

Trial Hearing
WITNESS: CIV-OTP-P-0564

(Private 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 Friday, 19 January 2018
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:56] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:35:15] Good morning. Bonjour,
15 Madame le témoin.
16 I think we can continue immediately with the questioning by the Defence for
17 Mr Gbagbo. I just would like to have a clarification on the email from
18 yesterday because making calculations, I don't know if the calculations of the
19 timing encompasses also the time we spent yesterday or only the time you
20 need for today.
21 MR ALTIT: [9:35:55] (Interpretation) Good morning, Mr President, your
22 Honours. The email we sent to you on behalf of our team and on Charles Blé
23 Goudé's team is in relation to the time we will need today. But it is possible
24 that we may need less time than indicated in the email. But in order to be
25 very sure, we gave you an approximate timing of about two and a half hours,

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1 but it might be shorter.

2 PRESIDING JUDGE TARFUSSER: [9:36:34] Two and a half hours for your
3 Defence or two and a half -- because it was very nice to have this email, but it
4 was not so clear, to me at least.

5 MR ALTIT: [9:36:55] (Interpretation) Two and a half hours for
6 Laurent Gbagbo's team; one hour 45 minutes for Charles Blé Goudé's Defence
7 team. But again, I must say that our assessment in relation to what the
8 Laurent Gbagbo's Defence team will need is likely going to be less than two
9 and a half hours for our team.

10 PRESIDING JUDGE TARFUSSER: [9:37:18] Yes, okay. It should not exceed
11 what the Prosecution needed for -- but let's go ahead so we can -- remember
12 that we have to discuss all the other issues today within the three hours. This
13 is necessary to be reminded.

14 So this said, I give the floor again to the Defence for Mr Gbagbo to continue the
15 questioning of the witness. Thank you very much.

16 MS NAOURI: [9:37:54] (Interpretation) Thank you, Mr President.

17 WITNESS: CIV-OTP-P-564 (On former oath)
18 (The witness speaks French)

19 QUESTIONED BY MS NAOURI: (Interpretation)

20 Q. [9:38:05] Good morning, Madam Witness.

21 A. [9:38:08] Good morning.

22 Q. [9:38:09] Now let me hop back to how an external examination is
23 conducted, okay? Now, when you carry out an external examination, how do
24 you start it? What is the first thing you do?

25 A. [9:38:24] When we conduct such an examination, we begin by opening

1 the body bag, looking at what is in it, reading the label on the bag, and then
2 determining whether there is one or not. Then once such a bag -- once the bag
3 is opened, we then take note of what its content is. We look at the identity
4 bracelet and try to read what is written on the identity bracelet.

5 Then we proceed to comparing that information with the data on the form
6 from the morgue which came along with the dead body.

7 Thereafter, we conduct the external examination of the entire body, specifically
8 the state of the body. We then go on to draw up an inventory as to whether
9 the body was complete or incomplete in terms of parts, and then we also look
10 at the external condition of the flesh, if possible; and then we also look at the
11 state of putrification, and also then proceed to identify any injuries when
12 possible.

13 Q. [9:39:59] Very well. Thank you, Madam Witness, for giving us those
14 details about the various states of external examinations. *When you conduct
15 an external examination, do you fill out the forms at the same time you are
16 conducting the examination?

17 A. [9:40:17] No, not by the same person because, you see, during the
18 examination, our hands are full of, well, not very clean, so to speak. So we
19 have an internist, or an intern, who assists us, and we have -- or another
20 pathologist who assists us.

21 Q. [9:40:45] The external examination form is filled out at the time of the
22 examination by the pathologist; is that correct?

23 A. [9:40:50] Yes, at the time the pathologist is conducting the examination.

24 Q. [9:40:56] Very well. Now, during the external examination, do you take
25 any samples? If yes, what type of samples?

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1 A. [9:41:11] Yes. If we find any objects, we collect them. If we find any
2 projectiles or any other items like metallic fragments or any other such material,
3 we collect that type of material which may be relevant or important,
4 particularly in relation to the specific body.

5 Q. [9:41:32] Very well. You have just told the Court you would collect
6 projectiles, for example. If you collect bullets or projectiles, what do you do
7 with it after?

8 A. [9:41:45] We put it in a little container, a little bag, which we then forward
9 to the prosecutor for subsequent examination.

10 Q. [9:41:57] Do you receive the results from the prosecution or the technical
11 and scientific police or the forensic police, if they conducted such an
12 examinations?

13 A. [9:42:09] No, we did not receive any such reports.

14 Q. [9:42:12] At page 0005 of your detailed report -- I note you don't have the
15 report before you. I would ask for a copy, a hard copy, of your report to be
16 made available to you.

17 THE COURT OFFICER: [9:42:29] Could we please have the complete ERN
18 number.

19 MS NAOURI: [9:42:35] (Interpretation) Yes, Madam. CIV-OTP-0050-0003.

20 Q. [9:43:10] Madam Witness, at page 005 of your detailed report states as
21 follows: "Under your mission you were supposed to become aware of the
22 results of any scientific and technical reports from persons who may have
23 conducted it as qualified to do so. My question then to you is as follows, why
24 did you not receive such results in relation to the projectiles and the ballistics
25 that you handed to the forensics police?

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1 A. [9:43:56] Because we were asked to submit our reports, the reports of our
2 examinations, at the time we drafted them. We had to submit them. We
3 were not asked to wait for the other results, the results you're talking about.

4 Q. [9:44:17] Very well. Did you subsequently receive those results?

5 A. [9:44:20] No, I did not.

6 Q. [9:44:21] Very well. In one of the forensic reports that you drafted,
7 CIV-OTP-0073-1112, confidential document, Madam Witness, I'm going to be
8 giving you a folder with all the various documents, and I'll be dealing with
9 tab 28.

10 Once again, I would like to appeal to the court usher to please give the folder
11 with all the documents we'll be dealing with to the witness.

12 A. [9:45:27] Thank you.

13 Q. [9:45:29] Tab 28, Madam Witness, of the folder.

14 At page 114, this is what you say, and I quote, "A long type of metallic piece, to
15 be confirmed by the ballistic expertise, was withdrawn from one of the bullet
16 riddled wounds on the right thigh just above the knee and is appended to this
17 report." Now, are we to understand that you appended that metallic piece to
18 your report?

19 A. [9:46:16] Yes.

20 Q. [9:46:16] Where is that metallic object that was appended to your report;
21 where is it today?

22 A. [9:46:25] I am not able to say. All I can say is that it was handed over to
23 the authority that requested that we produce the report.

24 Q. [9:46:41] Did you keep a copy of the forensic reports that you drafted?

25 A. [9:46:45] Yes.

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1 Q. [9:46:46] And you handed all the originals and all those fragments as you
2 stated; you handed them over to the prosecutor, to the State prosecutor in
3 Abidjan?

4 A. [9:47:00] Yes.

5 Q. [9:47:01] Yes?

6 A. To the person who came to collect the report.

7 Q. [9:47:09] Very well. Do you know who that person is?

8 A. [9:47:11] I'm not able to recall, but everything that was handed over was
9 written down on a list and signed. So the person who received it is identified
10 on that list, but I'm not in a position to tell you who that particular individual
11 was, given that I do not have that list before me.

12 Q. [9:47:35] That list, the list of receipt of the medical or forensic reports, do
13 you know where that list is today?

14 A. [9:47:49] We have a copy of that list as well as the person who came to
15 collect the report.

16 Q. [9:47:59] When you say "we", are you referring to the forensic institute?

17 A. [9:48:04] Yes, yes, indeed.

18 Q. [9:48:06] Very well. Now, when it comes to the samples, again, you said
19 before the Court of Assizes in Abidjan, it is recorded that you said on 9
20 November 2016 before the Assizes Court in Abidjan -- CIV-OTP-0101-0738, at
21 page 0744, 0745, and for you is tab 187 of your binder. At pages 0744 to 0745
22 you say the following: "We didn't take any biological samples because that
23 was not necessary. The bodies were in a state of decomposition."

24 Do you recall saying that, Witness?

25 A. [9:49:15] Please, I'm sorry. What page?

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1 Q. [9:49:17] Bottom of page 0744 and top of page 0745.

2 A. [9:49:36] 0744, what paragraph, please.

3 Q. [9:49:44] Top of the page on the screen, if it's easier for you. Now recall,
4 "We did not take any biological samples because it was not necessary since the
5 bodies were in a state of decomposition"; is that correct?

6 A. [9:49:58] Yes, that is correct, in relation to soft tissues, yes. In relation to
7 soft tissues, yes, that statement is correct.

8 Q. [9:50:18] Very well. Thank you for that clarification. Does it mean then
9 that you collected biological samples in other cases?

10 A. [9:50:31] Yes, when we were asked to do so during exhumations. In
11 those such exhumations, bone and tissue samples were collected.

12 Q. [9:50:45] Very well, Madam Witness. Last Wednesday during the
13 hearing, I pointed out to you that given our current calculations -- and this is at
14 page 105, lines 1 to 10 of Wednesday's transcript. This is not a document you
15 have. I am referring to something that happened here in the courtroom.
16 This is what you said, "Our calculations were not yet conclusive, but that based
17 on the reports of the external examinations in our possession, 65 of such
18 external examinations were conducted on the same day, on 5 July.
19 We have then, since then concluded our calculations, and it appears it was
20 not 65 external examinations as such, *but 147 such examinations on the single
21 day of 5 July 2011."

22 Mr President, we have drawn up a list with all ERN numbers relating to the
23 forensic medical examinations and in relation to such forensic examinations
24 that were conducted on 5 July 2011. We have a list which can be disclosed to
25 the Judges and parties so that they can see all the material I'm referring to.

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1 And if this is amenable to the Judges, we can provide that document to the
2 witness, give her time to look at it carefully and identify each report and
3 indicate that she is the one who signed the documents by indicating OK on
4 each such report, and then we can use such an annotated report, and therefore
5 would not need to have each of these 147 files authenticated by the witness
6 otherwise. So my suggestion is that she does indicate an OK on each of the
7 documents.

8 So, Mr President, with your leave, let me mention all the ERN numbers, and
9 then we can hand the documents over to the witness to proceed accordingly.

10 So, Madam Witness, I'm going to hand you another document, another folder,
11 with the 147 documents. I will provide the ERN numbers to the Court on the
12 record, and then you would tell us whether you are the one who drafted it or
13 not.

