proof of the
14 statement.

15 PRESIDING JUDGE TARFUSSER: No, but I would show it to him in hard copy.

16 MR O'SHEA: Yes.

17 PRESIDING JUDGE TARFUSSER: Show it to him and then --

18 MR O'SHEA: Yes, we can do that.

19 PRESIDING JUDGE TARFUSSER: Yes, I would say it's easier.

20 So please, court usher, could you just go and show him so he can --

21 MR MACDONALD: And we have clean copies if need be.

22 *THE WITNESS: (Interpretation) It has to be read, I don't know how to read.

23 MR O'SHEA: (Interpretation)

24 Q. I realise that you can't read, but I would just like to show you the document that we're
25 talking about, all right? Do you remember this document even though you can't read?

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1 A. I can't read. How do you expect me to remember this document? Maybe you could
2 tell me what it's all about. I know that I made a statement, yes. But the content, well, it's up
3 to you to tell me what this document contains.

4 Q. (Speaks English) Well, if you can (Interpretation) If you could look at the document,
5 sir, at the bottom you will see, you will see a fingerprint. Can you see a fingerprint? You
6 have to answer and speak into the microphone.

7 A. Yes, I can see the fingerprint.

8 Q. Indeed. This document is your statement. I don't think the Prosecution and I dispute
9 that. This is indeed your statement. And here we see your fingerprint. You placed your
10 fingerprints on the statement about one year ago; isn't that so?

11 A. Yes, that's right.

12 MR O'SHEA: Can the document be brought back to me, please.

13 Q. Now, once this statement (Interpretation) Now, once this statement had been prepared,
14 did someone read the document back to you?

15 A. I came here. The statement that I made was read back to me here.

16 Q. When did that happen? How much time before your coming to the courtroom?

17 A. When I arrived here the next day the statement was read to me.

18 Q. And how long have you been here for now?

19 A. It's been more than 11 days, 13 days. This is the 13th day.

20 Q. Thank you very much for that information. But if you could just think back to the
21 moment when the statement was actually prepared in February last year. At that point in
22 time when you met the Prosecution, did the Prosecutor read the document back to you after
23 you had answered the Prosecutor's question? I'm talking about a year ago when you were in
24 Abidjan.

25 A. No. The document was not read back to me in Abidjan.

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1 Q. Thus the following paragraph was not read out to you: "It was said to me that at the
2 end of the" --

3 MR MACDONALD: I'll make an objection here.

4 MR O'SHEA: I don't know why.

5 MR MACDONALD: Let's be fair to the witness. When you're making questions that are
6 unclear, especially in your French that you're using, I'm sorry, respectfully submitted, the
7 point is, the point is is that you're asking him about reading, reading here, reading in the field.
8 I am confused myself. So I think we have to be fair and ask questions that can even be
9 leading on these topics about what you're asking him. I don't want to influence the witness
10 either, so I'll sit down.

11 MR O'SHEA: I don't understand the objection. I put the question. I got the answer. But
12 I'll put the question again just for my learned friend's benefit.

13 Q. (Interpretation) I'm talking about the time when you were in Abidjan with the
14 Prosecution one year ago. You were with the Prosecution and they asked you questions.
15 You gave answers. There was a statement that was produced and we just showed that
16 statement to you.

17 At that time did the Prosecution read the statement back to you?

18 A. Once they had finished the statement, they left with the statement. That's what
19 happened.

20 MR O'SHEA: Sorry, just a moment.

21 (Counsel confer)

22 MR O'SHEA: (Microphone not activated) -- of the witness. Can someone tell me what it
23 was?

24 PRESIDING JUDGE TARFUSSER: It's written over here: "Once they had finished the
25 statement, they left with the statement. That's what happened." Whatever that means,

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1 because I have hard times to understand.

2 MR O'SHEA: (Interpretation)

3 Q. So they read the statement to you and then they left. Now, before leaving, did they
4 give you an opportunity to correct your statement?

5 A. I did the statement. What I saw is what I said. Nothing needed to be changed or
6 amended. What I saw was what I had said. So there was no reason to take the statement
7 and change anything. What I saw was what I read and what happened is what I said.

8 Q. Okay. Thank you.

9 PRESIDING JUDGE TARFUSSER: Excuse me. And what you said was written down,
10 because then --

11 THE WITNESS: (Interpretation) Yes.

12 MR O'SHEA: Now, Mr President, your Honours, you will remember from the last occasion
13 that we had a small debate over a video. This is essentially the video where it's a news
14 broadcast which includes Guillaume Soro and a message from Guillaume Soro and images of
15 men with Guillaume Soro when he's speaking and then the commentary of the journalist in
16 relation to the march at that particular time.

17 And there was an objection from my learned friend. And essentially your Honour asked me
18 what I was -- how I was going to use the video, and I want to basically confront the witness
19 with the video, confront him with the words that are on the video from Guillaume Soro and
20 the content of the video and ask him if that changes his view about what he heard on radio
21 ONUCI, because we say there is an inconsistency between the two. And we say that the -- of
22 course that the video is relevant and we want the witness's reaction once he has seen and
23 heard that video.

24 So I don't know if your Honours want to proceed to making a ruling on that now or
25 you need to hear from other parties.

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1 PRESIDING JUDGE TARFUSSER: No. But I think the first thing is to know if the witness
2 has ever seen this, because otherwise if he's -- it depends, it depends on that. I mean, he can
3 make -- he can say something on the video if he has ever seen it, right?

4 MR O'SHEA: Well, that question we can't answer definitively until he sees the video. But I
5 strongly suspect he has not seen it and I'm happy for your Honours to make the ruling on the
6 premise that he has not seen it. I doubt if he has. But we can take that preliminary step of
7 asking him if he has seen it.

8 PRESIDING JUDGE TARFUSSER: We just go and decide on this. It's five-minute rule,
9 because I had made a sort of a ruling, I just want to again share it to the colleagues. I think at
10 12.30, 10 minutes, we are back. Thank you.

11 MR O'SHEA: I'm much obliged.

12 THE COURT USHER: All rise.

13 (Recess taken at 12.21 p.m.)

14 (Upon resuming in open session at 12.30 p.m.)

15 THE COURT OFFICER: All rise.

16 PRESIDING JUDGE TARFUSSER: This is the ruling concerning the use of video
17 CIV-D15-0001-0570:

18 During the questioning of Witness P-547 by the Defence of Mr Gbagbo, having heard the
19 submissions of the parties, the Chamber is of the view that this video can be shown to the
20 witness, of course without prejudice to later receiving evidence which may clarify the date on
21 which this video was first broadcast or further clarifications on it.

22 So please, Defence, go ahead.

23 MR O'SHEA: I'm grateful, your Honour. So if the witness could be shown, please, and the
24 Court as well, of course, CIV-D15-0001-0570, and it will be from 2 minutes 41 seconds until 3
25 minutes 31 seconds will be the section that I will be showing.

1 Q. So, Mr Witness, if you could just please listen and watch this (Interpretation) Watch
2 this video and listen to it and then I will have some questions for you.

3 (Viewing of the video excerpt)

4 MR O'SHEA: (Interpretation)

5 Q. To begin with, can you confirm that this was Guillaume Soro speaking?

6 A. I do not believe so. This video is not evidence. Maybe it's Blé Goudé who sent that
7 video excerpt. *Videotapes, they are not evidence. Maybe it's Blé Goudé who sent that video
8 excerpt. That's it, that's it right there, Blé Goudé sent it for people to burn people. That's it ;
9 that's not true. Videotape there, I see nothing in it. Everyone can do that here, videotape. That
10 I do not accept. I do not accept that. It's not ... I ... I see that, it's nothing. I do not accept that.

11 Q. During the ten years that you were a member of the RDR, did you see any images of
12 Guillaume Soro on television?

13 A. When he was a minister, I saw him on television.

14 Q. Is it your position that the person that we have just seen on this video clip is not the
15 same person, it's not Guillaume Soro? Is that your position?

