

Trial Hearing
WITNESS: CIV-OTP-P-0564

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé
5 Goudé - ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 2
9 Wednesday, 17 January 2018
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:23] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:41] Good morning. Good morning to
15 everybody. Bonjour à tous.
16 Here we are again in this new year to continue with the trial. Before introducing the
17 witness, which is the last witness, seems to be the last witness for the Office of the
18 Prosecutor, I just would like to say that in preparation of the discussion we will have
19 on the filing for the request for amicus curiae, which was announced yesterday or two
20 days ago by email, and I'm referring to filing 1093 -- I've seen you on your feet, Maître
21 Gbougnon, I just finish this and then I give you the floor. The Chamber wants the
22 Registry to reclassify as public filings number 1093 and 1094 and the annexes thereto.
23 So now, Maître Gbougnon.
24 MR GBOUGNON: [9:35:29] (Interpretation) I am not receiving any interpretation.
25 PRESIDING JUDGE TARFUSSER: [9:35:38] I don't know why. But I will ask the

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1 court officer. Can it be that you have forgotten how to switch or how to use the
2 keyboard?

3 Maître Gbougnon, are you fine now?

4 MR GBOUGNON: [9:36:52] (Interpretation) Mr President, it's still not working,
5 but I've exchanged with my colleague. I've been able to take over the earphones of
6 my colleague to be able to hear the translation.

7 PRESIDING JUDGE TARFUSSER: [9:37:06] So it's a matter of non-function of your
8 specific, well -- so I was advised by the court officer that somebody is coming.

9 Maître Gbougnon, can we continue? Okay. Thank you very much.

10 Now I think it's time for the new witness to be introduced. There is a request by the
11 LRV to question this witness, and this request in the frame of their job, what they are
12 doing is granted.

13 Now I ask the court usher to introduce the witness. Thank you.

14 (The witness enters the courtroom)

15 PRESIDING JUDGE TARFUSSER: [9:39:29] (Interpretation) Good morning,
16 Madam Witness.

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18 (The witness speaks French)

19 THE WITNESS: [9:39:46] (Interpretation) Good morning, your Honour.

20 PRESIDING JUDGE TARFUSSER: [9:39:51] Before starting the questioning by the
21 parties, we have some preliminaries to do. First of it is your complete identification,
22 I would ask you to say your full name, your date and place of birth.

23 THE WITNESS: [9:40:19] (Interpretation) Thank you, Mr President. My name is
24 Hélène Yapo Etté, born on 6 July 1958 in Abidjan, Côte d'Ivoire. That's it.

25 PRESIDING JUDGE TARFUSSER: [9:40:33] Thank you. You are a doctor in

1 medicine; is that right?

2 THE WITNESS: [9:40:42] (Interpretation) Yes, a forensic pathologist.

3 PRESIDING JUDGE TARFUSSER: [9:40:47] This is your specialisation?

4 THE WITNESS: [9:40:51] (Interpretation) Yes, Mr President.

5 PRESIDING JUDGE TARFUSSER: [9:40:55] Since when are you a forensic
6 pathologist?

7 THE WITNESS: [9:41:05] (Interpretation) Since 1991.

8 PRESIDING JUDGE TARFUSSER: [9:41:12] And you are still doing this job right
9 now?

10 THE WITNESS: [9:41:15] (Interpretation) Yes, Mr President.

11 PRESIDING JUDGE TARFUSSER: [9:41:20] A recommendation is the language
12 recommendation. You understand that I speak English with you and you speak
13 French. Later on you will be questioned either in English or in French. That's why
14 we have to understand each other and, therefore, we have interpreters. In order for
15 them to do the best job possible, we need to speak slowly, because interpretation must
16 be literal and not just the general meaning of what we are saying. So please speak
17 slow, and especially when you are questioned in French and your reaction would be
18 an immediate one, just breathe and then start with your answer. Is this clear?
19 If I give you a sign with the hand, it's just for you to slow down, because I hear the
20 interpreters protesting in my ear, okay?

21 Now we come to your testimony. You are certainly aware that this Chamber has
22 been established to try the case of the Prosecutor against Mr Gbagbo and
23 Mr Blé Goudé, and you are here as an expert, as an expert witness in order to,
24 together with, together with other witnesses we have heard to help us in the search of
25 the truth.

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1 So you will be asked questions by the lawyers, by the Office of the Prosecutor, the
2 Legal Representative of the Victims, the Defence lawyer for Mr Gbagbo and for
3 Mr Blé Goudé. And you have to answer truthfully within the area specifically of
4 your expertise.

5 If you have any concern at any time, just address these concerns with me and we will
6 try to address them; is this clear?

7 THE WITNESS: [9:43:49] (Interpretation) Yes, Mr President.

8 PRESIDING JUDGE TARFUSSER: [9:43:52] As I said, as a witness, you have to tell
9 the truth. So before we start the questioning, before we start the questioning, you
10 are required by law to make a solemn undertaking to this effect, so I would ask you to
11 read the formula aloud, the formula you have in front of you.

12 THE WITNESS: [9:44:26] (Interpretation) I solemnly declare that I will speak the
13 truth, the whole truth and nothing but the truth.

14 PRESIDING JUDGE TARFUSSER: [9:44:39] Thank you very much.

15 The last thing I have to tell you is that not saying the truth is an offence against the
16 Court and as such punishable.

17 Now, if you are ready, I will give the floor to the Office of the Prosecutor so that Mr
18 Garcia can start as I believe his questioning. Mr Garcia.

19 MR GARCIA: [9:45:06] Thank you, your Honour. Good morning, your Honours.
20 One matter, I would just like to ask leave from the Court to be able to give a binder of
21 all the documents to the witness.

22 PRESIDING JUDGE TARFUSSER: [9:45:20] Of course. The binder on -- what is
23 contained in the binder?

24 MR GARCIA: [9:45:26] The list of materials that might be relevant for her testimony,
25 your Honour.

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1 PRESIDING JUDGE TARFUSSER: [9:45:30] Okay.

2 Mr Garcia will guide you through the binder when it comes to the moment to use it.

3 So just listen to the question, and if you have to use the documents, Mr Garcia will tell
4 you which tab you have to look at. Thank you.

5 Mr Garcia.

6 QUESTIONED BY MR GARCIA: (Interpretation)

7 Q. [9:46:36] Good morning, Madam Witness.

8 A. [9:46:38] Good morning, sir.

9 Q. [9:46:39] My name is Mr Lucio Garcia. We have already met on Monday. I
10 have some questions to put to you on behalf of the Prosecution. And the only thing I
11 would like to tell you is that if you have any difficulty understanding my questions or
12 if you have any other difficulty, do not hesitate to tell me and I will rephrase; is that
13 okay?

14 A. [9:47:09] Yes.

15 Q. [9:47:10] You also have in front of you the list of evidence that we are going to
16 deal with. These are documents, there are tabs, and I will refer to each tab which
17 includes a specific document.

18 A. [9:47:32] Yes.

19 Q. [9:47:35] You are also going to be able to see the document in front of, on the
20 screen in front of you at the same time.

21 A. [9:47:43] Very well.

22 MR GARCIA: [9:47:47] I will want document 0077-0053_R01, tab 44 to be displayed
23 on the screen.

24 THE COURT OFFICER: [9:48:08] Could you please inform us about the level of
25 confidentiality of the document?

1 MR GARCIA: [9:48:16] It can be public.

2 Q. [9:48:27] (Interpretation) Madam Witness, you have your CV in front of you.

3 And I want to go through a few things in your CV before we tender it. If I look at
4 the titles, you are a professor of forensic pathology; is that correct?

5 A. [9:48:56] Yes, I am a professor of forensic pathology.

6 Q. [9:49:02] Which university?

7 A. [9:49:06] The Training and Research Centre of Medical Sciences in the Félix
8 Houphouët-Boigny University of Abidjan, Cocody.

9 Q. [9:49:18] And since when have you been a professor?

10 A. [9:49:28] I have been a full professor since 2013 at the Félix Houphouët-Boigny
11 University.

12 Q. [9:49:48] I can see that you are also responsible for some subjects. Do you
13 teach?

14 A. [9:49:56] Yes. I teach forensic pathology at UFR, that is the research and
15 training unit of the medical sciences department.

16 Q. [9:50:13] If you go to university titles, you have a diploma in forensic pathology and
17 legal reparation *obtained after two years at the University of Rennes; is that correct?

18 A. [9:50:33] Yes.

19 Q. [9:50:34] Page 0054, that is the next page of the CV. You also have an
20 attestation of university studies in thanatology and criminalistics; is that correct?

21 A. [9:50:52] That is correct, counsel.

22 Q. [9:50:53] Just to be clear, what is thanatology?

23 A. [9:51:01] Thanatology --

24 Q. [9:51:07] Please proceed.

25 A. [9:51:11] Thanatology is the subject dealing with the circumstances and causes

1 of the death of an individual.

2 Q. [9:51:23] And just to look at your university certificates, you have a CES,
3 specialized studies certificate in *forensics and reparation, legal reparation of body
4 injuries; what is that?

5 A. [9:51:50] CES is a three-year training in thanatology and the legal reparation of
6 body injuries and in medical law and ethics.

7 Q. [9:52:07] Thank you for those answers, Madam Witness.

8 Have you ever been declared an expert either in Côte d'Ivoire courts or elsewhere?

9 A. [9:52:26] I am an expert at the Abidjan tribunals or courts, that is expert in
10 forensic pathology in legal reparation of body injuries.

11 Q. [9:52:49] Since when?

12 A. [9:52:54] I have been an expert since 2009 with those courts.

13 Q. [9:53:06] Have you already carried out legal autopsies?

14 A. [9:53:11] Yes, I have carried out legal autopsies.

15 Q. [9:53:22] I will not ask you to give us a precise number, but how many
16 approximately have you done before?

17 A. [9:53:32] Many legal autopsies, because I have been working ever since 1991, so I
18 have carried out many legal autopsies, and I cannot remember the number today.

19 Q. [9:53:56] Now, regarding external examinations, what external examinations?
20 What is the situation?

21 A. [9:54:04] The external examinations of bodies is part of thanatology, and I have
22 also carried out many external examinations of bodies.

23 Q. [9:54:21] And just to be clear, when you are an expert with courts, what are your
24 duties, really?

25 A. [9:54:36] When you are an expert, it means that you have been designated for

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1 specific duties in your domain of expertise, specifically in the area of thanatology, to
2 carry out examinations of bodies as well as legal autopsies in order to determine the
3 circumstances and causes of deaths of individuals. It also means that you can be
4 requisitioned to give an opinion on observations in the area of legal reparation of
5 injuries, particularly on people who are still alive and who have been assaulted. So
6 we have to give opinions on medical liabilities, for example, attributable to our
7 colleagues.

8 PRESIDING JUDGE TARFUSSER: [9:55:53] Can you go to the merits, because I
9 think this until now, everything is known.

10 MR GARCIA: [9:55:57] We are getting right --

11 PRESIDING JUDGE TARFUSSER: [9:55:59] Thanatology, the whole thanatos, the
12 death, in Greek. Okay. Thank you, please.

13 MR GARCIA: [9:56:07] (Interpretation)

14 Q. [9:56:08] Madam Witness, thank you for this part of your testimony. Now, to
15 begin with, have you already been requested by Ivorian authorities to examine bodies
16 from the post-election crisis?

17 A. [9:56:32] Yes. I was requested or requisitioned to carry out thanatological
18 examinations on all the victims from the post-election crisis.

19 Q. [9:56:52] Do you remember how many times you were requisitioned?

20 A. [9:56:55] Mainly four times, four times.

21 Q. [9:57:16] Madam Witness, I would like us to go to tab 23, 0073-1019.

22 THE COURT OFFICER: [9:57:42] What is the level of confidentiality of the
23 document?

24 MR GARCIA: [9:57:42] Can be made public.

25 Q. [9:58:11] (Interpretation) Madam Witness, is this one of the requisitions that

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1 you have received?

2 A. [9:58:18] Can you repeat the number of the tab, please?

3 Q. [9:58:24] It is tab 23.

4 A. [9:58:26] Very well.

5 Q. [9:58:30] I can see that you have identified this document. Is this one of the
6 requisitions that you received from the State Prosecutor?

7 A. [9:59:04] Yes, in fact, this is one of the requisitions that we received from the
8 State Prosecutor of the time.

9 Q. [9:59:15] It is dated 29 April 2011 at the top right-hand corner. Were there any
10 requisitions before that?

11 A. [9:59:24] Yes. Prior to that, there was another requisition that was issued by
12 another State Prosecutor.

13 MR GARCIA: [9:59:37] Your Honours, just to inform the Court, in this regard the
14 prior requisition is at tab 1. It was disclosed as an Article 77 document. With leave
15 of the Court I could show that document to the witness. It's simply the first
16 requisition of the Ivorian authorities regarding a report and the fact they've taken
17 under charge 789 victims. If the Defence has no objection to that.

18 MS NAOURI: [10:00:03] (Interpretation) Thank you, Mr President. Exceptionally,
19 we do not have any objection for this document to be tendered, even though it could
20 have been said it is an incriminating document. It is also on our list of materials. It
21 is an Article 77 document, so normally it should not have been found on the list of
22 materials of the Prosecutor. Thank you.

23 PRESIDING JUDGE TARFUSSER: [10:00:44] Mr Knoops.

24 MR KNOOPS: [10:00:45] No objection, Mr President. Thank you.

25 PRESIDING JUDGE TARFUSSER: [10:00:48] Anyhow it can be shown, but I don't

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1 think it's very important. If the testimony is in the sense that she was appointed,
2 why should -- the document is -- yes, it's just a surplus. It's nothing particularly
3 important. But go ahead, please.

4 MR GARCIA: [10:01:05] Thank you. Thank you, Defence counsel.

5 Q. [10:01:10] (Interpretation) I'd like to ask you to look at tab 1.

6 THE COURT OFFICER: [10:01:29] Do you please have an ERN number and level of
7 confidentiality?

8 MR GARCIA: Certainly. It's 0001-0282, and it's public.

9 Q. [10:02:00] (Interpretation) Now you can see the document. Is this the first
10 requisition or request you received?

11 A. [10:02:05] Indeed. I thought that it was the first requisition that we received to
12 deal with the victims of the post-election crisis.

13 Q. [10:02:23] Madam Witness, after receiving this requisition, what did you do?

14 A. [10:02:28] After receiving this requisition, we carried out the task that was
15 entrusted to us. It is described here, namely, autopsies of victims of the post-election
16 crisis. That is to say the initial victims, the first victims, in particular.

17 Q. [10:02:57] After that, did you draft a report to set out the results of the autopsies
18 and the exams you carried out?

19 A. [10:03:15] Yes, indeed. After, subsequent to the autopsies, forensic reports
20 were drafted for each body. But before, we drafted a report later on, a detailed
21 report dealing with the multiple victims that are mentioned in this requisition and
22 also in the second requisition.

23 Q. [10:03:53] Very well, Madam Witness. Now, I asked you -- or correction. I
24 would like to ask you if you could now look at CIV-OTP-0050-0003, item 14 on the list,
25 the detailed report, tab 14. Madam Witness, is this the detailed report that you just

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1 mentioned a few moments ago? Please take the time you need to have a look at the
2 document.

3 A. [10:05:15] This is the detailed report that we drafted regarding the forensic
4 examination of the victims who died during the post-election events that occurred in
5 Côte d'Ivoire, just like the title of the document says.

6 Q. [10:05:34] If I could ask you to turn to the last page of this document, 0050-0049.
7 Now, I see that there is no date on the report. On the second last paragraph it says
8 that this detailed report takes into account information gathered from family and
9 friends up until this date, 21 April 2012; is that correct? Is this report valid up until
10 that date?

11 A. [10:06:15] That is what we wrote, indeed. This report goes up until that
12 particular point in time, that date.

13 Q. [10:06:26] And once you completed the report, what did you do with it?

14 A. [10:06:32] Once it was finished, we provided the report to the recipient, that is to
15 say, the person who commissioned us to do so, the *Procureur of the Republic.

16 Q. [10:06:51] Madam Witness, we intend to request that the report be placed on the
17 case record of the Court. But just a few questions, could you tell us basically what
18 this report is all about? What does it contain?

19 A. [10:07:15] Well, this report describes how we organised the work that we carried
20 out so that we could come to the results that we came to at that time; namely, we
21 described the work done, the approach taken, the initial results that were recorded up
22 until that time, and that included both a list of victims and everything that had been
23 done to these victims and all the findings that had been made regarding these victims.