14 That is why I want to hand her the folder, Mr President, so she can just look
15 through. Maybe I repeat myself.

16 PRESIDING JUDGE TARFUSSER: [9:53:33] No. You said that now you
17 want to read the ERN numbers on the record, *the 147, if I'm not mistaken.

18 MS NAOURI: [9:53:43] (Interpretation) Do I understand that you don't want
19 the document to be handed to the witness for authentication? Now since we
20 want to submit --

21 PRESIDING JUDGE TARFUSSER: I don't -- okay, please go ahead.

22 MS NAOURI: Mr President, let me repeat myself. We want to submit or
23 produce all the 147 reports indicating that the external examinations were
24 conducted on 5 July 2011. We can give the folder to the witness, give her time
25 to look at each of the reports and validate them by an OK, and then we

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1 produce in that way. Or we can proceed by taking each of the 147 reports
2 individually with the witness. That's what we -- those are the options. We
3 want to produce these reports through this witness, Mr President.

4 PRESIDING JUDGE TARFUSSER: [9:54:36] Well, no. Obviously, option one,
5 otherwise we stay here probably also next week.

6 MS NAOURI: [9:54:43] D'accord.

7 PRESIDING JUDGE TARFUSSER: [9:54:44] Okay. But you said before, at
8 least in the translation, that you want to read all the ERN numbers on the
9 record.

10 MS NAOURI: [9:54:50] (Interpretation) If we don't proceed by option
11 number one, whereby she would validate all by an OK. Very well.

12 PRESIDING JUDGE TARFUSSER: Okay.

13 MS NAOURI: Thank you.

14 Q. [9:55:06] Madam Witness, we will give you a folder with all the 147
15 reports.

16 PRESIDING JUDGE TARFUSSER: [9:55:10] By the way, this can be done
17 during the pause, during the --

18 MS NAOURI: [9:55:16] (Interpretation) Obligated, Mr President.

19 PRESIDING JUDGE TARFUSSER: [9:55:19] Okay.

20 MS NAOURI: [9:55:31] (Interpretation)

21 Q. [9:55:31] Madam Witness, we will give you the folder, and during the
22 break you can look at the 147 reports and indicate whether they are your
23 reports, and then we will proceed to producing them into evidence. Okay?

24 A. [9:55:43] Okay.

25 Q. [9:55:46] Now, when you look at each of the reports, could you please

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1 indicate by an OK that you actually looked at each of them and authenticated it;
2 otherwise, we wouldn't know whether or not you actually went through the
3 reports.

4 THE INTERPRETER: [9:56:12] The witness nods.

5 MS NAOURI: [9:56:16] (Interpretation)

6 Q. [9:56:17] Now, let me again mention the 147 external examinations that
7 appear to have been conducted on 5 July 2011. Can you explain to us how
8 this happened.

9 A. [9:56:54] This is quite possible, because on that day and during that
10 period, we went to the mortuaries ourselves, and that meant we lost less time
11 rather than having the -- instead of having the bodies come to the institute.
12 Now, so we went to the locations at the morgues. Now, if you have three
13 doctors, or three pathologists, each examining a number of bodies in the same
14 hall, it is possible for each one of them to have examined up to about 50 bodies
15 per day. So it was quite feasible. The methodology we had set up to proceed
16 expeditiously required that we start the day very early and end very late.

17 Q. [9:57:47] Madam Witness, you said you were four pathologists working
18 in teams of two. Now you have referred to three pathologists working at the
19 mortuary, but those three would not work as a team of two.

20 A. [9:58:03] Well, the team of two always included me. I was that second
21 person because I had to sign all the reports.

22 Q. [9:58:09] Very well. Does it mean that you examined *all the 147 bodies?

23 A. [9:58:14] Yes, correct. After the examination, if injury was identified, I
24 would, I would confirm and agree with what had been identified. If there
25 was an injury identified, we would look at it together. The others would

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1 come and look at it, and we would share our findings, and then agree on what
2 we needed to jot down. That was a methodology that enabled us to work
3 expeditiously and professionally.

4 Q. [9:58:44] Very well, Madam Witness. Now, if you spent an average of 10
5 minutes on each body, or an average of 5 to 10 minutes on each body, you
6 would need at least 36 hours to describe the body, take off the attires, and then
7 proceed to the various actions that you described to us a little earlier on. Do
8 you think that or is it still your position that all the 147 bodies were examined
9 on 5 July 2011 and that you examined them yourself?

10 A. [9:59:37] You are the one who has established the amount of time we
11 spent on each body. We know what time we spent on each body. We knew
12 the state of the bodies. All of them were not wearing clothes, and we worked
13 according to our methodology, which enabled us to cover that number of
14 bodies.

15 PRESIDING JUDGE TARFUSSER: [10:00:02] We have understood now by far
16 that you don't believe what is written in there, and we have an explanation by
17 the witness. I think we can go ahead.

18 MS NAOURI: [10:00:15] (Interpretation) That was my last question on that issue.

19 MR GARCIA: [10:00:21] *I'm sorry, if we could possibly have a list of those
20 documents, your Honour, the Prosecution. I understand Defence counsel
21 indicated that they would be giving us a list, electronically would be preferable,
22 so we could clarify this.

23 PRESIDING JUDGE TARFUSSER: [10:00:31] Of the 146, or a number?

24 MR GARCIA: [10:00:35] That's correct, your Honour.

25 PRESIDING JUDGE TARFUSSER: [10:00:37] Yes, okay, okay.

1 MS NAOURI: [10:00:38] (Interpretation) We have a hard copy to disclose to
2 you.

3 Q. [10:01:16] Now that we have talked about the external examinations, we
4 will now move on to the autopsies. You are the one who carried out the 50
5 autopsies in your detailed report?

6 A. [10:01:29] Yes, indeed.

7 Q. [10:01:33] And who else was present during those autopsies?

8 A. [10:01:38] My colleagues were there, the political -- or rather, the scientific
9 police. It is indicated in each autopsy report.

10 Q. [10:01:50] Very well. What was the role of the scientific police during
11 those autopsies?

12 A. [10:02:00] I believe they are in a better position to know what their role
13 was, and they would be better placed to tell you.

14 Q. [10:02:08] But did you communicate with them during the autopsy?

15 A. [10:02:14] Obviously. When we saw an important injury, they would
16 take photographs, and they would examine the clothes also.

17 Q. [10:02:27] Very well. Did you have the necessary equipment to carry out
18 the autopsies under the best circumstances?

19 A. [10:02:39] Yes. The forensic institute is very well equipped for carrying
20 out those legal autopsies.

21 Q. [10:02:51] Very well. And when you took samples, were they the same
22 samples for the external examinations or did you take additional samples?

23 A. [10:03:05] There were additional samples for certain bodies. If the need
24 arose, and if I remember correctly, the first autopsies that were done were on
25 bodies that were relatively well conserved, so it was possible.

1 Q. [10:03:30] *When you say "at first", you mean the first requisition?

2 A. [10:03:35] Yes.

3 Q. [10:03:37] Very well. Now, let us come back to the methodology that we
4 used -- that you used, and it is under the conclusions of the detailed report.

5 And I will allow you time to look at that report. It is page 0046 of your report.

6 There is a part that deals with the determination of gender or sex.

7 My question is, what methodology did you use to determine the gender of
8 bodies in a state of advanced decomposition?

9 A. [10:04:41] The very advanced state of decomposition did not prevent to
10 determine the gender, that is the -- to be able to see the genital organs of the
11 person. And when it was possible to have access to the skeleton, sometimes
12 we used anthropological knowledge or the pelvis. The pelvis could be
13 examined to determine the gender or sex of the victim.

14 Q. [10:05:35] Very well. Did you ever ask for DNA tests to be carried out if
15 it was not possible to determine the gender of the person using the
16 methodology that you have described?

17 A. [10:05:52] We did not ask for those DNA tests because we succeeded.
18 But certain DNA tests were asked or requested. We did not have access to
19 molecular biological sampling.

20 Q. [10:06:19] Just to understand, did you yourself during your own
21 examinations in 2011, did you use DNA tests for gender testing?

22 A. [10:06:32] No. In 2011 we did not take any DNA samples for the
23 *determination of DNA.

24 Q. [10:06:44] Very well. On page 0047, that is the next page, you talk about
25 the determination of age. My question is, how did you go about determining

1 the age of those people in an advanced state of decomposition?

2 A. [10:07:07] As we have noted, we established the ages for people who had
3 been identified. That is, the bodies that had been identified, we noted down
4 the ages at the time we received the families. So this was part of the
5 information that was provided to us by family members when we received
6 them.

7 Q. [10:07:38] Very well. So age conclusions are not based on medical
8 examinations?

9 A. [10:07:45] No, no, no.

10 Q. [10:07:47] Still in your detailed report, page 0047, you talk about
11 nationality and ethnic groups of the various bodies. How did you proceed to
12 determine the nationality or ethnicity of the bodies?

13 A. [10:08:15] This was part of the information that we also received from the
14 families. At the beginning, we said that this information was given to us
15 when we received the families.

16 Q. [10:08:35] Very well. During your questioning before the Court of
17 Assizes of Abidjan -- 0101-0738, page 0739; that is tab 187 -- in answer to the
18 question, "Did you determine the ethnicity of the bodies at the epidemiological
19 level? We determined the ethnicity either through the parents or distribution
20 by age and sex." Madam Witness, where is that?

21 A. [10:09:45] *I was looking at page 0739, and I was looking at the part that
22 you have read, the passage you were talking about.

23 Q. [10:09:58] It is on the screen, just to assist you.

24 A. [10:10:02] No, it is not on my screen.

25 Q. [10:10:05] It is evidence 1, not evidence 2.

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1 A. [10:10:11] I'm not very familiar with the console.

2 Q. [10:10:27] Very well. It is easier to follow from there.

3 Now, you can see the extract that I was talking about, the excerpt that I was
4 talking about; is that correct?

5 A. [10:10:36] I don't know whether it was reported in the same way. It was
6 at the epidemiological level, so it was simply a paragraph on epidemiology,
7 that is, the epidemiological data relating to ethnicity, sex and age. So that was
8 the paragraph on epidemiology. So it is not the manner in which the data was
9 obtained. So we just brought them together; we brought the information
10 together in one paragraph.