16 A. I believe that this is a montage. I do not believe in all that has been shown because *I
17 was a witness to all of these events. This was put together by Blé Goudé. They showed
18 people who had been burned. They accused the Dioulas. If you saw somebody wearing a
19 caftan, he had to be set on fire *and then when also wearing a gris-gris. No, I do not believe
20 that. I do not believe in this video clip. *It's not worth tiring yourself out if... This is the even
21 (phon.) in hiding, there, they cheated, filmed again. I am not a child; that, it does not work
22 with us. (Inaudible) I do not recognize it. If it's an image, something else ... France 24 ...
23 that's ... that there ... no.

24 Q. Please try to answer the question that I'm putting to you. Is the person appearing on
25 this video clip that you have just seen, this person who was addressing the soldiers, is this

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1 Guillaume Soro or is it someone else?

2 A. I have told you that I do not believe in that video clip. And if you don't believe
3 something, you cannot answer the question because this is a collage, this is a montage.

4 PRESIDING JUDGE TARFUSSER: Mr Witness, let me intervene just a minute. You are
5 here, you have the obligation to say the truth. You have sworn to say the truth. You're not
6 here to comment, but to answer questions. The question was very precise, and now I pose it
7 to you: The person you have seen in the video clip, the person without uniform, I suppose,
8 apart of being a collage or not, it doesn't matter --

9 THE WITNESS: (No interpretation)

10 PRESIDING JUDGE TARFUSSER: Let me finish.

11 THE WITNESS: (No interpretation)

12 PRESIDING JUDGE TARFUSSER: Let me finish, please. Let me finish.

13 It doesn't matter if you think it is a collage or not, the question is: Is that person -- do
14 you recognize that person in Guillaume Soro, yes or no? This is the question, not
15 what you think about the whole video clip.

16 THE WITNESS: (Interpretation) It is indeed Guillaume Soro.

17 PRESIDING JUDGE TARFUSSER: Okay. Thank you. But that's it. It's useless to make
18 all these comments out of it.

19 Yours the floor, Counsel.

20 MR O'SHEA: Thank you, Mr President.

21 Q. (Interpretation) At one point you said that you did not believe in this video clip. Did
22 you see this video before on television?

23 A. I saw several of these types of videos, young people, and they were showing people
24 who had been killed. This was a montage. *Soro is speaking. People were being shown
25 who were being beaten. *This is exactly what I saw on television. I saw people who were

1 set on fire in Yopougon in my neighbourhood.

2 Q. Did you see images such as this in which Guillaume Soro was speaking to people who
3 were armed and wearing uniforms; did you see such images?

4 A. I saw a lot of things in Abidjan, pictures intended to prove that things were being
5 burned, people were being killed, the young people were setting up roadblocks and so on.
6 Those are the same images that were being shown *to children.

7 Q. Did you see any images with Guillaume Soro with soldiers in the same images?

8 A. I saw them in Yopougon. That is what the young people did, they were showing
9 people being set on fire, these video clips that Blé Goudé distributed. There are even some
10 that are more serious.

11 Q. So before the weekend, when you said that you knew nothing about the armed people
12 under Soro's control, it was not correct; you actually know something about it, isn't that so?

13 A. That is not what I said. I really do not remember having said that I saw Guillaume
14 Soro in the company of uniformed persons. I told you that I am not a soldier.

15 These were problems concerning soldiers. They do not concern me. The question
16 that you are asking me concerning the address made by Guillaume Soro, well, it is
17 alleged that people were killed and shown on television. *Me, call that, I have heard
18 in ... in television RTI, it is the President of the Republic, Alassane Ouattara himself
19 who called to those soldiers. That there, that's not it. I saw it on the RTI, but that there
20 is ... Killing people, supposedly, and show it, it is quite irritating.

21 MR O'SHEA: Mr President, this is obviously the first time that we have brought an
22 exhibit into the room, so I'm guided by your Honours. Normally I would ask you to
23 give it an exhibit number, perhaps D-1. I'm aware that your Honours have made a
24 ruling, the questions of admissibility will be dealt with at the end of the case, but
25 perhaps for the purposes of following the case it might be useful to have numbers

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1 allocated.

2 PRESIDING JUDGE TARFUSSER: I think we have. It's up to the Registry how to deal with
3 it, but we have this exhibit is submitted to the effect of the questioning and the outcome of the
4 questioning, of course. So I think it's annotated in the metadata by the Registry.

5 MR O'SHEA: And my proposal would be just to make it easier for us to follow the evidence
6 that we allocate it a simple number like for example D-1. I understand it's got an ERN
7 number, a long ERN number.

8 PRESIDING JUDGE TARFUSSER: Prosecutor.

9 MR MACDONALD: Yes, I'm standing up because you may remember that during my
10 questioning of the witness I was wondering how are we dealing with this, and my
11 understanding is that we're keeping the ERNs. And I understand that was your ruling all
12 the way through.

13 PRESIDING JUDGE TARFUSSER: That's it.

14 MR MACDONALD: So there is no need for EVDs or any other such --

15 PRESIDING JUDGE TARFUSSER: We keep it, we keep the same numbering.

16 MR MACDONALD: Exactly. And it's in the transcript that it was submitted or shown to
17 the witness, the witness gave his answers and so on. But I'm very open to discuss a process
18 where, you know, if we need to make things simpler.

19 Now --

20 PRESIDING JUDGE TARFUSSER: I'm just not so familiar with these all technicalities, but so
21 far as I know, it is annotated, it's given -- if you could explain better how we deal with it.

22 THE COURT OFFICER: Yes, Mr President, with your leave. The documents will only have
23 an ERN number, as stated in the decision, and the documents or items that have been
24 uploaded in Ringtail will be annotated every time they are used through a witness, the
25 relevant metadata will be annotated. There will be particular metadata indicating, indicating

1 the status of the document at trial and it's there where a comment formally submitted by
2 Prosecution, Defence or Legal Representatives will be indicated.

3 And in the notes also, the metadata will be updated. And this information, this metadata is
4 available to all parties and participants. And the Registry can provide a table with all the
5 relevant metadata on a weekly or witness appearance basis to all parties and participants and
6 the Chamber once we have finished with the questioning of a particular witness, if that is
7 agreeable to the Chamber.

8 PRESIDING JUDGE TARFUSSER: It sounds very good, very simple, very easy.

9 MR MACDONALD: Indeed. For every witness that would be best so we can verify its
10 accuracy. If there are any issues, we can raise it with the Chamber.

11 I take this opportunity, your Honour, because I'm on my feet to discuss the process of
12 my colleague trying to contradict the witness with prior testimony. It would be
13 much appreciated if we could follow the practice that has been in place in every trial
14 is to quote from that transcript the line so that we can read it, see if we have any
15 issues.

16 With the events of this weekend, I kind of moved away from what the witness said previously
17 in his statement. It would certainly help me refresh my memory. Thank you.

18 PRESIDING JUDGE TARFUSSER: Yes, but this as far as I realized, there was no particular
19 part of the statement which was contested as I say it to the witness. But obviously, if this is
20 so, I think we should read it out so it goes into the transcript and then we have it as such in
21 the record.

22 MR O'SHEA: Yes, of course. I'm going to obviously try to assist my learned friend and the
23 Chamber as much as possible not to be lost in the process. What my learned friend is
24 referring to is when I said, "So when you said before the weekend that you knew nothing
25 about armed men, that was not right, was it" that's what my learned friend is referring to.

1 The reason why I didn't refer to a specific transcript line at that point was because it
2 was spontaneous. It was a response to something that had come out from the
3 witness at that time. But certainly insofar as I plan my questions, I will have the
4 transcript references insofar as possible.

5 Q. (Interpretation) Mr Witness, when you spoke about Guillaume Soro's statement over
6 the radio, I am referring to the English transcript --

7 (Speaks English) I'm speaking about the English transcript 19.5, that is page 19, line 5 of the
8 English transcript of Thursday.

9 Q. (Interpretation) Mr Witness, you explained to the Chamber that what Guillaume Soro
10 did was that he invited you to raise your hands and to show your hands to Laurent Gbagbo.
11 Do you really believe that these were the exact words that Guillaume Soro used?

12 A. *Yes, I think so. And then I heard it on the UNOCI radio. So, what you showed me does
13 not correspond to the truth. But I did believe what I heard, because if I did not believe it, I
14 would not have said it. I was not compelled to appear here.