24 Q. [10:08:17] Now, the framework that you were working within, how many
25 people were you working with?

1 A. [10:08:27] Well, under this heading, "cadre de travail", framework, as a forensic
2 pathologist we worked with a number of people, co-workers for other forensic
3 pathologists, Dr Botti Koffi, who is now a full professor, Dr Koffi Yao Baudelaire, Dr
4 Attoungbre N'Guettia Solange, and Dr Ebouat Marc, who is now a lecturer in forensic
5 medicine.

6 As for the framework, for the most part, we worked at the institute of forensics. That
7 is where we did most of the autopsies, and that is located at the university in Cocody.
8 We also worked within the morgue at the military hospital in Abidjan. That is
9 located in another area, another commune, for the most part in Abobo. Then we also
10 did some work within the morgue of the Treichville CHU. And that is the university
11 hospital centre. Then we also did some work at the Anyama morgue. Anyama is a
12 commune on the outskirts of Abidjan. We also examined some bodies at the morgue
13 of the Port-Bouët General Hospital.

14 Then we examined a number of cadavers at the Daoukro morgue. These were the
15 cadavers for which we had been commissioned. Then finally we examined some
16 bodies at the Daloa morgue. So this is -- this represents the various places where we
17 worked and the people that we worked with.

18 Q. [10:10:40] If I could refer you, Madam Witness, to page 0046 of this document,
19 and we see a heading, "synthèse", summary. So how many cadavers did you
20 examine and deal with during this period of time?

21 A. [10:11:15] We handled 789 corpses that -- the corpses of people who had died in
22 the events.

23 Q. [10:11:29] Were some of these corpses exhumed?

24 A. [10:11:37] Yes, indeed, some of them were exhumed before the autopsy was
25 carried out.

1 Q. [10:11:42] Just to make sure we've understood one another, you've mentioned
2 some *private morgues. Now, were the bodies all at these *private morgues or were
3 some sent to your institute later? How did it work?

4 A. [10:12:02] Well, indeed, most of the bodies were sent to the forensics institute,
5 particularly for all the ones that were subjected to a forensic autopsy and for most of
6 the external examinations for forensics purposes.

7 Q. [10:12:31] If we could now discuss the period of time you carried out your
8 assignment or mandate, page 0077 of your report under the heading "organisation of
9 work, working method, conduct of work".

10 My question is as follows: Did you have an opportunity -- well, when did you begin?
11 We saw the earlier requisition. When did you actually begin to conduct the
12 examinations of these corpses? Were you interrupted at any point or were you able
13 to work nonstop throughout the entire period of time?

14 A. [10:13:44] We were commissioned for the first time as of 20 January 2011. So
15 there were the various activities, and the work began on 27 January. Our work
16 continued until 11 February, as we wrote here. Then there was a temporary
17 interruption between 12 February and 28 April 2011 because of the danger caused by
18 the war in the city of Abidjan. We were not able to actually get to our place of work.
19 So the work was halted starting on the 12th, as of the 12th, 12 of February, I beg your
20 pardon.

21 Q. [10:14:52] Thank you very much.
22 So during that initial period of time when you were working on this assignment,
23 could you tell us whether you remember -- well, what kind of corpses? Where did
24 the corpses come from? Were they civilians?

25 A. [10:15:16] These corpses were the result of -- well, came from the law

1 enforcement staff and also from the civilian population, for the most part.

2 Q. [10:15:34] Then after that you said there was an interruption. Were you in a
3 position to get to the forensics institute yourself, personally, during this temporary
4 interruption?

5 A. [10:15:51] No, sir. I didn't run that risk. I didn't want to expose myself to the
6 danger that going to the institute represented. I did not go to the institute.

7 Q. [10:16:09] You resumed your activities on 28 April 2011. Can you tell us what
8 conditions prevailed at that time when you went back to work?

9 A. [10:16:27] We resumed on 28 April. After we received a second requisition or
10 request dated that day -- correction, 29th; we resumed on the 29th. We were able to
11 get back to work. The security conditions were not as bad and we were thus able to
12 travel back to our place of work to carry out the tasks that had been assigned to us.

13 Q. [10:17:01] Can you tell us about the workload when you resumed on 29 April in
14 comparison with normal times or the initial phase of your work?

15 A. [10:17:20] We knew that the workload would be immense because many corpses
16 were awaiting us already, the corpses from the initial period of time. And in the
17 meantime other corpses had been added to the list. So we have to do our -- conduct
18 our mission, namely, identifying the causes of death. And the family members were
19 waiting as well so that they could receive the remains and then go into mourning.
20 So that was the backdrop against which we worked.

21 Q. [10:18:10] You mentioned some family members who were waiting. First of all,
22 were you the one or was it members of your team who wrote up the death
23 certificates?

24 A. [10:18:31] Well, I was responsible for the entire forensics team, so it was my
25 responsibility to do that, and I met with the family members, and I was present with

1 the other doctors, because we usually worked in teams of two, in a collegial fashion.
2 So we would meet with the family members, and I would sign the death certificates
3 for the people who had asked for such certificates, after receiving authorisation to do
4 so.

5 Q. [10:19:03] Just to have some general idea of the context, how many families did
6 you meet with or how many family members would come every day and ask for
7 death certificates?

8 A. [10:19:21] As soon as we received authorisation to provide the death certificates
9 to the families, not the remains but, rather, the death certificates, the official
10 documents that allowed them to bury their beloved family members, we might meet
11 with 20 to 30 families per day.

12 Q. [10:19:47] Madam Witness, this leads me to a question that has to do with the
13 working method that you adopted during your mission, your mandate, 0007 of your
14 detailed report. If you could please turn to that page, page 0007.

15 Could you explain to us how -- I realise that you drafted medical reports in general
16 terms, but what kind of medical reports did you issue during this period?

17 A. [10:20:43] Well, I couldn't tell you exactly how many forensic reports we issued,
18 but these were reports that corresponded exactly to the findings and the forensic
19 procedures that we carried out.

20 Q. [10:21:04] Now, if I look at page 0007 and under -- towards the end, the working
21 method consisted of drawing up two forms to gather data, another form for the
22 forensic autopsy and exhumation. Then there was another form, a form for the
23 external detailed forensic examination. Tell us about that.

24 A. [10:21:42] The detailed external forensics examination consists of examining a
25 corpse with a view to determining circumstances and causes of death. It's a matter

1 of gathering information on the basis of direct observation and based on the external
2 appearance of the corpse. So these forms that were filled in were necessary so that
3 as much information as possible could be registered, recorded, on the basis of this
4 external examination, external forensic examination.

5 Q. [10:22:31] Madam Witness, if I could refer you to page 0048 of your report, if
6 you could turn to that page. It's the last paragraph. You wrote, second sentence,
7 "We opted for this forensic procedure for reasons of necessity and speed. On the one
8 hand, the family members were asking to receive the bodies and the death certificates
9 with the support of the legal authorities; and what is more, the morgues that were
10 managed by the funeral homes, private funeral homes, had no longer any capacity
11 and were in a very difficult position because of the smell of the rotting corpses"; is
12 that correct?

13 A. [10:23:52] Yes, correct.

14 Q. [10:23:56] Just to make it perfectly clear, under normal circumstance, how would
15 you have gone about this. Let's say before the post-election crisis, how did you
16 operate when a corpse was sent to the institute?

17 A. [10:24:17] Well, we would carry out our procedures depending on the mandate
18 entrusted to us. If it was a matter of conducting an external examination of a body,
19 we would do that. If it was a matter of a forensic autopsy, we would take the
20 necessary time to do that and, if necessary, we would carry out additional procedures.
21 So under normal conditions, if it was an external examination, we would carry it out.
22 If it was a forensic autopsy, we would do that. We would do that procedure, the
23 forensic autopsy itself.

24 Q. [10:25:06] More specifically, Madam Witness, these forms, these fiches in French,
25 did you usually draft them under normal circumstances or would you add another

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1 document?

2 A. [10:25:21] I haven't quite grasped your question.

3 Q. [10:25:25] I'd just like to ask you this, these forms, these fiches in French, that
4 provide the information from an external examination, did another forensic report go
5 along with that?

6 A. [10:25:38] Obviously, these forms for forensic examinations are forms that we
7 designed to gather information, as much information as possible, at the time of
8 examining the bodies. And I would remind you we worked in a team of two.
9 These were personal documents or forms. They were transcribed, the information
10 was transcribed onto another form, an official autopsy form.

11 Q. [10:26:17] At this particular stage of the proceedings, I'd like to show you one of
12 these forms just so that you can confirm whether or not this document is the form you
13 were usually filling out at the time.

14 If we could please display 1090. This is tab 20 for you, Madam Witness. 0073-1090,
15 tab 20. I beg your pardon, this is confidential. This is a confidential document, not
16 a public document. Confidential.

17 Q. [10:27:33] Madam Witness, is this one of the forms that you would fill out at the
18 time?

19 A. [10:27:37] Yes, indeed.

20 MS NAOURI: [10:27:39] (Interpretation) Your Honour.

21 PRESIDING JUDGE TARFUSSER: [10:27:40] Yes.

22 MS NAOURI: [10:27:41] (Interpretation) Sorry to interrupt, but the question was
23 whether the witness filled out the form during the crisis, and we see here that this is
24 Dr Botti mentioned on this form, not our witness, because this is not -- this document
25 has not been established through this witness.

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1 PRESIDING JUDGE TARFUSSER: [10:28:09] Okay. I do understand your point.

2 But the question was not who has drafted it, but is this the sort of document which

3 were drafted within this, the framework of work which was given to the witness.

4 MR GARCIA: [10:28:26] That's correct, your Honour. That's correct your Honour.

5 PRESIDING JUDGE TARFUSSER: [10:28:28] Please go ahead. Thank you.

6 MR GARCIA: [10:28:29] Just to remind Defence counsel of the testimony of the

7 witness is that they worked en dualité.

8 PRESIDING JUDGE TARFUSSER: [10:28:34] Don't remind the Defence. Just go

9 ahead, please. Thank you.

10 MR GARCIA: [10:28:40] (Interpretation)

11 Q. [10:28:41] Madam Witness, just if you could kindly confirm whether or not this

12 was the kind of form that you filled out at the time. Now, we'll put some questions

13 to you when we look at some forms more specifically, but was a cause of death shown

14 or was it just a matter of coming to findings about the injuries sustained by the

15 person?

16 A. [10:29:13] This form, of course, was there to provide a description, a detailed

17 external description, that is to say, to provide an account of the external forensic

18 findings. But it was not a matter of establishing the exact cause of death.

19 Q. [10:29:42] Now, since we're on this point, to provide the exact cause of death,

20 what would you have needed?

21 Your Honour, I know it may seem obvious. I'm just going through them. It may

22 seem trite, but there is a reason I am going through this.

23 PRESIDING JUDGE TARFUSSER: [10:30:06] It is obvious.

24 MR GARCIA: [10:30:07] We will go through more of these medical reports with the

25 witness. And I want that to be clear, obviously, before we go into cross-examination.

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1 It's just one question.

2 Q. [10:30:14] (Interpretation) Madam Witness, please.

3 A. [10:30:24] With your leave, Mr President, I stated that we described what our
4 findings were, and we also proceeded to determine the possible cause of the injuries
5 that we observed. But it was not a matter of providing the exact cause of death.
6 The exact cause of death can only be provided after a forensic autopsy, which may be
7 accompanied or not by other additional examinations.

8 PRESIDING JUDGE TARFUSSER: [10:31:01] This is absolutely clear to us.

9 MR GARCIA: [10:31:03] (Interpretation)

10 Q. [10:31:06] To wrap up on that point, Madam Witness, those forms on external
11 examinations that you filled out, were those the forms that you forwarded or was it
12 the reports that you subsequently drafted that were forwarded to the authorities?

13 A. [10:31:23] Let me say it again. Those forms were personal forms that provided
14 us the opportunity to gather the most available information at the time of the external
15 examination. We would then subsequently meet, that is, the two doctors who had
16 proceeded with the work, to discuss their findings and then enter the information on
17 the forms, as I indicated.

18 Now, the requesting authorities would then receive the external examination report,
19 which is what was forwarded to them.

20 Q. [10:32:19] Thank you, Madam Witness. Let me now refer you to the summary,
21 the summary of your report. I do not intend to deal with the tables included in your
22 detailed report, which is submitted to the Court. But I simply want to look at some
23 aspects of your summary at page 0050 and 0046 under the column "identification of
24 the victim."

25 Can you please explain to us briefly as we look at this last document, the first form,

1 which includes information on the identification of the person, how did you proceed
2 to identify the corpses? How was that done?

3 A. [10:33:35] The identification of the bodies was not done by us. The bodies were
4 identified visually by members of the family of the deceased. What we did was to
5 use identification techniques from -- or gathered from records from the mortuary,
6 which we received against each body. We would compare the data such as the
7 identification number, the tab on the arm of the corpse, and we would then proceed
8 to identify on the external examination form the name in relation to the date of
9 admission in the mortuary *or date of death, and then we would subsequently
10 include other identifying data which we had gathered ourselves, such as height, type
11 of person, attire, skin type and such items.

12 This is the kind of identification that we did ourselves in order to have an initial
13 identification of the bodies as indicated on the forms.

14 Q. [10:35:33] Just to be clear, when you receive a body at your forensic institute,
15 would there have already been a form from the mortuary along with the body?

16 A. [10:35:51] Yes. We received a form from the mortuary with some information
17 along with each body.

18 Q. [10:36:00] Those forms from the mortuary, did they bear any numbers?

19 A. [10:36:06] Yes. They had a registration number from the mortuary.

20 Q. [10:36:12] Now, when the body was received at your institute, did you provide
21 it with another number for purposes of registration of the specific body?

22 A. [10:36:26] Yes. For purposes of traceability and tracking, we assigned a
23 number to each body, and that number was entered in a register and was also linked
24 to the number received from the mortuary for the purposes of tracking.

25 Q. [10:36:49] When a body arrived without an armband or a file from the mortuary,

1 what would happen in such a case?

2 A. [10:37:06] When there would be no armband or where the labels were not
3 legible, we would simply take down the number from the mortuary as reflected on
4 the file from the mortuary, and we did not proceed to compare with any label that
5 may have been on the body, because we were not in a position to do so. We simply
6 then would rely on the file from the mortuary that came along with the body.

7 Q. [10:37:46] When the person or body arrived as unidentified, would you be able
8 subsequently to proceed to an identification of such corpse?

9 A. [10:38:00] My initial answer would be no. But we did not proceed to this type
10 of activity. What we simply did was to rely on the information that this individual
11 was unidentified. But we would mention the gender or sex whenever it was
12 possible to do so.

13 Q. [10:38:22] When family members would come to ask for death certificates,
14 would you also receive information from them in relation to the identification of some
15 dead bodies at that time?

16 A. [10:38:39] What I can say is that we received information from some families,
17 but that information was not much, even if we put some questions to them.
18 However, the families usually would show up with a number from the mortuary
19 which had been provided to them after they had proceeded to a visual identification
20 of the body at the mortuary. So the families would show up already in possession of
21 a number from the mortuary, and we would use that number to then track the corpse.
22 And this, as I said earlier, would be in relation to the tracking numbers that we had
23 developed.

24 Q. [10:39:36] When the families arrived with such a number, were you able to
25 identify the bodies and assign a name?

1 A. [10:39:43] Yes. We were able to do so, and whenever there was an unknown
2 individual, we would strike out the unknown and then insert the name of the body
3 which would have been provided to us by the family on the same form which we had
4 which corresponded to the number we had received from the mortuary initially.

5 Q. [10:40:11] Thank you, Madam Witness. I would now like to turn to page 0047
6 of your report and look at the "place of death" or "discovery of the body". Now, we
7 see that on the forms there is an entry on the "location of death". Can you please
8 explain to the Court briefly how you obtained the information in relation to the place
9 of death and circumstances of death.

10 A. [10:40:58] The place of death was essentially obtained from the file from the
11 mortuary which came to us initially, and we would enter that information. That
12 location appeared on the file from the mortuary along with a requisition which also
13 indicated the location at which the body had been picked up. And that is how we
14 would then enter our own place of death based on that previous document.

15 Q. [10:41:41] Now, Madam Witness, let us turn now to the section on your
16 summary which appears at page 0049 and deals with injuries observed. Now, we
17 have your report, but can you briefly tell us what you observed when you examined
18 those 789 bodies?

