

Trial Hearing
WITNESS: CIV-OTP-P-0184

(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
5 Charles Blé Goudé - ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Tuesday, 5 December 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT OFFICER: [9:33:35] All rise.
12 The International Criminal Court is now in session.
13 PRESIDING JUDGE TARFUSSER: [9:33:59] Good morning. Good morning,
14 Madam Witness.
15 WITNESS: CIV-OTP-P-0184 (On former oath)
16 (The witness speaks French)
17 THE WITNESS: [9:34:06] (Interpretation) Good morning, Mr President.
18 PRESIDING JUDGE TARFUSSER: [9:34:09] I just want to say before starting or
19 continuing the questioning by Madam Naouri that we received a request by Maître
20 Altit to have the floor, and I would say I give you the floor at the end of this
21 testimony rather than before the other ones, so there is some time in the middle.
22 You don't agree on that?
23 MR ALTIT: [9:34:36] (Interpretation) Thank you, Mr President. Thank you. Our
24 application relates to our desire to say something to the Chamber before we hear the
25 next witness. We are in your hands, and we are comfortable with addressing you at

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1 the beginning of the session at which the next witness would be heard. It has no
2 relation to this current witness.

3 PRESIDING JUDGE TARFUSSER: [9:35:07] I do know. But as I foresee that we
4 have enough time today to do it, so we should do it when this testimony is over, I
5 give you the floor, and then you can say what you have to say, okay?

6 MR ALTIT: [9:35:24] (Interpretation) Thank you, your Honour.

7 PRESIDING JUDGE TARFUSSER: [9:35:28] It's a matter of organisation, of time
8 organisation.

9 MR MACDONALD: [9:35:33] Very briefly.

10 PRESIDING JUDGE TARFUSSER: [9:35:34] Yes.

11 MR MACDONALD: [9:35:34] Maybe the Defence is not aware I think that the next
12 witness in any event can only start tomorrow.

13 PRESIDING JUDGE TARFUSSER: [9:35:40] Can only start tomorrow, yes, can only
14 start tomorrow.

15 MR MACDONALD: [9:35:42] But I don't think my colleagues were aware of this

16 PRESIDING JUDGE TARFUSSER: [9:35:45] Okay.

17 MR MACDONALD: [9:35:45] That's why the possible inquiry.

18 PRESIDING JUDGE TARFUSSER: [9:35:48] The next witness is only arriving this
19 evening to The Hague and will start only tomorrow. This is the reason. So I would
20 like to do everything today in order for tomorrow then to have also time to think over
21 what you say, eventually decide something, and things like this. Okay.

22 Now I give the floor back to Madam Naouri.

23 Madam Witness, you are fine? You are okay?

24 THE WITNESS: [9:36:16] (Interpretation) Yes, your Honour.

25 PRESIDING JUDGE TARFUSSER: [9:36:21] So I give the floor back to Madam

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1 Naouri for about 35 minutes.

2 MS NAOURI: [9:36:28] (Interpretation) Thank you, your Honour.

3 QUESTIONED BY MS NAOURI: (Continuing) (Interpretation)

4 Q. [9:36:42] Good morning, ma'am.

5 A. [9:36:44] Good morning, Counsel.

6 Q. [9:36:46] Yesterday, we were talking about the women's march, just before the
7 end of the session, and you said, page 33, *line 17 of yesterday's transcript, that the
8 itinerary was from Banco towards the Abobo town hall. What were the various
9 assembly points within Abobo in order to get to Banco?

10 A. [9:37:11] All the women were supposed to meet at the Banco assembly point
11 directly.

12 Q. [9:37:27] Thus, one witness came here, Witness 364, *tab 43 on our notification
13 list gave testimony in open court and his testimony under 68(3) told us, paragraph 45,
14 he told Court the following, CIV-OTP-0071-0437, paragraph 45. He said this:
15 "Once we got to the gendarmerie, I asked when we would go to the town hall, and I
16 was told that we were waiting for the other women at the gendarmerie. The women
17 who came from the Banco neighbourhood were supposed to gather in the Banco
18 neighbourhood and then come towards the town hall. We waited at the
19 gendarmerie, and we waited for the women who were coming from PK18 and the
20 women who were coming from Anyama. And together we would go to the town
21 hall." End of quote.

22 So my question, Madam Witness, is this: *As someone who was organising it, were
23 you aware that the Abobo gendarmerie was an assembly point for the march?

24 A. [9:38:52] I didn't know about that. It would depend on the organisation of each
25 group. But no, I don't know about that.

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1 Q. [9:38:59] Very well. And the Siaka Koné market, was that also an assembly
2 point, a gathering point?

3 A. [9:39:07] No. It was the Banco roundabout. That was the assembly point.

4 Q. [9:39:16] At paragraph 85 of your statement, that is, the statement you gave to the
5 OTP investigators, you said, and I quote, "Around 9 a.m. my colleague Samassi went to
6 the Siaka Koné market to tell the women there that the march was going to begin. She
7 took the whistle so that she could bring them together." End of quote. Is that correct?

8 A. [9:39:50] Yes, that is correct. In actual fact, you see, it is a marketplace. There
9 are traders there, female traders. *They told us to let them know when we were ready,
10 that they were going to join us at the Banco roundabout. That's how I told Samassi to
11 go and tell them that the march was going to start at any moment, she went to tell them
12 to join us at Banco. You see, this is a marketplace we're talking about.

13 Q. [9:40:34] Very well. Madam Witness, who decided that Banco would be the
14 departure point for the march?

15 A. [9:40:43] Everything was planned with Ms Touré, my president. Since Banco is
16 a major intersection and many people can gather there, we were expecting a great
17 many women, so that is where we decided to have our assembly point.

18 Q. [9:41:05] Very well. And was it you or Virginie? I believe you said it was
19 Virginie who decided that the march would be on the asphalt road.

20 A. [9:41:24] No, I didn't say that at all.

21 Q. [9:41:26] Let us start again. So you and Virginie decided about the --

22 A. [9:41:32] Maïmouna Touré.

23 Q. [9:41:35] Apologies. And was it also with Maïmouna that you decided that the
24 march would be on the asphalt road?

25 A. [9:41:52] *Everything was planned with her. Because, you see, there,

1 everything is paved. The road is completely paved.

2 Q. [9:42:04] Very well. Did you know that there was FDS supply convoy that
3 regularly took that asphalt road?

4 A. [9:42:14] We were not on that road.

5 Q. [9:42:17] Where were you then?

6 A. [9:42:20] We were -- well, you see, there is an alleyway that is paved. It's sort
7 of a pedestrian area, and that's where we were.

8 Q. [9:42:33] Very well. And how many women were there at that place?

9 A. [9:42:50] I couldn't tell you, Counsel.

10 Q. [9:42:52] Very well. What were you supposed to do once you were to arrive at
11 the Abobo town hall? What was scheduled for that day?

12 A. [9:43:08] The itinerary was not the town hall. It was the Banco roundabout.

13 We, after the march, we were going to read out a motion, a resolution.

14 Q. [9:43:21] And who was supposed to read out this resolution?

15 A. [9:43:24] I was supposed to.

16 Q. [9:43:28] Was anyone else going to be reading out a resolution?

17 A. [9:43:33] Pardon?

18 Q. [9:43:40] Was someone else, was someone else supposed to read out a resolution?

19 A. [9:43:44] No. It was me. *Mrs Coulibaly Cécile, the president of PDCI women
20 should have read the motion, but she said no, as I was the youngest, she told me to
21 read the motion.

22 Q. [9:44:01] Now, did the Amazon people inform you that they had asked the
23 president of the Voix de la jeunesse active to give some speeches when the women
24 arrived at the roundabout?