15 Q. So the expression in French, "soulevez les mains et les montrez à Laurent Gbagbo," that
16 is "raise your hands and show them to Laurent Gbagbo," is that the precise expression that
17 Guillaume Soro raised during that address? Are you sure of that?

18 A. Well, I did not know that I was going to come here, otherwise I would have recorded his
19 statements. I really did not add anything to what he said.

20 Q. Once again, please simply try to answer the question, because that question is very
21 precise. That expression "raise your hands and show them to Laurent Gbagbo," is that the
22 expression that was actually uttered by Soro? Are you sure of that?

23 A. Yes, indeed. He was the one who made that statement over the *UNOCI radio. I'm
24 not aware of the clip that you have shown, but what I heard was over the ONUCI radio
25 station and the television also, *at the time, there was only the RTI television. So I simply

1 heard it over the radio that was operational at the time, which was the ONUCI radio station.
2 Q. When you gave your statement to the Prosecutor in Abidjan one year ago -- (Speaks
3 English) and this is at paragraph 40 of the statement -- (Interpretation) you said that this is
4 what Guillaume Soro said. He was asking people to come without weapons and equipment.
5 He added that it should be said that this time we made our choice and that this time around
6 that choice was not Gbagbo, it was Ouattara?

7 A. Yes, indeed.

8 Q. At that time you did not explain that Soro stated that people should raise their hands
9 and show them to Laurent Gbagbo. You did not tell the Prosecutor that. Why?

10 A. You are mistaken here. You are quite mistaken. You have made a mistake yourself.
11 I was a witness of that, so you are making a mistake.

12 Q. Mr Witness, we have been informed that you are mixing up your languages, that is
13 Dioula and French. You have to avoid that because it makes the interpreters' task a bit more
14 difficult. So please speak only in one language.

15 A. Very well. I will give my answers in Dioula.

16 PRESIDING JUDGE TARFUSSER: Counsel, just one question from my side. Did you quote
17 from the statement, from the written statement before or just summarise something or did
18 you quote?

19 MR O'SHEA: Yes, I began by citing the transcript of the proceedings before the Court of
20 what the witness had said Guillaume Soro had said and then I went to the statement and I
21 quoted verbatim what was written in the statement at paragraph 40.

22 PRESIDING JUDGE TARFUSSER: Yes. But no, it doesn't come out on the transcript that it
23 is a quotation.

24 MR O'SHEA: Right.

25 PRESIDING JUDGE TARFUSSER: This is the problem. So I would ask you to say that you

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- 1 quote and from which paragraph or things so it remains on the --
- 2 MR O'SHEA: Yes.
- 3 PRESIDING JUDGE TARFUSSER: -- on the transcript.
- 4 MR O'SHEA: Yes, quite. I'm sorry that didn't come through clearly.
- 5 MR MACDONALD: Mr --
- 6 MR O'SHEA: I will -- just a second, please, Mr MacDonald. I will immediately rectify that
- 7 by simply stating on the record that the sentence that I read out was as follows:
- 8 (Interpretation) "He added that people should come without weapons and equipment. He
- 9 added that it should be said that this time we had made our choice and this time it is Gbagbo,
- 10 not Ouattara."
- 11 (Speaks English) So that is a quotation from paragraph 40 of the statement. I only say that
- 12 for the record.
- 13 THE INTERPRETER: From the interpreters, your Honour, Mr O'Shea moving from one
- 14 language to another without a pause is also causing a very serious problem for interpretation.
- 15 There is a lot of overlapping. Thank you.
- 16 PRESIDING JUDGE TARFUSSER: Mr O'Shea, you're causing the same problems as the
- 17 witness is causing with the passing from one language to the other. So this was said to me
- 18 by --
- 19 MR O'SHEA: I promise the Chamber and everyone else in this room, especially after what
- 20 Mr MacDonald said about my French, that every other witness after this one I shall remain in
- 21 English.
- 22 PRESIDING JUDGE TARFUSSER: Good.
- 23 Mr MacDonald.
- 24 MR MACDONALD: So I don't want -- just to clarify, this is procedure again, because I
- 25 understand we're referring to the statement, we'll need the ERN of the first page and the ERN

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1 of the specific page on which the paragraph was noted for the transcript. In two, three years'
2 time, it will be very helpful.

3 PRESIDING JUDGE TARFUSSER: I agree.

4 MR O'SHEA: It's a very short statement, but all right. The ERN of the page to which I
5 referred is CIV-OTP-0073-1034.

6 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

7 MR O'SHEA: (Interpretation)

8 Q. Mr Witness, after having heard this part of Mr Soro's speech over the radio, you
9 explained to us, and I'm referring to the period immediately after that, when you were
10 examined or questioned by the Prosecutor in this courtroom relating to what happened
11 afterwards -- (Speaks English) And this is page 19 of the transcript of 2 March 2016
12 from -- I'll read from line 12 -- (Interpretation) This is what you said, Mr Witness: (Speaks
13 English) "After hearing that statement on ONUCI radio station, we thought that would
14 bring Gbagbo to see reason. And if we demonstrated showing our bare hands, Mr Gbagbo
15 would see, and he would change his position. So we decided to do that on 16 December
16 2010, *that is the next day."

17 (Interpretation) So my question to you, Mr Witness, and once again, this is a very
18 specific question, you heard Guillaume Soro's message. Was it on the next day, that
19 is to say 16 December, that you joined the march?

20 A. This statement was given, but it was not on the 16th. Subsequently we did take part in
21 the march. But everything that I said in my statement corresponds to the truth, I did not add
22 anything. You know, on occasion, when we say something, we might omit a word here and
23 there. This is quite a normal thing.

24 Q. Monsieur le témoin --

25 MR MACDONALD: I'm standing up.

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1 MR O'SHEA: Can I just --

2 MR MACDONALD: I'm objecting.

3 MR O'SHEA: Objecting to what? The witness has just given an answer. The witness has
4 just given an answer.

5 MR MACDONALD: I'm objecting to you using --

6 MR O'SHEA: You object before --

7 MR MACDONALD: -- the English transcript which is incorrect and you know that. That's
8 what I'm objecting at.

9 I'm sorry, your Honour, but I'm not interrupting to interrupt. I don't work that way. I want
10 to make that clear. The point is that the English transcript is incorrect. The words he used
11 in French are in French but are not in the English transcript.

12 And also maybe we should refer to the transcript number. Is it the realtime or the edited
13 transcript? So that everybody knows instead of going by date. Because it wasn't on 22
14 March either.

15 PRESIDING JUDGE TARFUSSER: For sure it wasn't 22 March. That's what I was
16 annotating here. But I wanted to go to the end of the session in order to clarify some things.
17 I think, excuse me if I interrupt, I think we should always refer in any case to the original
18 language, which is in this case from Dioula in French. The English is the second, I would say,
19 language. Because otherwise I would have interrupted you last week as well, because I'm
20 reading the English transcript, there was something I didn't like, but I refrained, because I
21 didn't know if the French you used was accurate. So I refrained from that.

22 MR O'SHEA: Well, your Honours, I quite understand that if we're going from Dioula to
23 French and then French to English, it might make sense to go to the French transcript.
24 It's just that there are two difficulties with that. The first difficulty is that when I do
25 deal with witnesses in English, it might complicate things a bit not to refer to the

1 English transcript, but that's a problem for the future.

2 The problem I have right now is that I have been preparing the cross-examination on
3 the basis of the English transcript. So if I have to start redoing things on the basis of
4 the French transcript -- and I understand that may have been better to have done it
5 that way -- it may slow things down a bit.

6 So I would ask that on this occasion I be allowed to refer to the English transcript and what I
7 will do is I will make sure that I work with the French transcript in future.

8 PRESIDING JUDGE TARFUSSER: I'm fine, but the risk is that we are contesting things
9 which are not accurate completely, that's a problem.

10 MR O'SHEA: Yes. Sorry. Just a moment please, your Honour.

11 (Counsel confer)

12 MR O'SHEA: All right.

13 Q. (Interpretation) Mr Witness, I'm going to be putting this question to you. After you
14 heard the message from Mr Soro, was that on the 15th? Was that the day before you left to
15 take part in the demonstration?

16 A. No. It was three days, maybe more than three days before the march. It was not on
17 the day that we heard the speech that we then went to march. It was approximately three
18 days before that we heard this message. So it was not the same day that we heard the
19 message that we joined the march.