19 A. [10:42:34] Our findings led us to what we know as the forensic forms of death,
20 namely, was it a violent death or was it a natural death or death from trauma or
21 otherwise?

22 We were therefore able to use our findings to establish that there had been 647 cases
23 of the 789 cases which had been violent deaths, representing some 82 per cent. We
24 also observed that there were 590 cases from traumatic injury, *i.e. 91.2 per cent.
25 And among the violent deaths, we included thermal burns as well as mechanical

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1 asphyxiation. There was also another forensic form of death, namely, death from
2 undetermined causes. That is, cases in which our external examinations were not
3 able to identify any injury that fell under a particular category and therefore we used
4 the group "death from undetermined causes".

5 Now, when it came to traumatic injury or *lesions, we also looked at the types of
6 projectiles *from guns that may have been identified*, and there were 373 such cases
7 out of the 590, *63.2 per cent. We had trauma from bladed weapons *representing
8 79 cases. And in about 24.5 per cent of the cases, that is some *129 cases, we were
9 not able to determine the origin of the traumatic injury that we were able to observe
10 at that time or which we identified at that time.

11 Q. [10:45:15] Thank you, Madam Witness. That will be all by way of questioning
12 you on this report.

13 PRESIDING JUDGE TARFUSSER: [10:45:31] Now that you finished with this report,
14 I would just -- a couple of questions on this report.

15 First of all, I can't find a date to this report. Can you tell us when this was drafted or
16 dated, this report?

17 THE WITNESS: [10:45:58] (Interpretation) This report, Mr President, was drafted
18 on 21 April 2012. Quite deliberately, we decided not to include the date, Mr
19 President, because that was the day on which we drafted the report. But we knew
20 that there were going to be subsequent missions.

21 PRESIDING JUDGE TARFUSSER: [10:46:26] Another question is the following.

22 You said, and I'm referring to page 13, line 7 to 10 and page 15, lines 14 and 15, and in
23 other occasions as well, but the report itself is entitled to the victims who died during
24 the post-election crisis or who have died in the events.

25 Now, the questions are two: Which events specifically you're referring to and, first

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1 of all, who identified those victims as victims of post-electoral crisis? Who told you
2 these were victims? Did you ascertain this or were they given to you? How did
3 they come to you?

4 THE WITNESS: [10:47:31] (Interpretation) We did not decide that these victims
5 were a result of the post-electoral crisis. We worked on the basis of requisitions and
6 requests from the authorities which also indicated the location of those bodies which
7 would be made available for us to proceed with our forensic examinations.

8 PRESIDING JUDGE TARFUSSER: [10:48:00] So it's authorities who told you these
9 are corpses which died -- of people who died in the post-election crisis and where
10 they died?

11 THE WITNESS: [10:48:17] (Interpretation) That information was contained in the
12 requisitions. But the requisitions do not indicate where the people died specifically,
13 but simply defined the framework in which the deaths occurred and the location of
14 the bodies.

15 PRESIDING JUDGE TARFUSSER: [10:48:39] Thank you, Madam Witness.
16 Mr Garcia.

17 MR GARCIA: [10:48:46] (Interpretation)

18 Q. [10:48:52] Madam Witness, let me now take you to tab 43.

19 THE COURT OFFICER: [10:49:06] Could we please have an ERN number and a
20 level of confidentiality?

21 MR GARCIA: [10:49:12] 0077-0049 and it's public.

22 Q. [10:49:28] Madam Witness, that is a mission request from the OTP. Do you see
23 it?

24 A. [10:49:38] Yes, I can see it. That's correct.

25 Q. [10:49:46] It is dated 9 January. Can you tell us briefly what it states?

1 PRESIDING JUDGE TARFUSSER: [10:49:57] Well, we can read what it states. If it
2 is in the -- I think you will submit it there, and we know it. Thank you.

3 MR GARCIA: [10:50:08] Thank you, your Honour.

4 Q. [10:50:09] (Interpretation) I showed you this document simply because my
5 questions will be relating to this letter of instruction, Madam Witness. And so let's
6 look at it directly starting with tab 20, confidential, 0073-1090.

7 Now, Madam Witness, I simply want to put a few questions to you about this form
8 which will enable us to understand the other forms that we will be looking at. I'll
9 put a few more detailed questions to you about this first form which will apply to
10 subsequent forms.

11 Now, I see initially, well, this is the same form we were looking at a short while ago.
12 I see an entry REE to the top left of the document. What does that stand for
13 specifically?

14 A. [10:51:46] REE stands for External Examination Report.

15 Q. [10:51:55] We see OK as well. What does that stand for? Is there any
16 particular reason for that?

17 A. [10:52:02] OK means or represents the fact that this external examination report
18 had been drafted.

19 Q. [10:52:11] I see there is a mortuary number. The date of examination is 20
20 May 2011, and I see that the doctor, examining doctor, is Dr Botti. Is that one of
21 your colleagues at the forensic institute?

22 A. [10:52:30] Yes. He is one of my colleagues and collaborators.

23 Q. [10:52:36] Earlier on in your testimony, you said that you worked in a team of
24 two. So when you see the name Dr Botti, does that mean that he is the only one who
25 examined the body or did he work with other persons?

1 A. [10:52:56] No. The report indicates that we worked in a team of two, and I was
2 the head of the team, so I worked along with all my doctors, and together we looked
3 with each of the other doctors. They looked at the body and signed the report
4 together. These are individual notes that we are looking at and that is why my name
5 does not appear on this one. But in any event, the examination was conducted
6 together.

7 Q. [10:53:33] Thank you, Madam Witness. I am not going to ask you to remember
8 details on each of these cases, mindful of the number of corpses that you saw, but let
9 me just take you to the name of the person here. I don't see the entry "unknown"
10 under that column. Is it the case that since the name appears it was not an unknown
11 corpse?

12 A. [10:54:08] This means that this is the name that was initially entered on the form
13 from the mortuary as well as on the armband or the identification armband.

14 Q. [10:54:28] Now, we see "commemorative" entry, "circumstances of death", and
15 we see here the entry is 17/3/11 of COMM Irie Bi Sehi, what does that stand for?

16 A. [10:54:52] That reference, that sentence, shall I say, actually refers to a police
17 requisition which bore the number OP of 17/3/2011 from commissioner, that is
18 COMM, Irie Bi Sehi. That's the name, and the requisition indicated that there should
19 be an examination and conservation of the deceased in Abobo.

20 Now, this information was contained in the file from the mortuary which came along
21 with the body.

22 Q. [10:55:40] Under the same column or number 1, we see 17/03/2011 went in the
23 company of his wife to the market where shells were drop and subsequent death
24 followed.

25 Can you tell us where that information comes from?

1 A. [10:56:02] Yes, I can. We received that information when a close relative came
2 to fetch the death certificate relating to that body.

3 Q. [10:56:17] At the bottom of the page under "forensic findings", you see PAAF.
4 Can you tell us what that refers to? What does PAAF stand for and what do the
5 other entries stand for?

6 A. [10:56:42] Yes. PAAF stands for injury by firearms plus injury from shrapnel;
7 and the other entry is that a metallic fragment had been extracted, and in brackets, for
8 our personal jottings, you know, to jog our memory about what was said under the
9 circumstances in relation to the narration that we received relating to this case.

10 Q. [10:57:28] We see on this document that different types of colours of ink are
11 used. Can you tell us why?

12 A. [10:57:46] We used red ink. We decided to use red ink to enter information
13 from documents received from the mortuary; and blue ink was used to enter
14 information that we had collected or gathered from the families when they would
15 come to collect the death certificates; and the black ink represents all our findings
16 during the external examination of the body.

17 We also have in red information relating to various tears on attire, which was
18 information that appeared to be important for us during these examinations.

19 Q. [10:58:46] When you look at the subsequent pages, particularly page 1092, and I
20 will be dwelling somewhat on page 1092, what appears on that page, please?

21 A. [10:59:00] Here on this page we have a number of diagrams that we used at the
22 time to accompany our documents in order to be able to quickly identify what we
23 were dealing with. These forms would be appended to the external forms which
24 would reflect, from left, that we are looking at the posterior face of an individual on
25 which a number of openings had been identified on the posterior part of the body, as

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1 you can see here, dotted in red and attended with specific numbers.

2 MR GARCIA: [11:00:05] Your Honours, I see the time.

3 PRESIDING JUDGE TARFUSSER: [11:00:08] Yes, I think now we make the break,

4 the first break for half an hour so you can have a rest. And we adjourn at 11.30,

5 when we are back with the questioning by the Office of the Prosecutor.

6 The hearing is adjourned. Thank you very much.

7 THE COURT USHER: [11:00:26] All rise.

8 (Recess taken at 11 a.m.)

9 (Upon resuming in open session at 11.30 a.m.)

10 THE COURT USHER: [11:30:55] All rise.

11 Please be seated.

12 PRESIDING JUDGE TARFUSSER: [11:31:17] Good morning.

13 Good morning, Madam Witness, once again.

14 I give back the floor to Mr Garcia. I said that I give back the floor to Mr Garcia for

15 his questioning. The floor is yours.

16 MR GARCIA: [11:31:42] Thank you, your Honour.

17 Q. [11:31:46] (Interpretation) Good morning once again, Madam Witness. I will

18 refer now to tab 29, and it is 0073-1115 and it is confidential.

19 Correct me if I am wrong, but I can see you have the document in front of you?

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

21 Q. [11:32:41] It is a forensic report, external examination, similar to the one that we

22 saw. What is exactly this forensic external medical report?

23 A. [11:33:02] This forensic external medical report is a list of our observations,

24 forensic observations, specifically injuries, and this was intended for the requesting

25 authorities, and that is to present the report of our work on each victim.

1 Q. [11:33:35] On page 1118 of this report, it is noted that there is a signature. And
2 whose signatures are those?

3 A. [11:33:57] Myself and that of Dr Botti.

4 Q. [11:33:59] The forensic conclusions on the same page are also on that same page
5 as I said, and what are those conclusions?

6 A. [11:34:16] The external examination of the body indicates at the forensic level that the
7 external examination of the decomposed body of Kouakou Koffi François, age 49 years, it
8 shows that there are 18 injuries by firearm and targeting of the posterior area of the body. The
9 topographic characteristics of the injuries are on the body diagrams of the report. A metallic
10 fragment was extracted from under the posterior area of the lower third of the left forearm.
11 It is annexed to this report *for a ballistic examination. Done in Abidjan, 26 January 2015.

12 Q. [11:35:28] Is this the type of wound consistent with the explosion of a shell?
13 Because you have talked about injuries.

14 A. [11:35:43] Yes, because if there are metallic fragments from an explosion, this
15 leads to these types of wounds.

16 Q. [11:36:00] Just to be clear in the record, we are going to talk about this later, you
17 have talked about injuries from firearms consistent with injuries from firearms. Why
18 didn't you talk about a shell?

19 A. [11:36:51] This is an external medical examination, and there is a projectile
20 which is a metallic fragment which can come from this type of ammunition, if I can
21 refer to it as such. And we talked about firearm injury, because we think that
22 injuries of that type come from firearms, and it can be corroborated by ballistic, a
23 ballistic examination of the fragment that we extracted, and that is why we were
24 cautious not to state that it was the result of an explosion and fragments from a shell.

25 Q. [11:37:59] Very well. Thank you.

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1 I would like now to draw your attention to tab 21, 0073-1093, confidential. You can
2 see in front of you it is another examination sheet, and the name of the person is there,
3 so it is not unknown.

4 A. [11:39:51] Yes. The name of that person had already been identified on the
5 armband and the file that had come from us from the morgue alongside the body.

6 Q. [11:40:12] I will draw your attention to Conditions of Death and
7 Commemoration. It is indicated *17 March 2011, and it is seen here that *you wrote
8 the report. Is this your handwriting?

9 A. [11:40:40] There are two handwritings there, mine in blue and the handwriting
10 *in red is of another colleague.

11 Q. [11:40:48] Regarding the information in blue on the Commemorative, where
12 does that information come from, that is, the information in blue?

13 A. [11:41:01] It comes from the person, family member or close person who came to
14 take the death certificate.

15 Q. [11:41:14] And I understand that it was the brother-in-law?

16 A. [11:41:19] Yes.

17 Q. [11:41:23] And if you look at the bottom of the page, PAAF, firearm, and then in
18 brackets, fragments of a shell, why is that?

19 A. [11:41:42] Just as for the previous sheet, the colour is different. Our
20 conclusions are PAAF. These are personal observations, and we added the blue to
21 indicate that the circumstances were the same.

22 Q. [11:42:04] Now let me draw your attention to tab 30, 0073-1119, and it's
23 confidential, 0073-1119. Madam Witness, it is a forensic examination for an external
24 examination of the same person, whose form we have seen. I will bring you to
25 Background. And you talked here about identification of the causes and location of

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1 death.

2 A. [11:43:06] Yes. We report what the person said, that is, the person who came to
3 fetch the death certificate.

4 Q. [11:43:19] And let me take you to page 1121, Conclusions of the Forensic Report.
5 And you included the same conclusion, by firearm, as in the other document?

6 A. [11:43:39] Yes, indeed. We observed that there was *a hole that suggests a
7 firearm inflicted entry wound on the right-hand side of the neck.

8 Q. [11:43:57] Now, let me take you now to tab 11, 0037-0272, confidential. We can
9 see the first page. Is that something similar to what you mentioned to us about files
10 arriving?

11 THE COURT OFFICER: [11:44:44] Mr Garcia, I am sorry to interrupt. Which
12 version would you like to have published, as we have an original one and two
13 redacted ones?

14 MR GARCIA: [11:44:50] Can we have the redacted one, please? Thank you.

15 Q. [11:45:26] (Interpretation) Let me repeat my question. You can see the first
16 page, 0272, INTERFU. You have the file number; is that the number of the morgue
17 that you mentioned before the break?

18 A. [11:45:43] Yes, that is the morgue number.

19 Q. [11:45:50] There is information about the date. Is it the date you were referring
20 to, that is, the date of death?

21 A. [11:46:00] Yes.

22 Q. [11:46:07] Is this the type of document that was brought along with the bodies to
23 your institute?

24 A. [11:46:20] This is a type of document that was brought along, and we also
25 referred to another document in the reference sheet, that is, OP.

1 Q. [11:46:38] Page 0273, we are going to talk about that page. And it is written at
2 the top "de par la loi", that is "by law". What is that document?

3 A. [11:47:01] De par la loi, or by law, it is a requisition that is issued by the
4 commissariat of the urban police.

5 Q. [11:47:17] And in this case, what were you asked to do?

6 A. [11:47:26] Normally, this type of document is issued in three copies, so that is
7 the normal procedure. One for the morgue, that is to take out the body; one to
8 conserve the body; and the third for the forensic pathologist to examine the body.

9 Q. [11:47:57] There is a section there, "à l'effet de", that is, "for the purpose of". Do
10 you remember what that is?

11 A. [11:48:07] I do not remember.

12 Q. [11:48:08] I would like to refer you now to page 0277. It is a procès-verbal of
13 certification of death, page 0278, non-contagion certificate. And then the next page is
14 the certificate of death. Witness, have we changed the tab? It is the same tab; that
15 is, we are on page 0277, that is still tab 11. I will wait for you to find it.

16 A. [11:49:18] Yes, I found it. I was looking elsewhere.

17 Q. [11:49:23] On page 0277, there is a PV of certification of death. I can see that
18 you signed it.

19 A. [11:49:36] Yes.

20 Q. [11:49:38] I'm not going to ask you the same questions for the certificate of
21 non-contagion and the other certificate for *pages 0278 and 0279, but when did you
22 actually issue the certificates?

23 A. [11:49:54] During that period, as usual, those certificates were requested by the
24 civil registry and their families to enable them to bury their bodies, and they were
25 issued when we received the families for that purpose.

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1 Q. [11:50:20] Just to be clear, we already talked about this in the morning. I
2 understand that there were friends or members of the family who came to request
3 those certificates.

4 A. [11:50:36] Yes.

5 Q. [11:50:39] What is the procedure that you followed? How did people go about
6 identifying the bodies and other aspects?

7 A. [11:50:51] These people would arrive, identify themselves by presenting their
8 identity card, and particularly for those who take the death certificates, we write
9 down, we copy their identity cards in our register and then we issue those certificates.

10 Q. [11:51:25] At normal times, is it a particular group of people, families that
11 request those documents or just anyone?

12 A. [11:51:39] Usually these are close people and specifically members of the family.
13 These are the people who have the authority to request these types of documents.