25 A. [9:44:19] I don't remember.

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- 1 Q. [9:44:21] Very well. Madam Witness, Virginie Touré, did she warn Adama
2 Toungara about the march being organised?
- 3 A. [9:44:53] You're talking about Touré Maïmouna or Virginie, which one?
- 4 Q. [9:44:59] I'm talking about Virginie. Did she inform Adama?
- 5 A. [9:45:07] *No, we told only Virginie that we were going to a march. Otherwise, it is Adama
6 Toungara who was our department representative. Mrs Touré had informed her about the march.
- 7 Q. [9:45:18] Very well. *So Maïmouna Touré informed Adama Toungara.
- 8 A. [9:45:20] Yes.
- 9 Q. [9:45:21] Since there are two ladies both with the surname Touré, we have to be very specific.
10 Now, did Maïmouna warn other officials at the Golf hotel about the organisation of this march?
- 11 A. [9:45:43] I don't know.
- 12 Q. [9:45:44] But you, Madam Witness, on the day of the incident, you spoke to
13 some officials at the Golf, didn't you?
- 14 A. [9:45:56] Yes, Counsel.
- 15 Q. [9:45:57] Who did you talk to?
- 16 A. [9:46:02] We called the minister Patrick Achi, Amadou Gon, also a minister.
17 Those were the two people.
- 18 Q. [9:46:15] Very well. Yesterday you told us, page 33, line 1, and I quote, "And I made
19 some signs." So who decided about the slogans that were to be placed on these signs?
- 20 A. [9:46:50] It was with Ms Touré that we cooked up some ideas for slogans.
21 Madam Touré *Maïmouna.
- 22 Q. [9:47:03] Thank you. And did you make a lot of signs?
- 23 A. [9:47:06] Yes, many, there were many signs.
- 24 Q. [9:47:12] Madam Witness, were you the one who took whistles with you that
25 day?

- 1 A. [9:47:25] Yes, I had some whistles.
- 2 Q. [9:47:27] And do you remember who distributed the whistles?
- 3 A. [9:47:33] Samassi had some, but I don't remember much more than that.
- 4 Q. [9:47:40] No problem. Now, were there people from the neighbourhood there
- 5 to protect the people who were marching?
- 6 A. [9:47:52] No. Since, you see, it was a peaceful march. We are *thin women, so
- 7 we didn't need protection.
- 8 Q. [9:48:04] Very well. But there were some men also providing support.
- 9 A. [9:48:11] Yes, there were some men there as well. The departmental official
- 10 *Mr Yéo Kolotchoma was there. He was helping me. And there was a journalist
- 11 from TCI as well and a photographer from Le Patriote newspaper, Mesmer was his
- 12 name, and the two cameramen.
- 13 Q. [9:48:34] Very well. Concerning the cameraman, could you give us his name?
- 14 Who was this cameraman?
- 15 A. [9:48:48] There was Mr Souleymane and Mr *Diarrassouba Idrissa as well; those
- 16 were the two cameramen.
- 17 Q. [9:48:59] Souleymane Koné?
- 18 A. [9:49:00] Yes.
- 19 Q. [9:49:03] *And did you know that Souleymane was the second secretary of the CEI
- 20 observing the vote at Abobo-Samaké in the Kennedy school during the second round of voting?
- 21 A. [9:49:15] I didn't know that.
- 22 Q. [9:49:17] Very well. Now, did Souleymane tell you after the first round of
- 23 voting he set up an NGO called Cellule de réflexion pour la victoire d'Ado, CRVADO,
- 24 to mobilise RHDP supporters in Abobo?
- 25 A. [9:49:41] I don't know about that.

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1 Q. [9:49:43] Very well. When did you contact Souleymane and ask him to come
2 and film the march?

3 A. [9:49:58] *He is a young fellow who I know and who is a cameraman. When we
4 have demonstrations in our neighbourhood, we tell him, and he comes to film for us.

5 Q. [9:50:17] Very well. Did you inform Maïmouna Touré or Virginie Touré or
6 *Kadia Camara (phon), anyone else about what you had said to Souleymane?

7 A. [9:50:27] Mrs Touré Maïmouna was informed.

8 Q. [9:50:32] Thank you. Now, did Souleymane inform you that before the march
9 the number of his mobile phone was to be given to Patrick *Achi so that Souleymane
10 could provide a copy of the footage to him and then the footage would be broadcast
11 on the TCI; did he tell you that?

12 A. [9:51:03] I no longer recall.

13 Q. [9:51:05] Very well. *Did he tell you whether Lassina Koné, Alassane
14 Ouattara's media adviser had called him to give him the email address to use in order
15 to send the film that he had allegedly made on the march? Do you remember?

16 A. [9:51:29] I don't remember.

17 MR MACDONALD: [9:51:35] We have an issue, your Honour, a procedural issue.
18 I understand we're quoting from a statement of a witness which has not testified. I
19 can tell you, I can confirm that. And therefore facts can be put, but here, unless the
20 witness in question is called, all those assertions that are put to the witness are not
21 confirmed by any evidence. The witness has not testified. So we can definitely put
22 facts in question, but, legally, afterwards, this has to be backed up or supported by the
23 person that uttered those words, so when the witness does not confirm any of these
24 facts. Thank you.

25 PRESIDING JUDGE TARFUSSER: [9:52:41] Madam Naouri.

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1 MS NAOURI: [9:52:43] (Interpretation) That is the procedure we have been
2 following right since the beginning of this trial. The statement was taken by the OTP
3 Prosecutor. And in order to not reveal the identity of a witness, we did not say
4 "Souleymane said that", because we did not say -- we did not make mention of
5 witnesses. We provided information that we had at hand. We took information
6 from a statement, that, apparently -- information apparently was given to the OTP.
7 The witness has merely said that she was not aware of that. The witness has quite
8 simply said that she was not aware of any of that.

9 And so this can corroborate or not corroborate this statement that was taken by OTP
10 investigators.

11 MR N'DRY: [9:53:49] (Interpretation) Your Honour.

12 PRESIDING JUDGE TARFUSSER: [9:53:53] Mr N'Dry.

13 MR N'DRY: [9:53:54] (Interpretation) Your Honour, we entirely support the
14 remarks made by Mr Laurent Gbagbo's Defence team. Above all, we wish to make
15 another observation. Such remarks that were made by the Prosecution should be
16 done in the absence of the witness. Such remarks should be made with the witness
17 not in the courtroom.

18 PRESIDING JUDGE TARFUSSER: [9:54:24] Well, I do not agree with the last
19 intervention because I don't think it was -- it has somehow influenced the witness.
20 In the merit, it was very procedural. It is true that we can put facts, but we cannot
21 put quotations or what was said, just facts which you find in other statements and for
22 sure not indicating the source.

23 Okay. Please go ahead.

24 MS NAOURI: [9:54:59] (Interpretation) Thank you, your Honour.

25 Q. [9:55:03] Were you the one who paid Souleymane to film the march?

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1 A. [9:55:07] Yes, Counsel.

2 Q. [9:55:10] Now, on the day of the march, did you see where he was located when
3 he was filming the march?

4 A. [9:55:19] Yes. He was at the Banco roundabout with us. He even interviewed
5 me.

6 Q. [9:55:26] Very well. And yesterday you told us, page 45, line 9, with respect to
7 Souleymane, you said that, "Well, the next day, the next day, Souleymane, the
8 cameraman whom I had brought in, he gave me the cassette and I watched it."
9 So my question is this. My first question is, did you watch the footage that
10 Souleymane gave you that day? You did watch it, didn't you?

11 A. [9:56:10] It was after the march. That is when he gave me the cassette.

12 Q. [9:56:14] Very well. And this cassette you turned over to the OTP
13 investigators?

14 A. [9:56:21] Yes, Counsel.

15 Q. [9:56:22] Very well. I'd like us to view some of this footage from the cassette
16 that you handed over to the OTP investigators.

17 This is CIV-OTP-0032-0053. And this is tab 11 on our list of materials. I'd like us to
18 view from 2.54 to 3.04, and I'd like to ask the courtroom officer if we could have
19 control.

20 THE COURT OFFICER: [9:57:05] I will give you the floor in a minute, but just to
21 make sure that the video is public because it's tagged as confidential in our metadata.
22 Thank you.

23 MS NAOURI: [9:57:11] (Interpretation) We believe that it can be shown in open
24 court because --

25 PRESIDING JUDGE TARFUSSER: [9:57:21] Yes, it can.

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1 MS NAOURI: [9:57:23] (Interpretation) Thank you, Mr President.

2 THE COURT OFFICER: [9:57:27] The Defence has the floor, evidence channel 2.

3 PRESIDING JUDGE TARFUSSER: [9:57:31] And I say this because the OTP was
4 nodding. It's not only my decision. Okay.

5 (Viewing of the video excerpt)

6 PRESIDING JUDGE TARFUSSER: [9:58:14] Madam Witness, can you see?

7 THE WITNESS: [9:58:17] (Interpretation) No.

8 PRESIDING JUDGE TARFUSSER: [9:58:21] So we have to start again.

9 (Viewing of the video excerpt)

10 MS NAOURI: [9:58:49] (Interpretation)

11 Q. [9:58:52] Madam Witness, now, is this the footage from the cassette you gave to
12 the OTP?

13 A. [9:58:59] Yes.

14 Q. [9:59:01] Now, in this footage, at the beginning, we can see some women who
15 are running, and then at the point where it stops, we see some women in another
16 location and they are gathered together.