20 Q. And during those three days, was there a moment at which you attempted to work or
21 did you not work at all?

22 A. We would park our vehicles in the morning when we had a coupon, we would go and
23 load our merchandise. *And if we did not have a voucher, then we would go back to
24 Yopougon, to the house and waited. At that time, we went, if there was no voucher, we came
25 back to the house. So we would go home and wait. We would sit during the afternoons.

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1 We could not work during that period because we needed these coupons or vouchers to load
2 our cistern tanks.

3 Q. So was it the case that during the three-day period you went out in order to attempt to
4 work, but by virtue of the fact there were no vouchers, you did not work and you came home?

5 A. Yes, indeed. When there were no such vouchers, we went home. So these vouchers
6 were orders in fact. *When there is no order, there is no voucher. So there was no voucher
7 until the day of the march, as I said to you, there was a certain amount of agitation,
8 disturbance, and as a result, the proprietor of the company did not buy any diesel and we did
9 not have any work.

10 MR O'SHEA: I see the time, your Honours. It might be a convenient moment if it's
11 convenient for the Chamber.

12 PRESIDING JUDGE TARFUSSER: We would have another five minutes, but I'm okay with
13 closing now and we adjourn the hearing to 2.45. Okay. Thank you.

14 THE COURT USHER: All rise.

15 (Recess taken at 1.09 p.m.)

16 (Upon resuming in open session at 2.47 p.m.)

17 THE COURT USHER: All rise.

18 Please be seated.

19 PRESIDING JUDGE TARFUSSER: Good afternoon. Without any break, go ahead, the
20 Defence.

21 MR O'SHEA: I'm grateful, your Honours.

22 Q. (Interpretation) Good afternoon, Witness. So there was a period of three days before
23 Mr Soro's statement -- there was a period of three days between Mr Soro's statement and the
24 day that you took part in the march. And during said period you said that you attempted to
25 work during the morning and you came back in the afternoon because it didn't work. And

1 during those three days also, did you meet any other members of the RDR with a view to
2 discussing what you were going to do on 16 December?

3 A. No. I did not meet any person from the RDR. And we were waiting for the date of 16
4 December to take part in the march.

5 Q. So we then reach the date of the 16th. At what time did you leave your house?

6 A. As soon as I had finished washing, I left home. I do not recall the time, but I went to
7 have a black coffee at Sylla crossroads and, *at 9 am, * I left for Adjamé.

8 Q. So you left the kiosk where you had your breakfast at 9 o'clock?

9 A. Yes. I left the kiosk at 9 o'clock, but it is not far and I took the gbaka in order to go to
10 Adjamé.

11 Q. And at that time you were alone, were you not?

12 A. Yes, I was, indeed, alone.

13 Q. And how long did it take you to go -- to cross Adjamé from the kiosk?

14 A. I can't tell you precisely how long it took me to cross Adjamé. I was walking. I did
15 not take down how long it took me. I do not know how long it took me to get there.

16 Q. So if I were to ask you what the distance between the kiosk and the motorway is, just
17 before Cocody, you would not be able to provide me with an estimation, would you?

18 A. I do not know what the distance is in kilometres. I was in town, I was walking, and I
19 am not able to measure the distance just like that in kilometres.

20 Q. But whatever the case may be, during this journey that you made by gbaka, if I
21 understand you correctly, across Adjamé, you were still on your own?

22 A. I took the gbaka from the Sylla crossroads to Adjamé. There were a number of people
23 in the gbaka. You were never alone in a gbaka, you know. The gbaka is a public transport
24 system.

25 Q. Let us say that you were not in the company of any individuals who know you?

1 A. I took the gbaka, I found people sitting in the gbaka whom I did not know. I was just
2 going on my way and I did not need to strike up any kind of relation with them.

3 Q. And at a given moment in time, you reached the cinema?

4 A. I took the gbaka and I got off, I went past the Liberté cinema. Before reaching
5 the motorway *you pass in front of the Liberté cinema and then there's a pedestrian
6 bridgeway; you cross the motorway. That's the route.

7 Q. And you said -- (Speaks English) And I'm referring here to the transcript of 2
8 March -- sorry, 3 February 2016, page 19.

9 (Interpretation) You explained to the Chamber that when you were -- or when you arrived
10 at the cinéma, well, you were on your way to the cinéma and you, at that moment in time --

11 A. (No interpretation)

12 Q. -- please wait for the question - you heard some noise at that time.

13 PRESIDING JUDGE TARFUSSER: Why don't you quote --

14 MR MACDONALD: Yeah, exactly.

15 PRESIDING JUDGE TARFUSSER: -- what's in the statement. You said, quotation, end of
16 quotation.

17 MR O'SHEA: In this particular instance because the words used to refer to the cinéma are
18 difficult to pronounce.

19 Q. But the point is do you agree -- (Interpretation) But when you arrived at the cinéma,
20 you started to hear some noise?

21 THE INTERPRETER: Message from the English booth: Could counsel please be requested
22 to speak one language because it's very difficult to switch from one to the other, it causes a lot
23 of problems.

24 THE WITNESS: (Interpretation) Yes, when I reached the cinéma I heard some noise from
25 behind me. I stepped up my speed and then I went up on to the pedestrian overpass. I heard

1 some noise behind me and *I saw that the CRS, in dark uniforms, was behind me, they were
2 dressed in dark clothing and I just kept on my way. *That is what I said, if I remember
3 correctly.

4 MR O'SHEA: (Interpretation)

5 Q. And the -- well, you went to the pedestrian overpass for the motorway, and this
6 motorway marks the division between Cocody and Adjamé, does it not?

7 A. That is correct, yes. That's correct.

8 Q. And from the overpass you looked to see what was going on, did you not?

9 A. Yes, that is correct. That is what happened.

10 Q. And was that when you -- when you arrived? Was that when you arrived at the
11 beginning of the overpass before actually crossing over?

12 A. Yes. It is an overpass and it is in an elevated position and you can see what is going on.
13 So as soon as I got up on to the pedestrian overpass, I looked behind me. I could see what
14 was going on and I could -- and I saw what was going on.

15 Q. I'm going to read to you what you said in your statement to the OTP in this regard.
16 And this is to be found -- this is paragraph 47 and 48. And in line with the request of my
17 learned friend, Mr MacDonald, I'll indicate that it's CIV-OTP-0073-1035. You said as follows:
18 "As soon as I crossed the motorway, I could hear behind me gunfire and the noise of tear gas.
19 The tear gas is what people who were in uniform were throwing. And this explodes and
20 gives off smoke, which stops people from breathing. The gunfire and the noise was coming
21 from Adjamé. I know this because at the time I was in Cocody which is higher up than
22 Adjamé." End of quote.

23 So Mr Witness, today you are saying that you started to hear the noise when you were level
24 with the cinéma, you were still in Adjamé, and then you say that you were on the bridgeway,
25 the pass-over, and you saw what was going on from that bridge, but in your statement you

1 say very clearly that you had already crossed the motorway. And you even go on to state
2 that you knew at -- that at that time you were in Cocody and that you were on the other side
3 of the motorway. Could you please explain this discrepancy?

4 A. That is not what I said. What I said is that I went on to the pedestrian overpass, I
5 looked behind me. Now, if you are saying that I went all over the pedestrian overpass in
6 order to go to Cocody and look behind me, well then no, that is not what I said. And I
7 remember only too well what I said. If that is what was written down, then the person who
8 wrote it down is mistaken, but what I saw is what I said to you, the position that I was in is
9 the one that I told you. It may be that after a certain time one might make a mistake, but to
10 tell me that I was not telling the truth, well, that is not correct.

11 Q. After you crossed the overpass and then you got to Cocody, because you were on the
12 other side of the motorway, at that point, you were still alone, that is to say you were not with
13 any people whom you knew?

14 A. Indeed. I did not go with anyone. I didn't know the other people. Each person was
15 going along his own particular way. You see, we were -- we were in the city.

16 Q. And at that time your goal was still to get to the RTI?

17 A. That's right. That is what I wanted to do.

18 Q. At one point you arrived at the RDR, and when you got to the RDR, you stayed in front
19 of that place and you didn't go inside of the building; is that correct?