14 Q. [11:51:56] During that period, were there any friends who came to request these
15 certificates?

16 A. [11:52:04] Yes. At that time there was a lot of pressure from the families who
17 were asking for the bodies to be able to bury them, and we were asked to issue death
18 certificates, and we issued those death certificates, and we took care to identify and
19 register the identity and personal details of the person who came to claim that
20 certificate.

21 Q. [11:52:41] Thank you, Madam Witness.

22 Mr President, if I may.

23 PRESIDING JUDGE TARFUSSER: [11:52:49] Yes.

24 MR GARCIA: [11:52:50] I do want to expedite matters in this regard regarding these
25 fiches. What I'd like to do is, regarding INTERFU files -- because it basically would

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1 be the same questions having the witness confirm. What I'll do is I'll simply read
2 them out into the file, into the evidence, so it will be noted because the same questions
3 will apply, simply to have the witness confirm that she did sign death certificates at
4 the time. So I will read them into the file unless there is any objection from the
5 Defence, then I will pose just the relevant questions regarding the fiches.

6 PRESIDING JUDGE TARFUSSER: [11:53:21] I don't know why you should read
7 them even.

8 MR GARCIA: [11:53:29] Well, your Honour, we do want to rely on these documents
9 in the future.

10 PRESIDING JUDGE TARFUSSER: [11:53:34] Yes, I know. Where lies the problem.

11 MR GARCIA: Exactly.

12 PRESIDING JUDGE TARFUSSER: [11:53:35] So you just indicate them and submit
13 them.

14 MR GARCIA: [11:53:38] Thank you, your Honour. That's what I'll do.

15 PRESIDING JUDGE TARFUSSER: [11:53:39] Not reading them out all. That's what
16 I want to say.

17 MR GARCIA: [11:53:41] Well, your Honours, I can point them out as to where they
18 find themselves on the list of material.

19 PRESIDING JUDGE TARFUSSER: [11:53:45] Just to indicate them on the record,
20 where they are, and then what they are about.

21 MR GARCIA: [11:53:48] Thank you, your Honour. So simply for the record,
22 regarding the first person that we spoke about and the INTERFU file would be
23 at 0037-0222 and that's tab 6. Thank you.

24 Q. [11:54:09] (Interpretation) Madam Witness, I would like to refer you to tab 19,
25 and it is 0073-1088, confidential. If I understand well, Madam Witness, this is an

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1 external body examination carried out by Dr Koffi; is that correct?

2 A. [11:55:18] Yes.

3 PRESIDING JUDGE TARFUSSER: [11:55:22] If it's written there, of course it's correct.

4 Just submit it into the record.

5 MR GARCIA: [11:55:31] (Interpretation)

6 Q. [11:55:34] Regarding the observations made on that day, 20 May 2011, can you
7 explain to us, can you elaborate on the conclusions?

8 A. [11:55:52] The conclusions that we reached are obviously included in the official
9 report, that is PAAF, injury by firearm. *I can read here "riddled with pellets".

10 Q. [11:56:34] Madam Witness, proceed.

11 A. [11:56:37] By firearm, and then there is extraction of a bullet, plomb de chasse,
12 plomb de chasse, that is, hunting bullet.

13 Q. [11:56:57] Why is that mentioned there?

14 A. [11:57:00] It gives an injury. It creates an injury from a bullet fired from afar,
15 and that is why it is written in that way, riddled with bullets.

16 Q. [11:57:20] When we look at page 1088, what do we see?

17 A. [11:57:35] We see that there is a riddled injury that was observed on the external area
18 of the body, and this is reflected on the fourth diagram from the left, so there is a riddling
19 of the body, and it is enumerated external area of the torso *and limbs specifically.

20 PRESIDING JUDGE TARFUSSER: [11:58:07] It was at page 1089, 1089, I think.

21 MR GARCIA: [11:58:11] I have it under 1088.

22 PRESIDING JUDGE TARFUSSER: [11:58:14] Yes. But 1088 there is no diagram.

23 MR GARCIA: I'm sorry. No, I see that. There is another number
24 underneath. 1089 indeed, your Honour. Thank you for that correction.

25 PRESIDING JUDGE TARFUSSER: [11:58:24] 1089. Otherwise we don't see it.

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1 Okay.

2 MR GARCIA: [11:58:28] (Interpretation)

3 Q. [11:58:29] Madam Witness, I would like to refer you to tab 28, 0073-1112,
4 confidential. I would like to refer to page 1113, column 3, external traumatic injuries.
5 How many injuries did you observe during your medical examination?

6 A. [11:59:28] The forensic pathology examination, as written, observed the presence
7 of about 30 injuries that reflects a riddling by projectiles of firearms on the inside area
8 of the torso *and on the inside area of the forearm. These injuries are of various
9 dimensions and forms. There is a metallic fragment which was extracted from the
10 injuries on the inside area of the right, of the right knee.

11 Q. [12:00:27] Now, I will ask you the same question. Are these injuries consistent
12 with the explosion of a shell?

13 A. [12:00:36] Yes. There is consistency with the projection of metallic fragments
14 from the explosion of a shell.

15 Q. [12:00:50] Thank you, Madam Witness. Now, just for the case record, now, the
16 file, the INTERFU file, is to be found at tab 7. 0037-0232, INTERFU order number,
17 just to make that clear. Now, Madam Witness, I'd like us to turn to tab 51. This
18 is 0083-0072, and this is a confidential document.

19 Madam Witness, I'd like to ask you a question about the forensic conclusions you
20 came to found at the very bottom of the form. And could you explain what these
21 conclusions are all about?

22 A. [12:02:17] Well, on this form, and this is a personal form, under "forensic conclusion",
23 we wrote the following: *"Partial removal of insteps with broken bones, chest wound,
24 abdominal wound, wound on the left buttock, chest drain in place, which we had noted,
25 and we finally wrote "wound". We were actually wondering whether this wound came

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1 from a firearm. And in blue or in black here, we put a question mark and added "bladed
2 weapon wound", i.e. AB in French, because we could not be sure.

3 Q. [12:03:19] When you drafted your forensic report concerning this person, did
4 you look at this conclusion and speak to the doctor in question?

5 A. [12:03:35] Yes.

6 PRESIDING JUDGE TARFUSSER: [12:03:36] Excuse me. May I ask you also a
7 question. Why is it in red? If you said before, before the break, you said that in red
8 you draft the information coming from the authorities, if I'm not mistaken, and that in
9 black you file -- you write your findings, while in blue the information coming from
10 the family, if I'm not mistaken. So my question is why is this drafted in red as if it
11 comes from the authorities?

12 THE WITNESS: [12:04:15] (Interpretation) Thank you, your Honour. Just to say
13 that I had also said that in red ink we would record the items of information that we
14 thought were relevant.

15 PRESIDING JUDGE TARFUSSER: [12:04:30] Okay. Mr Garcia.

16 MR GARCIA: [12:04:33] (Interpretation)

17 Q. [12:04:36] I'll hark back to my question, I do see the question mark after Conclusion
18 and the *acronyms AB and PAAF. Did you talk about those conclusions after the fact?

19 A. [12:04:49] Yes, of course, because, you see, these were personal notes that were
20 jotted down while we were conducting the forensic examinations. Even though we
21 put Forensic Conclusion on the forms, when we met one another, we worked together
22 in a collegial fashion. That was our habit and it was our way of working.

23 We would discuss the findings that were arrived at and together we would choose
24 one hypothesis, and that is what we would transcribe and put on the forensic reports.

25 Q. [12:05:39] Thank you for mentioning that point, the forensic reports. I'd like to

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1 draw your attention now to 0074 and we see a number of diagrams. Now, we see
2 some notes have been added, and there is something here about a fragment that was
3 caught or found.

4 A. [12:06:13] Well, the second diagram or sketch from the left, and we see the back
5 of the person, and we saw a metal fragment that was within an 8 millimetre diameter
6 injury, and that was within the left forearm.

7 Q. [12:06:45] Thank you. If we could now move to tab 58. 0083-1350. This is a
8 confidential document.

9 Could you tell us what conclusion you came to in the forensic report, last page,
10 page 1353?

11 A. [12:07:54] We wrote that the corpse was in a state of extreme decomposition,
12 and we were able to conclude that it had been a violent death caused by wounds to
13 the thorax*, the abdomen, the limbs, caused by firearms. And what is more, some
14 wounds to the lower part of the foot, and *the right side of the thorax were not such
15 as to make any further determinations because the corpse was badly decomposed.
16 The *location and shape characteristics of the entry and exit wounds and other
17 wounds have been recorded on the diagrams appended to this report. A metal
18 fragment was extracted from the left forearm during external examination of the
19 body.

20 Q. [12:08:49] Thank you. Now, it was not necessary to mention the name of the
21 person, but I would like to refer you to another form regarding the *same person.

22 This is tab 17, tab 17, 0073-1082. CIV-OTP-0073-1082.

23 Now, Madam Witness, if you could help us here, I'll ask you some questions. Now,
24 here, once again, this is one of the forms used for external examination of a body.

25 And this was, it says "inconnu," a John Doe. Then afterwards we see different colour

1 ink and the name of a person. And when we look under Circumstances of Death
2 and Remarks, we see "Conclusion: According to his friend, he allegedly was killed
3 by a shell in the company of his friends." And I believe it was Dr Botti who signed
4 this form.

5 Why is it that there are two forms for this same person?

6 A. [12:10:16] Well, in actual fact, there were two forms because originally there was
7 a form for a person who was identified initially and with Diakité Yaya, which was the
8 name on the wrist bracelet and then there was another form for the John Doe.

9 Then we met with the family members who had come to get the death certificate, and
10 they provided the morgue number, 390, morgue number 390, and we realised that
11 this was the same person, and that the family members had recognised the person at
12 the morgue visually. So we placed the name of the person on the form, but we did
13 not scratch out the word "inconnu" for reasons of traceability, we did not fill out a
14 new form, rather, we proceeded in this manner so that it would be clear that the
15 person had been identified later on in this fashion.

16 Q. [12:11:36] Just to make sure this is perfectly clear, now, the information
17 regarding the circumstances of death, where did that information or who did that
18 information come from?

19 A. [12:11:44] As we said under remarks, the information came from, well, we saw
20 in the file there was a "de par la loi" document from the same police commissioner,
21 *Irie Bi Sehi, and it was dated *17/3/2011. And the information in blue came from a
22 friend, who told us that the person had been killed by a shell fragment in the
23 company of his friends.

24 Q. [12:12:21] Very well. Thank you, Madam Witness.

25 Now, just for the record, the medical report that was drafted for this particular person,

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1 this form, form 390, 0073-1106, this is tab 26.

2 THE INTERPRETER: [12:12:45] Reference numbers read at sped.

3 MR GARCIA: (Interpretation)

4 Q. [12:12:46] -- 0073-1106, tab 26.

5 Madam Witness, if we could now turn to tab 15, this is a confidential document,

6 tab 15, CIV-OTP-0073-1077. Once again, this is confidential.

7 If I've understood correctly, you were the one who carried out the initial examination
8 of this body 19 May 2011; is that correct?

9 A. [12:13:43] Yes, that's correct.

10 Q. [12:13:54] Unknown, a John Doe, and then we see the name of the person.

11 Could you tell us how it came to be you were able to identify the person?

12 A. [12:14:05] We did not identify the person. The visual identification was done at
13 the morgue. And the person who came to get the death certificate provided us with
14 the morgue reference number, the morgue number, and that person was recognised
15 as being Coulibaly Drissa. That person had been identified at the morgue. And we
16 merely added the name and we left the word "inconnu" in red ink as our initial item
17 of information recorded.

18 Q. [12:15:00] I'd now like to draw your attention to tab 24, this is 0073-1100. This
19 is the forensic external examination report for this person, tab 24.

20 Now, under the heading Events, can you tell us how you received this information,
21 well, the way that this person died?

22 A. [12:15:39] According to a friend of the dead person who had come to get the
23 certificate, the name "Coulibaly Drissa," allegedly this person was killed by a shell in
24 the company of his friends at Abobo-Gare. So the facts are recorded using the
25 conditional tense, which indicates allegations or alleged facts.

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1 Q. [12:16:08] And did you come to the same findings *at page 1102 as what we saw
2 in the initial form?

3 A. [12:16:19] Indeed, we came to that conclusion. Now, perhaps I should have a
4 look at the actual form.

5 Q. [12:16:36] The form is at tab 15.

6 A. [12:16:53] Well, our conclusion was that the external examination of the badly
7 decomposed body *of one Coulibaly Drissa allows us to come to the following
8 *forensic conclusion: There are two wounds. There is one entry wound at the back.
9 One exit *firearm wound at the front of the body, right thorax. The *localization and
10 shape characteristics of these wounds were recorded on diagrams that are appended
11 to this report. No piece of metal was found during external examination of the
12 corpse and there were no further means or resources to find any such fragment.

13 Q. [12:17:41] Just a follow-up, ma'am. I see at 1102 that a report was drawn up
14 on 26 January 2015 in Abidjan. Were all the reports done after the fact, not
15 contemporaneously, but rather after the letter of instruction was sent out by the OTP?

16 A. [12:18:08] The reports were drafted, well, perhaps not as we went along, because
17 our work continued, but we used these reports to draft the reports. And in actual
18 fact it hadn't been drafted yet.

19 And at the request of the OTP, we drafted these records basing ourselves on our
20 external findings and even after coming to a decision together in a collegial manner to
21 come to a particular conclusion, that is how we did that work.

22 Q. [12:18:48] Thank you, Madam Witness.

23 Now, this is tab 4, 0037-0200, the INTERFU file. Ma'am, if I could draw your
24 attention now to tab 22, 0073-1095, and this is a confidential document, tab 22.

25 I see here that it was Dr Botti who did the initial examination of this corpse. And

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1 then under Circumstances of Death, Remarks, apparently I read here his younger
2 brother said that apparently he was hit by a shell in the street.

3 A. [12:20:13] Once again, that information came from the person who came to
4 receive the death certificate.

5 Q. [12:20:28] If I could draw your attention to tab 31 now, tab 31, 0073-1122,
6 confidential document, tab 31.

7 Page 1124, Conclusions, did you come to the same conclusions as what we saw in the
8 form?

9 A. [12:21:09] Indeed, we came to the following conclusion: "An external forensic
10 examination of the badly decomposed body of Doumbia Makaridia allows us to come
11 to this conclusion: The body damage had two wounds characteristic of entry
12 wounds caused by firearms, firearms projectile entering the rear of the body, right
13 thorax and right buttock, along with a fracture of the upper third of the right thigh.
14 The characteristics of the wounds or orifices were recorded on the diagrams. No
15 projectile or metal fragment was removed from at the time of the examination."

16 Q. [12:22:24] Very well. Tab 12 now, if we could move to that document, if you
17 don't mind we'll go on to tab 18, 0073-1085.

18 THE INTERPRETER: [12:22:41] Message from the interpreter: If counsel could
19 slow down when he provides reference numbers for the sake of accuracy of
20 interpretation and transcript.

21 PRESIDING JUDGE TARFUSSER: [12:22:51] Counsel is requested to slow down
22 when he gives reference numbers; otherwise the record will not be accurate. Thank
23 you.

24 MR GARCIA: [12:23:03] Thank you, your Honour.

25 Yes, just to be clear on the INTERFU record for the last person we spoke about,

1 it's 0037-0283, and that's at tab 12.

2 Q. [12:24:07] (Interpretation) And just so this is perfectly clear, 0073-1085, tab 18.

3 Now we can see that Dr Botti was the one who did the initial examination of this
4 corpse on 20 May 2011. I'd like to draw your attention to the forensic conclusions.
5 Can you tell us what these conclusions were?

6 A. [12:24:50] Wound to the thorax and the sacrum characteristic of a wound caused
7 by a firearm, PAAF.

8 Q. [12:25:05] Tab 27 now, ma'am, if we could, tab 27, 0073-1109. If I could refer
9 you to page 1111, heading Conclusion. What was the conclusion that you agreed
10 upon for this particular person?

11 A. [12:25:43] We concluded as follows: "The external forensic examination of the
12 badly decomposed body of Sangaré Kola allows us to conclude that he presented
13 with wounds that were characteristic of wounds caused by firearms rear of the body,
14 left thorax and the rear part of the body in relation to the sacrum, which was
15 fractured. The characteristics were recorded on the diagrams appended to this
16 report. No metallic projectile or fragment was found during external examination of
17 the body and given the lack of resources or means to detect such metal projectile or
18 fragments."