17 Did you tell Souleymane -- well, did you make some remark to Souleymane about
18 adding various segments or images one right after another?

19 A. [9:59:25] That was before the march. The women were a bit scattered. Banco
20 is a large area. There were women who were dancing, other women who were
21 singing. This was at the assembly point. But that was before the march.

22 Q. [9:59:44] Very well. *When I talk about additional or added images, I do not mean
23 images that had not been filmed on the day of the march, what I mean is that there are
24 pictures that have been taken one after the other. He did screen shots of frames,
25 Souleymane and then he put it all on a cassette. If you don't know, that's fine as well.

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1 A. I do not understand.

2 MS NAOURI:

3 Q. No problem.

4 THE INTERPRETER: Overlapping speakers. Excess speed.

5 PRESIDING JUDGE TARFUSSER: [10:00:18] Overlapping speakers.

6 MS NAOURI: [10:00:20] (Interpretation)

7 Q. [10:00:21] Now I want to show you another excerpt from 3.35 to 4.10, okay?

8 (Viewing of the video excerpt)

9 MS NAOURI: [10:00:52] (Interpretation) Now, madam, on the image frozen on the
10 screen, is that a picture from the day of the march?

11 A. [10:01:01] Yes, it is a picture from the day of the march.

12 Q. [10:01:05] Madam Witness, on this image, where you can see -- which is frozen
13 on the screen, the women are not marching on a tarmacked road; they are walking on
14 a dirt road. Are you sure that these pictures come from the day of the women's
15 march?

16 A. [10:01:23] Well, what you see there is the Banco roundabout. There is a
17 tarmacked part of the road, but then there are also parts of the area which are not
18 tarmacked. And I told you that there was a great number of women, many of them
19 in different areas. They were dancing. *Some had kitchen spatulas, skimmers,
20 leaves of (inaudible). And this all happened before the march, but on the same day,
21 the day of the march, at the Banco roundabout, which is to my left.

22 Q. [10:01:53] Thank you for those details, Madam Witness.

23 Now, Madam Witness, before we looked at the images, you talked to us about
24 Mesmer, the Patriote photographer and a journalist from TCI. Were you the one
25 who informed them about the march?

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1 A. [10:02:18] I don't know how they came by the information.

2 Q. [10:02:27] Very well. Now, when you got to the roundabout on the tarmac
3 road along with all the other women, what did you tell them when you had the
4 megaphone with you? What message did you convey to them?

5 A. [10:03:00] Well, the purpose, namely, to tell the women that we were going to
6 the mayor's office to read out the motion and --

7 Q. [10:03:20] Very well. Madam Witness, we have a document,
8 *CIV-OTP-0094-0121_R01, which is the transcript of your statement to the national
9 gendarmerie in Abidjan given to Police Captain Touré Lassina on 14 October 2014.
10 At page 0207, you say the following, and I quote: "Between 9 and 10 a.m. I
11 addressed the crowd, explaining to them what the itinerary of the march would be;
12 that is, from the roundabout where they were gathered to the mayor's office where I
13 was supposed to read out a motion, and I could hear the women applaud."
14 Is that correct, madam? Is that the message you gave to the special investigations
15 unit in Abidjan?

16 A. [10:04:21] Well, I never went to give a statement to the gendarmerie. They are
17 the ones who came to me.

18 Q. [10:04:29] Very well. Were you at any time interviewed by Captain Touré
19 Lassina?

20 A. [10:04:38] I was interviewed by several groups, and I don't remember. I no
21 longer remember.

22 Q. [10:04:48] Very well.

23 PRESIDING JUDGE TARFUSSER: [10:04:52] But is this statement what was read out
24 to you, did you ever say this to somebody, to an official? This is the question.

25 THE WITNESS: [10:05:09] (Interpretation) Yes, Counsel -- sorry, yes, Mr President.

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1 PRESIDING JUDGE TARFUSSER: [10:05:13] This is what counts, not who was
2 asking.

3 Mr MacDonald.

4 MR MACDONALD: [10:05:20] No, your Honours. It's now covered. But the
5 document could have been shown just to -- but it's fine. The witness recognised
6 saying it.

7 PRESIDING JUDGE TARFUSSER: [10:05:30] Yes, okay.

8 MR MACDONALD: [10:05:31] But, if not, there is a procedure.

9 PRESIDING JUDGE TARFUSSER: [10:05:33] Okay. But it's shown on the video.
10 It's here.

11 Madam Naouri.

12 MS NAOURI: [10:05:40] (Interpretation) Thank you, Mr President.

13 Q. [10:05:48] Madam Witness, yesterday, you talked to us about the time when you
14 regained consciousness, at page 42 of yesterday's transcript, and I'd like to put a few
15 questions to you for clarification regarding that incident. First of all, was it at that
16 time that you called the officials at the Golf?

17 A. [10:06:46] What time?

18 Q. [10:06:49] You're right. Let me be specific. Now, you lost consciousness, and
19 then you regained consciousness, and then you said you went to seek refuge. Okay?

20 A. [10:07:06] Yes.

21 Q. [10:07:06] Then when you found refuge you were with Assetou Koné; is that
22 correct?

23 A. [10:07:11] Yes.

24 Q. [10:07:12] Is it at the time that you were with Assetou Koné that you called the
25 officials at the Golf?

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1 A. [10:07:17] When the shooting happened, I fell a first time and then a second time.
2 And when I regained consciousness, I said that the women were shouting that there
3 had been killings, and I wanted to go see for myself. People told me it was horrible,
4 so I couldn't go there.

5 So it is when I went to the back yard that I saw Koné and Madam Coulibaly Cécile of
6 the PDCI, and it's at that time that we informed our officials, and it's at the same time
7 that I also called Madam Maïmouna Touré as well.

8 Q. [10:08:02] Okay, very well. Madam, you yourself did not get to the place
9 where the dead bodies of the women were; is that correct?

10 A. [10:08:14] I wasn't able to go that far.

11 Q. [10:08:17] Very well. Madam Witness, in the days following the march, did
12 you collaborate with APAFEMA, l'Association des parents des femmes martyrs
13 d'Abobo?

14 A. [10:08:50] After the events, I contacted the relatives of the victims.

15 Q. [10:08:54] Very well. Did you, Madam Witness, you and your cameraman, did
16 you visit Koné Moyamou's family?

17 A. [10:09:23] Yes. Koné Moyamou and myself, we live in the same
18 neighbourhood.

19 Q. [10:09:32] Very well. Yesterday, at page 44, from line 17 -- now let me repeat.
20 The question was put to you at line 13 as follows:

21 "I will repeat my question, Madam Witness. As far as you know, do you know
22 whether members of the families of the seven victims received compensation and
23 indemnisation?

24 Response: Inaudible beginning -- get to know them, visit them with our officials at
25 the Golf. Someone was sent to give me money so I could give it to them."

1 Now, my question is the following: Who sent money to you from the Golf, or who
2 sent you to the victims, from the Golf?

3 A. [10:10:23] Yesterday, I said that it was Mr Yéo who gave me money to hand over
4 to the families of the victims. That is Mr Yéo Kolotchoma.

5 Q. [10:10:41] Very well. So, Madam Witness, let's now broach the last line of
6 questioning, and then I will be done with my questions.

7 Yesterday, at page 54, line 24, you were asked the following question: "Could you
8 briefly explain to us how the committee was set up?"

9 Your answer: "It was after the events in February, 19 February. We set up a
10 committee. That committee was under the authority -- inaudible -- was the
11 department -- inaudible."

12 Who was in charge of that committee? That's my question.

13 A. [10:11:27] Mr Yéo Kolotchoma, Mr Dosso Mamadou, Mr Sylla Aboubakary and
14 myself. There was also Dr Keita, who was a member of the committee. I don't
15 remember the names of the other members of the committee.

16 Q. [10:11:45] Very well. Then you go on at page 62, lines 23 to say the following in
17 answer to this question:

18 "Now let's hop back to your activities in the comité de survie in Abobo. Did, apart
19 from identifying victims, did the committee do anything else? Did it provide
20 material support to the victims as well?

21 Answer: Yes. This is the time to say so because the mayor, who was at the Golf,
22 was also assisting his people."

23 Now my question is the following: Do you mean here that the mayor who was at
24 the Golf was helping the comité de survie?