11 Q. [10:11:23] Very well. That is very clear. Thank you for that clarification,
12 Madam Witness.

13 So when you drew certain conclusions on your detailed report on nationality
14 and ethnicity, these conclusions could in fact be false, because they came from
15 information given to you by third parties and not medical examinations.

16 A. [10:12:01] Is that a question? If so, can you rephrase, please.

17 Q. [10:12:07] Very well. In your report, there are tables including
18 information; is that correct?

19 A. [10:12:19] Yes.

20 Q. [10:12:20] There is information on nationality and ethnicity in those tables;
21 is that correct?

22 A. [10:12:26] Yes.

23 Q. [10:12:29] Now, if you cross-check that information, it is possible that the
24 information and conclusions are false because you based yourself on
25 information from family members and not on scientific examinations or

1 thanatological examinations, which is your expertise; is that correct?

2 A. [10:12:57] Yes, I have fully understood what you said. We were honest
3 enough to state that we obtained this information from family members.
4 Even in epidemiology, when you carry out a study, you distribute
5 questionnaires, and it is people, ordinary people, who fill out the forms. So
6 this is the similar method that we used. We asked questions, received
7 information and we included that information. So whether it is false or not,
8 that is not our fault. We are simply reporting information that we obtained
9 from family members.

10 Q. [10:13:49] Thank you, Madam Witness. That is very clear.
11 Now, I would like to come back to the dates of death of the bodies that you
12 examined. How did you determine the date of death of a body in an
13 advanced state of decomposition?

14 A. [10:14:28] There, it is dates of death, not periods. So these dates were
15 collected from the mortuary files. And these corresponded to the dates on
16 which the bodies were taken to the mortuary. So we took all the information
17 from the files brought from the mortuaries. Also, we received information
18 from family members if they were able to tell us. So in general, that
19 information was taken from the files from the mortuaries.

20 Q. [10:15:14] Very well. Now, during your external examinations and
21 autopsies, did you carry out thanatological examinations to try to determine
22 the real date of death and not the information from the mortuary files?

23 A. [10:15:36] No, we did not carry out any examinations to determine the
24 date of death. We simply made external observations at that time.

25 Q. [10:15:59] And what about during the autopsies?

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1 A. [10:16:05] During the autopsies, we were not requested to determine the
2 date of death of those bodies.

3 Q. [10:16:19] Very well. So concerning the bodies that you examined or on
4 which you carried out autopsies, it is quite possible that the dates of death
5 could have been before the post-election period.

6 A. [10:16:39] I cannot tell you that. We received requisitions telling us to
7 examine the bodies and that the bodies were in mortuaries. And those people
8 responsible for the mortuaries were asked to make those bodies available to us
9 so that we should be able to work on them.

10 Q. [10:17:07] Very well. Now, when you are working on the bodies, was it
11 possible for you to use forensic examinations to establish the circumstances of
12 death?

13 A. [10:17:37] Establishing the circumstances of death in forensic pathology is,
14 or, rather, involves providing information from external examinations and the
15 autopsies. So we provide information that contributes towards the
16 determination of those circumstances, but the forensic examination alone
17 cannot fully determine that information. But we provided information for
18 causes of death for some bodies but not for others. It was not possible to do
19 so for all the dead bodies.

20 Q. [10:18:35] Very well, Madam Witness. Now, let me come back to an
21 issue. You told us that you received information from family members.
22 Now, let us talk about how those meetings with the family members took place.
23 My first question is where did you meet the family members?

24 A. [10:19:12] Those families came to the institute of forensic medicine. So it
25 was in that premises.

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1 Q. [10:19:23] Very well. And how were those meetings organised?

2 A. [10:19:31] We received the families, members of the families, one by one,
3 not together, because this was well after the period of the examinations. So
4 we received those families one by one. Two or three doctors would be present
5 in a meeting room to receive those families and interview them before issuing
6 the death certificates.

7 Q. [10:20:11] Very well. Now, did the families make appointments or they
8 simply came spontaneously?

9 A. [10:20:25] No. There were no appointments. They could arrive
10 spontaneously. So we made real efforts to receive them.

11 Q. [10:20:38] So when they came, they were met by two or three forensic
12 pathologists?

13 A. [10:20:45] Yes.

14 Q. [10:20:46] Very well. And how long did these meetings last?

15 A. [10:20:53] I cannot tell you. The times varied.

16 Q. [10:21:00] How long after these meetings, did these meetings take place
17 after the examinations?

18 A. [10:21:13] It was well after the external examinations, because these
19 meetings took place at the time that the death certificates were being issued.

20 Q. [10:21:26] Very well. If I've understood you correctly, you filled out the
21 handwritten forms of the external examinations based on what the family
22 members told you.

23 A. [10:21:53] Yes.

24 Q. [10:21:55] So once you met with the family members, you would go back
25 to your files and complete the handwritten files?

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1 A. [10:22:07] Not at all. There were so many bodies, 789. When the family
2 arrived, they showed us the mortuary number, and we would go into our
3 database and bring out the precise file. And if the data was also on the
4 computer, we would print it out and then complete the filling out of the form.

5 Q. [10:22:48] Very well. When you say that you completed the information,
6 that was based on the information given to you by the family members?

7 A. [10:23:17] Yes, indeed.

8 Q. [10:23:20] Could you cross-check the information given to you by the
9 families?

10 A. [10:23:27] It was not our duty to cross-check that information, and in any
11 case we did not have the time to do that.

12 Q. [10:23:38] Very well. Now, concerning the identification of the bodies,
13 did the family members identify the bodies in your presence?

14 A. [10:23:56] At what time?

15 Q. [10:24:00] When the family arrived spontaneously and you were
16 examining the body, would you ask them to carry out a visual recognition?
17 Did you yourself ask the family members or close members to identify the
18 body?

19 A. [10:24:37] I told you that in normal times the families would come and
20 identify the body, and we would be sure that it is the right person. Now,
21 during that specific period, we did not receive any families. When we were
22 examining the bodies, the bodies had been placed at our disposal for
23 examination. So it was well afterwards that we received the families. So the
24 bodies were no longer there to have them identified by the families that had
25 arrived to meet with us.

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1 Q. [10:25:25] Madam Witness, so you personally, you did not carry out
2 thanatological examinations to identify the bodies?

3 A. [10:25:59] I cannot say that I did not carry out any thanatological activities
4 to identify bodies. We took out samples for molecular examination for certain
5 bodies for which we were explicitly requested to do so.

6 Q. [10:26:25] And so in relation to the requisition of the prosecutor, for all
7 those bodies, the identification was not done by you?

8 A. [10:26:40] No. We were not the ones who identified the bodies.

9 Q. [10:26:46] Very well. Madam Witness, all the forensic reports and
10 autopsy reports that you prepared had to be sent to the State prosecutor of
11 Abidjan; is that correct?

12 A. [10:27:00] Yes.

13 Q. [10:27:03] Were all the handwritten examination files sent to the State
14 prosecutor?

15 A. [10:27:14] No. These were personal notes. A doctor has the right to
16 have personal notes, so those personal notes were not transmitted to the
17 authorities.

18 Q. [10:27:28] Very well. Now, did you transmit your registers to the
19 department of public prosecutions in Abidjan?

20 A. [10:27:43] No. Our registers were not sent to the department of public
21 prosecutions of Abidjan.

22 Q. [10:27:57] Very well. Now, the Prosecutor of the International Criminal
23 Court received parts of your registers from the Ministry of Justice. So how
24 did the Ministry of Justice come into access or have access to those registers?

25 A. [10:28:26] You are talking of parts of the registers. You had asked me

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1 whether registers were sent, but the registers were not sent. But we were
2 asked to send certain parts. Similarly, this happened with the forms relating
3 to external examinations.

4 Q. [10:28:52] Thank you. What were the criteria to send or not send to the
5 Prosecutor parts of registers or files?

6 A. [10:29:06] We were not the ones who defined the criteria. The request
7 was done in writing with a list of files to be communicated, and that is what we
8 did.

9 Q. [10:29:26] When you say the list, does this mean they contained names?

10 A. [10:29:29] Yes.

11 Q. [10:29:31] Did you transmit the files for people who had not been
12 recognised?

13 A. [10:29:40] No. These were people who were identified or people
14 identified on a secondary basis.

15 Q. [10:29:53] Very well. Now, did you keep copies of those files?

16 A. [10:30:04] Yes.

17 Q. [10:30:06] So those requests are in the archives of the forensic institute?

18 A. [10:30:16] Yes.

19 Q. [10:30:18] Very well. And the request to provide these files or forms,
20 handwritten, and/or parts of the register were -- the request was made by
21 whom? Exactly who made this request?

22 A. [10:30:41] I would have to look at the request. The request was made by
23 our authorities.

24 Q. [10:30:50] Very well. The authorities of Côte d'Ivoire?

25 A. [10:30:54] Yes, judicial.

1 Q. [10:30:55] Okay. So the judicial authorities. Very well.

2 I would like us to return to your detailed report and the drafting of this report.

3 So what was the role played by the other doctors, the other people you were
4 working with; did they help draft this report?

5 A. [10:31:21] They played the same role as I did, as forensic pathologists.

6 Namely, they matched up items of information. They double checked that
7 things had been described properly. They also carried out epidemiology
8 studies, prepared diagrams, charts, so that one could have an overview of the
9 work done, the work we did.

10 Q. [10:31:57] Very well. And exactly what methods were used to prepare
11 these charts and diagrams that we find in the detailed report?

12 A. [10:32:10] We used the usual methods of epidemiology. We identified
13 data. We matched items of data to one another, the usual methods of
14 epidemiology.

15 Q. [10:32:29] Very well. Were you in touch with the public prosecution of
16 Abidjan during the drafting of this detailed report?

17 A. [10:32:37] Absolutely not. In actual fact, we wanted to prepare the
18 report before providing the forms so that we could give a snapshot of the work
19 done.

20 Q. [10:32:51] Very well. Did you use any particular software to prepare the
21 charts or to link up items of information?

22 A. [10:33:11] Certainly, certainly. Well, I couldn't tell you at this specific
23 point, but we are university trained. We write theses, we correct theses with
24 students, so we use the same methodology as if we were preparing a thesis or a
25 scientific study.