19 Q. [12:26:46] Very well. Thank you.

20 This is now, if I could refer you to tab 5, and this is 0037-0211, this is an INTERFU
21 record, tab 5.

22 Now, Madam Witness, if I could draw your attention to tab 16, 0073-1079, tab 16.

23 Now, the first thing, ma'am, I see that Dr Koffs was the one who examined the body
24 on 20 May *2011. First I see John Doe and then the name of the person. How was
25 that particular person identified?

1 A. [12:28:03] The person was identified in the same way as was the case for the
2 other characteristics that were then recorded.

3 Q. [12:28:37] Forensic conclusions at the bottom of the page, I can see *TSVP.
4 What does that mean?

5 A. [12:28:47] Well, at the time of the examination this was -- well, the cranium was
6 shattered with fractures to the facial, to the face, associated with maxillary orbit and
7 TSVP. TSVP means turn the page, please.

8 Q. [12:29:29] Now let's go to tab 25 for the medical report, tab 25 is 0073-1103. At
9 page 1103, third paragraph, we see you identified the manner in which this person
10 was identified; is that correct?

11 A. [12:30:11] Yes. We indicate that this man was brought in at the time of the
12 examination as an unknown, unidentified, but was identified at the Anyama morgue
13 as Sidibé Brahima, born in 1975, 36 years old, of Ivorian nationality, a trader, resident
14 of Abobo-Gare, who alleged died on 17 March 2011 at 12 hours at Abobo-Gare.

15 Q. [12:30:51] For purposes of clarity, when you say that this person was identified
16 secondarily, what does this mean? Is it in relation to a member of the family or
17 someone who came to ask for a death certificate subsequently?

18 A. [12:31:11] Yes. That appears under the caption Facts. A cousin who collected
19 the death certificate indicated that Sidibé Brahima died on 17 March at Abobo-Gare
20 when a shell fell on his house. It is that person who provided us with that
21 information and who brought the identification number as the other cases had done,
22 and he told us that the body was that of Sidibé Brahima, and that's why we corrected
23 the form.

24 Q. [12:31:50] Now let me refer you to 1107 for your findings in relation to the
25 injuries found on this person.

1 A. [12:31:58] Our conclusions and findings were the following: "The forensic
2 examination of a body in an advanced state of decomposition for the said Sidibé
3 Brahima" -- Mr President, I'm sorry.
4 "The forensic external examination of the body in an advanced state of decomposition
5 of the said Sidibé Brahima leads to the *forensic finding of the right side of the
6 face/skull is crushed. Shape and location of bone lesions are annexed to this report.
7 No metallic fragment found following the external examination of the body in the
8 absence of any other detecting facilities."

9 Q. [12:33:05] Thank you, madam.
10 For the record, now the INTERFU record for this person is 0037-0181 at tab 2 for the
11 record.
12 Now, Madam Witness, now having forwarded some of these reports, did you receive
13 a letter of instruction from the OTP requesting additional information in reference to
14 these forms? I'm referring to tab 45, 0078-0476. I would like you to look at
15 page 0484.
16 If you look at 0484, you go from that page to 0487, do you recognize this document,
17 this letter?

18 A. [12:34:44] Yes, I recognize the document which was sent to us.

19 Q. [12:34:49] For the record, there were a number of questions raised for purposes
20 of clarification from the OTP and you provided answers thereto. The first letter of
21 the OTP is of 27 February 2015 at 0484 and you replied thereto on 5 March 2015 at
22 page 0476 to page 0483; is that correct?

23 A. [12:35:25] Yes, Mr Prosecutor, that's correct.

24 Q. [12:35:29] Thank you. I do not intend to put any further questions to you in
25 relation to the questions and answers that already appear on the record. But I have

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1 an additional question for you. I do understand that there was an additional
2 question from the Prosecutor addressed to you seeking clarification on one of the
3 terms that you used, which is at tab 56, 0083-1322.

4 Now, just to confirm, the question in the letter of 24 June 2015 is the following, and I'll
5 read it out in order to determine any or dispel any ambiguity. "We would like you
6 for purposes of clarity to indicate that injury by firearms also relates to injury from
7 artillery fire such as shells and mortars and such artillery fire."

8 Do you remember receiving that letter?

9 A. [12:37:02] Yes, we received this letter.

10 Q. [12:37:07] And what was your answer -- or, rather, your answer is at tab 57,
11 ERN 0083-1324. Can you tell the Court what your answer to that question was?

12 A. [12:37:28] Our answer was the following: "Mr Prosecutor, in answer to your
13 letter of instruction of 24 April 2015 in which you asked me to specify in an additional
14 note whether the word 'injury by firearm' includes also injury caused by the explosion
15 of artillery ammunition such as shells and mortars, I hereby confirm that as far as I
16 am concerned, 'injury by firearms' also includes injury resulting from the explosion of
17 shells and mortars. I indeed believe that a firearm is a weapon that makes it possible
18 to fire projectiles over a certain distance following the use of gases that explode.
19 And this relates to artillery fire which explodes in the same manner and produces
20 shrapnel, which then behaves like shrapnel when they hit their target. I believe that
21 I have answered your question, and I thank you most sincerely, Mr Prosecutor."

22 Q. [12:39:06] Thank you, Madam Witness.

23 Now we'll move on to another topic, and I would like to ask whether you took part in
24 any autopsies along with Dr John Clark in particular?

25 A. [12:39:22] Yes. We did conduct joint autopsies with Dr John Clark.

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1 Q. [12:39:32] Did you prepare any reports with Dr John Clark following those
2 autopsies?

3 A. [12:39:39] Yes. We drafted a joint report following those autopsies.

4 Q. [12:39:46] Let me now take you to tab 32, Madam Witness. Tab 32, for the
5 record, is 0077-0002.

6 Madam Witness, I would like you to look at this report and to turn particularly to
7 page 0006. Is that one of the reports that you signed jointly with Dr John Clark?

8 A. [12:40:51] Yes. This is one of such reports.

9 Q. [12:40:56] Did you have the opportunity to read the content of the report?

10 A. [12:41:03] Yes, obviously, I did. I read the content of the report and then
11 subsequently signed it.

12 Q. [12:41:12] Would you agree with the content or do you agree with the content of
13 the report?

14 A. [12:41:16] Obviously.

15 PRESIDING JUDGE TARFUSSER: [12:41:21] Obviously, she signed it.

16 MR GARCIA: [12:41:22] (Interpretation)

17 Q. [12:41:25] Did you take part in any other autopsies with Dr John Clark,
18 Madam Witness?

19 A. [12:41:31] Yes. We conducted a number of other autopsies.

20 Q. [12:41:38] Madam, please turn to tab 49. The ERN is 0081-0528. Madam
21 Witness, do you recognise that report?

22 A. [12:42:23] Yes. We recognise that report.

23 Q. [12:42:30] I note that you're the one who signed it at page 0530; is that correct?

24 A. [12:42:37] Yes.

25 Q. [12:42:40] Thank you. Please turn to tab 48, and the number is 0081-0523.

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1 Please go to page 0526. And you're the one who signed that report, correct?

2 A. [12:43:29] Yes, I did.

3 Q. [12:43:34] Last report, 0081-0518, tab 45. Is that also your report?

4 A. [12:44:13] Yes.

5 Q. [12:44:17] Thank you, Madam Witness.

6 Your Honour, I am finished. I have exhausted my questions, but I would like to put
7 some information on the record for the Chamber, for the attention of the Chamber,
8 please. If I can have a second.

9 One moment, your Honour. I have a few additional questions for the witness, I'm
10 sorry.

11 Now, Madam Witness, I have a question for you. Do you know whether there was a
12 register at the Forensic Medicine Institute which recorded the arrival of the bodies?

13 A. [12:45:08] Yes. We kept a register which was different from the register in
14 which we entered all our forensic findings. Maybe not all of them, but a register in
15 which we kept findings on the work done on the bodies.

16 There was another register in which the bodies were received which entered the time
17 at which the body arrived, the name of the driver and the structure from which the
18 body had been brought. The driver had to sign that entry, and at the time of taking
19 away the corpse from the institute to the morgue, the driver also had to sign.

20 Q. [12:46:02] Would you be able to recognise any one of such registers if you saw
21 it?

22 A. [12:46:09] I'll try to.

23 Q. [12:46:20] Madam Witness, please turn to tab 73, ERN 0073-1126, confidential.
24 Please take your time.

25 PRESIDING JUDGE TARFUSSER: [12:47:54] Is there a question also?

1 MR GARCIA: [12:47:58] (Interpretation)

2 Q. [12:47:59] Madam Witness, do you recognise this register?

3 A. [12:48:02] Yes, Mr Prosecutor, we recognise this register.

4 Q. [12:48:08] What register is it?

5 A. [12:48:11] These pages are extracted from the register in which we recorded the
6 bodies on which external forensic examinations were to be conducted or autopsies.

7 Q. [12:48:30] Just to be very clear, the register or excerpts of that register which you
8 have just seen, do they show the date of entry?

9 A. [12:48:42] Where? Entry to where?

10 Q. [12:48:45] Maybe you're able to tell us what you see in that register. Can you?

11 A. [12:48:52] Yes. The register provides more or less the same information that we
12 have on the forms, except for the findings, which we would insert on the form when
13 we finish our work, those findings. Well, this register is the register which included
14 the name of the body that we received, the number of the register assigned to them at
15 the time of the external examination. So this is not the register that tells us at what
16 time the body arrived and at what time it left.

17 Q. [12:49:36] But I see here at page 1128 that there is a column Requisition, Identity,
18 Date and Place of Discovery of Body, and then you have Family Representative. As
19 far as you know, when was this information entered in this register?

20 A. [12:50:08] All the information was not entered at the same time, particularly the
21 column on the date and time of discovery or possible discovery of the body. That
22 information was provided because this is information that was available from the
23 morgue forms.

24 Now, it is the information from the family representative that was entered
25 subsequently. Now, when it comes to the discovery of the dead bodies and

1 circumstances, some of that information was provided under various observations, as
2 the case may be. So this register was used and information entered into it as we
3 proceeded to examine the bodies.

4 Q. [12:51:13] Thank you, Madam Witness. I have no further question for you.
5 The rapport circonstancié on which you spent a certain amount of time this morning,
6 I am informed that the underlying data for the statistics given about the bodies in that
7 report are contained in an Excel spreadsheet with the ERN CIV-OTP-0073-1074 which
8 was submitted in our main paragraph 43 application in April last year, and that was
9 filing 895.

10 So that's just the information for the Court. And those are my questions for this
11 witness. Thank you.

12 PRESIDING JUDGE TARFUSSER: [12:51:50] Thank you very much.

13 Just before the break, I would like to ask you, Madam Witness, how good or how
14 accurate is your expertise in ballistics? Have you done, have you an expertise in
15 ballistics or is your expertise in ballistics the result of your work as a forensic
16 pathologist?

17 THE WITNESS: [12:52:22] (Interpretation) Thank you, Mr President. During our
18 training as forensic doctors we study ballistics and injuries, the conduct of projectiles
19 and impacts on bodies. So there are three areas of ballistics, ballistics and
20 ammunitions, which we do not study, while we are aware of it, we have knowledge,
21 basic knowledge in it, on ballistics and ammunitions.

22 Then we have ballistics and movement of ammunition, and then you have terminal
23 ballistics, which deals with injury, and that is part of forensic medicine. That is the
24 area we study and which we are familiar with.

25 PRESIDING JUDGE TARFUSSER: [12:53:23] Thank you very much.

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1 Now we take the break, the lunch break. In the afternoon at 2.30 we resume with the
2 questioning of the legal representative and then with one of the two Defence teams, I
3 presume with the Defence team for Mr Gbagbo.

4 Thank you very much. The hearing is adjourned to 2.30. Thank you.

5 THE COURT USHER: [12:53:52] All rise.

6 (Recess taken at 12.53 p.m.)

7 (Upon resuming in open session at 2.32 p.m.)

8 THE COURT USHER: [14:32:56] All rise.

9 Please be seated.

10 PRESIDING JUDGE TARFUSSER: [14:33:08] Good afternoon.

11 When we have some quiet up there, then we can continue. Thank you.

12 I heard that Mr Gbagbo has some problem with the screen. Somebody on his way to
13 fix it, just to tell you.

14 So now good afternoon, Madam Witness. It's time now for the Legal Representative
15 of Victims to put questions.

16 So I give the floor to you, please.

17 MR CARNERO ROJO: [14:34:17] Thank you, Mr President. Good afternoon, your
18 Honours. Well, during the last break we have read again the examination conducted
19 this morning by the Prosecution, and in order to expedite the proceedings, we have
20 decided that we will not put questions to this witness, your Honour. Thank you.

21 PRESIDING JUDGE TARFUSSER: [14:34:36] Thank you very much.

22 Therefore, no questions by the Legal Representative of Victims. And therefore I give
23 the floor to the Defence counsel for Mr Gbagbo, Maître Altit.

24 MR ALTIT: [14:34:48] (Interpretation) Thank you, Mr President. Mr President,
25 your Honours, the questioning of the witness will be conducted by Ms Naouri on

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1 behalf of the Gbagbo Defence.

2 PRESIDING JUDGE TARFUSSER: [14:35:04] Thank you, Maître Altit.

3 Madam Naouri, the floor is yours.

4 MS NAOURI: [14:35:16] (Interpretation) Thank you, Mr President.

5 QUESTIONED BY MS NAOURI: (Interpretation)

6 Q. [14:35:30] Good afternoon, Madam Witness.

7 A. [14:35:31] Good afternoon.

8 Q. [14:35:33] My name is Ms Naouri, and I will put questions to you today on
9 behalf of the Gbagbo Defence team, all right?

10 A. [14:35:42] Very well.

11 Q. [14:35:47] This morning in answer to the questions of the OTP, you said that you
12 were an expert before the courts in Abidjan. I would like to ask you which type of
13 cases were you called to act as an expert in court?

14 A. [14:36:21] In some cases widely covered by the media.

15 Q. [14:36:39] If these were public, you can tell us; if they were not public do not tell
16 us. We simply want to know the types of cases, not the names of the people.

17 A. [14:36:50] Very well. In certain cases, I really do not know the legal term for
18 this, but there was the death of a very well-known journalist, and there was also a
19 case relating to the death of an international civil servant, and if I remember correctly,
20 well, at least I'm certain about those two cases. I know that ever since the events
21 of 1999 in Côte d'Ivoire there have been other events that we were involved in, but I
22 cannot tell you with any certainty.

23 Q. [14:37:47] Very well. Thank you, Madam Witness.

24 You were interviewed during the trial of Simone Gbagbo in the Abidjan court, right?

25 A. [14:38:00] Yes.

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1 Q. [14:38:01] I would like to show you a document. It is CIV-OTP-0101-0738,
2 page 0738 to *0746, tab 187.

3 And it is a document that was classified by the OTP as confidential, but we think that
4 it can be reclassified because it is a public legal document of a case that took place in
5 Abidjan, Mr President.

6 PRESIDING JUDGE TARFUSSER: [14:38:43] Mr Prosecutor.

7 MR GARCIA: [14:38:46] I don't believe we have any objection to that, your Honour.

8 PRESIDING JUDGE TARFUSSER: [14:38:50] Thank you. So it's public. Thank
9 you.

10 MS NAOURI: [14:39:03] (Interpretation)

11 Q. [14:39:07] My first question, Madam Witness, have you already seen this
12 document before?

13 A. [14:39:15] This is the first time that I'm seeing this document.

14 Q. [14:39:20] Very well. Now you can see that at the very top of the document,
15 page 0738, it is stated testimony of the witness, and then your details are given. Do
16 you want a hard copy of that document? I want to tell you that it corresponds to
17 your questioning before the Court of Assize of Abidjan on 9 November 2016.

18 A. [14:40:07] I can see it clearly on the screen.

19 Q. [14:40:10] Very well. For the time being that will be all for that document
20 because you did testify.

21 Now did the Prosecutor of the ICC propose that you should register on the list of
22 experts on the Registrar's roster at the ICC?

23 A. [14:40:36] Can you kindly repeat?

24 Q. [14:40:39] Let me repeat. We at the ICC have a roster of experts. Did the
25 representative of the OTP propose that you should have yourself registered as an

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1 expert before this Court?

2 A. [14:41:01] No.

3 Q. [14:41:07] Very well. Today we talked about two requisitions, Madam Witness,
4 issued by the State Prosecutor of Abidjan on page 10, lines 18, and you said that you
5 received four requisitions. Now, which are the other two requisitions that we did
6 not mention today?