25 A. [10:12:34] Yes. He was assisting us.

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1 Q. [10:12:42] You have just talked about Sylla Aboubakary. Can you just tell us
2 whether you know his qualifications. What did he used to do? What was his job?
3 Was he working at the mayor's office? Did he hold a specific position?

4 A. [10:12:56] I don't know, Counsel.

5 Q. [10:12:57] Very well. Do you know if Sylla Aboubakary also owned his own
6 NGO, his own association?

7 A. [10:13:09] I know that he had an NGO called Jeruci.

8 Q. [10:13:15] Very well. Do you remember -- by the way, what does Jeruci stand
9 for?

10 A. [10:13:22] I don't know.

11 Q. [10:13:23] Now, I would like to show you a document, CIV-OTP-0071-2195,
12 tab 68 on our list of materials. Sorry, I'm mistaken, the number is wrong. I'll show
13 you a redacted version of the document. It's CIV-OTP-0071-2195. It's a redacted
14 version of the document. I have a hard copy of the document. It might be easier to
15 use it.

16 THE COURT OFFICER: [10:14:32] (Interpretation) Thank you. Because we don't
17 have a redacted version in eCourt.

18 MS NAOURI: [10:14:40] (Interpretation) I'm being informed that the redacted
19 version is D -- sorry. D15-004-2912, page 2913. But I have a hard copy of the
20 document which can be handed to the witness.

21 PRESIDING JUDGE TARFUSSER: [10:15:26] Mr MacDonald.

22 MR MACDONALD: [10:15:28] We're just trying to understand, because when the
23 object was -- the material, that page was disclosed, it was disclosed unredacted.
24 Now, maybe the Defence can tell us why redactions have been applied before this
25 document is being shown to the witness, because we are not following.

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1 PRESIDING JUDGE TARFUSSER: [10:15:51] Well, I do not know.

2 Who is -- are you redacting now?

3 MS NAOURI: [10:15:54] (Interpretation) Yes, we redacted in order to protect the
4 identity of the person through whom this document was produced into evidence,
5 because this came in under *Rule 68(2)(b) as an annex to his certification. And there
6 is material identifying that person in that material. And we redacted it because so
7 far we don't know whether the witness will be protected or not, whether the person
8 will be protected or not. So to avoid disclosing their identity, we redacted it in order
9 to protect that witness's identity, the witness who provided us with this information.

10 MR MACDONALD: [10:16:37] Your Honours, I appreciate the protective measures.
11 Maybe we can go and show this document in private session, because there is maybe
12 one initial that cannot be made public. But when asking questions, we don't know
13 the provenance, the witness doesn't know the provenance of this, so it's fine; we can
14 ask questions without redacting. I think we're going steps further.

15 But I appreciate the due diligence of my colleagues. What I am trying to say is the
16 original can be shown to the witness. There is no issue if it's done confidentially.

17 PRESIDING JUDGE TARFUSSER: [10:17:19] But excuse me. But if the witness, if
18 the witness is not a protected witness, where is the problem? I do not understand.

19 MR MACDONALD: [10:17:26] It's because we're referring -- in order to be able to
20 fully explain, the witness cannot understand what I would have to say, in order not to
21 influence the witness. So I think there is an easy solution. My colleague can ask
22 questions. The document can be shown unredacted if it is done confidentially.

23 PRESIDING JUDGE TARFUSSER: [10:17:55] Yes. Excuse me, but if the question
24 put to the witness has nothing to do with the part which is redacted, then where is the
25 problem?

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1 So I think you should go ahead.

2 MS NAOURI: [10:18:13] D'accord.

3 PRESIDING JUDGE TARFUSSER: [10:18:15] I can imagine that the redactions do
4 not influence in any way. It's about something else on the document --

5 MS NAOURI: [10:18:22] Bien sur.

6 PRESIDING JUDGE TARFUSSER: [10:18:24] -- because otherwise it would be not
7 very intelligent to redact it.

8 Okay. Please go ahead.

9 MS NAOURI: [10:18:29] (Interpretation) Of course. Thank you. Thank you, Mr
10 President.

11 Q. [10:18:36] Now, Madam Witness, do you see the document?

12 A. [10:18:39] Yes, Counsel, I can see the document.

13 Q. [10:18:45] Very well. Can you look at the flip side of the document. And have
14 you ever seen this type of appointment format or form for the JERUCI organisation?

15 A. [10:19:13] No, Counsel.

16 Q. [10:19:17] Did you know that within the framework of JERUCI, Sylla gave
17 appointments to victims and interviewed them?

18 A. [10:19:28] I don't know, Counsel.

19 Q. [10:19:30] Very well. Did Sylla give you, that is you, the survie, comité de
20 survie? Did he give you information that through his association JERUCI he had
21 collected such information?

22 A. [10:19:51] I don't know whether we are talking about the same person because,
23 you know, at home, the word -- the name Sylla Aboubakary, well, I did proceed to
24 identify a number of victims, and I handed the material to Sylla Aboubakary.

25 Maybe he had an NGO. The stamp that I see here, I'm seeing it for the very first

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1 time.

2 Q. [10:20:17] Very well. Now, the computer which Sylla used and which you
3 talked about yesterday at page 56, at line 16, when you were asked where the
4 information was, you said it was with Sylla Aboubakary. It was taken to him
5 because he had a computer. Mr Sylla *Aboubakar... - something - handed over.

6 Now, my question is as follows: Sylla's computer, who did that computer belong to?
7 Was it Mr Sylla's computer or the computer of the comité?

8 A. [10:20:56] It was Mr Sylla's computer.

9 Q. [10:20:59] Thank you. Madam, I would like us to revisit briefly the list of
10 victims that you handed over to the investigators of the OTP, and I would like --

11 PRESIDING JUDGE TARFUSSER: [10:21:14] Briefly. You said --

12 MS NAOURI: Oui.

13 PRESIDING JUDGE TARFUSSER: Briefly, because you're far over.

14 MS NAOURI: [10:21:14] (Interpretation) Yes, yes, Mr President. Yes, you're right,
15 Mr President. It's my last point.

16 Q. [10:21:20] Now, page 1, or the first page I would like us to quickly look at
17 together, is CIV-OTP-0032-0054-0023. I take it that it will soon be displayed so that
18 we can look at it together.

19 Do you need the ERN of the document? Thank you.

20 Now, Madam Witness, we will zoom in a little bit. And on this page there are a
21 number of names. For example, the fourth name from the top, Kouadio Adjoua
22 Charlotte. Can you tell us where that name comes from?

23 PRESIDING JUDGE TARFUSSER: [10:23:14] What do you mean where the name
24 comes from? Comes from?

25 MS NAOURI: [10:23:21] (Interpretation) The origin, the origin of that name. The

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1 Representative of Victims used a number of names and asked about the origin of the
2 names.

3 PRESIDING JUDGE TARFUSSER: The north, the south, the east, west? Okay,
4 okay.

5 MS NAOURI: (Interpretation) Yes, that's what I mean.

6 THE WITNESS: [10:23:38] (Interpretation) Can I answer? It's a name from the
7 centre of Côte d'Ivoire.

8 MS NAOURI: [10:23:44] (Interpretation)

9 Q. [10:23:45] What ethnicity?

10 A. [10:23:46] Baoulé.

11 Q. [10:23:48] If we take Kouamé Affoué?

12 A. [10:23:56] Baoulé, RHDP.

13 Q. [10:24:01] On this page do you see any names that are not Baoulé or Akan?

14 A. [10:24:12] I can see Akan names on the sheet.

15 Q. [10:24:18] Last question, Madam Witness. On this list, the entire list that you
16 handed over to the OTP, there is no narration of what happened to the witnesses; is
17 that correct?

18 A. [10:24:38] I don't understand your question.

19 Q. [10:24:40] Let me rephrase. There is a black box and these items are redacted.
20 I don't know what is in that redacted area. I just want to --

21 THE INTERPRETER: [10:24:50] Overlapping speakers.

22 MR MACDONALD: Objection, objection, objection. We stated on record --

23 PRESIDING JUDGE TARFUSSER: [10:24:54] Please, let one finish to read so we have
24 the whole transcript. Then I give you the floor. Then you can make objections.
25 It's just for a matter of having a straight record, please.

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1 So I don't know if everything is now on the record.