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1 Q. [10:33:38] Very well. How long did it take you to draft this detailed report?

2 A. [10:33:42] I couldn't tell you that. I just couldn't tell you that.

3 Q. [10:33:46] Do you remember when you began drafting the report
4 approximately?

5 A. [10:33:54] After we finished the work. After we finished all the forensics
6 examinations that had been entrusted to us at that time.

7 Q. [10:34:10] Very well. And why didn't you stamp the report and sign it?

8 A. [10:34:18] Because I thought it was not a definitive piece of work. It was
9 part of the work that was done and, thus, *I said that the report includes
10 information collected by us from family members up to that day, the 21st of
11 April 2012. That's it.

12 Q. [10:34:44] And then, well, you say it was not a definitive. Did you
13 finish?

14 A. [10:34:50] No, no. Once each form or file, once all the reports were done.

15 Q. [10:34:56] Very well. Do you remember when you officially provided it
16 to the authorities of Côte d'Ivoire, namely, the public prosecutor of Abidjan?

17 A. [10:35:05] No, I don't know.

18 Q. [10:35:07] Very well. Is there any sort of paper trail that would allow us
19 to find that information?

20 A. [10:35:14] Maybe. I will have a look.

21 Q. [10:35:19] Very well. Ma'am, if we could look at the death certificates
22 that you issued, and before we look at a particular example, could you explain
23 to us quickly what the format is. What information is usually included on a
24 death certificate?

25 A. [10:35:49] Well, first of all, in our country there are three forms provided

1 from forensic pathologists. First of all, there is a procès-verbal constatation
2 *i.e a certified report on findings. Then there is a medical certificate, and then
3 there is a certificate attesting to the absence of contagious disease. These are
4 documents required by the authorities of the civil registry *to authorize the
5 burial of a body. So the procès-verbal, the report, we officially state that the
6 person has died. The medical certificate provides the name, the date, possibly
7 the location and the date of issuance, and then the certificate regarding the
8 absence of contagious disease. That means that the body can be transported
9 for burial.

10 Q. [10:36:44] Very well. And is it usual practise for the cause of death to be
11 indicated on a death certificate?

12 A. [10:36:56] No. From a forensic viewpoint we do not indicate the cause of
13 death.

14 Q. [10:37:09] Would you send on the record of death or the death certificate
15 or the certificate of non-contagion to the morgue in advance?

16 A. [10:37:37] No. We would provide it to the person who would come and
17 fetch the certificate, and that person would give his identity, his link to the
18 person who had died. That is how we proceeded.

19 Q. [10:37:53] Very well. More specifically regarding the certificate
20 pertaining to the lack of contagious disease, did you take any tissue samples
21 for epidemiology purposes to ensure that there was no risk of contagion?

22 A. [10:38:14] We didn't need to draw up a report or anything like that. It's
23 data that is habitually provided. And we didn't need to take stock of that, the
24 possible risk of contagion.

25 Q. [10:38:32] Very well. I'd like us to move on to something else now,

1 ma'am, namely, your cooperation with the ICC Prosecution. Very well.

2 Now, do you remember how long you have been working with the Prosecution
3 of the ICC?

4 A. [10:38:47] Well, perhaps you should refresh my memory. I didn't work
5 directly with him or them.

6 Q. [10:39:07] Very well. In actual fact, to refresh your memory, the OTP
7 showed you your letter of instruction *for the January 2015 mission, and that
8 was two days ago, transcript page 31, line 20 to the following page, line 8.

9 Now, before receiving the letter of instructions, did you have any contact with
10 the OTP before receiving that first letter of instruction? Had you been in
11 touch with people, for example, investigators from the ICC?

12 A. [10:39:48] The date of that letter, if you could tell me?

13 Q. [10:39:51] Let me double check. January 2015. Let me have a look.
14 CIV-OTP-0077-0049. And this is tab 43. CIV-OTP-0077-0049, tab 43.

15 And it's 9 January, actually. The specific date is 9 January 2015. So let me
16 put the question again. Before receiving this letter of instruction, had you
17 been in touch with the OTP, with the investigators from the ICC?

18 A. [10:40:45] I couldn't tell you because, well, the date is quite specific, but I
19 couldn't tell you whether I had been in touch with them or not in relation to
20 this specific date. I couldn't tell you. I don't have a specific recollection of
21 that.

22 Q. [10:41:05] Very well. Very well, Madam Witness. Do you remember
23 whether you received a letter for the second mission that you carried out in
24 May 2015? I don't have a document to show you actually because we do not
25 have the letter of instruction for that particular mission. But you

1 exhumed -- oh, no. Rather, you conducted an autopsy on a number of bodies
2 that was provided to you, and you were told that they were possibly bodies of
3 women who had taken part in the women's march. So at that time did you
4 receive a specific letter of instructions from the OTP of the ICC in this regard?

5 A. [10:42:09] I couldn't tell you whether I received a specific letter, but I can
6 tell you -- all I can tell you is that everything that I did was in accordance with
7 the authorisation, well, the request from the authorities of my country.

8 Q. [10:42:31] Very well. So if I've understood correctly, it was the
9 authorities of Côte d'Ivoire who put you in touch with the OTP of the
10 International Criminal Court?

11 A. [10:42:44] Not necessarily. I believe there are cooperation agreements,
12 and then we do our work in function thereof.

13 Q. [10:42:55] Very well. In that particular case, how did you obtain
14 authorisation from the public prosecutor of Abidjan to work with the
15 investigators of the International Criminal Court?

16 A. [10:43:08] Through mail, through mail correspondence, that is how we
17 received the permission.

18 Q. [10:43:17] Very well. So the prosecutor, the public prosecutor of Abidjan,
19 authorised you to work with, to cooperate with, the ICC investigators. But
20 my question remains, do you remember who put you in touch with them to
21 work with the investigators?

22 A. [10:43:39] My judicial authorities. But the actual person, well, they were
23 the ones we were working with.

24 Q. [10:43:47] That's very clear, the judicial authorities. That's very clear.
25 Thank you.

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1 Now, during the various missions you carried out with the OTP

2 investigators -- well, not really. I'll reformulate.

3 At the request of the OTP, you were asked to provide some medical documents
4 that you had drafted.

5 A. [10:44:21] Yes. The requests came from our authorities. We provided
6 the information to the OTP in the presence of our authorities, if that had been
7 done, or through them.

8 Q. [10:44:41] Very well. If we could hark back to the first letter of
9 instructions, January 2015. Now, in this particular letter, CIV-OTP-0077-0049,
10 this is addressed to you and John Clark. So my question, ma'am, were you in
11 touch with John Clark before agreeing to the mission?

12 A. [10:45:28] I don't think I had any contact with him. It was during the
13 mission. That is when we were in contact with one another.

14 Q. [10:45:42] Very well. Now, during this first mission, you conducted
15 autopsies of ten bodies with John Clark. But where did you conduct the
16 autopsies?

17 A. [10:45:54] Those autopsies were done within the forensics institute.

18 Q. [10:46:00] And who actually carried out the autopsies?

19 A. [10:46:06] The two, John Clark and myself, both of us.

20 Q. [10:46:10] So both of you, both of you physically actually carried out the
21 autopsies?

22 A. [10:46:15] Yes, exactly.

23 Q. [10:46:18] During the autopsies, what language did you use to speak to
24 Mr John Clark?

25 A. [10:46:24] English, French, so that we could communicate better.

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1 Q. [10:46:33] Very well. Could John Clark speak in French about forensic
2 issues?

3 A. [10:46:45] I really, I -- I don't remember. I don't remember whether he
4 could speech French or English, but we worked together.

5 Q. [10:47:00] Very well. And your level of English, is it strong enough to
6 speak to forensic issues?

7 A. [10:47:11] Yes. It's not very complicated, actually. Conversation
8 perhaps, but medical English and reading English is not -- in my own case, as
9 far as I'm concerned.

10 Q. [10:47:31] Madam Witness, you drafted an overall report, and I'll give
11 you the reference number in just a few moments, with John Clark. Now, this
12 particular report is drafted in English. So my question is, were you given a
13 French version of this overall report? And this is CIV-OTP-0077-0002. This
14 is tab 32.

15 A. [10:48:34] Yes. No, I did not receive a translation of -- I did not receive a
16 translation of this overall report.

17 Q. [10:48:46] Very well. Did you provide personal notes to John Clark
18 before the report was drafted?

19 A. [10:49:01] Well, since I was part of the, well, the various stages, I prepared
20 my report for my own purposes, to jog my own memory, and that
21 corresponded. So we did, we were in -- we did communicate at the end, at
22 the end of the operation, as we did for all the other cases. We had some
23 working sessions to summarise things in our meeting room.

24 Q. [10:49:42] Very well. Could we go into the details about these people,
25 the people that you conducted autopsies of in a team of two with John Clark.

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1 And we'll go in chronological order. So there is another binder, actually, and I
2 think it would be more convenient if we proceeded in that manner.

3 Court usher, if you could kindly provide this binder to the witness.

4 Now, in this binder, Madam Witness, we will take the documents in the order
5 that they're found, all right. Now, so the first document is a forensic report,
6 CIV-OTP-0073-1115, tab 29 of our list. And at page 1118 there are two
7 signatures and one stamp. 0073-1118, can you see the document?

8 A. [10:51:24] Yes.

9 Q. [10:51:25] Very well. Now, this report is signed by two people because
10 you were always working in a team of two, right?

11 A. [10:51:38] Yes.

12 Q. [10:51:39] Very well. Now, if we could move on to the next document,
13 and this is a forensic report that was also shown to you by the OTP,
14 CIV-OTP-0073-1119-R01, and this is tab 30, 0073-1119-R01, last page, if we
15 could turn to the last page. And we see here that you were the only person to
16 sign this particular report. Now, you explained to us that all the activities
17 were done in a team of two. How can you explain that only one person
18 signed this particular report?

19 A. [10:52:37] Well, the only answer I can give you at this time is that I would
20 have to look at the form, the fiche d'examen, the actual examination form.
21 The doctor and I drafted, and I believe he wasn't present, or at the time when it
22 was necessary to sign, because I believe he was under the weather that day at
23 the actual time when we were supposed to sign.