7 A. [14:41:59] The others were requisitions for exhumations that were equally part
8 of this mission on the victims of the post-election crisis.

9 Q. [14:42:18] Very well. So those two additional requisitions, where did you file
10 them?

11 A. [14:42:29] In our archives at the institute.

12 Q. [14:42:33] Very well. So if we want to have copies of those two additional
13 requisitions, you'll be able to provide them to us?

14 A. [14:42:45] I believe so.

15 Q. [14:42:48] Very well. Concerning the first requisition, and we talked about that
16 today, under which government did this happen in Côte d'Ivoire? That is the first
17 requisition.

18 A. [14:43:49] It was under the government of President Laurent Gbagbo.

19 Q. [14:43:55] In case of a suspicious death, is it usual practise to requisition you as
20 the forensic pathologist to determine the cause of death?

21 A. [14:44:09] Yes, indeed, forensic pathologists are brought in in areas of
22 thanatology.

23 Q. [14:44:23] This morning we understood that you could be requisitioned by the
24 State prosecutor. But can you be requisitioned by also a judicial police officer?

25 A. [14:44:37] Yes.

1 Q. [14:44:41] So in that case you would report to the judicial police officer who
2 contacts you?

3 A. [14:44:55] Yes. But it is intended for a prosecutor or an assistant prosecutor, so
4 I believe that it is that person who authorises the judicial police officer to make the
5 request.

6 Q. [14:45:17] Do you report to the director of the criminal police?

7 A. [14:45:22] Yes. If the director of the criminal police contacts us or requests us to
8 carry out an activity, we will report to him.

9 Q. [14:45:34] Very well. Now, the forensic pathology institute in which you have
10 been working, under which authority is it?

11 A. [14:46:00] It is under the ministry of health and also under the authority of the
12 ministry of higher education.

13 Q. [14:46:14] And how is it funded?

14 A. [14:46:19] For the time being, the institute is not funded.

15 Q. [14:46:25] Please, you have to be clearer. It functions. You have equipment to
16 carry out your activities. So where do you have the resources or the funds to make it
17 possible for you to function?

18 A. [14:46:45] The institute was set up; in fact, it was a grant from German
19 corporations. So this was a grant given in 2010. So we obtained the keys and we
20 started putting into place the activities. And for the time being we function with
21 grants from international organisations and equipment in kind.

22 Q. [14:47:49] You mean materials and equipment?

23 A. [14:47:52] Yes, yes, indeed.

24 Q. [14:47:55] Very well. Are there other services that are part of the forensic
25 institute?

1 A. [14:48:06] I do not understand what you mean by other services.

2 Q. [14:48:10] For example, within that forensic pathology institute, do you have, for
3 example, a ballistics service and anthropology service? Are there other specialised
4 services within that institute?

5 A. [14:48:33] No. Within that institute, we carry out a thanatology. There is no
6 ballistics service. We also are involved in anthropology, but there is no forensic
7 anthropology service. But the activities of forensic anthropology and wound
8 ballistics are also part of our domain of activities.

9 Q. [14:49:10] Very well. When you were answering the Presiding Judge's
10 questions today as from page 65, *line 11 you explained the difference between
11 wound ballistics and the movement of projectiles. Now, regarding ammunition
12 ballistics, if you have extracted a fragment, for example, and you have to analyse it to
13 see what type of ammunition it is, what do you do?

14 A. [14:49:56] Well, we have a scientific police unit which has a ballistics unit. So
15 during an autopsy, if an extraction has to be done, it is done and handed over to the
16 scientific police.

17 Q. [14:50:16] Very well. And when you send this fragment to the scientific police,
18 do you also give them a report with conclusions, for example?

19 A. [14:50:37] Let us say that the communication is done directly while they are
20 there when the examination is taking place and we make conclusions on the spot.
21 And if the fragment is sent through the investigator, it is sent alongside with the
22 report.

23 Q. [14:51:07] Very well. Let me repeat what you have said. When you say
24 they're there, does it mean that members of the scientific police are present when you
25 carry out examinations?

1 A. [14:51:24] Yes. Sometimes they're present. Sometimes they're not. But most
2 of the time they are present and so we communicate to them all the information that
3 we have been able to gather about the body.

4 Q. [14:51:39] Very well. Still concerning the first requisition of January 2011, if I
5 read your detailed report, it is page 0007, you said that there was a working meeting
6 on 25 January 2011 in the presence of the scientific police, the criminal police and
7 those responsible for the funeral homes, IVOSEP and INTERFU.
8 My question is who organised that meeting?

9 A. [14:52:35] We are the ones who requested that the meeting be organised in order
10 to coordinate our activities because, given the responsibilities, it was important to
11 meet to coordinate our activities in order to bring the bodies and then take them back
12 to the mortuaries and so that the samples should also be taken by the scientific police.

13 Q. [14:53:18] Very well. Who were the representatives of the technical and
14 scientific police present at that meeting?

15 A. [14:53:28] I cannot tell you precisely who was present, but the services
16 mentioned there, each had a representative.

17 Q. [14:53:42] Was there a report or a procès-verbal of that meeting given to the
18 criminal police?

19 A. [14:53:54] Well, I think you can find an attendance list.

20 Q. [14:54:06] During that meeting did the criminal police, for example, give you
21 precise instructions about your mission?

22 A. [14:54:12] It was a discussion, so I really cannot tell you whether we were given
23 precise instructions. The idea was to coordinate our respective activities.

24 Q. [14:54:31] Very well. Can you explain to us how your respective activities were
25 coordinated?

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1 A. [14:54:40] We had to receive the bodies, because we were not the ones
2 conserving the bodies. So the funeral homes had to bring the bodies to the institute
3 and we had to inform them that it was their responsibility to bring in those bodies
4 and that a register or logbook would be open in our institute to register the arrival of
5 the bodies, the date, the driver of the hearse, as well as the date and time of when the
6 body was taken out and taken back to the mortuary of origin. And it was also
7 important to warn them to handle the bodies with a lot of care so that no indicia
8 should be lost. So it was very important for them to know.
9 Regarding the scientific police, we also had to tell them that it was their responsibility
10 to make possible samples, carry out photographs, iconographs and so on so that we
11 should not have problems and so that there should be good coordination.

12 Q. [14:56:25] It is very clear, Madam Witness.
13 Now, do you remember whether during that meeting they told you the number of
14 bodies that you would have to examine?

15 A. [14:56:40] I do not recall that they told us that there was a certain number of
16 bodies, but they told us that there were multiple bodies to be examined.

17 Q. [14:56:53] Very well. Since you do not remember, let me refresh your memory.
18 CIV-OTP-0048-1360, page 1362, tab *84. And this is a letter of the director of the
19 criminal police to the State Prosecutor at the State Court. And the subject was
20 "Requisition for examination of bodies resulting from the post-election crisis." It was
21 a confidential document.

22 But since this was a letter from the Public Prosecutor, we believe that it can be shown
23 publicly, Mr President.

24 Thank you, Mr President.

25 In this letter it is written, and I quote from the page that I have mentioned, "Despite

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1 that, the mission continued in accordance with a memo established on 17 July 2011.

2 *At that date 31 bodies out of 172 had been autopsied. Out of the 172, 18 bodies
3 belonged to policemen, and 7 of these policemen bodies were autopsied."

4 Now, does that total of 172 mentioned here by the director of the criminal police seem
5 to you to be correct?

6 A. [14:59:14] I cannot tell you, because I'm learning about that right now.

7 Q. [14:59:20] Very well. Were there any further meetings after that meeting of 25
8 January 2011?

9 A. [14:59:38] I do not recall any other meetings after that one. If there were other
10 meetings, then they were not convened by us, then it would have been the
11 Department of Public Prosecutions that would have convened the meetings because
12 they were the ones who had initiated the project.

13 Q. [15:00:07] Very well. Thus, now I'd like us to turn to this first requisition
14 issued by the Public Prosecutor of Abidjan. And just to understand how that
15 occurred, allow me to ask you this. Now, outside of a crisis period, would you say
16 that when bodies are sent to the Abidjan forensics institute, are they sealed? Are
17 they in a sealed container or anything like that?

18 A. [15:00:51] Usually the bodies that are sent to the forensic institute do not come in
19 under seal.

20 Q. [15:01:03] Very well. And usually when the bodies come, are they stored in
21 acceptable conditions, that is to say refrigerated?

22 A. [15:01:17] In principle, yes, the bodies are kept in a cold room, so to speak,
23 refrigerated. I can't tell you whether that's the case every day. We receive some
24 corpses that are in good condition, others come to us and are decomposed. It
25 depends.

1 Q. [15:01:42] Very well. And you mentioned this register, this sort of logbook that
2 you established when the two requisitions were issued by the Abidjan Public
3 Prosecutor. But normally speaking, what usually would happen when you received
4 a corpse? Was there a register?

5 A. [15:02:07] No. It was the same procedure. The only thing was that we did
6 not -- well, you see, we need to distinguish between ordinary business and then the
7 special mandate, the special task entrusted to us. So we had a special register or list
8 for these people.

9 Q. [15:02:28] Very well. And how many bodies could be kept at the forensic
10 institute?

11 A. [15:02:36] At the forensic medicine institute, we have 53 storage units.

12 Q. [15:02:54] Very well. And usually, under normal circumstances, how much
13 time goes by between the arrival of a body and an autopsy or an external
14 examination?

15 A. [15:03:09] It depends on the workload. But one thing for sure, when the body
16 comes to our institute, generally speaking, it is in the morning, and the body goes
17 back to the morgue of origin. No body is kept at the institute.

18 Q. [15:03:36] Very well. That is very clear.

19 Now, under normal circumstances, how many people report to you, work for you at
20 the institute?

21 A. [15:03:56] Five other forensic pathologists, accredited, qualified; two interns who
22 are receiving training; and one boy, an assistant who helps with our work.

23 Q. [15:04:20] Very well. You've just explained to us that the bodies arrive and are
24 sent back the same day. Now, when is the body identified when it comes in in the
25 morning and then goes back out a few hours later at the end of the day, under normal

1 circumstances? I'm not asking you about the special circumstances.

2 A. [15:04:55] Well, usually when things are normal, we receive the body with a
3 family member. And before we begin our work, the body is identified by the family
4 member who is right there with us. And this person must make it quite clear that it
5 is indeed the person in question and that there has not been any mistake made by the
6 staff at the funeral home. So it's a member of the family who identifies the body
7 before we begin our work.

8 Q. [15:05:32] Very well. And you say that a family member identifies the body.
9 Could you tell us how that happens? Do you talk to the family member or does the
10 person look at the -- is there visual inspection?

11 A. [15:05:53] Yes, there is visual recognition. We ask the family member if the
12 body is indeed the body of his family member before we begin our work, and that
13 happens as soon as we receive the body.

14 Q. [15:06:08] Very well. You explained to us this morning that you took the
15 identity papers from these people who said, who say that they are family members.
16 And is there some kind of list or register for these family members?

17 A. [15:06:27] Under usual circumstances, we do have a register that is used to
18 record all the bodies that are received, all the procedures that are carried out and the
19 family members who will come and fetch the death certificate.

20 Q. [15:06:49] Very well. And do you make a photocopy of the identity papers?

21 A. [15:07:00] No, we don't. We just check that it is the same person, that it is the
22 right person.

23 Q. [15:07:08] Very well. One last question about the way procedures usually are
24 conducted. Usually speaking, once you have finished examining the body, is the
25 body then sealed, placed into some kind of sealed container?

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1 A. [15:07:29] No, it's not sealed, because that is not our task, no.

2 Q. [15:07:34] Very well. Now, regarding this first requisition from the public
3 prosecutor of Abidjan, were you able to examine all the corpses that were sent to you
4 under the authority of this first requisition?

5 A. [15:07:58] Yes. All the bodies that were sent to us were examined. Let me
6 reiterate, all the bodies that were sent to the institute. I'm not saying that all the
7 bodies that were in the morgue, but I do wish to say that the bodies that were sent to
8 us, yes, they were examined by us.

9 Q. [15:08:21] Very well. This morning when answering questions from the OTP,
10 page 17, lines 16 to 25, you explained to the Court that you had to stop your work
11 because of dangerous conditions; that's correct?

12 A. [15:08:50] Yes, that is correct.

13 Q. [15:08:51] Very well. Could we look together at -- once again, this is the same
14 correspondence from the director of the criminal police. This is the same document
15 to the public prosecutor of Abidjan, CIV-OTP-0048-1360, page 1363. If we could
16 have a look at that particular page. I said 1363 but actually we start right at the very
17 bottom of 1362. Here we read the following, "Unfortunately, the expert" -- that's
18 you.

19 A. [15:09:54] Please.

20 Q. [15:09:55] Sorry. Let me start all over again. "Unfortunately, the expert had to
21 end the operations because the crying shortage of equipment made the work
22 impossible. The order of equipment from Europe had not come in, particularly in
23 light of the crisis within the country. What is more, the application for duality of the
24 expertise was not looked upon favourably, was not approved; and the cost of
25 operations became prohibitive, doubling, namely, 137 million CFA francs." End of

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1 quote.

2 My question, Madam Witness, is this. Now, when you gave the reasons for stopping
3 operations, you mentioned danger, but you didn't say anything about a lack of
4 equipment. Why not?

5 A. [15:11:15] Well, the lack of equipment that is mentioned here, and this really is
6 not my area, so this is not correspondence from me.

7 Q. [15:11:27] Madam Witness, that is true, you didn't write this correspondence,
8 but the correspondence is from the director, and this person makes mention of what
9 you apparently said to him. When he speaks of the expert, he's talking about you.
10 So there were discussions between you and the director, the director that you were
11 accountable to. You mentioned you reported to him.

12 Now, you gave a particular reason to the director. You mentioned a lack of
13 equipment. And that is not anywhere to be found in your detailed report. So I
14 would like to ask you why.

15 A. [15:12:11] I too would like to know, because I would like to see the
16 correspondence that I allegedly wrote about this.

17 Q. [15:12:19] If I've understood you correctly, you didn't write anything to the
18 director for him to put in this letter to the public prosecutor of Abidjan.

19 A. [15:12:31] Yes. I would like to see this correspondence and the date, the date
20 on which it was drafted.

21 Q. [15:12:39] Just to make sure we've understood, well, we can give you the
22 entire --

23 A. [15:12:48] No. This person is setting out an account of something I allegedly
24 said. I would like to know whether I wrote correspondence that sets this out.

25 Q. [15:12:59] Clear. That is clear.

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1 PRESIDING JUDGE TARFUSSER: [15:13:02] Yes.

2 MR GARCIA: [15:13:03] Just a matter of procedure, if we are going to confront the
3 witness with anything that is stated in a document by third parties, if we could just
4 put the document before the witness so she can have it and she can read it, see exactly
5 what is written in it. I would suggest as well that most of the last part of questioning
6 was argumentative on this point.

7 MS NAOURI: [15:13:24] (Interpretation) Your Honour, the document is right up
8 on the screen. We can provide a binder if that is helpful. And finally, my last
9 questions were not argumentative at all. I was not putting forth arguments, not in
10 the slightest.

11 PRESIDING JUDGE TARFUSSER: [15:13:44] The problem is we should not confront
12 in the sense that why has another person written something different if it wasn't her
13 to have written it. So I mean -- but it's okay. Please go ahead.

14 MS NAOURI: [15:13:59] (Interpretation) Thank you. Thank you, your Honour.

15 Q. [15:14:08] Madam Witness, if we could now speak to the second requisition.
16 We've dealt with the first one. And on this second requisition, CIV-OTP-0073-1099,
17 tab 85 on our list, and this is a confidential document, but I believe it can be shown in
18 open court since this is a document that comes from the Abidjan public prosecutor.
19 Yes, I believe it was shown in open court this morning, so I don't think there is any
20 problem. Thank you, your Honour.

21 Madam Witness, can you see the document?

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

23 Q. [15:15:16] Great. My question is this. In this document, which reads -- well,
24 I'm quoting directly from the document, "that it is necessary to order medical findings
25 or autopsies of bodies."

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WITNESS: CIV-OTP-P-0564

(Open Session)

ICC-02/11-01/15

1 Now, were these the only instructions that you received on 29 April 2011?

2 A. [15:15:45] Indeed, they were the only instructions. And I should point out they
3 were particularly important. They were in writing.

4 Q. [15:15:53] Very well. In your detailed report, CIV-OTP-0050-0003, at page 0005,
5 do you have that report at hand, no? We can provide you with a hard copy, because
6 that report is indeed essential.