2 THE INTERPRETER: [10:25:14] The interpreter didn't get the last part of the
3 question.

4 PRESIDING JUDGE TARFUSSER: [10:25:18] "I don't know what is in that redacted
5 area. I just want to --"

6 MR MACDONALD: [10:25:22] Confirm that it's not an account of victims. That's
7 what was said.

8 PRESIDING JUDGE TARFUSSER: [10:25:26] Yes, I was asking Madam Naouri.

9 MS NAOURI: [10:25:28] (Interpretation) Thank you, Mr President. In fact, the
10 witness has talked about witness statements, and she said several times that she
11 submitted several items of evidence relating to the witnesses she talked about. So
12 we wanted to understand whether this is the only document that was handed over,
13 because parts of this document are redacted, and information relating to those
14 persons is unknown to us.

15 PRESIDING JUDGE TARFUSSER: [10:25:59] Mr Prosecutor.

16 MR MACDONALD: [10:26:00] We clearly stated on record, your Honour, that what
17 is redacted which looks like, indeed -- visually, a lot of information is on each line.
18 You have a contact detail in the form of a mobile phone number of victims as you can
19 see in the unredacted version. So there are no --

20 PRESIDING JUDGE TARFUSSER: [10:26:20] I can imagine that underneath there is
21 no narrative, of course.

22 MR MACDONALD: [10:26:25] There is obviously no narrative.

23 PRESIDING JUDGE TARFUSSER: [10:26:28] Of course. So ...

24 MS NAOURI: [10:26:34] (Interpretation) Very well, last question, Mr President.

25 PRESIDING JUDGE TARFUSSER: [10:26:41] This is the third time of the last

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1 question, okay.

2 MS NAOURI: [10:26:42] (Interpretation) The very, very last, the very last.

3 Q. [10:26:47] Now, Madam Witness, you did not provide any material whatsoever
4 on the narration or the narrative of the victims, did you?

5 A. [10:26:55] This is the list that I handed over.

6 Q. [10:27:02] Very well. Thank you, Madam Witness.

7 MR ALTIT: [10:27:03] (Interpretation) Mr President, your Honours, that brings to
8 an end our examination of this witness on behalf of Laurent Gbagbo's Defence team.

9 PRESIDING JUDGE TARFUSSER: [10:27:11] Thank you very much.

10 Now, Madam Witness, I give the floor to the Defence for Mr Gbagbo, and to that
11 effect, Mr Knoops.

12 MR KNOOPS: [10:27:22] Good morning, Mr President. Mr Zokou will conduct the
13 examination on behalf of our team. Thank you.

14 PRESIDING JUDGE TARFUSSER: [10:27:29] Thank you very much.

15 Maître Zokou.

16 MR ZOKOU: [10:27:45] (Interpretation) Good morning, your Honours.

17 QUESTIONED BY MR ZOKOU: (Interpretation)

18 Q. [10:27:54] Good morning, Madam Witness.

19 A. [10:27:56] Good morning, Counsel.

20 Q. [10:27:58] I am Maître Zokou Séri, a member of Mr Charles Blé Goudé's Defence
21 team, and it is my task today to put a number of questions to you.

22 Now, Madam Witness, you made mention of the demonstration of 24 and 25
23 March 2004.

24 A. [10:28:26] Yes, Counsel.

25 Q. [10:28:29] And in relation to this demonstration, I would like to ask you this:

1 When was the RHDP set up?

2 A. [10:28:52] I no longer remember the date on which it was established.

3 Q. [10:29:03] In your statement -- correction. In your testimony yesterday, and I
4 refer to the realtime transcript, page 11, lines 8 and 9, you said that it was a march
5 organised by the RHDP, the rassemblement des Houphouëtistes?

6 A. [10:29:33] Yes, Counsel.

7 Q. [10:29:34] And yet, Madam Witness, we know that the RHDP was created
8 in 2005. So how is it that you say that the RHDP organised the march in the
9 year 2004?

10 A. [10:29:53] It was an RHDP march. There were alliances, even though it wasn't
11 official, but there were alliances. So the march was organised by the RHDP.

12 Q. [10:30:08] So it was a march that was organised as part of an alliance, not by the
13 RHDP?

14 A. [10:30:20] It was organised by the RHDP.

15 Q. [10:30:24] Now, this march, do you remember that the day before the march, just
16 beforehand, the authorities prohibited the march saying that there was serious risks
17 and there could be serious impact on public safety? Do you remember this ban?

18 A. [10:30:59] I don't remember that, Counsel.

19 Q. [10:31:04] You don't remember the minister of the interior appearing on
20 television and providing information and mentioned the government's concern and
21 said that the march should not go on, should not go forward?

22 A. [10:31:19] I said that I did not watch the RTI television. I've said that.

23 Q. [10:31:27] Very well. Now, given these events and in relation to these events,
24 you said yesterday that Mi-24s shelled a number of supporters, fired upon them.
25 And I will quote more specifically what you said. Page 8, lines 14 to 16, you said

1 that initially, "As I told you, they fired upon the Anyama commune and
2 neighbourhood and the Anonkoua neighbourhood." And later on you say, page 85,
3 lines 2 to 10, you said when you were asked about the Mi-24s, when you were asked
4 whether you had seen them yourself that day, you said, "Yes, when an airplane flies
5 over, you see it. *They fired upon the Anonkoua-Kouté people, our supporters who
6 came from Anonkoua-Kouté and from Anyama."

7 So my question is this, ma'am, knowing, or at least -- well, when you saw those
8 aircraft, where were you?

9 A. [10:32:59] I was in the neighbourhood.

10 Q. [10:33:02] More specifically?

11 A. [10:33:05] Clouetcha.

12 Q. [10:33:06] So you were in Clouetcha. And knowing that in Anyama and
13 Clouetcha, considering that these two places, well, that Clouetcha is located more
14 than 10 kilometres away, 11 kilometres, and Anonkoua-Kouté is at least 6 kilometres
15 away from where you were, you can say to this Chamber that you saw Mi-24s firing
16 upon supporters? Can you say that to the Chamber?

17 A. [10:33:41] Counsel, I told you that I saw the aircraft fly over. But, you see, I
18 saw people who had been injured, people who had been shelled by the Mi-24.
19 Youssouf, for example, who lost both legs, Youssouf Konaté *from Anyama. I didn't
20 see the actual shelling, but I saw the victims of this shelling by the Mi-24s.

21 Q. [10:34:10] Thank you. Now, if we could now turn to the march of 16
22 December 2010, and to this end I would like to ask for a document to be called up and
23 placed on the screen. CIV-OTP-0064-063, and this is tab 72 on our list of materials.
24 And so if we could view from 00.21.10 to *00.25.06. And as for the transcript, this
25 can be found at CIV-D15-0056-001.

1 Could we please have control over the channel.

2 THE COURT OFFICER: [10:35:52] The Defence has the floor, evidence channel 2.

3 And it's a public video.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [10:36:36] Sight translation: (Interpretation of the video
6 excerpt)

7 "We can clearly see what has happened. But until when? The families of the
8 officers who died during the march were visited by the minister of the interior, who
9 expressed the compassion of the government.

10 Explanations from Brice Dagou. Brice Dagou: An RHDP march regarding the
11 installation or the inauguration of a new DG at the RTI on this crazy day of 16
12 December 2010.

13 The demonstration had been described as that it was going to be peaceful and it was
14 going to follow democratic standards. But when things got started, it was a
15 completely different story: Barbaric acts, unheard of violence, major physical
16 damage, people seriously injured and, above all, a number of men lost their lives.
17 A bloody account of this march, which was supposed to be a peaceful one, at least 20
18 people killed, including 10 FDS agents. This is unfortunately only a temporary
19 count.

20 One of the people killed was a student, a non-commissioned police officer, who died
21 during the fighting in Yamoussoukro, as well as three young NCOs from the
22 2008-2009 year serving at the CRS2 based in Marcory, shot down in cold blood while
23 on duty by the rebels at Abobo PK18 on the Anyama road.

24 Émile Guiriéoulou: Mr Patrick Achi dared to say on Africa 24 that our officers were
25 killed and had been killed at their request because they were Liberians. You have

1 just seen everything with us. You have gone around with us and you have seen,
2 these are people from Côte d'Ivoire. The number of our police officers who were
3 murdered savagely, they have to take responsibility, the people who issued the orders
4 and who promised these killings.

5 In a country where the rule of law prevails, you cannot give people weapons so that
6 they can attack law enforcement officers and strut about like peacocks in front of the
7 international media and tell lies.