24 Q. [10:53:22] Well, we'll look and we'll try to find the ERN number, the
25 reference number. But the actual form that is a mirror of the report was

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1 drafted by you, Madam Witness. So if we could -- well, if the form indicates
2 you and the report was signed by you, I'm asking you, how can we know that
3 you were working with another person in a team of two?

4 A. [10:53:52] In actual fact, we worked in a team of two and this form was
5 signed by me, basically.

6 Q. [10:54:03] Just to --

7 PRESIDING JUDGE TARFUSSER: [10:54:08] Excuse me, but how is this
8 relevant in the context of this trial, if this particular is signed by two or by one.
9 I really have hard times to understand this.

10 MS NAOURI: [10:54:16] (Interpretation) Your Honour --

11 PRESIDING JUDGE TARFUSSER: [10:54:19] We are talking about a trial.
12 And now this could be a mistake, anything can be, okay. And three years
13 later, I think it's also difficult to remember this particular detail.

14 MS NAOURI: [10:54:37] (Interpretation) Your Honour, I can't respond in the
15 presence of the witness, so I'm --

16 PRESIDING JUDGE TARFUSSER: [10:54:42] Okay.

17 MS NAOURI: [10:54:45] D'accord.

18 PRESIDING JUDGE TARFUSSER: [10:54:48] Please go ahead. Please go
19 ahead, but with another question, not on this.

20 MS NAOURI: [10:54:50] (Interpretation) I'll just finish by providing the
21 reference number, CIV-OTP-0073-1093.

22 Q. [10:55:08] So once again regarding the same person.

23 A. [10:55:10] Which tab?

24 Q. [10:55:12] This is tab 40, tab 40. The following document in your binder,
25 CIV-OTP-0077-0037, this is the autopsy report, 2 February 2015. Now, this is

1 an autopsy report that you did of this same person in -- can you see the
2 document?

3 A. [10:55:37] Yes, I can.

4 Q. [10:55:41] In your report you wrote regarding the grave. 0037, I'll read
5 in English, but it will be interpreted into French (Speaks English). "Also
6 within the outer black body bag was a soil from the grave."
7 (Interpretation) I'm told that the document up on the screen is not the correct
8 one. I will repeat, CIV-OTP-0073-0037, page 0037. Madam Witness, you
9 have the document here on the screen, or rather, at hand. (Speaks English)
10 "Also within the outer black bag was soil from the grave, a large sheet or
11 blanket and a black plastic coffin label on which there was
12 written" -- (Interpretation) I'll switch to French -- "here lies" -- I won't give the
13 name of the person because we're in open court.
14 So this information indicated that it might be the body of the person mentioned,
15 well, when it says "here lies the body of", so my question is, did you
16 cross-check that you had earlier examined the body of a person bearing that
17 name in 2011?

18 A. [10:57:40] Yes, indeed.

19 Q. [10:57:47] Very well. So you finished the forensics report, the external
20 examination form, on 26 January 2015, one week before the autopsy done with
21 Mr John Clark. And there is a reference to the forensic report,
22 CIV-OTP-0073-1119, tab 30. So my question to you, ma'am, it's the following
23 document.

24 THE INTERPRETER: [10:58:24] Message from the interpreters: Reference
25 numbers read at great speed.

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1 PRESIDING JUDGE TARFUSSER: [10:58:29] Reference numbers, slow down
2 with the reference numbers.

3 MS NAOURI: [10:58:33] (Interpretation) Of course, your Honour.

4 Q. [10:58:37] Tab 30, Madam Witness.

5 A. [10:58:49] Oh, yes, very well.

6 Q. [10:58:51] Okay?

7 A. [10:58:51] Yes.

8 Q. [10:58:53] Did you provide the forensics report to John Clark?

9 A. [10:59:01] No. That was not indicated. There was no instruction saying
10 that I was supposed to give the report to John Clark. The report was provided
11 previously, but I did not provide the report to John Clark. That is not what
12 was indicated. What was indicated was that we were to carry out autopsies.

13 Q. [10:59:22] Very well. Yes, well, you conducted, or rather, you examined
14 or drafted the report one week before the autopsy of two bodies with John
15 Clark. Wouldn't it have been useful, given the information about the same
16 person, wouldn't it have been useful to provide that information to John Clark
17 and use that information from the external examination while carrying out the
18 autopsy?

19 A. [10:59:54] Listen, well, we can see the list, yes, the list of external
20 examinations and the actual forms that we had provided in response to a
21 request from the Court. The forms had been provided to our authorities, and
22 I think that they exchanged. And I didn't personally, it wasn't my job to give
23 the report to John Clark because the same names for which there was a request
24 for an external examination, we were asked for the forms and the reports. It
25 was the same name in --

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1 Q. [11:00:33] Very well. Once again regarding this same autopsy report,
2 page 0038, we read that you identified that the skeleton was that of a male
3 person. And since you had information that indicated that the person was a
4 woman, did you mention that discrepancy to Mr John Clark and perhaps did
5 anything else to clear up the matter?

6 A. [11:01:11] Yes, indeed. We pointed that out. But I don't remember that
7 we conducted any additional examinations. It was simply an observation we
8 made at that time.

9 Q. [11:01:25] Very well, Madam Witness.

10 Mr President, I have one last question, Mr President. And for purposes of
11 efficiency, let me say that we have a binder with some 59 documents which we
12 would like to produce into evidence through this witness. The binder
13 contains forensic reports from the witness on the FDS. We have a list which
14 we could also provide to the witness already at this time so that she may have
15 it and begin to look through it to authenticate the documents, Mr President.

16 PRESIDING JUDGE TARFUSSER: [11:02:06] Yes, please do so.

17 Yes?

18 MR GARCIA: [11:02:08] Just one thing, your Honour. I understand that the
19 witness is already looking at 140 other documents.

20 PRESIDING JUDGE TARFUSSER: [11:02:13] Yes, and another 59, yes,
21 another 59.

22 MR GARCIA: [11:02:16] Yes, one thing to take into consideration. Also if we
23 could have an electronic copy of these documents. It should have been done
24 before so we could have looked at it.

25 PRESIDING JUDGE TARFUSSER: [11:02:25] Another 59, but must not be

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1 done in the next half an hour. Okay, so --

2 MR GARCIA: [11:02:29] That's correct.

3 PRESIDING JUDGE TARFUSSER: [11:02:31] -- it can be done during the
4 lunch break, please. But you were talking another small question to the
5 witness or to me?

6 MS NAOURI: [11:02:41] (Interpretation) No. That was it, Mr President,
7 just that point.

8 PRESIDING JUDGE TARFUSSER: [11:02:44] Now we have the lunch break
9 for half an hour. We come back in more or less at 11.30, 35. Okay. Thank
10 you.

11 (Trial Chamber confers)

12 PRESIDING JUDGE TARFUSSER: [11:03:00] I didn't say there was a lunch
13 break for half an hour, but we have the break for half an hour. I just see the
14 transcript. We have the break for half an hour, and then we have the lunch
15 break later, and at the end of the lunch break or the beginning of the third
16 session, this exercise should be done. Okay. Thank you very much. The
17 hearing is adjourned.

18 THE COURT USHER: [11:03:38] All rise.

19 (Recess taken at 11.03 a.m.)

20 (Upon resuming in open session at 11.40 a.m.)

21 THE COURT USHER: [11:40:45] All rise.

22 Please be seated.

23 PRESIDING JUDGE TARFUSSER: [11:40:52] Good morning once again. I
24 give immediately the floor back to Madam Naouri, not before having reminded
25 her that she has already exceeded 20 minutes the time spent by the Office of the

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1 Prosecutor in questioning the witness and, therefore, I would really urge you to
2 come very soon to a conclusion. Thank you. The floor is yours.

3 MS NAOURI: [11:41:39] (Interpretation) Very well, Mr President.

4 Q. [11:41:42] Madam Witness, during the break, were you able to look at the
5 folder somewhat, the folder that was handed over to you with the 147 forensic
6 reports?

7 A. [11:41:55] No. The binder was here in the courtroom. I didn't look at it.

8 Q. [11:42:00] Very well. No problem. There will be a second break, and
9 you'll have the opportunity to look at the folder. Now, I just want to make
10 sure that you've understood what we expect of you in relation to that folder.

11 A. [11:42:15] Can you please repeat?

12 Q. [11:42:17] Well, for the first folder or binder, there are 147 forensic reports
13 that you prepared. We simply want to ask you to authenticate those reports
14 by indicating that it is indeed your signature and it is indeed the document you
15 drafted. If it's the case, you will hand write on it OK or you sign the
16 document, and we would interpret that to mean that you have authenticated
17 that document; is that clear?

18 A. [11:42:48] Yes, that is clear. On which page do you want me to write the
19 OK?

20 Q. [11:42:54] Well, on any page, Witness, on any page. That's fine.

21 PRESIDING JUDGE TARFUSSER: [11:43:01] It doesn't matter. You just
22 write the OK and that's it. Wherever you put it, that's okay. If you put it
23 always in the same place, it's better, so we can find out better where you've put
24 it.

25 Please go ahead.

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1 MS NAOURI: [11:43:14] (Interpretation) Thank you, Mr President.

2 Q. [11:43:19] Madam Witness, I want to quickly hark back to the discussion
3 we were having before the break in relation to that forensic report which you
4 yourself did not hand over to John Clark. At page 39, line 16, you said the
5 following, at line 20 specifically, "External forms which had been conveyed
6 pursuant to the request of the Court were communicated to the authorities. I
7 think they had a discussion on that, but I did not have to personally hand that
8 report over to Mr John Clark." End of quote.

9 My question is as follows: Did you ask John Clark whether he was in
10 possession of those forensic reports?

11 A. [11:44:28] I don't remember dealing with that specific question with him.

12 Q. [11:44:34] Very well. Do you remember whether he told you that he had
13 had any contacts with the Ivorian authorities on this issue?

14 A. [11:44:44] No, because we were there to conduct the autopsies, and I don't
15 have any such recollection.

16 Q. [11:44:52] Very well. Madam Witness, let's now look at another
17 document. This is also another autopsy you conducted with John Clark.

18 And, Mr President, I would like us to go briefly into private session, because
19 I'm going to mention the name of the person involved, except we proceed by
20 simply showing the document confidentially to the witness without
21 mentioning the private data on the forensic form of this person.