7 MR GARCIA: [15:16:41] Just so we can be of help, I see that the binder is still with
8 the witness. It's tab number 14.

9 MS NAOURI: [15:16:54] (Interpretation) Thank you very much, Counsel.

10 Q. [15:17:08] Madam Witness, this is page 0005. And here we see, well, you wrote
11 some very detailed instructions: Carry out the forensic examination and provide a
12 detailed description of the corpses that came from the post-election events, et cetera,
13 et cetera.

14 Now, so you reproduced instructions?

15 A. [15:17:53] Well, we provided the instructions that came from the first, from
16 the 20 January requisition, requisition of 20 January 2011.

17 Q. [15:18:13] Very well. Very well. After the second requisition, did you have
18 meetings as was the case after the first one or no meetings at all?

19 A. [15:18:32] I don't remember that, other than -- otherwise, I would have
20 mentioned it.

21 Q. [15:18:42] Very well. And was your task to establish whether the causes of
22 death of the people was due to incidents that had occurred during the post-election
23 crisis?

24 A. [15:19:03] No. Could you repeat your question?

25 Q. [15:19:06] Of course. My question is this. Now, your mission, your mandate,

1 you received two requests or requisitions. Was your mandate to establish whether
2 the cause of the death of the people, the bodies, was due to the incidents that had
3 occurred during the post-election crisis?

4 A. [15:19:38] No incident was reported for which we were requested to establish a
5 cause-and-effect relationship, if I've understood what you are asking me. We were
6 not asked to cause -- to establish any sort of causal link between the incidents and the
7 victims. I think that, no, it was a matter of examining these bodies whom had been
8 identified as victims of the post-election crisis.

9 Q. [15:20:15] You say victims of the post-election crisis. Now, when you appeared
10 before the Abidjan Court of Assize *on 9 November 2016 -- CIV-OTP-0101-0738,
11 paragraph ending in 42, can be shown in open court -- in response to a question put to
12 you, you said this, ma'am, and I quote, "What were the criteria that you based
13 yourself on to say that a particular death during the post-election crisis was perhaps
14 the result of a hold-up or"; and your answer was, "That was not part of my mandate
15 to say that the corpse was the result of what had happened during the crisis. I didn't
16 say that all the corpses were the corpses of victims of the post-election crisis. It was
17 not my role to determine whether someone had died during braquage."
18 Have I quoted correctly?

19 A. [15:21:32] Well, if it's written, I suppose. I don't have that in front of me.

20 Q. [15:21:38] Oh, I see; I see. We can provide you with a hard copy of the
21 document in question. That will be easier for you to follow with us.

22 PRESIDING JUDGE TARFUSSER: [15:21:45] Mr Garcia.

23 MR GARCIA: [15:21:48] Indeed, regarding these type of documents, where it's not
24 obviously a document that emanates from the Prosecution, where there is a statement
25 being taken and all the formalities that are followed, I would ask that the first

1 questions -- that the questions be prefaced. The first question should be whether the
2 witness recognises having stated that, which is the basis of the question, and then
3 afterwards we can proceed to the questions as to whatever Defence counsel wishes to
4 put to the witness. I think this is a procedure which is more likely to be fair to the
5 witness so that we don't have any issues afterwards.

6 PRESIDING JUDGE TARFUSSER: [15:22:22] We'll not have any issues afterwards.
7 I think it's up to the questioning party to put the question as she wants to put them,
8 and it's to the witness to say if she understands or if she wants clarification.
9 Please go ahead.

10 MS NAOURI: [15:22:44] (Interpretation) Thank you, your Honour. We will
11 provide the hard copy to the witness.

12 THE INTERPRETER: [15:22:57] Interpreter correction. In a previous exchange, the
13 word braquage was mentioned, which is a robbery, form of robbery.

14 MS NAOURI: [15:23:07] (Interpretation)

15 Q. [15:23:08] Now, this is page 0742. You can see the ERN numbers at the bottom
16 of the page, as was the case this morning. So you said that it was not part of your
17 mandate to say whether or not the corpse was the result of what happened during the
18 crisis.

19 A. [15:23:35] Yes, indeed. It was not written down in the requisition.

20 Q. [15:23:39] Very well, very well, Madam Witness. Now, I'm finished with this
21 document for now.

22 Did you receive individual requisitions in addition to the four requisitions you
23 mentioned today; that is to say, the two requisitions from the Abidjan public
24 prosecutor and the two requisitions to go ahead with exhumations, which you
25 mentioned at the very beginning of my questioning?

Trial Hearing
WITNESS: CIV-OTP-P-0564

(Open Session)

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1 A. [15:24:12] In actual fact we received a few individual requisitions for specific
2 cases.

3 Q. [15:24:26] Very well. Well, if I could turn to the substance, that is to say, your
4 actions to carry out this mandate, and you mentioned receiving corpses. How many
5 corpses would you receive per day?

6 A. [15:24:58] I really couldn't tell you how many bodies we received. When we
7 were beginning to work, we would receive the bodies. Well, we would finish one
8 and then start a next. In some cases, the exam would be very quick, other cases slow.
9 So the speed at which we were working varied quite a bit. So the speed at which we
10 received bodies also varied.

11 Q. [15:25:38] Very well. And did the funeral homes have to make an appointment
12 before they brought a body to your institute?

13 A. [15:25:47] Well, in actual fact, we set a number of periods during which we were
14 supposed to receive these bodies for our work and other periods of time during
15 which we wanted to take time to draft reports, if possible. So they were fully aware
16 what days or what periods of time they could bring these bodies to us, as well as the
17 times of day, the schedule.

18 Q. [15:26:19] So that was decided early on?

19 A. [15:26:25] Not necessarily. It might just be the day before. Many decisions
20 were taken upstream, but -- well, we wouldn't make such a decision during the day
21 itself, but quite often the day before we would make such decisions.

22 Q. [15:26:41] Very well. And did an officer from the judicial police accompany the
23 body from the morgue of the funeral home to the institute?

24 A. [15:26:54] I couldn't tell you that. We handled the reception of the body. If
25 there was to be some sort of escort, well, I couldn't tell you.

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1 Q. [15:27:06] Very well. So who was it at the institute who actually received the
2 bodies? Who was in charge of that?

3 A. [15:27:16] It was one of the pathologists who received the body, one of us, and
4 the interns, the people who were learning, they would receive the bodies. They
5 would have the register signed as soon as the body came in, the time of day, the date,
6 and the name of the driver who had transported the body.

7 Q. [15:27:43] Very well. And these bodies that were brought in, were they all in
8 individual body bags?

9 A. [15:27:52] Indeed, they were in body bags, individual body bags, yes.

10 Q. [15:28:02] Very well. Did it ever happen that within one body bag you would
11 find several bodies or several bones?

12 A. [15:28:13] Well, I would say, rather, several bones. I'll give an example. There
13 might be two skulls.

14 Q. [15:28:25] And where did you make note of that if, for example, there were two
15 skulls in a body bag?

16 A. [15:28:33] We would also record that in the form, the fiche de constatation that
17 we drew up to record information.

18 Q. [15:28:44] Just to make sure I've understood, you've mentioned --

19 A. [15:28:49] The external examination form.

20 Q. [15:28:52] Very well. Now, was there any information on the body bags that
21 allowed people to identify the bodies?

22 A. [15:29:05] Oh, yes. The body bags, well, you see, there were these wrist
23 bracelets, identity bracelets on the bodies themselves, and then on the zipper and also
24 inside, and also in the report that came from the morgue -- or, rather, the file from the
25 morgue.

1 Q. [15:29:29] Very well. So there was a sort of wrist band and there was also
2 another something else around a wrist?

3 A. [15:29:46] Sometimes. Well, mostly, mostly, that was so.

4 Q. [15:29:50] Very well. Very well. Now, turning to the exhumation of bodies,
5 who was in charge of exhumations? You talked to us about exhumations, and when
6 one reads through your report one notes that 13 bodies were exhumed. Who was in
7 charge of the exhumations?

8 A. [15:30:31] Can you please rephrase your question. Who was in charge of the
9 exhumations?

10 Q. [15:30:40] Let me put the question to you otherwise. Were you the one
11 supervising the exhumations?

12 A. [15:30:48] Absolutely not. This was a matter which fell with the prosecutor
13 supervising these exhumations. We only intervened at different levels, as others.

14 Q. [15:31:03] Very well. But did you personally take part in any exhumation?

15 A. [15:31:10] Yes. I took part in the exhumations that were conducted.

16 Q. [15:31:16] When you were present at an exhumation, what role did you play?

17 A. [15:31:23] Our role on the ground would be specifically to take note of the
18 location of the exhumation of the bodies. We also were interested in the conditions
19 in which the exhumation was conducted, and we noted whether the bodies were
20 above ground or otherwise. We would identify the location; we would identify the
21 digging that was done, and this was not within our powers. Once the bodies were
22 reached, we would then go into the graves to clean up and isolate, so to speak, the
23 various bones and also take note whether within the body bag there was indeed the
24 presence of a human body and then thereafter proceed to the extraction of those
25 human remains.

1 Q. [15:32:33] Very well. Where did you jot down all the information you gathered
2 and your findings? Because you have just given us the various stages that you went
3 through in this process. Was there a report? Was there a record of all these
4 operations?

5 A. [15:32:55] As is the case with all operations, the detailed report will be drawn up,
6 and we used a number of forms to be used during the exhumations. So we had an
7 autopsy and exhumation form which we then would use to fill out all information
8 relating to the exhumation.

9 Q. [15:33:23] Very well, Madam Witness.
10 Madam Witness, the exhumation forms which you have just referred to, are they
11 archived anywhere?

12 A. [15:33:48] Yes, they are archived in our services.

13 Q. [15:33:52] Very well. So if we were to make an official demand, would we be
14 able to -- an official request, we would be able to obtain copies of them?

15 A. [15:34:02] Yes, if the request were made to me officially, of course.

16 Q. [15:34:09] Very well. Now, Madam Witness, turning to autopsies, all the
17 autopsies that you carried out yourself, where did they take place?

18 A. [15:34:34] All the autopsies were conducted at the forensic medicine's forensic
19 institute.

20 Q. [15:34:47] What about the external examinations?

21 A. [15:34:51] Most of the external examinations were conducted mostly at the
22 institute and also at the various morgues at which the bodies were held.

23 Q. [15:35:03] Now, on the handwritten forms for external examinations, the
24 location of the examination is not mentioned. How can we know the location at
25 which a particular external examination was conducted?

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WITNESS: CIV-OTP-P-0564

(Open Session)

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1 A. [15:35:23] I think that that concept would be dealt with in the register, the
2 register in which the various missions were entered. I think we also referred to it
3 somewhat in the report.

4 Q. [15:35:54] Madam Witness, let's try to clarify a few points because I do not quite
5 understand whether there is one register or two or three registers. Now, you have
6 talked about two registers today. Now, if I have understood you clearly, and please
7 stop me if I am mistaken, this is what I understand: There is a register in which you
8 enter the arrival of the bodies; is that correct?

9 A. [15:36:16] Yes.

10 Q. [15:36:18] Is there another register?

11 A. [15:36:21] The second register is the one in which a record is kept of all the
12 bodies that have been examined, the number, the registration number, and the
13 number from the *Forensics Institute as well.

14 Q. [15:36:40] Which register did the Prosecutor show you this morning?

15 A. [15:36:46] It is the register bearing information relating to the forensic
16 examinations.

17 Q. [15:36:54] Madam Witness, that register must be more than two pages long; is
18 that correct?

19 A. [15:37:11] It is, it is a register.

20 Q. [15:37:14] I put the question to you because we saw two pages from the
21 Prosecutor this morning, and what we have on record is those two pages. Would it
22 be possible then to have a copy of the full register?

23 A. [15:37:29] Obviously, yes, because that register contains a record of everything
24 that we do.

25 Q. [15:37:38] Now, regarding the first register which you talked about, can it also

1 be sent to us, the register on the reception of the bodies?

2 A. [15:37:55] The register for the reception and expedition, so to speak, of the body,
3 of course, yes.

4 Q. [15:38:06] Now, which register would contain information about the bodies in
5 the institute?

6 A. [15:38:14] The register, that is the register for all the bodies -- I'm sorry. Let me
7 repeat myself. All the bodies that were examined, be it at the institute or at a
8 mortuary, all those examinations are contained in one register. Now, when it comes
9 to the bodies that were sent to the institute, that information is contained in another
10 register which bears the date and time of arrival and the time of exit of the body for
11 returning to the morgue.

12 Q. [15:38:55] Very well. So the location of the external examination is also
13 contained in that overall register which you have referred to, dealing with all the
14 external examinations or autopsies; is that the case?

15 A. [15:39:13] I don't know whether it is recorded. What is certain is that we had a
16 register dealing with all the bodies that were sent to the institute.

17 Q. [15:39:25] Thank you, madam. Now it's clear. Let us now proceed to the
18 various examinations that you conducted. We will start with -- well, before, before
19 doing that, let me draw your attention to page 0046 of your report and put a question
20 to you relating to that page. Are you there, Madam Witness?

21 A. [15:40:13] Yes.

22 Q. [15:40:14] At page 0046 you say *the forensic treatment of these war victims
23 included carrying out 50 judicial autopsies, including 13 exhumations, and 739
24 detailed external examinations; most of the bodies were in an advanced state of
25 decomposition or were simply bones and remains thereof.

1 Now, my question is the following: Do you know why these bodies were in such an
2 advanced state of decay?

3 A. [15:41:00] I am not able to tell you, but what we did was simply *mention what
4 we had observed at the time. I can't give you an answer, I did not keep them, they
5 were brought to us.

6 Q. [15:41:15] Now, when you went to private morgues, what were the conditions in
7 which the corpses were kept in those private morgues?

8 A. [15:41:27] We were not interested in the conditions in which the bodies were
9 held because the bodies had already been taken out of the morgues and handed over
10 to us for our examinations to be conducted in another room that had been set up for
11 that purpose.

12 Q. [15:41:53] Very well. Madam Witness, there has been a witness before this
13 Court, P-172, who testified in open court on 7 July 2017, said the following at page 70,
14 and this is what this witness said in public:

15 Question: "Mr Witness, I'm going to read out paragraph 84 of your statement", and
16 the paragraph is read out.

17 "I was received by one of the bosses at IVOSEP whose name I don't remember. He
18 told me that the bodies had been buried and I told him that the bodies had not been
19 buried because if the bodies had been buried, we would have been aware of it.

20 He said that in Treichville. There was a power failure because of the fighting
21 between 10 March and 20 April. So the bodies were there for 12 to 14 days without
22 any power. So I asked him when the burial took place and he said it was at the
23 Baoulé cemetery in the month of April." End of quote.

24 Now, my question to you is the following: During your contacts with IVOSEP and
25 INTERFU, were you aware or were you informed that there had been a power failure

1 in Treichville which lasted some 12 to 14 days between March and April 2011?

2 A. [15:43:52] No, I was not informed of that fact.

3 Q. [15:44:00] Very well. Would that not have been information relevant for your
4 medical examinations or forensic examinations, that is knowing in which condition
5 the bodies were held?

6 A. [15:44:12] No. That was not part of my duties, particularly since those bodies
7 were not kept at the institute. So it was not for me. While maybe I would have
8 been interested in it, but it was not for me to conduct an investigation into
9 determining why those things may have happened.

10 Q. [15:44:33] Very well. Do you know whether any measures, health and sanitary
11 measures were taken to ward off any consequences of the decaying bodies?

12 A. [15:44:54] I don't have any answer for you, but as far as we are concerned, we
13 took our own specific measures for ourselves.

14 Q. [15:45:03] Now, at page 007 of your report, you mentioned the following.
15 Madam Witness, are you there?

16 A. [15:45:21] Yes, I'm with you.

17 Q. [15:45:22] "The fact that all the bodies were not held at the forensic institute led
18 to a handling -- or a mishandling of the bodies to the extent that the bodies arrived at
19 the institute completely dislocated, which doesn't make it easy to conduct our forensic
20 examinations."

21 What do you mean by the abusive handling of the bodies?

22 A. [15:45:53] Abusive handling of the bodies would refer to the various measures
23 that had been taken to present the bodies to the families which came to the morgue to
24 proceed to a visual identification of the bodies.

25 Now, in those circumstances the bodies would be pulled out and shown to the

1 families, and in that process we don't know how many times that was done; namely,
2 showing the bodies to the families. So that is what I meant when I referred to
3 mishandling of the bodies or abusive handling of the bodies.