8 Brice Dagou: Sedi Ahi Ignace, killed by the rebels in Yamoussoukro, as well as his
9 elders and other NCO officers, Yao Bi Hona André, Yada Blessé Jean-Baptiste, and
10 Touré Sinenan Ibrahim, the minister of the interior, pays respect to these men and
11 pays tribute to their memory.

12 The minister of the interior was with the minister of solidarity and social affairs, Anne
13 Gnahouret, during the visit, former ambassador of Côte d'Ivoire to Mexico, as well as
14 controller general Bredou M'Bia, director general of the national police, and a number
15 of those working closely with him."

16 MR ZOKOU: [10:40:54] (Interpretation)

17 Q. [10:40:56] Madam Witness, now, before I ask you a question, I would like to
18 remind you of your statement, page 21 of the transcript. And you were asked about
19 the demonstrators, and you said this, "When we went out we were not armed. We
20 had no weapons. We, the demonstrators, had no weapons. When you claim
21 responsibility for something or when you say something, we were not armed. We
22 were not armed."

23 Do you still maintain that your demonstrators were not armed on the 16th?

24 A. [10:41:39] They were not armed.

25 Q. [10:41:42] Very well. And you did not learn as a municipal councillor that

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1 some police officers were set on fire, burnt to death in their premises *with relatives, on the same day?

2 A. [10:42:15] I did not hear of any such thing, Counsel.

3 Q. [10:42:21] Ma'am, I would like to ask you something else. Now, you were in
4 Côte d'Ivoire during the entire crisis, from 2002 until the end of the post-election
5 crisis?

6 A. [10:42:39] Yes, I was there. I did not leave the country.

7 Q. [10:42:43] Very well. And during this entire period, ma'am, did you have any
8 knowledge of crimes, victims, massacres, in particular, the *dancers from Adjanou, in
9 Bouaké? Could you respond?

10 A. [10:43:14] No, Counsel.

11 Q. [10:43:15] The gendarme from the Bouaké, 87 gendarmes?

12 A. [10:43:22] No.

13 Q. [10:43:22] The massacre of Petit Duékoué et Guitrozon, you never heard about
14 those killings?

15 A. [10:43:30] No, Counsel.

16 MR ZOKOU: [10:43:31] I'd like for some other video footage to be shown, if that is
17 possible. *CIV-D15-0001-3931. This is number 58 on our list, and the transcript is
18 CIV-D15-0004-1467. If that footage would be played. And the time code is 00.09
19 to 00.27. If we could have control over that evidence channel please.

20 THE COURT OFFICER: [10:44:24] Defense has the floor, evidence channel 2.

21 THE INTERPRETER: [10:44:38] Sight translation of CIV-D15-0001-3931.

22 THE COURT OFFICER: [10:44:47] And a public video, of course.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [10:44:59] (Interpretation of the video excerpt)

25 "The neighbourhood is now a ghost village. Here, the houses were looted before

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1 being torched, and grisly discoveries are being made every day.

2 Unidentified individual: A man was thrown into this well."

3 MR ZOKOU: [10:45:39] (Interpretation)

4 Q. [10:45:40] Madam Witness, have you already seen this particular footage
5 anywhere?

6 A. [10:45:46] No.

7 Q. [10:45:47] It wasn't on the RTI?

8 A. [10:45:49] I said no, Counsel.

9 Q. [10:45:52] Is that to say that you never heard about the Duékoué massacre, when
10 at least 800 people were killed by the FRCI?

11 PRESIDING JUDGE TARFUSSER: Mr MacDonald.

12 MR MACDONALD: [10:46:12] It would be nice if my colleague could provide dates
13 for each incident he's referring to.

14 PRESIDING JUDGE TARFUSSER: [10:46:17] Yes, I would also ask because -- yes.

15 MR MACDONALD: [10:46:20] Because some of the earlier ones that were
16 mentioned were in 2004.

17 PRESIDING JUDGE TARFUSSER: [10:46:24] Yes, yes, okay.

18 MR MACDONALD: [10:46:26] And to situate the witness. Thank you.

19 PRESIDING JUDGE TARFUSSER: [10:46:30] Maître Zokou.

20 MR ZOKOU: [10:46:43] (Interpretation)

21 Q. [10:46:44] The Duékoué massacre between 27 and 28 March 2011, you never
22 heard about those killings?

23 A. [10:46:54] No.

24 Q. [10:46:55] Very well. So you don't know whether there were any judicial
25 proceedings begun by the new authorities in relation to those events?

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1 A. [10:47:13] I don't remember.

2 Q. [10:47:14] Very well.

3 MR MACDONALD: Your Honours.

4 PRESIDING JUDGE TARFUSSER: [10:47:17] Mr MacDonald.

5 MR MACDONALD: [10:47:20] We're using the fact that this witness is a member of
6 a political party to try to attack and politicise the actions of the current government --

7 PRESIDING JUDGE TARFUSSER: [10:47:37] No.

8 MR MACDONALD: [10:47:38] -- as to crimes that could have been committed in the
9 past. That can also be denoted by the tone by which the questions are being asked
10 by the Defence. Therefore, I would kindly request that --

11 MR ZOKOU: [10:47:53] Your Honour, your Honour, the witness, the witness --

12 PRESIDING JUDGE TARFUSSER: [10:47:56] No. Please, Maître Zokou, I would
13 ask you to let the Prosecutor finish.

14 But I have understood what you think, and I do not agree. I don't interpret the tone,
15 I must say. I don't interpret the tone.

16 Ask straight questions and you will have answers. And obviously we are talking
17 about a witness who has a role in the community. Please, go ahead, but with the
18 natural politeness towards the witness, okay.

19 MR ZOKOU: [10:48:27] (Interpretation) Thank you, your Honour. If you will
20 exempt me from my duty to respond to the Prosecutor.

21 PRESIDING JUDGE TARFUSSER: [10:48:52] I do exempt you from your duty. I
22 forbid you to respond to the Prosecutor, I would say.

23 MR ZOKOU: [10:48:59] (Interpretation)

24 Q. [10:49:07] Madam Witness, I would like us to be very careful. I will be
25 mentioning someone, but I do wish to raise the issue of your son, the one who

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1 enlisted. What was he doing before that? He had no job in particular at the time of
2 the events, no occupation?

3 A. [10:49:48] He had just got his BT in ouvrage métallique.

4 Q. [10:49:59] And when he enlisted, you had contact with him? Did you have
5 news of him?

6 A. [10:50:09] Your Honour, could we not talk about my son right now.

7 PRESIDING JUDGE TARFUSSER: [10:50:20] Well, I would also -- I would also say
8 we don't talk about her son. Put questions about the facts. Please, no. Please, go
9 ahead.

10 MR N'DRY: [10:50:37] Your Honour, your Honour, please. Your Honour.

11 PRESIDING JUDGE TARFUSSER: Maître N'Dry.

12 MR N'DRY: Please, could we ask the witness to leave the courtroom. This is very
13 important. Could the witness be asked to leave the courtroom.

14 PRESIDING JUDGE TARFUSSER: [10:51:00] Madam Prosecutor.

15 MS BERDENNIKOVA: [10:51:02] Your Honours, may we just suggest to go into
16 private session, simply.

17 PRESIDING JUDGE TARFUSSER: [10:51:06] Can you please leave the courtroom.
18 Can you bring the witness out, court usher. Thank you.

19 (The witness stands down)

20 PRESIDING JUDGE TARFUSSER: [10:51:42] Maître N'Dry.

21 MR N'DRY: [10:51:46] (Interpretation) Your Honours, of course we defer to the
22 decision you will be taking, because naturally you are the masters of this Court.

23 And, your Honour, I do have to say that it is not up to a witness to decide what issues
24 are going to be dealt with or what issues are not going to be dealt with in front of this
25 bench.

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1 Frankly speaking, what is more, when the questions we want to ask are essential to
2 this case, your Honour, we can go into private session. I completely agree with you.
3 But the Defence cannot be banned from putting certain questions on the basis of what
4 is --

5 PRESIDING JUDGE TARFUSSER: [10:53:01] Well, excuse me. I can hear that you
6 want to suggest that the Defence was banned to put some questions or not. Are you
7 suggesting this, that until now, the Defence was banned to put questions?