22 PRESIDING JUDGE TARFUSSER: [11:45:36] Then let's go briefly in private
23 session.

24 (Private session at 11.45 a.m.)

25 (Redacted)

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- 17 (Open session at 11.59 a.m.)
- 18 THE COURT OFFICER: [11:59:52] We are back in open session, Mr President.
- 19 PRESIDING JUDGE TARFUSSER: [11:59:57] Madam Naouri.
- 20 MS NAOURI: [11:59:58] (Interpretation) Thank you, Mr President.
- 21 Q. [12:00:04] We will now look at other documents. CIV-OTP-0077-0045,
- 22 and that is tab 42. Is it your signature at page 0047? I will not read out the
- 23 name of the person.
- 24 A. [12:00:32] Yes, it is indeed my signature.
- 25 Q. [12:00:47] Very well. Now, the next document that I would like to show

1 to you, it is an autopsy report that you carried out with John Clark on a body
2 exhumed from a grave, but the name is here, and it is in tab 34. It is
3 CIV-OTP-0077-0012, and it is on page 0014. And you say in this report, I
4 quote in English: (Speaks English) "He had suffered a number of injuries which
5 were of two different types, neither of them gunshot or explosive. Firstly,
6 there was evidence of major blunt force trauma to the front of his head on the
7 right side. Direct blows from a solid object, fracturing the skull into several
8 pieces and involving also the cheekbone. In addition, above the main fracture
9 area, there were three curved part thickness fractures, slightly depressed and
10 indicative of further blows here.

11 Overall, the appearance suggested repeated blows from a heavy object,
12 probably one with a round edge. Given the extent of the fracturing, it is
13 highly likely that there would have been internal damage, with trauma to the
14 brain and bleeding, and so this can be regarded as a potentially fatal injury."

15 (Interpretation) When you examined the body of that same person, in your
16 forensic report in tab 25, it is CIV-OTP-0073-1103, page 05, the external
17 examination of the body in an advanced state of decomposition shows a
18 fracture on the right skull. Is there concordance here in the results that you
19 had during that examination and in the results of the autopsy that you had
20 with John Clark?

21 A. [12:03:26] I cannot talk about that precisely. There were cephalic injuries.
22 But to compare precisely what was said on the description of the injuries once
23 we had the autopsy, I cannot go beyond that, because there were injuries on the
24 skull in the first report which are also mentioned in the autopsy report that was
25 jointly carried out.

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1 Q. [12:04:04] Very well. So it is highly likely that it is the same body that
2 was initially examined by you and that later on by you and John Clark?

3 A. [12:04:15] I cannot say because there were also other people with skull
4 injuries. I cannot venture to say that it was the same person.

5 Q. [12:04:28] Very well. Now let me rephrase the question. That person
6 was identified during your external examination and during the autopsy as
7 being Mr X; is that correct?

8 A. [12:04:43] Yes.

9 Q. [12:04:45] Very well. Madam Witness, a DNA test was done with the
10 brother and sister of this gentleman, and it is CIV-OTP-0084-4434, tab 72,
11 page 4439, and I quote, (Speaks English) "The report concluded that there was
12 no match for DNA samples from any of the bodies exhumed against the DNA
13 from the buccal swabs of the living relatives."

14 (Interpretation) And this concerns the body we are talking about.

15 THE INTERPRETER: [12:05:37] Can counsel pause while switching languages?
16 It is very confusing.

17 MS NAOURI: [12:05:42] (Interpretation)

18 Q. [12:05:43] The DNA test does not make it possible to associate that body
19 with the members of the family.

20 A. [12:05:56] *I have just been informed now.

21 Q. [12:05:57] That means in that case the DNA results that you carried out
22 with the members of the family were false; is that correct?

23 PRESIDING JUDGE TARFUSSER: [12:06:13] Now, Mr Garcia.

24 MR GARCIA: [12:06:15] I object to that question, your Honour. It's based on
25 a premise that has not been accepted by the witness, and I don't see how the

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1 witness could possibly answer that question.

2 PRESIDING JUDGE TARFUSSER: [12:06:25] Yes, but if it's not accepted by
3 the witness, the witness will say so, I think. So the question -- well --

4 MR GARCIA: [12:06:33] Your Honour, I hate to say more because, obviously,
5 the witness is present.

6 PRESIDING JUDGE TARFUSSER: [12:06:37] Yes, of course.

7 MR GARCIA: [12:06:38] But we all know, obviously, what the results were.
8 Now we're asking the witness to speculate on why those results came as such.

9 I submit to the Chamber that the Chamber doesn't need the witness's
10 speculation on this matter. The witness can be asked questions on her
11 expertise.

12 PRESIDING JUDGE TARFUSSER: [12:06:52] The witness is not requested to
13 make speculations but to give positive answers, if the witness can do so.

14 MS NAOURI: [12:07:02] (Interpretation)

15 Q. Madam Witness, let me repeat. As I've already asked you, this body
16 had been identified by you as being this person, that is the name on the report.

17 A. [12:07:21] It was not identified by us.

18 PRESIDING JUDGE TARFUSSER: [12:07:25] This is the wrong way to pose
19 the question because it was not identified by the witness. It was identified.

20 MS NAOURI: [12:07:35] D'accord.

21 PRESIDING JUDGE TARFUSSER: [12:07:36] All right. And the witness
22 accepted the identification, as she has told us today, two days ago, okay. And
23 we are coming always back to the same, to the same issue.

24 MS NAOURI: [12:07:48] (Interpretation) Very well.

25 Q. [12:07:51] Madam Witness, the identification that was made on the basis

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1 of the information from the family turned out to be wrong. Were you aware
2 of that?

3 A. [12:08:06] Was I informed of the results?

4 Q. [12:08:10] Yes.

5 A. [12:08:12] No.

6 Q. [12:08:14] Very well. Now, let us go back to the methodology of the
7 autopsies that you carried out together with John Clark.

8 Did you at any point hand over to John Clark the external medical
9 examinations that you carried out on the same people on which you carried out
10 autopsies?

11 A. [12:08:49] I have already answered that question. I did not hand over to
12 him the external examinations. The mission was to carry out autopsies of the
13 exhumed bodies.

14 PRESIDING JUDGE TARFUSSER: [12:09:05] Can you please --

15 MS NAOURI: [12:09:04] On va relentir, Monsieur le Président.

16 PRESIDING JUDGE TARFUSSER: [12:09:10] Yes.

17 MS NAOURI: [12:09:10] (Interpretation)

18 Q. Madam Witness, in your first letter of instruction of January 2011,
19 paragraph 1, CIV-OTP-0077-0049 on page 0049, it was intended that your
20 mission should be for you to familiarise yourself with all medical and other
21 documents relating to the victims and to communicate all information that
22 could be useful for this mission. Could the legal documents, reports, medical
23 examination reports not be useful for the autopsies that you carried out with
24 John Clark?

25 A. [12:10:10] If you can repeat that question, I do not think I quite

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1 understood it.

2 Q. [12:10:16] Very well. *In your letter of instruction, it was clearly
3 indicated to you and to John Clark to go through all relevant documents
4 concerning victims. And the victims were identified. I shall not say more as
5 we are in open session. And so your mission was also to have all information,
6 to receive all information relevant to your expert mission. So this information
7 was useful for the two experts. So here is my question, you have said that it
8 was not your mission, but was it not your mission to receive or to communicate
9 to John Clark your own medical records or death certificates of some of the
10 victims who are named here and on which you had carried out an autopsy?

11 A. [12:11:13] Yes, I believe I understand the question. To read all the
12 relevant documents well, indeed, I read the reports that had been drafted by
13 ourselves, the forms of the external examinations of those bodies.
14 Now, regarding the reports on the DNA, I had to know about them, and I
15 didn't read them because I was not aware of them. Similarly, John Clark did
16 not ask me to also send to him the reports of those examinations. So I did not
17 take the liberty of giving him. So I read through the documents in my
18 possession, and I could not ask him any other thing as long as I knew what had been done.

19 Q. [12:12:22] Thank you. Now, regarding the finalisation of those reports
20 of autopsies with John Clark, how did you verify and approve the autopsy
21 notes of Mr John Clark?

22 A. [12:12:40] As it has been underscored in the overall report in the part
23 relating to methodology, during the autopsies we discussed our observations
24 and each person noted jointly the observations made. That is how it
25 happened. We noted down together what we were able to observe.

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1 Q. [12:13:18] Very well. Now, in this overall report, CIV-OTP-0077-0002,
2 *tab 2, page 4, it is indicated, and I quote in English, (Speaks English) "An
3 autopsy report for each case was subsequently prepared in English by Dr Clark
4 based on the notes and photographs and the reports then sent to Professor
5 Yapo Etté for checking and approval. Finalized versions were then printed
6 out, body diagrams attached, and the reports signed by both pathologists."
7 (Interpretation) It is indicated here that the first notes and reports of Dr Clark
8 in English were sent to you for verification and approval, checking and
9 approval. Now, how was this procedure conducted?

10 A. [12:14:24] This correspondence of reports?

11 Q. [12:14:28] Yes.

12 A. [12:14:30] It was in numerical -- it was in electronic order.

13 Q. [12:14:38] Just from Mr Clark to you?

14 A. [12:14:42] Yes, Mr Clark sent the reports to me so that I should
15 cross-check what had been observed at the time we carried out the work.

16 Q. [12:14:53] Very well. Did you have any disagreements at any one point
17 with Mr John Clark?

18 A. [12:15:04] No major disagreements, maybe terminology that could have
19 been used, but there were no major disagreements.

20 Q. [12:15:12] Very well. Madam Witness, I have concluded my questions
21 on the substance.

22 Now, the second binder that we talked about including 59 forensic reports that
23 you signed about the FDS, we are going to give you that second binder so that
24 you should also authenticate your signatures.