4 Q. [15:46:46] Very well. Did you give any instruction to the mortuaries to take
5 any particular measures in handling these bodies?

6 A. [15:47:04] Yes, that is what we did at the very first meeting. We advised them
7 to handle the bodies properly, to use additional body bags if need be, in order not to
8 lose any indicia. Those are some of the things that were done.

9 Q. [15:47:34] Very well. Can you point out some of the dislocations that you may
10 have observed?

11 A. [15:47:40] Dislocation would arrive in a case where the body might arrive not in
12 the state in which it was lying. Given that some of the soft tissue may have
13 disappeared, you would find that the position of the body would no longer be the
14 same, like a leg on top of the other. You would probably find the lower limbs on the
15 head and things of that nature. So that is why it was important for us to also
16 determine the position of the body in order to have an overview of the entire layout of
17 the skeleton.

18 Q. [15:48:32] Very well. When it comes to the bones, who would conduct the
19 anthropological forensic examination of those bones?

20 A. [15:48:41] We did that ourselves for the bones and at the time of the
21 exhumations.

22 Q. [15:48:48] When you say yourselves, who are you referring to?

23 A. [15:48:52] I'm referring to the pathologists.

24 Q. [15:48:53] Did you have any special training for that?

25 A. [15:48:57] Yes. In our training we also are trained in anthropology, in ballistics,

1 in injuries. And when it comes to anthropology, we use that knowledge as well in
2 our work.

3 Q. [15:49:17] Very well. How were the inventories of the bones drawn up?

4 A. [15:49:25] We used a table to identify the bones in relation to a name and a
5 number, and we used tables for that purpose.

6 Q. [15:49:40] When you said you used a table for that purpose, are you saying that
7 this is documentary evidence or was it a blackboard or something of that nature?
8 Because we don't have any information here pointing to the inventory of the bones.

9 A. [15:50:03] I think the answer I gave was in relation to each individual body.
10 We have an inventory of the bones relating to each individual body.

11 Q. [15:50:16] Very well. Who reconstructed the skeletal structure?

12 A. [15:50:26] We did so ourselves for each individual body.

13 Q. [15:50:29] Once the skeletal outlay was reconstructed, what did you do with that
14 information or with that body?

15 A. [15:50:35] Well, we would then proceed to an examination, to an inventory of
16 the bones and then -- and this is more relevant at the time of the exhumation because
17 it is then that we do an inventory of the bones to determine whether the skeletal
18 structure is complete or not. Then we are able to proceed to determine what type of
19 injury may relate to those types of bones.

20 Q. [15:51:12] Were most skeletons complete, full?

21 A. [15:51:17] I would say yes, more or less. For those for whom we filled out
22 external examination forms, the answer would be yes.

23 Q. [15:51:35] Very well. Now, when did you decide and on what criteria did you
24 proceed to determine whether there would be an autopsy or an external examination?

25 A. [15:51:53] When it comes to time, the time criterion, you must have observed

1 that when we started our activities, subsequent to receiving the first requisition, that
2 was to conduct autopsies. And we had time to conduct those autopsies for each
3 body. So we were able to do so.

4 But then when it came to the second requisition, the bodies had piled up and we
5 needed to proceed as quickly as possible to be able to subsequently release those
6 bodies to the families. And that is why in those cases we opted for external medical
7 examinations. The two possibilities had been offered to us in the requisition.

8 Q. [15:52:55] Very well. The state of decomposition of the body, is that a criterion
9 that determines which procedure to use?

10 A. [15:53:08] Not at all, because a body in an advanced state of decomposition can
11 also undergo an autopsy.

12 Q. [15:53:19] At page *0048 of your report, this is what you say -- are we together,
13 Madam Witness?

14 A. [15:53:45] Oui, oui.

15 Q. [15:53:46] You say, "The detailed external examination of the bodies was the most frequent
16 examination for the bodies that were in an advanced state of decomposition, *739 detailed external
17 examinations versus 40 autopsies, including 13 after the exhumation of the bodies."

18 My question is as follows: Why do you not say how or why you preferred to
19 conduct external examinations for a number of victims as you say here now?

20 A. [15:54:29] That choice was not made based on the state of the body but, rather,
21 on the time available to release the bodies to the families.

22 Q. [15:54:42] So the choice was made based on the need to proceed as quickly as
23 possible; is that the case?

24 A. [15:54:50] Yes.

25 Q. [15:54:51] Very well. Madam Witness, how long does it take to conduct an

1 external examination on average?

2 A. [15:55:16] I'm not able to answer that question. But it all depends on what one
3 finds and on the complexity of each individual case at hand.

4 Q. [15:55:28] Very well. That's clear. But can you give us an average of the
5 number of external examinations that you would conduct per day?

6 A. [15:55:40] This was not something that happened according to that methodology.
7 We did not decide to conduct 10, 20 or 30 forensic examinations. We received the
8 bodies and we took the time necessary to obtain the most data as quickly as possible
9 while being judicious in the conduct of our work. Therefore, we could not decide
10 based on that. Time was important, but if the injury could be identified easily, then
11 we could proceed quickly. If there was still some tissue available, we would
12 examine accordingly. If we could proceed quickly, we also did that. So the time
13 spent on each body varied from one body to the next.

14 Q. [15:56:44] Very well. This is very clear, what you've said now. You say that
15 you took your time, you took your time to do things properly. You have given also
16 the figure of 30 per day. Is that a maximum number of external examinations that
17 you could conduct per day?

18 PRESIDING JUDGE TARFUSSER: [15:57:03] I think it was very clear what the
19 answer was. Now you want to go again into the numbers. I mean, it's the same
20 question as how long is the trial lasting? Somewhat through two years, three years,
21 and some two days.

22 MS NAOURI: [15:57:19] (Interpretation) Mr President, in a second it will be very
23 clear why I'm putting this question to the witness.

24 Q. [15:57:25] Madam Witness, can you answer?

25 A. [15:57:27] I didn't say 30 examinations per day. I said 30 medical certificates

1 would be issued per day.

2 Q. [15:57:37] Very well. So my question is the following: How many external
3 examinations were you able to conduct per day?

4 A. [15:57:45] My answer would be the same as the answer to the previous question.
5 It all depended on the complexity of the case before us.

6 Q. [15:57:56] Very well. So let me put another question to you. When one
7 analyses the reports on the external examinations that were disclosed to us by the ICC
8 Prosecutor's office, you noted that on 5 July 2011, you had at least conducted some 65
9 external examinations, 65 external examinations. How is it possible that within 24
10 hours on 5 July 2011 you were able to do that, and this morning you explained to us
11 that you worked in a team of two, how was it possible to conduct 65 examinations in
12 one day?

13 A. [15:58:45] Is that in relation to the date on which the bodies were examined?

14 Q. [15:58:51] Yes. The date on which the bodies were examined. We have a list
15 with us with all the ERN numbers and all the reports that we have that points to the
16 fact that the examinations were all conducted on 5 July 2011. We can convey this
17 information to the judges and to all the parties. We have a folder with all the
18 documents indicating that these examinations were conducted on 5 July 2011, and
19 this could ultimately be produced into evidence. But, again, maybe we missed a
20 point or maybe there is something we are missing here.

21 But on 5 July 2011, some 65 examinations were conducted on the same day. Can you
22 explain to us how this is possible?

23 A. [15:59:39] This would be possible if all the pathologists were available to
24 conduct the examinations, and it is also possible depending on the time at which the
25 work started and the time at which it ended.

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1 Q. [15:59:53] Very well. Madam Witness, how many pathologists were you
2 working with? And I'm talking about the pathologists, not the assistants.

3 A. [16:00:16] Four.

4 Q. [16:00:17] So you were working in teams of two, two teams of two; is that
5 correct?

6 A. [16:00:21] Yes.

7 Q. [16:00:23] I have another question for you. You say that you saw all the bodies
8 and that you signed -- well, let's put it this way. You saw all the bodies. How is it
9 possible that you could have seen all the 65 bodies working in a team of two with
10 someone --

11 MR GARCIA: [16:00:41] Your Honour, I object.

12 THE INTERPRETER: [16:00:45] Overlapping speakers, Mr President.

13 PRESIDING JUDGE TARFUSSER: [16:00:46] Yes, overlapping speakers. Mr
14 Garcia?

15 MR GARCIA: [16:00:47] I object to that question. First of all, we're speaking
16 about 60 some odd files. And to be fair for the witness and to be able to pose such a
17 question, the witness must at least have a chance to look at what we're speaking about
18 so she can respond.

19 PRESIDING JUDGE TARFUSSER: [16:00:59] Well, the witness knows what we are
20 speaking about.

21 MR GARCIA: [16:01:02] Your Honour, we're speaking about a specific date in time.

22 PRESIDING JUDGE TARFUSSER: [16:01:05] Yes.

23 MR GARCIA: [16:01:05] The witness needs to be able to look at these reports and see,
24 your Honour --

25 PRESIDING JUDGE TARFUSSER: [16:01:10] The witness can say "Please let me look

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1 at this." The witness is good enough. I mean, there is no need for the Prosecutor to
2 defend the witness. I mean, we're here, the witness, if she needs to look at
3 something, she can, she just has to ask for it.

4 MR GARCIA: [16:01:26] Your Honour, and that's why I'm intervening. The
5 witness has not asked for it. I'm not sure if she's prepared to respond for that. But
6 the Prosecution has a duty to intervene when it's necessary for the fairness, for the
7 fairness in the way we treat the witness.

8 PRESIDING JUDGE TARFUSSER: [16:01:38] No. Come on with the fairness,
9 don't -- we don't talk about fairness. Here everything is fair since day one, okay?

10 MR GARCIA: [16:01:44] But, your Honour, we are speaking about 60 reports.

11 PRESIDING JUDGE TARFUSSER: [16:01:47] Please, everything is fair since day one,
12 of the trial, I mean, not day one of this year.
13 Please go ahead.

14 MS NAOURI: [16:02:00] (Interpretation) Thank you.

15 PRESIDING JUDGE TARFUSSER: [16:02:02] I told you, Madam Witness, if you
16 need something, tell me. If you are in difficulty, tell me.

17 MS NAOURI: [16:02:08] (Interpretation) Thank you, Mr President.

18 Q. [16:02:16] Do you remember what was said?

19 A. [16:02:20] Thank you, Mr President. I would like to say that the organisation of
20 work, the schedule was very variable. We had people who were taking notes,
21 particularly the interns under our supervision, and that I was involved in all the
22 external examinations.

23 MS NAOURI: [16:02:50] (Interpretation) I can see the time, Mr President, so I'm in
24 your hands.

25 PRESIDING JUDGE TARFUSSER: [16:02:54] We break now. We break now. We

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1 continue after tomorrow.

2 By the way, I don't find it so extraordinary, the number 65, I must say.

3 Thank you very much. We continue after tomorrow on Friday morning at 9.30.

4 And during the same day we will also finish your examination. Thank you very
5 much.

6 The hearing is adjourned to Friday, 9.30. Thank you.

7 THE COURT USHER: [16:03:25] All rise.

8 (The hearing ends in open session at 4.03 p.m.)

9 CORRECTIONS REPORT

10 The Language Services Section has made the following corrections in the transcript:

11 *Page 6, line 17: "from" is corrected to "obtained after two years at"

12 *Page 7, line 3: "forensics and" is translated and added

13 *Page 11, line 15: "Attorney-General" is corrected to "Procureur"

14 *Page 13, line 2: "private" is translated and added (twice on the same line)

15 *Page 20, line 9: "or date of death" is translated and added

16 *Page 22, line 24: "i.e. 91.2 per cent" is translated and added

17 *Page 23, line 5: "legions" is corrected to "lesions"

18 *Page 23, line 6: "from guns" is translated and added

19 *Page 23, line 6: ",," is corrected to ";;"

20 *Page 23, line 7: "63" is corrected to "63.2"

21 *Page 23, lines 7-8: "representing some 13 per cent. That is 79 cases" is corrected to
22 "representing 79 cases"

23 *Page 23, line 8: "127" is corrected to "129"

24 *Page 29, line 11: "for a ballistic examination. Done in Abidjan, 26 January 2015" is
25 translated and added

- 1 *Page 30, line 7: "19" is corrected to "17"
- 2 *Page 30, lines 7-8: "there are handwritings. Whose handwritings are those?" is
3 corrected to "you wrote the report. Is this your handwriting?"
- 4 *Page 30, line 10: "in red is" is translated and added
- 5 *Page 31, lines 6-7: "an exit" is corrected to "a hole that suggests a firearm inflicted
6 entry"
- 7 *Page 32, line 21: "the next pages" is corrected to "pages 0278 and 0279"
- 8 *Page 35, line 9: "I can read here "riddled with pellets"" is translated and added
- 9 *Page 35, line 19: "and limbs" is translated and added
- 10 *Page 36, line 8: "and on the inside area of the forearm" is translated and added
- 11 *Page 36, line 23 – Page 37, line 2: "Partial removal of the throat of the -- and with a
12 chest drain that was in, still within the body, and we came to -- well, rather, we asked
13 the question whether was it a wound caused by a firearm or was it a wound caused
14 by a bladed weapon, AB. AB standing for "arme blanche." And you can see we put
15 a question mark at the end because we were not entirely sure" is corrected to
16 "Partial removal of insteps with broken bones, chest wound, abdominal wound,
17 wound on the left buttock, chest drain in place, which we had noted, and we finally
18 wrote "wound". We were actually wondering whether this wound came from a
19 firearm. And in blue or in black here, we put a question mark and added "bladed
20 weapon wound", i.e. AB in French, because we could not be sure".
- 21 *Page 37, line 18: "acronym AB" is corrected to "acronyms AB and PAAF"
- 22 *Page 38, line 14: "and to" is corrected to ", the abdomen,"
- 23 *Page 38, line 15: "it was not possible" is corrected to "the right side of the thorax
24 were not such as"
- 25 *Page 38, line 16: "location and shape" is translated and added

- 1 *Page 39, line 21: "Irie Bi Sehi" is added
- 2 *Page 39, line 21: "the 17th" is corrected to "17/3/2011"
- 3 *Page 41, line 1: "at page 1102" is translated and added
- 4 *Page 41, line 7: "of one Coulibaly Drissa" is translated and added
- 5 *Page 41, line 8: "forensic" is translated and added.
- 6 *Page 41, line 9: "firearm" is translated and added
- 7 *Page 41, lines 9-10: "localization and shape" is translated and added
- 8 *Page 43, line 24: "2011" is translated and added
- 9 *Page 44, line 3: "THVP" is corrected to "TSVP"
- 10 *Page 45, lines 5-6: "that there was a face, a crushing of the face under, on the right
- 11 side, but there was no medical or" is corrected to "forensic finding of the right side of
- 12 the face/skull is crushed. Shape and location of bone lesions are annexed to this
- 13 report."
- 14 *Page 53, line 2: "0346, tab 47" is corrected to "0746, tab 187"
- 15 *Page 56, line 10: "line 11" is translated and added
- 16 *Page 58, line 18: "44" is corrected to "84"
- 17 *Page 59, lines 2-3: "involving 31 bodies, including 18 bodies of policemen, and 7 of
- 18 them had been effectively examined on that date, that is 31 bodies out of a total of
- 19 172"" is corrected to "At that date 31 bodies out of 172 had been autopsied. Out of
- 20 the 172, 18 bodies belonged to policemen, and 7 of these policemen bodies were
- 21 autopsied."
- 22 *Page 66, line 10: "in 2013" is corrected to "on 9 November 2016"
- 23 *Page 72, line 13: "mortuary" is corrected to "Forensics Institute"
- 24 *Page 73, lines 22-24: "that the handling of these war victims included dealing with
- 25 a number of examinations and autopsies" is corrected to "the forensic treatment of

- 1 these war victims included carrying out 50 judicial autopsies, including 13
2 exhumations, and 739 detailed external examinations”
- 3 *Page 74, lines 3-5: “mentioned, what we had observed at the time. And I would
4 like to say that we didn't go beyond that” is corrected to “mention what we had
5 observed at the time. I can’t give you an answer, I did not keep them, they were
6 brought to us”
- 7 *Page 78, line 12: “0046” is corrected to “0048”
- 8 *Page 78, line 17: “761, and 40 autopsies” is corrected to “739 detailed external
9 examinations versus 40 autopsies, including 13”
- 10 The Court Management Section has made the following corrections in the transcript:
- 11 *Page 38, line 21: “same” is added
- 12 *Page 39, line 20: “de par la loi” is corrected to ““de par la loi””