8 MR N'DRY: [10:53:15] (Interpretation) Your Honour, your Honour, have I
9 misunderstood? When the witness was saying that she did not wish us to talk about
10 her son and the --

11 PRESIDING JUDGE TARFUSSER: [10:53:29] Publicly, publicly.

12 MR N'DRY: [10:53:31] (Interpretation) Okay, okay.

13 PRESIDING JUDGE TARFUSSER: Publicly.

14 MR N'DRY: (Interpretation) Okay, okay. No problem.

15 PRESIDING JUDGE TARFUSSER: That's what she said.

16 MR N'DRY: (Interpretation) We will go into private session then.

17 PRESIDING JUDGE TARFUSSER: [10:53:42] Let's bring the witness in again.

18 (The witness enters the courtroom)

19 PRESIDING JUDGE TARFUSSER: [10:54:35] And I think we could also break now
20 before we start, or not?

21 Pardon? Speak. Speak.

22 MR ZOKOU: [10:54:46] It was my last question, Mr President.

23 PRESIDING JUDGE TARFUSSER: [10:54:48] Okay. I didn't know. I thought it
24 starts another.

25 So we go into private session for this topic, for this issue

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- 1 (Private session at 10.55 a.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Open session at 10.58 a.m.)

10 THE COURT OFFICER: [10:58:20] We are in open session.

11 And the video will be public.

12 MR ZOKOU: [10:58:27] (Interpretation)

13 Q. [10:58:33] This is CIV-OTP-0061-0558. And this is 70, number 70 on our list of
14 materials, CIV-D25-0046-0136, time code 00.09.54 to 12.23, please.

15 THE COURT OFFICER: [10:59:09] You have the floor, evidence channel 2.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [10:59:19] (Interpretation of the video excerpt)

18 "Sunday to Monday night was a ghastly night for the inhabitants of Anonkoua, a

19 commune in Abobo. The village was attacked by rebels and several people were

20 killed and injured. The images are difficult and quite sensitive. Please beware.

21 Terror hanging over Anonkoua-Kouté village in Abobo commune. Cut arms,

22 women burnt alive, and, according to various testimonies, other victims were

23 slaughtered and their dead bodies evacuated before the services, the relevant services

24 arrived. This deadly macabre took place in the night of Sunday to Monday by the

25 terrorists of the Commando Invisible belonging to the Ouattara camp. They arrived

1 in the Ébrié village and without any attention, without any opposition, went on to
2 commit these gruesome crimes.

3 They burnt down everything. They slaughtered people. They killed people. They
4 burnt houses. Everywhere, everything was targeted, everything is burnt. And, as
5 you can see, from yesterday, everything has gone wrong. I can only rely on the
6 doctors and people of Côte d'Ivoire. My arm has been cut off. My arm.

7 They started to break down doors and said that they were looking for weapons.

8 They asked us to go out. They broke down our doors. And then they asked me,

9 "Where are the weapons hidden?" And I said I don't know. Then they asked me to
10 lie down. They removed my clothing, and one of them shot me here, here, here, as
11 you can see, as you can see.

12 And this is where they stabbed me with a machete, and they said that if I did not
13 comply, they would kill me.

14 Currently, vulnerable persons from elders and the young are being evacuated by
15 military authorities to secure areas. The government of the Republic of Côte d'Ivoire
16 again denounces such gruesome acts." (Closed session)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Recess taken at 11.02 a.m.)

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

22 THE COURT USHER: [11:33:02] All rise.

23 Please be seated.

24 PRESIDING JUDGE TARFUSSER: [11:33:18] Good morning once again.

25 I realise that things have settled a little bit, that Mr Blé Goudé is okay and that we can

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1 continue. Therefore, I give again the floor --

2 Madam Witness, you're okay?

3 THE WITNESS: [11:33:44] (Interpretation) Yes, Mr President.

4 PRESIDING JUDGE TARFUSSER: [11:33:48] So I give again the floor back to Maître
5 Zokou.

6 MR ZOKOU: [11:33:53] (Interpretation) Thank you, Mr President.

7 Q. [11:33:58] Madam Witness, we just have a little way to go. We'll not be long.

8 The video which we watched a short while ago, according to our principles here, I
9 have to ask you whether you have seen this video before, whether it be on TV or on
10 social media; have you ever seen it before?

11 A. [11:34:21] I have heard about it but I didn't watch it on TV.

12 Q. [11:34:31] So you heard that the population had been massacred
13 Anonkoua-Kouté?

14 A. [11:34:44] I know that the village was attacked, but I don't know by whom.

15 Q. [11:34:51] Very well. So we agree that Anonkoua-Kouté is in Abobo.
16 Previously, you talked about identifying victims through your association and
17 various other associations. Now, the victims of Anonkoua-Kouté, were they able to
18 register their applications with you or with other associations or with the mayor's
19 office?

20 A. [11:35:33] I don't know, Counsel. I don't remember.

21 Q. [11:35:40] Thank you, Madam Witness. That will be all. I wish you a safe trip
22 back to our dear country Côte d'Ivoire.

23 A. [11:35:50] Thank you very much, Counsel.

24 MR ZOKOU: [11:35:52] (Interpretation) Mr President, your Honours, that will be
25 all.

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1 PRESIDING JUDGE TARFUSSER: [11:35:57] Thank you very much. Now I request
2 the Office of the Prosecutor if there is a request for re-questioning. Sorry about this
3 mixture.

4 MS BERDENNIKOVA: [11:36:11] Your Honours, we have no re-examination.
5 Thank you.

6 PRESIDING JUDGE TARFUSSER: [11:36:13] Thank you very much.
7 So I can tell you, Madam Witness, that your testimony is over. Thank you for having
8 been here at the International Criminal Court to answer the questions put to you by
9 the parties. I wish you a safe trip back home to your family, to your country and to
10 your activities. Thank you very much for having been here.
11 The court usher can now --

12 THE WITNESS: [11:36:50] You (Interpretation) Thank you very much, Mr
13 President.

14 PRESIDING JUDGE TARFUSSER: [11:36:58] You're welcome.
15 Yes, please, can you accompany out the witness.
16 Thank you also to the psychologist. Thank you.

17 (The witness is excused and exits the courtroom)

18 PRESIDING JUDGE TARFUSSER: [11:37:12] And I give now the floor as said in the
19 morning to Maître Altit, who requested it.

20 MR ALTIT: [11:37:22] (Interpretation) Thank you, Mr President. Mr President,
21 your Honours, Professor Jacobs will be addressing the Chamber on behalf of
22 Laurent Gbagbo's Defence team.

23 PRESIDING JUDGE TARFUSSER: [11:37:41] Mr Jacobs.

24 MR JACOBS: [11:37:45] (Interpretation) Good morning, Mr President. Good
25 morning, your Honours.

1 This morning Laurent Gbagbo's Defence would like to bring two items to your
2 attention relating to recent disclosures from the OTP. The first item is that the
3 Prosecutor sent on 1 December to the Defence teams, that is, just a few days before
4 P-410 is heard, *courtesy copies of pictures that were obtained from the witness the
5 day before, 18 of them in number. Sixteen are photographs in colour but which are
6 not of good quality in relation to the discussions we will have tomorrow.

7 And some of them are not included in the report but relate to persons that will be
8 examined. These photographs were formally disclosed to us yesterday.

9 The Prosecutor does not explain why these photographs were not obtained from the
10 witness earlier, because obviously the photographs in the report are of poor quality.

11 The Prosecutor could have obtained them earlier from the witness in order to
12 determine whether the originals were available and proceed to obtaining them,
13 particularly given that the medical report is four years old.

14 We could also have expected the witness to provide these materials to the Prosecutor
15 of his own initiative. Therefore, as a matter of principle it is too late for these
16 materials to be entered into the case file as evidence.

17 However, given that these photographs are directly related to the medical report
18 which we will be talking about tomorrow and which are mostly already in the report
19 but of not good quality, exceptionally, the Defence does not object to the use of such
20 material with P-410 and are tendered into evidence through that witness. That's the
21 first point, Mr President.

22 Second point, Mr President, your Honours, is that the Prosecutor disclosed to Defence
23 on 1 December 2017 as well a report from one of his investigators on the chain of
24 custody relating to some medical reports from October 2013 which are included in the
25 medical report. For the record, the ERN number of the report is CIV-OTP-0102-0442.

1 A few points. This late disclosure raises a number of problems. First, the
2 investigator's report based on investigations conducted 2013 is dated 1
3 December 2017 without providing any reasons as to why there is such a discrepancy
4 in time.