25 Mr President, I will hand over the binder to the court clerk.

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- 1 PRESIDING JUDGE TARFUSSER: [12:16:09] Fini?
- 2 MS NAOURI: [12:16:11] (Interpretation) Yes, Mr President.
- 3 MR ALTIT: [12:16:19] (Interpretation) Mr President, your Honours, this
- 4 concludes the questioning of the Defence for Laurent Gbagbo.
- 5 PRESIDING JUDGE TARFUSSER: [12:16:29] Thank you very much.
- 6 Yes, Madam Witness. Yes, please.
- 7 THE WITNESS: [12:16:35] (Interpretation) Mr President, if I've understood
- 8 correctly, during the break *I will have to look at 147 documents, plus 50 others,
- 9 I'm wondering whether I will have the time to do that.
- 10 PRESIDING JUDGE TARFUSSER: [12:16:52] Yes, we wonder as well. You
- 11 do your best and then, if not, we find a solution, because with VWU we find
- 12 the solution. No worry.
- 13 THE WITNESS: [12:17:05] (Interpretation) Very well.
- 14 PRESIDING JUDGE TARFUSSER: [12:17:07] Now I give the floor to the
- 15 Defence for Mr Blé Goudé. Mr Knoops.
- 16 MR KNOOPS: [12:17:15] Thank you. Thank you, Mr President.
- 17 QUESTIONED BY MR KNOOPS:
- 18 Q. [12:17:19] Good afternoon, Madam Witness.
- 19 A. [12:17:22] Bonjour.
- 20 Q. [12:17:23] My name is Alexander Knoops. I'm an attorney at law in the
- 21 Kingdom of The Netherlands and I'm counsel for Mr Blé Goudé.
- 22 Witness, the Presiding Judge asked you yesterday about your expertise in
- 23 ballistics. You told the Court, and this is the realtime transcript, English
- 24 version, page 62, that you have basic knowledge in ballistics and ammunition,
- 25 but that the area you studied was terminal ballistics.

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1 My first question to you is, Madam Witness, the term "terminal ballistics," do
2 you equate this term with wound ballistics?

3 A. [12:18:49] Absolutely. You have initial, intermediate and terminal
4 ballistics, which corresponds to wound ballistics.

5 Q. [12:19:12] So this is the area you told the Court yesterday what you
6 studied and with which you are familiar with?

7 A. [12:19:34] Yes.

8 Q. [12:19:37] My first question, Madam Witness, can you explain to us
9 whether there is a difference in terms of wound ballistics between a large
10 calibre military rifle and a small calibre military rifle in terms of wound
11 ballistics?

12 A. [12:20:12] If you allow, let me rephrase. You are asking whether I know
13 the difference between an injury from a large calibre weapon and a small
14 calibre weapon, the type of impact on the body. Is that what you want to
15 know? Because I studied the impact on the body, not the rifle and
16 ammunition itself.

17 Q. [12:20:53] No. That's clear, Madam Witness. I mean the impact on the
18 body in terms of injuries.

19 A. [12:21:14] If you give me an example of ammunition, for example,
20 because it is a really broad topic, if you give me an example of the type of
21 ammunition you are referring to, I'll make an effort to answer.

22 Q. [12:21:32] One example could be, Madam Witness, the difference
23 between 5.5 or 8 millimetre calibre ammunition versus a full metal jacket
24 bullet from a 338 military rifle.

25 PRESIDING JUDGE TARFUSSER: [12:21:57] But, Mr Knoops, this is not a

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1 university exam, an exam in university.

2 MR KNOOPS: [12:21:59] No.

3 PRESIDING JUDGE TARFUSSER: [12:22:00] It's the questioning of a witness.

4 So I would ask you to put questions related to the expertise she has, the

5 witness has done, and not making questions like we can hear at a university

6 exam for forensic. Thank you.

7 MR KNOOPS: [12:22:22] Thank you, Mr President. It was no way meant to

8 exam, to make an examination of the witness. But the relevance of my

9 introduction will be made clear during my further questioning. But I can

10 move on.

11 PRESIDING JUDGE TARFUSSER: [12:22:32] Yes, but I mean --

12 MR KNOOPS: [12:22:33] I'll move on, yes.

13 PRESIDING JUDGE TARFUSSER: [12:22:35] I think the impact of such on the

14 body is known to everybody who has ever assisted to an autopsy.

15 MR KNOOPS: [12:22:44] I hope so, Mr President, I hope so.

16 PRESIDING JUDGE TARFUSSER: [12:22:47] Yes. Therefore, I think if one

17 has done hundreds of them, we should know.

18 MR KNOOPS: [12:22:55] Okay. Then I would simply ask the witness to look

19 at document CIV-D25-0049-0001. That's in our materials tab 352. If you

20 could look at the screen, yes.

21 My question to you, Madam Witness, are you familiar with this book? If you

22 go to page 0003, you'll find also the exact publication date of this edition

23 in 2008 by these four professors: Kneubuehl, Copeland, Rothschild and

24 Professor Thali.

25 So my question to you is: Are you familiar with this book?

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1 A. [12:24:16] Yes, I am familiar with this book.

2 Q. [12:24:27] Okay, thank you.

3 Madam Witness, on page 57 of the realtime English transcripts of yesterday,
4 you read out a document, Prosecution tab 57, the ERN number is 0083-1234,
5 and in this document you explain to the Prosecution that in your estimation, an
6 injury by firearm also includes injury resulted from the explosion of shells and
7 mortars.

8 And then you say, "I indeed believe that the firearm is a weapon that makes it
9 possible to fire projectiles over a certain distance and explodes in the same
10 manner."

11 My question to you is, Madam Witness, do you say here that an injury
12 sustained by a firearm is similar to an injury sustained by a shell, artillery shell
13 or mortar?

14 A. [12:26:21] It is quite vague, an injury by a firearm is vague because it
15 refers to several elements. So I include the results of impacts from mortar
16 fragments.

17 Q. [12:26:55] Witness, I ask you to look at a document, it's
18 CIV-D25-0057-0017. It's Defence material tab 358, first page of this article.
19 Madam Witness, if correct, you see the first page of a publication from 1991 by,
20 written by three surgeons of the Department of Surgery, American University
21 of Beirut, Lebanon, in the Journal of Trauma based on an examination of 299
22 patients who sustained ballistic injuries to the abdomen, and these patients
23 were all operated upon by the authors. It's a four-year period of examination.
24 And if you look at the abstract, Madam Witness, the top of the article, you see
25 in the last line of this abstract the following conclusion: "Our data suggest

1 that high energy bullets to the abdomen cause higher tissue penetration and a
2 greater blast effect than shell fragments." End of the quotation.

3 My first question to you, Madam Witness, were you familiar with this
4 publication?

5 A. [12:29:20] No, I am not familiar with this article.

6 Q. [12:29:31] If you scroll further to page 0020 of the article, the second
7 column in the middle, you find the explanation how these three surgeons came
8 to this data, among which the review of recent ballistic reports, and they
9 explain the difference between injury sustained by bullets versus injury
10 sustained by shell fragments.

11 So in accordance to this study, there is a clear distinction between these types
12 of ballistical traumas sustained by bullets versus shell fragments.

13 So my question to you is, Madam Witness, were you able to make this
14 differentiation in your examination of the 373 individuals which you linked to
15 so-called projectiles from firearms?

16 A. [12:31:23] I suppose that the figure of 373 comes from our document that
17 has to do with the wounds caused by --

18 Q. [12:31:40] Yes.

19 A. [12:31:42] well, to make a link between that and the kind of projectile, is
20 that what you are trying to ask me, whether I was able to establish a link?
21 We spoke of firearm projectiles. We didn't talk about the type of projectiles
22 because, you see, we were carrying out an external examination during which
23 we merely described the impact that it can have on the body.

24 A projectile that strikes the body perpendicular to the skin surface does not
25 result in the same kind of wound as a projectile that ricochets and hits one of

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1 the sides of one of these surfaces.

2 So we can't talk about the type of projectile. We can only speak of a projectile
3 from a firearm. But the nature, we did not mention the nature of the projectile
4 at that particular stage of our operations, namely, the external examination.

5 Q. [12:33:12] But the question, Madam Witness, is, in light of this publication,
6 what was the foundation of your observation in the letter you wrote to the
7 Prosecution in answer of their question?

8 PRESIDING JUDGE TARFUSSER: [12:33:27] But this is highly speculative. I
9 mean --

10 MR KNOOPS: [12:33:30] No, no, no, Mr President.

11 PRESIDING JUDGE TARFUSSER: [12:33:32] Excuse me. But you are
12 quoting from a study which no one here has seen, which cannot be confronted
13 with anything else, which you think is the oracle in this material. We have
14 not heard the three surgeons who have written it. I mean, why is this article
15 the right and something else is wrong, I mean, who says this? You are
16 starting from the assumption that this article is the oracle in the field, in this
17 field, while the witness has only written 10 lines in order to say a firearm is
18 also -- it's not only a gun or a pistol, but also can also be something else.

19 MR KNOOPS: [12:34:30] Well, Mr President, we're speaking here about an
20 academic research. And my question to the witness is actually to give her also
21 an opportunity to respond is --

22 Q. [12:34:43] Madam Witness, you write in this letter, and this is also
23 testified by you yesterday, you say that artillery fire explodes in the same
24 manner and produces shrapnel, which is then, which then behaves like
25 shrapnel whether they hit their target.

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1 So you suggest herewith that the type of injury sustained by shrapnel
2 stemming from a mortar is similar to that of sustained by a rifle. So my
3 question is: Is this your testimony? Should we understand your answer
4 yesterday on page 57 of the transcript in this way? And if so, what is the
5 foundation of this conclusion?

6 A. [12:35:57] That's exactly not what I said. I did not compare wounds with
7 wounds, other wounds in that response, namely, wounds caused by a firearm
8 or from a projectile versus wounds caused by a piece of shrapnel. I merely
9 said that a piece of shrapnel can produce or give rise to -- well, that I put
10 ammunition into some kind of category or a group of firearms, and I also have
11 bibliographical references that allow me to make that statement.
12 I did not talk about wounds. I talked about the ways in which wounds
13 caused by firearms are classified.

14 Q. [12:36:52] When we speak about your report, your overall report, it's
15 Defence tab 14, CIV-OTP-0050-0003, page 0049, you dedicate 373 out of the 590
16 victims would have traumatic injuries you dedicate to projectiles from
17 firearms.

18 So my question is: What was the foundation of this figure?

19 A. [12:38:01] It was on the basis of our observations. That is what we based
20 ourselves on when we filled out our forms and derived these statistics, because,
21 you see, wounds caused by firearms could be recognised by their specific
22 characteristics, for example, the loss of substance within the skin.

23 Q. [12:38:38] Yet today you testified, Madam Witness -- the transcript page 5,
24 British transcripts, line 16 -- you didn't receive reports, ballistic reports from
25 the scientific police.