20 A. Once I got there in front of the RDR headquarters there were a great many people.
21 There were a great many activists. And people were talking to one another. And each
22 person was on his or her particular side. There were a lot of people. And I went and I sat
23 down in front of the RDR headquarters.

24 Q. And when you said in front of the RDR headquarters, do you mean outside the
25 building?

1 A. There were many people there and -- well, there was no room to go in. Even if they
2 had opened the doors, the building could not have handled everyone. We were sitting
3 outside. We were outside the building.

4 Q. Thus, if something was going on inside the building, you were not in a position to
5 observe those events or actions; isn't that so?

6 A. I didn't go into the building. I got there and I sat down outside amongst the crowd. I
7 couldn't tell you what happened inside the building. I wouldn't want to get it wrong. If
8 you're outside a building, outside a set of doors, you are in no position to know what's going
9 on inside.

10 Q. Yes, indeed. If you could, please explain to the Chamber, explain the structure of the
11 RDR to us. Who were the officials who gave instructions? Were there various groups or
12 units, cells? How was the RDR structured?

13 A. What do you want me to tell you? I can tell you about my own neighbourhood. In
14 our neighbourhood, that is Kafana, who is our leader responsible for the RDR -- you can talk
15 about your own particular neighbourhood, but Cocody was not my neighbourhood.
16 There was a crowd, they were close to the RDR, they were not close to the RTI. The
17 intent was to head towards the RTI. I can't really tell you much, it was *Gilbert
18 Kafana Koné, who was responsible for the RDR in my neighbourhood. I really can't
19 tell you more than that.

20 Q. Now, in your neighbourhood could you say how many members the RDR had in
21 approximate terms?

22 A. No, I couldn't tell you how many members. Perhaps nearly -- perhaps -- nearly all the
23 neighbourhoods were RDR. The stronghold of the RDR in that place is Yopougon, is in
24 *Port-Bouët II. Elsewhere there really aren't a lot of RDR supporters, but Port-Bouët II, the
25 grand -- the vast majority of the people are RDR supporters.

1 Q. But when it comes to the organisation of the RDR at the national level, if we look
2 beyond your neighbourhood, it is your position that you do not know anything about that; is
3 that the position you're taking?

4 A. I'm very pleased to have this question. Ever since the beginning I've told you that I
5 was working. When I wasn't working, I went to meetings. But politics were not my
6 priority, my work was my priority. Some days if there was a meeting and I had an
7 opportunity I would go. Or on Sunday when I was not travelling I would go to meetings.
8 When I was called somewhere on a Sunday I could go, but otherwise the RDR was not my
9 priority. I was working to support my family.

10 Q. You explained that you had gone to the RDR earlier, not directly to the RTI, and then
11 you saw the soldiers and you became scared and then you were captured with three other
12 people to go to the RDR. Now, why did you not just go directly to the RTI at that particular
13 point? Isn't it the same thing, going to the RDR? Wasn't -- your objective was to get to the
14 RTI, wasn't it?

15 A. I'm very pleased to have a question like this because I think you're going to understand
16 what I tell you. I'm not from Cocody. We got there and we were going towards the RTI,
17 but the path that we took goes directly by the RDR headquarters, and from there we were
18 going to the RTI.

19 When I got there there were many people, but how can I go by myself? We were waiting
20 the -- for the decision of the crowd. I was not going to decide to go off all by myself to the
21 RTI.

22 Once I got to the intersection, the -- one path goes up and I followed that way and then we
23 went to the right. There were a lot of people. And we sat down there. And together we
24 decided then to leave. That is how it happened.

25 Q. Even if you're not from Cocody, even if you don't know Cocody very well, you knew

1 how to get to the *RDR, didn't you?

2 A. I'm not from Cocody. Now, yes, I know the way. I know which way to go because
3 there is one road that goes *past the PISAM, and it's that road that leads to the RDR
4 headquarters, but I'm not from Cocody.

5 Q. Ever since 16 December 2010 up until now, have you travelled along that path from
6 your neighbourhood to the RDR? Or that day on 16 December 2010 was that the last time
7 you went that particular way?

8 A. It was the first and the last time. I did not go back. It was the first and the last time
9 because, you see, I was wounded after and I was never able to go that way to go to the RDR.
10 I didn't go in front. I really wasn't able to go anywhere. You see, I had been wounded,
11 injured.

12 Q. Well, why is it that you said that today you now know how to get to the RDR
13 headquarters? On 16 December did you know how to get there?

14 A. The particular way that I went, I told you I went by way of the overpass and then I was
15 on a paved road that leads directly to the RDR headquarters. We went to the RTI. We took
16 that path. We saw that there were people in front of the RDR and we realized we could
17 gather there. So it wasn't a deliberate thing. I didn't go to the RDR building deliberately.

18 Q. Yes, I understand, but my question is this: At that time on 16 December 2010, did you
19 know how to get to the RDR or did you need some assistance to get there?

20 A. Yes. After the pedestrian overpass, once I was in Cocody, I took the paved road that
21 goes right directly to the RDR headquarters. And I really just chanced upon the place. I
22 didn't go there deliberately. We were going there so that we could march*to the RTI. And I
23 found myself in front of the RDR headquarters and I stayed there. But it wasn't a deliberate
24 thing. I didn't go there deliberately. I didn't go especially to the RDR headquarters.

25 Q. Now, in your statement to the Prosecution, paragraph 53, you said that you knew how

1 to get to the RDR headquarters, but I don't know how to explain how to get there; is that
2 correct or not? Do you know how to get to the RDR headquarters or not?

3 A. No. That's not what I said. I said that the way that I took was the way that led me
4 unless -- to say that I was in the habit of going there or that I went there deliberately, no. Yes.
5 If that was the case, I would have left Yopougon and -- but that was not the case.

6 Q. When you were at the RDR with the other supporters, you realized that you were going
7 to the PDCI before going to the RTI. Now, who gave you that particular instruction?

8 A. I told you that there were many people there and people said that before we went to the
9 RTI, since there were many people, we would wait until there were many people and then we
10 would go to the RHDP and it was, it was really more a RHDP issue because the whole RHDP
11 voted during the last election, not just the RDR. So the idea was first to go to the RHDP and
12 then to the RTI, but we didn't -- we couldn't get there.

13 Q. So that particular path or route was decided upon on the 16th when you were there at
14 the RDR? It was not decided upon before the 16th?

15 A. Yes, it was on the morning of 16 December when that decision was made, the morning
16 of 16 December.

17 Q. Would it have not been easier to go directly from the RDR headquarters to the RTI,
18 which was your goal, rather than going to the PDCI and then to the RTI? Wouldn't it have
19 been easier to go directly from a geographical point of view?

20 A. Yes. If you see that the supporters went to the RHDP headquarters, first of all, that was
21 the decision that was made. We had nothing in our hands. We were bare handed. It was
22 easier. We decided to go for the easiest solution. The simplest thing was to go to the RHDP
23 headquarters and then to march directly to the RTI.

24 Q. But that's -- that's the problem, Mr Witness. That's what I'm saying. In actual fact
25 what I'm saying to you is that if you go from the RDR to the RTI, that's much simpler then to

1 go from the PDCI headquarters and then after that to go to the RTI.

2 Q. Well, it was the supporters who took that decision. They made that decision and that's
3 what we did. You might think that the other path is easier but if the supporters wanted to
4 take -- go that other way that was their decision, their right. It is true it is close, but the
5 supporters decided to take another path. That was their decision. We are the people of
6 Côte d'Ivoire, it's our country, so it's quite normal.

7 Q. Now, to the best of your knowledge, this instruction to take that particular itinerary
8 came from the Golf hotel?

9 A. No, no one talked to me about the Golf hotel. And in actual fact, from the beginning
10 right to the end of the conflict, I have never gone to the Golf hotel. I was not told anything
11 about it.

12 Q. So who was giving the instructions on the road? Along the route?

13 A. We found ourselves within the crowd and we followed one another. We were all
14 supporters and we all had the same objective. And you see, it was a crowd. And I didn't
15 see anyone in particular who was a leader who would have organised people to do anything.
16 I was part of the crowd, I sat down, then we got up and then we left as a group.