5 Secondly, the report provides information on the chain of custody of the documents
6 which were unknown to the Defence but which would have been quite useful if they
7 had been disclosed earlier. For example, the report explains the role of Eric Baccard
8 in the chain of custody of these documents. If we had known, we would have had
9 the opportunity to examine him in relation to these documents and we did not do so.
10 Furthermore, the disclosed information contradicts the chain of custody, contradicts
11 the chain of custody of the documents in Ringtail. The report indicates that the
12 reports were collected directly by a member from the hospital, whereas the report
13 indicates that it is the witnesses themselves who provided the OTP with the reports.
14 With this kind of information, Defence would have been in a position to meaningfully
15 examine witnesses in that regard. Obviously, it is too late to do so now.

16 Laurent Gbagbo's Defence requests of the Chamber to consider that the OTP did not
17 disclose relevant information in a timely manner before this witness was called.

18 Secondly, to recall the OTP of its duty to disclose all material relevant to the Defence,
19 and this was obviously not done in spite of the assurances provided by the OTP in
20 this regard. I thank you, Mr President.

21 PRESIDING JUDGE TARFUSSER: [11:42:58] Thank you.

22 The floor goes to the other Defence team. Mr Knoops.

23 MR KNOOPS: [11:43:06] Thank you, Mr President. We support the observations
24 made by the team of Mr Gbagbo, and in light of the report which was first disclosed
25 to us on 1 December of the OTP investigators concerning the chain of custody, we

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1 also would like to put on the record that our team reserves the right to recall Mr
2 Baccard based on the investigator's report, which apparently gives a different view as
3 to the collection of medical documents. Thank you.

4 PRESIDING JUDGE TARFUSSER: [11:43:47] Well, the Defence can always recall for
5 their purposes witnesses which have been already examined.
6 Legal representatives.

7 MS MASSIDDA: [11:44:00] We have no observation, your Honour. Thank you.

8 PRESIDING JUDGE TARFUSSER: [11:44:04] Thank you very much.
9 Prosecutor.

10 MR MACDONALD: [11:44:09] Thank you, your Honour. The issue of the
11 documents in question are the following: X-rays and comptes rendus, which were
12 indeed disclosed on the colour copies of the x-rays, that is, on 1 December as a
13 courtesy copy and then formally in Ringtail format on the 4th.

14 There was a report from an investigator which also was disclosed to the Defence on
15 the chain of custody of these same documents. What prompted the Prosecution to
16 look further into this is indeed the metadata. If you allow me just a second, please.
17 Just a second.

18 (Discussion off the record)

19 MR MACDONALD: [11:45:50] I just want to make sure I get this right. So if you'll
20 allow me just a second, your Honour.

21 (Counsel confer)

22 MR MACDONALD: [11:46:04] My colleague will give the factual details and then
23 we'll come back, your Honour, as to, well, I mean, as to the comments made in
24 relation to the impact this may have on the Defence preparation, which, we will
25 submit, does not impact for reasons we'll explain. Thank you.

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1 MS PACK: [11:46:24] Thank you very much, Mr President, your Honours.
2 Just to deal with, yes, just to clarify Mr MacDonald's submissions on the material that
3 was disclosed late last week, as my friend indicated, it was colour copies of
4 photographs, firstly, photographs which appear in the reports of this expert, bar 2,
5 which, as I recall, don't appear in the report but aren't relied on by the Prosecution.
6 So it's colour copies of photographs in the report, as my friend said.
7 Then the second document is an investigator's report which relates to the chain of
8 custody of medical records retrieved from Abidjan and then brought to The Hague.
9 So that is to clarify what the material in fact is. And I think then I can just hand over
10 then to Mr MacDonald to conclude his submission, but that's the material. Thank
11 you.

12 MR MACDONALD: [11:47:26] So, your Honours, essentially, what happened is that
13 alleged victims were met by Witness 410 in Abidjan to be examined. X-rays were
14 then conducted in Abidjan which were subsequently given to the Prosecution, to the
15 investigator that drafted that report, who handed those x-rays to the forensic section
16 of the office of the OTP led, indeed managed, by Mr Baccard.
17 Then that unit sent those x-rays to the expert, which then he has in his report. The
18 material came back and then was registered, was on CD ROM and registered, in the
19 Prosecution's database.
20 Now, what prompted us to go and look at this is, yes, when there was an examination
21 of Witness 404 in the last week, when there is this issue of the metadata, that the
22 witness -- and she was questioned on that -- the witness was given x-rays, would have
23 given x-rays to the office, the investigator --
24 (Counsel confer)

25 MR MACDONALD: [11:49:22] This was given in private session, your Honour.

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1 I'm just being reminded that the information was given and also the results of blood
2 tests and so on. So I'll limit myself to that.

3 Now, the investigator in the metadata indicated that the provenance is from the
4 witness. But obviously it was the hospital where the x-rays were taken and then it
5 was handed to the office to that investigator and handed over to the forensic section.

6 So the report is solely on the issue of the chain of custody of these documents. We're
7 sorry for the tardiness, but this was noticed in the metadata of 404 when the Defence
8 was questioning Witness 404 on that very specific issue. So we wanted to clarify that,
9 yes, witnesses had x-rays and blood tests taken in Abidjan at the hospital, the PISAM,
10 if I'm not even mistaken. I think it's the PISAM. And from then on, of course, it
11 was provided to the Office of Prosecutor, who then forwarded these internally to the
12 expert. That's it.

13 In the report, like the Defence just mentioned, these reports or these x-rays are
14 mentioned, are indicated, are their lower quality. So when we found out that we
15 had these copies, we decided to provide them to the Defence. And x-rays show
16 names of witnesses, the dates and everything. So there is no issue about this, their
17 provenance.

18 (Counsel confer)

19 MR MACDONALD: [11:51:33] Again, photocopies -- sorry, your Honours,
20 photocopies of the x-rays. I just want to clarify that.

21 But the point is that the chain of custody of this material -- of course, Dr Bonbled, in
22 order for him to produce his reports, had access to this material. So to our
23 knowledge everything was disclosed. Our intention tomorrow with this witness,
24 your Honour, is to simply have him recognise his reports and then have these reports
25 submitted, limited questions. I know we had foreseen three hours. It's going to be

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1 much faster than that because the reports speak for themselves.

2 So there is no issue, this. It is true that when Mr Baccard was called, the Defence did
3 not have that information, that it went through the forensic section of the office, but it
4 was solely for the purpose of a chain of custody issue.

5 PRESIDING JUDGE TARFUSSER: [11:52:34] Thank you. We will look into it. I
6 must just say that, while we were talking, the filing of the Office of the Prosecutor
7 came in, communication of evidence disclosed in November. And I always wonder
8 what evidence do you still disclose at this stage of the proceedings.

9 MR MACDONALD: [11:52:55] On this --

10 PRESIDING JUDGE TARFUSSER: [11:52:57] I didn't look into it, but ...

11 MR MACDONALD: [11:53:00] Every time, your Honour, everything is detailed.

12 PRESIDING JUDGE TARFUSSER: [11:53:03] Yes. I do understand.

13 MR MACDONALD: [11:53:04] No, no, no. But what it is is transcripts, translations
14 of videos, like we said, we're disclosing them on a rolling basis.

15 (Counsel confer)

16 MR MACDONALD: [11:53:19] And quite often it is lesser-redacted versions of
17 material. Everything is detailed there. This report indeed was drafted on 1
18 December to respond to that issue, because we ourselves found out about it in that
19 context. These things do happen. It's not -- there is nothing that the Prosecution is
20 trying to hide, because, if we wanted to hide, obviously, we wouldn't disclose it. So
21 that's not the issue.

22 The issue is that when we realise that something should have been provided, we're
23 providing it.

24 But I can reassure the Chamber that there are such examples, but most of the evidence
25 that is being disclosed at this stage are lesser-redacted versions following request to

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- 1 the OTP of the Defence in relation to victims' applications in relation to witness
- 2 statements. We liaise with my colleague each time when it deals -- refers to LRV
- 3 material, let's say, and that's what we do.
- 4 But, yes, unfortunately, sometimes we realise that certain things should have been
- 5 disclosed, and we disclose them as soon as we can. Thank you.
- 6 PRESIDING JUDGE TARFUSSER: [11:54:47] Yes. I'd just note that I think that
- 7 things should have been disclosed as of 28 January 2016.
- 8 Thank you very much. The hearing is adjourned to tomorrow morning, 8.30, with
- 9 Witness 410. Thank you very much.
- 10 THE COURT USHER: [11:55:03] All rise.
- 11 (The hearing ends in open session at 11.55 a.m.)