17 Q. But you said that you had decided, it had been decided to go to the PDCI so how did
18 that discussion unfold? Who gave the instruction? Was it you, yourself, who decided?
19 What happened?

20 A. I told you that I met up with some people there, and once we were ready the supporters
21 said that they were going to the RHDP headquarters and then march upon the RTI. That
22 was the -- it was the crowd that decided that but I can't single out one single person. I can't
23 say that it was one person. It was the crowd that decided to proceed in that manner. That
24 is what happened. And everyone knew that.

25 Q. So there was a discussion amongst the people within the crowd, a discussion that you

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1 heard?

2 A. Yes. Each person was saying whatever he or she wanted to.

3 Q. We do know that at one particular point you were along the way heading towards the
4 PDCI and then at one point you couldn't go any further, you were blocked, and you said on 3
5 February page 24, line 1 (Speaks English):

6 "We eventually got to the office" --

7 PRESIDING JUDGE TARFUSSER: Of the transcript, I would say. Of the transcript. You
8 forgot --

9 MR O'SHEA: My apologies. I'm citing the English transcript.

10 PRESIDING JUDGE TARFUSSER: Yeah, okay.

11 MR O'SHEA:

12 Q. "We eventually got to the office of the PCDI." (Interpretation) I'm asking this question:
13 When you got to the PCDI and you saw that the way was blocked, did you see the building
14 from there, the PCDI headquarters? Did you see the building from there?

15 A. No. I told you that we didn't get that far. We walked up to an intersection and then
16 there was a dead-end road. There was one road out to the right, another to the left. Once
17 we got there, *there was a big building, next door there were commando gendarmes in front
18 of that building. At this level, we had to go to the left and the CRS had also closed off that
19 road ahead of us.

20 We had our hands above us. We didn't have anything in our hands. They threw tear gas at
21 us, then we wanted to get through the zone, but they threw a lot of tear gas, the crowd
22 panicked and we could no longer go one particular way, so we went *down to the right and
23 those who were there started to shoot at us. The gendarmes commandos opened fire upon
24 us and I fell and I saw that my leg was broke and I stayed down on the ground.

25 Q. We are going to get to that particular part of your account. In your opinion when you

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1 found yourselves blocked and you couldn't move forward, what was the distance between
2 you and the PCDI headquarters?

3 A. I don't know. I don't know. I don't know.

4 Q. What would you estimate the distance at or -- well, how long would it be if you were
5 walking between that point where you blocked and the PCDI?

6 A. I told you I don't know. If you wish, we can go to Abidjan and I will show you where I
7 fell down and perhaps we could measure the distance but, no, I couldn't say that it was a
8 particular distance. I just couldn't -- I just can't tell you that. I don't know. That is not my
9 neighbourhood.

10 Q. When you left the RDR, how much time did it take you until you found yourselves
11 blocked? How much time was it by foot?

12 A. How can I tell you? I'm not an investigator. How -- was I supposed to time that? I
13 didn't know that there was going to be a problem. We were going on a march. How could
14 I assess that? If you want let's going to Abidjan and I'll show you, but I can't tell you how
15 much time it was. I'm not an investigator. I was going to take part in a march. I don't
16 know.

17 Q. It was a very significant day in your life, it wasn't just an ordinary day.

18 A. I never had anything broken ever since I was born. Never had any kind of injury.

19 PRESIDING JUDGE TARFUSSER: Now, I ask myself why you insist to make him say
20 something he says he doesn't know. I don't understand. You're continuing on the
21 same -- to focus on the same thing he said three, four, five, ten times, I don't know. Is it right,
22 is it wrong, it doesn't matter, but that's an assessment we have to do, but you can't push him
23 as far to say that -- so that he says anything just because you would like to have an estimate in
24 minutes or in metres.

25 MR O'SHEA: As your Honour pleases.

1 Q. (Interpretation) Were you closer to the PDCI headquarters or to the RDR headquarters
2 at the time that the road was blocked?

3 A. I have told you that I cannot tell you the distance between those various locations. I'm
4 simply giving you an account of what I observed. I cannot give you the distance. If we
5 were talking about Yopougon, I would be able to tell you the distance between the various
6 locations, but I do not know Cocody. I know that I used to deliver diesel at the Pizam
7 hospital. That's the only place I know. Apart from that, I don't know any other locations.

8 Q. Did you know the boulevard de la France?

9 A. I do not know that boulevard.

10 Q. At the time that we were confronted by the security forces, were you on a small path or
11 on the main road?

12 A. We were all on the paved road. There were many people at the intersection and there
13 were many other people arriving. I came to the intersection and I was one of the first to
14 arrive there. So there was no way for us to retreat. And this is how come we went on
15 directly. We were the ones who started the march.

16 Q. If you try to reflect on that day when you were blocked by the security forces, think
17 about the people who were on your right and the people who were to your left. Are we
18 talking about 20 to 50 people on each side of you or 5 to 10 people? Can you give us an
19 estimate of the width of the road on which you found yourselves?

20 A. I know that it was a large road but there were many people there. I cannot tell you
21 precisely the number of people who were there, but the paved road was quite big. There
22 were many militants and then in front you had the policemen, the CRS, and still further
23 behind them you had other policemen, and on the left you had the commando gendarmes, so
24 these people in front of us were armed.

25 Q. You have explained that you cannot give any estimates relating to distances. Now, let

1 me refer you to your statement, paragraph 57. You stated the following:

2 "I cannot explain where I was precisely, but I know that we were not very far from the RDR
3 headquarters."

4 A. We were not far from the RDR headquarters. That is quite normal. I cannot tell you
5 precisely where we were, but I said that we were not far away from the RDR headquarters,
6 not the PDCI headquarters. So that is not a problem here. I have said that to err is human.
7 One can make a mistake. It only becomes a problem when someone tells a lie.

8 Q. When you say that there were tear gas canisters thrown, now, when the tear gas was
9 used, I suppose there was a lot of smoke in the air after the tear gas was thrown?

10 A. They did not throw a single tear gas canister only, so they through several canisters
11 which dispersed the crowd.

12 Q. And this many tear gas canisters produced a lot of smoke; isn't that correct?

13 A. Yes, that is what lead people to flee. And many of them fell down.

14 Q. And this also hurt the eyes of those who were there very badly; isn't that correct?

15 A. Yes, indeed.

16 Q. So at the time that the tear gas was thrown at the crowd, visibility was very low;
17 wouldn't you say so?

18 A. The tear gas canisters were thrown, there was a lot of smoke, and so people fled. That
19 is what happened. If you did not have high visibility, you could not stay at that location. I
20 went on in one direction and that is when I was hit by a bullet. There were other people
21 falling to the ground. So you cannot stay inside the smoke from the tear gas canisters.

22 Q. If you were facing the security forces, did you flee to the right or to the left?

23 A. The soldiers were in front of us, so we went in a westerly direction. So this means that
24 we fled towards the right because the road was blocked, there was an intersection, so we fled
25 towards the right because the soldiers had closed off the road that we wanted to take.

1 Q. As militants, your intention was to reach the RTI building and to raise your hands for
2 Laurent Gbagbo to see at the RTI. That was your objective, isn't that so, that is go to the RTI
3 building, raise your hands and show them to Laurent Gbagbo?

4 A. Our intention was to show that we were empty-handed and we did not intend to
5 engage in any violence. We wanted Mr Gbagbo to know that we had voted for Mr Ouattara
6 and he could come back 5 years later. That was not an insult. And so if he did not accept
7 that, I really do not know what to say. That was our objective.

8 Q. Before reaching the RTI, you had to pass by the PDCI, but before you reached the PDCI
9 building you were blocked and then you had tear gas fired at you. At that particular
10 moment, you, as part of the crowd, you were simply marching. You had not yet reached the
11 RTI; is that correct?

12 A. Yes. We were still marching towards the RHDP office, but that road was closed off,
13 *the CRS were there. They threw tear gas at us and people fled. And it was while I was trying
14 to flee the location that I was hit in the leg by a bullet. I cannot say any more.

15 Q. At that particular time when the tear gas canisters were thrown at you, you were
16 actually advancing but, while you were advancing, were people in the crowd dancing or
17 singing?

18 A. Who would be singing or dancing? No. We simply showed that we were
19 empty-handed and we were asking Gbagbo to leave power. We were trying to tell him that
20 we had not voted for him and that the other candidate had won the elections. We did not
21 have any drums to beat. So no one was singing, no one was dancing.

22 Q. Over the past 10 years, the previous 10 years that you had been a member of the RDR,
23 you had taken part in other demonstrations; is that correct?

24 A. No, I didn't take part in any other march. I have told you that my work was my
25 priority and it was only when I was not working that I took place -- took part in the march.

1 If I had been working, I would not even have gone to that demonstration. I would not have
2 gone to that march. That is the truth that I'm telling you.

3 Q. So in spite of the fact that you had been a member of the RDR for 10 years on 16
4 December 2010, that was the very first day in your life that you had taken part in a
5 demonstration?

6 A. Yes, indeed, because I was occupied by my work and I was not interested in
7 demonstrations. I was doing my job. And when I did not have something to do, I took part
8 in the these activities. Subsequently, I even had problems during that march.

9 Q. You are telling us that people were not dancing, they were not singing, they were just
10 advancing in silence?

11 A. Yes, that was my testimony. We did not sing, we did not dance, we were simply
12 showing our empty hands. We had instructions not to break anything, just to show that we
13 were not carrying anything in our hands. So there was no dancing or singing.

14 Q. This point about raising your empty hands has been a crucial matter in this courtroom.
15 Why did you not mention this very significant point in your statement, that is when you gave
16 an account of the march?

17 A. I did mention it. I said that we lifted up our empty hands. I mentioned it in the
18 statement.

19 Q. In paragraph 57 of the statement, you said:

20 "Arriving halfway to our destination we saw a lot of uniformed officers. They blocked the
21 road. And when they saw us arrive they started throwing tear gas canisters at us. The
22 militants started shouting and running in all directions."

23 You explained all of this, but you never mentioned that you raised your hands up in front of
24 the security forces. You never mentioned that and this is something that is very significant
25 in your account. Wouldn't you agree?

1 A. Maybe the person who produced or drafted this statement made a mistake. I'm simply
2 talking about the substance of my statement. It is possible that an error might have been
3 made, and to err is human, so in drafting the statement perhaps the person who did it made a
4 mistake.

5 Q. Now, in relation to the other demonstrators, those who were taking part in the march,
6 where was your position?

7 A. You do not understand me -- or, rather, I really do not understand your question. I
8 said that we arrived at the intersection and the road was blocked. Nearby there were
9 gendarmes, *who were behind bags of sand, and carrying weapons; *and on the other side
10 there was the CRS. I cannot tell you whether I was in the middle of the crowd, in front, or at
11 the back unless you accompany me to that intersection and I will tell you where I was, the
12 direction in which I ran and where I fell. I cannot tell you how many people were there and
13 where I was placed amongst them.

14 Q. So you are not able to say, for example, that you were in front of the crowd, at the front
15 of the crowd or at the back?

16 A. To say that I was at the back or at the front, well, I was simply part of the crowd at the
17 front. And I could not retreat. Others were returning in the direction in which they had
18 come from. Others tried to retreat and that is where some people were killed.

19 Q. Mr Witness, in your statement, paragraph 64, you stated as follows:
20 "Since I was in the group at the front."

21 Do you remember that?

22 A. That is what I've just said. I didn't say anything different. That is, indeed, what I
23 have just said.

24 Q. How many people were there in front of you, approximately that is? Were you in the
25 first row? Were there many people in front of you?

1 A. I'm saying that we were in the group at the front, so I cannot tell you how many people
2 were in front of me or by my side. It is not possible for me to tell you. It had been more
3 than five years since that event took place. I cannot remember precisely the situation, but
4 what I'm telling you is the truth.

5 Q. And can you tell us whether you were at the extreme right, or at the extreme left, or
6 whether you were simply in the middle of the crowd? Can you tell us that?

7 A. No, I'm not in a position to tell you.

8 Q. I told you that I was in the group at the front. But if you want, I can show you the
9 place where I was injured and where I fell to the ground.

10 Q. Once again, in paragraph 60 of your statement, you said:

11 "I was in the middle of the crowd."

12 You were a little more precise about this one year ago.

13 A. No, I didn't say that. Perhaps you should inquire from the person who drafted that
14 statement. I said I was in the front group. I didn't say that I was in the middle of the crowd.
15 That was not my statement.

16 Q. In this courtroom on 3 February (Speaks English) English transcript page 47, line 10
17 and 11: "When I fell down, I saw a whole bunch of gunshots and many people falling to the
18 ground." (Interpretation) At the time that you fell, you say that you saw many other people
19 fall to the ground.

20 A. I said that on 16 of December, when the road was blocked and there was tear gas
21 everywhere, I started running and I fell. I heard explosions and many gunshots, many
22 people who were in front fell down and I looked behind and I realized that it was the
23 gendarmes commandos who were shooting. I stayed down and waited for the shooting to
24 stop. *One truck arrived, there were many uniformed men, in front, the driver... there was
25 only one driver and another uniformed man. Those who were behind descended. One of

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1 them had a radio and I saw that he had a Republican Guard uniform. The others were dressed
2 in different uniforms and he requested that all the people who were down should be taken
3 and put into the truck.

4 Q. That was not precisely my question. My question was, did you see many people fall to
5 the ground at the same time as yourself?

6 A. Yes.

7 Q. In your statement, paragraph 66, you stated as follows: "I was not the only one who
8 fell down. I saw several people fall to the ground at the same time. They were only men.
9 I remember that I saw three men on the pavement lying on the ground."

10 A. I said that there were three people who fell down not far away from me, but in front of
11 me there were other people who had fallen. I did not say that only three people fell to the
12 ground.

13 MR O'SHEA: I don't have much longer, but I'm moving on to a new topic so I don't know if
14 your Honours want to pause at this point.

15 PRESIDING JUDGE TARFUSSER: No. I don't want to pause. I want to catch the right
16 moment to say that we have another 20 minutes. And I have a hard time to give you the
17 floor also tomorrow I must say.

18 MR O'SHEA: Well, what time are we finishing?

19 PRESIDING JUDGE TARFUSSER: 20 minutes.

20 MR O'SHEA: In 20 minutes?

21 PRESIDING JUDGE TARFUSSER: Yes.

22 MR O'SHEA: All right. Well, I'll try my best.

23 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

24 MR O'SHEA:

25 Q. (Interpretation) You have said that you were blocked by the security forces in front of

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1 you. What was the distance between you and the security forces?

2 A. I really do not understand what you are saying. I have told you that I was blocked and
3 then I fell down. Being blocked and falling down is not the same thing. I didn't quite
4 understand your question. I was blocked and then I fell down. Those two things are not
5 the same.

6 Q. Okay. At the very moment, just before you received the tear gas that was thrown at
7 you, you saw the security forces standing before you. What was the distance between you
8 and them?

9 A. I have told you that I don't know anything about distance. I am not an investigator.
10 How could I have calculated that distance? I cannot tell you what the distance was between
11 myself and those forces.

12 PRESIDING JUDGE TARFUSSER: Excuse me. Mr Witness, you said you were somewhere
13 in the -- in this demonstration, right? And you had the police in front of you. I don't know,
14 it's a matter of 10 metres, 20 metres, 500 metres? Did you see them? Just an estimate. You
15 don't need -- there is no need to be an investigator, but just make an estimation. If they were
16 just in front of you, like me and you, we are 30 metres, more or less, just an estimation. We
17 don't ask you exact measures.

18 THE WITNESS: (Interpretation) Well, I might provide you with a distance that is not
19 precise. For example, from here -- from me to you, the distance that separates the two of us,
20 it was more or less the same, but to provide you with a precise -- to provide you with a
21 precise distance, I can't do that. I would say that it was approximately the distance from me
22 to you.

23 MR O'SHEA: I'm sure there's an exact understanding of what the distance is between the
24 witness box and the President by the Registry, but I suppose it looks like about 12, 14 metres.

25 PRESIDING JUDGE TARFUSSER: I would say more, I would say 20.

1 MR O'SHEA: Yes.

2 PRESIDING JUDGE TARFUSSER: That's the point. It doesn't matter how many metres it is.

3 It's about -- that is the distance about, as he said. We have to live with this.

4 MR O'SHEA: Yes. I'm just giving the estimation for the record.

5 PRESIDING JUDGE TARFUSSER: Before I said 30, maybe it's a little bit less, but I don't
6 know. I can't give an estimate, but --

7 MR O'SHEA: All right. But anyway, for the record, it's from the witness box to
8 Mr President.

9 MR O'SHEA: (Interpretation)

10 Q. And the lorry that came to the position after the moment which you received the bullet,
11 the lorry that came towards you, how much time had elapsed from the moment at which you
12 had been shot at?

13 A. I do not know how many minutes it was, but the shooting had ceased. I stood up, I sat
14 down and I saw the lorry coming towards me. I was suffering. I had problems. My leg
15 was hurting me. I picked myself up and I saw the lorry arriving and there was no more
16 firing, there was no more gunfire, but I can't tell you precisely how much time had elapsed.

17 Q. Was it a matter of minutes? Was it a half an hour?

18 A. No. Not much time elapsed, but I can't tell you precisely how many minutes. I had
19 fallen to the ground. I was wounded. I was not in a position to assess anything. I was
20 wounded and I saw this vehicle arriving. I can't tell you precisely how many minutes had
21 elapsed, but not many. As soon as the fighting ceased I saw the lorry had stopped.

22 Q. And the security forces that you explained were at approximately at the distance that
23 separates you from the presiding Judge of this Chamber, where precisely were they at the
24 time when the lorry arrived?

25 A. Well, they were on one side and we had gone down towards the right. They were

1 standing close to the large building and the CRS had chased the other demonstrators away on
2 the other side, towards the other side. So we were on one side and those who had done the
3 shooting remained standing in the same location.

4 Q. And whence did the lorry come from? Where did it come from?

5 A. I saw the lorry come and park up beside me, but I do not know where it had come from.
6 The road that we came -- that we used to arrive at this destination was the same used by the
7 lorry.

8 Q. And the second pickup truck that came, how much later did it arrive after the lorry
9 departed?

10 A. The lorry had disappeared and I saw the pickup arriving. It arrived from down the
11 hill.

12 Q. So that was virtually immediately?

13 A. No, not immediately. The cargo left and the pickup arrived. They did not arrive at
14 the same time.

15 Q. And at the time when the pickup arrived, the security forces were still in place, were
16 they? Those security forces who had initially blocked you that is?

17 A. I no longer looked at them. I was looking at those people who were standing next to
18 me. I was wounded and I was concerned as to my state. I was no longer interested in
19 others.

20 Q. And on 3 February before this very Chamber (Speaks English), in the English transcript,
21 page 25, line 2 to 3: Vous avez dit...

22 "So they frisked me, they took my wallet and they did not find anything else."

23 A. You said two vehicles. Well, it was the first vehicle. They were the people who
24 frisked me. They took my wallet and my mobile phone. And the person in charge said that
25 even if there was a gris-gris or a knife on me I should be killed. They frisked me, but they

1 didn't find anything. And they said to the person in charge that they had found nothing and
2 they asked -- he asked me what my name was. That was the people in the lorry.

3 Q. So you took photographs with your mobile telephone on that day, did you not?

4 A. Once I was on the ground?

5 Q. No, not whilst you were on the ground, but during the march?

6 A. No, I did not take any photographs. I was not really interested in such things. I did
7 not take any photographs. But I did have my mobile telephone on me. That was for my
8 work. As I said to you, I wasn't really well versed in matters political.

9 Q. And when you saw the security forces blocking you, did you not think that it might be
10 important to take a photograph of that?

11 A. Well, who could have known that there were going to be problems? You see people in
12 uniform and, to my mind, well, they're doing their job. And normally where there are
13 policemen, they're doing their job. But the people standing in front of us were the ones who
14 were stopping the marchers from marching, and I was interested in what was going on there,
15 but why would I have gone so far as to take photographs of individuals in uniform? I didn't
16 think that anything would come of it until the tear gas canisters were thrown. But what was
17 I going to film? I didn't film anything.

18 Q. And on that day your wallet and your mobile phone were the only two objects that you
19 had on you, were they?

20 A. I did not have anything else on me. I only had my mobile phone and my wallet. They
21 frisked me, and I had nothing further on me.

22 Q. And why is it that in your statement at paragraph 70, that is to say page 23, why do you
23 talk about two mobile telephones?

24 A. Yes, indeed, I did have two telephones. And even when I came here I had two
25 telephones, two mobile phones on me. And even today I have two mobile phones on me, as

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1 I did on that very day.

2 PRESIDING JUDGE TARFUSSER: Five minutes, maybe four.

3 MR O'SHEA: There's -- your Honours, there's one -- there's one further aspect of the
4 evidence which deals with the -- can the witness be asked to take his headphones off, please?

5 PRESIDING JUDGE TARFUSSER: Mr Witness, can you please take your headphones off so
6 that you don't hear? Okay. Thank you.

7 MR O'SHEA: There's one further aspect of the evidence which deals with this witness's time
8 at the hospital and when he gets on to the ambulance and what was said about Mr Gbagbo.
9 It's quite a significant piece of evidence, and a delicate piece of evidence, and I'm loathed to
10 rush it in three minutes. It won't take me longer than 15 minutes to deal with it, but I'm
11 scared to deal with it under pressure because it's a significant and delicate piece of evidence.
12 And it's, of course, the last aspect of this witness's evidence.

13 PRESIDING JUDGE TARFUSSER: I will hear now the interpreters if they give us 15 minutes
14 till 4.30 because I really would like to start tomorrow with the Defence of Mr Blé Goudé, try to
15 finish in two sessions tomorrow morning, and start with the next, the second witness in the
16 afternoon, because at this pace we finish this trial in 2050. That's clear. So, I mean, would
17 that be okay? Okay. So we have 15 minutes. It's up to you. Fifteen should be okay.

18 MR O'SHEA: Thank you.

19 Q. Monsieur le témoin.

20 A. (No interpretation)

21 Q. (Interpretation) I haven't yet put a question to you. When you arrived at the hospital,
22 I presume that you did not know anybody at the hospital when you arrived there, did you?

23 A. I went to the hospital. I did not know anybody. The Red Cross took me there. And
24 they brought me into the hospital. And it was the Red Cross that took me in to the hospital.
25 But to go as far as to say that I went there because I knew somebody, well, no, but people took

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1 good care of me.

2 Q. So when you got into the ambulance -- or, rather, when people attempted to put you
3 into the ambulance to take you to the Cocody CHU, the hospital, you talked about an
4 individual who had a wounded hand. You did not know that individual, did you, and had
5 never seen them before, had you?

6 A. I could see that he was wounded. He was wounded, as was I. And he was put in the
7 ambulance with me. I did not know him. We went -- he was put into the ambulance with
8 me and he asked what was going on. And he was told that he was going to be taken to
9 Cocody. And he said he didn't want to go there. He said that --

10 THE INTERPRETER: Overlapping speakers. The interpreter was not able to finish her
11 interpretation.

12 MR O'SHEA: (Interpretation)

13 Q. I just wanted to know whether you knew this individual or not, whether you had met
14 this individual before the visit to the hospital?

15 A. I did not know him, I had never seen him. I did not know him. I had only seen him
16 on that day.

17 Q. Thank you very much, Mr Witness. These are all the questions that I have on the
18 subject. Thank you.

19 PRESIDING JUDGE TARFUSSER: So this closes the questioning by the Defence of Mr Blé
20 Goudé; is that right?

21 MR O'SHEA: Yes. Yes, those are all my questions. And I also don't want to be here until I
22 retire, so I'm with you.

23 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much. So we -- well, in five
24 minutes we did what we gave 15 minutes. Good.

25 So we adjourn to tomorrow morning at 9.30 for the Defence for Mr Blé Goudé. I suppose

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(Open Session)

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- 1 from what you said in the beginning that in the first two sessions we can go through, so that
- 2 we already say to the VWU to bring in witness -- the following witness in the afternoon, okay?
- 3 MR KNOOPS: That's correct, Mr President.
- 4 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much. So see you tomorrow
- 5 morning.
- 6 The hearing is adjourned.
- 7 THE COURT USHER: All rise.
- 8 (The hearing ends in open session at 4.20 p.m.)