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1 So is it fair to say that this figure of 373 was based on your own interpretation
2 of the results of the autopsies without having ballistical reports in this regard to
3 found this figure of 373 individuals?

4 A. [12:39:20] The figure that I have advanced is based on our own findings
5 relating to the target, namely, the victims. And I cannot ask the scientific
6 police to come and support what we have said, particularly since we did not
7 withdraw something from all the bodies. It was some of the bodies, some of
8 the bodies from which we were able to remove pieces of metal or bullets. So
9 for us, it was a matter of providing the nature of the projectile, or that -- those
10 items of information. We based ourselves on our observations which
11 corresponded exactly to the wounds caused by a firearm, a firearm projectile,
12 rather.

13 Q. [12:40:30] Yes. But, Madam Witness, do you agree that a ballistic report
14 is relevant to definitely determine the nature of a metallic fragment?

15 A. [12:40:48] No, I did not carry out a ballistics report. I prepared a report,
16 and it was based on my conclusions, my findings.

17 Q. [12:41:00] But my question is, Mrs Witness, Madam Witness, do you
18 agree, in order to determine the nature of metallic fragment one needs a
19 ballistic report, forensically seen?

20 A. [12:41:24] Well, in actual fact, each time we found a metal fragment, we
21 said that a ballistics report would be necessary for that to provide the nature of
22 the fragment itself.

23 Q. [12:41:42] Thank you.

24 Madam Witness, still talking about this figure of 373 individuals which you
25 relayed to projectiles from a firearm, from how many individuals out of the 373

1 persons where you performed autopsies metal fragments were extracted?

2 A. [12:42:36] I couldn't answer that question because I did not carry out that
3 study. Well, I don't have it at hand right here. But amongst the autopsies
4 that were done, we found wounds caused by firearms in the majority of cases.
5 What is more, a number of projectiles which we removed from the body,
6 because, indeed, we did go beyond the examination to carry out an actual
7 autopsy.

8 Q. [12:43:18] Madam Witness, my final question relates to a document which
9 I would like to show to you. That's Defence document 94. It's the transcript
10 of the hearing on 9 November 2016 in Abidjan. It's CIV-OTP-0094-0121,
11 page 0127. If you could, Madam Witness, please have a look at the screen.
12 You'll see a portion of the hearing of 2016.

13 In the middle, the Prosecution is questioning you about any potential relation
14 between your autopsies and the post-electoral crisis. You were questioned on
15 this subject yesterday by the Presiding Judge. But I have a different question
16 in this regard.

17 In the middle you see your answer, (Interpretation) "I did not say to the
18 Prosecutor that all the deaths were stemming from the post-election crisis."
19 Two lines below, you say, (Interpretation) "My role was not to determine
20 whether someone died subsequent to a robbery."

21 (Speaks English) You can confirm that you testified in this regard in 2016?

22 A. [12:46:11] Yes, I can confirm that. I gave testimony at that hearing
23 in 2016.

24 Q. [12:46:23] Now, my follow-up question in this regard is, Madam Witness,
25 are you able or were you able to determine if a certain injury or death was or is

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1 to be connected to a specific incident in this case of the autopsies you
2 performed?

3 A. [12:47:03] If you could rephrase your question about the incident, a
4 specific incident, if you could please clarify.

5 Q. [12:47:19] Yes. You already testified early today that you cannot
6 determine the dates of death. My question is different. My question is:
7 Were you able to determine to which incident, apart from the element of time,
8 a certain injury or death could be connected with?

9 A. [12:47:59] I was not in a position to say which incident a death was linked
10 to. You need to look at the mission that we were entrusted with. We were
11 asked to carry out an autopsy or a detailed examination of the victims of the
12 post-election crisis. The bodies were at rest in the morgues of the two major
13 funeral homes, INTERFU and IVOSEP, and we were asked -- correction, the
14 request was made to make these bodies available to us. That is what we did,
15 and thus we provided our findings regarding these bodies.
16 There was no specific incident, other than the fact that, other -- outside of the
17 post-election crisis.

18 MR KNOOPS: [12:49:12] Thank you, Mr President. These were my
19 questions. Mr N'Dry has very few additional questions.

20 PRESIDING JUDGE TARFUSSER: [12:49:18] Maître N'Dry.

21 QUESTIONED BY MR N'DRY: (Interpretation)

22 Q. [12:49:33] Good afternoon, Madam Witness.

23 A. [12:49:35] Good afternoon.

24 Q. [12:49:36] I just have a few questions for you. I don't think this will take
25 much time. My name is N'Dry Claver. I am a member of the Côte d'Ivoire

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1 bar.

2 I would like us to return to your report, the detailed report. I would imagine
3 you must have it. You must have a hard copy of it right at hand with you.
4 CIV-OTP-0050-0003. If we could turn to page 0035 of this report, where we
5 see a breakdown of the victims by commune, the commune where the death
6 occurred or the body was found in Abidjan, page 35, page 35.

7 A. [12:50:58] Okay.

8 Q. [12:51:00] Are you with me?

9 A. [12:51:01] Yes.

10 Q. [12:51:04] Before we delve into the matter at hand, I'd like you to tell me
11 what allowed you, or what did you base yourself on exactly, to prepare this
12 breakdown of deaths by commune?

13 A. [12:51:25] I based myself on the information that we were able to gather
14 from the mortuary.

15 PRESIDING JUDGE TARFUSSER: [12:51:37] Sorry.

16 THE WITNESS: [12:51:47] (Interpretation) From the information that we
17 were able to gather from the mortuary records and from family members when
18 they came to collect the death certificate. And that point was mentioned in
19 the report.

20 MR N'DRY: [12:52:04] (Interpretation)

21 Q. [12:52:05] Very well. If we could also hark back to another point once
22 again in relation to this report. You made mention of a particular breakdown,
23 and you made a distinction between civilians and non-civilians, namely,
24 soldiers and paramilitary personnel, military forces and paramilitary personnel,
25 in this report. Do you remember that?

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1 A. [12:52:58] If you could give me a page?

2 Q. [12:53:01] I'll give you the page number. Page 32. Are you with me?

3 A. [12:53:33] Yes.

4 Q. [12:53:33] I would like to ask you, what did you base yourself on to
5 prepare this breakdown?

6 A. [12:53:48] We made reference to the occupation of these people, their
7 profession. As for the Defence Forces, the Republican Forces, we had their
8 professional card because I believe they were subjected to autopsies and the
9 information was filled out. So it was on the basis of the profession in the case
10 of the people for whom the profession was known.

11 Q. [12:54:26] Madam Witness, we are talking about more than 700
12 bodies, 789 bodies. Of all these corpses, how many were Defence and
13 Security Forces? I believe you referred to them as FDS forces in your report.
14 What about the ones who did not have their identity cards on their -- in their
15 possession, could they have been identified as -- how could you have said that
16 they were civilians?

17 A. [12:55:15] Well, there were a great many John Does, you have to
18 remember that. The findings, well, the statistics were prepared on the basis of
19 the group of people known, the people for whom we had that information.
20 There were a great many people whose identities were not known, and we
21 merely reported on the people whose identity was known. So we had the
22 card that showed their profession.

23 Q. [12:55:50] Very well. Now, in the document, I see you mention FRCI.
24 So I suppose you used their professional card?

25 A. [12:56:09] That is a long time ago. And if I put that information, it's

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1 because I had received it.

2 Q. [12:56:21] Madam Witness, it seems to me that this is extremely important
3 information. Whom did you receive the information from that allowed you to
4 provide this information?

5 A. [12:56:33] Well, we didn't make anything up. We didn't make the
6 information up. We received the information from the morgue records, from
7 the -- well, there was also -- there was the people, the family members, and
8 they would come with the person's cards, identity cards, showing their
9 profession. So basically it was the professional cards. And the photocopies
10 were in the mortuary records. And also the cards, these cards that were in the
11 possession of these people who had come to claim the bodies.

12 Q. [12:57:22] So you met with these families yourself. Did you see any
13 professional cards that were stamped FRCI, Republican Forces of Côte d'Ivoire?
14 Did you see any such cards?

15 A. [12:57:38] I couldn't tell you because that is information, well, we received
16 a long time ago. But if the information is recorded, that means I received the
17 information. That is what I'm telling you. On the basis of the information
18 received, we were able to report that information.

19 Q. [12:57:59] Very well. Madam Witness, this trial has been underway for
20 two years. And we have received information to the effect that there was
21 fighting in Abobo. There was one group in that location, and they were
22 known as the Invisible Commando.

23 Now, in this breakdown based on profession, I see Defence and Security Forces
24 of Côte d'Ivoire. I see Republican Forces of Côte d'Ivoire. I see watchmen,
25 bodyguards, municipal police officers. I see sub-préfecture guards. My

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1 question, of all the families that you met with, none of these family
2 members -- this is a question I'm putting to you. None of them said that their
3 family member who had died was part of the Invisible Commando or another
4 paramilitary group?

5 A. [12:59:16] One must believe so, because in the case -- well, if something is
6 reported here, if the profession is recorded here, it's because we knew it. If we
7 did not have knowledge of these Invisible Commando people you mentioned,
8 we did not record. A great many of these people were unknown. They were
9 John Does.

10 Q. [12:59:41] Very well. Now, Madam Witness, if we could hark back to
11 the mandate you were entrusted with. And first of all, I'd like to play some
12 video footage, and I'd like to ask the Chamber to grant me five minutes, and
13 that way I will have concluded by then. So if we could have five minutes.
14 I'm sorry, just a moment, your Honour.

15 PRESIDING JUDGE TARFUSSER: [13:00:15] Yes.

16 (Defence Counsel confer)

17 PRESIDING JUDGE TARFUSSER: [13:00:26] Just to take the time while
18 Maître N'Dry is consulting, I would conclude this questioning of the witness,
19 then make the break for the lunch. After the lunch, to start with the
20 discussion on the request for amicus curiae. And once finished, to call back
21 the witness so she has more time to look at the files, and then call back the
22 witness for her response, okay?

23 MR GARCIA: [13:01:04] Your Honour, if I may, just to inform the Chamber,
24 the Prosecution does intend to put a couple of questions to the witness.

25 PRESIDING JUDGE TARFUSSER: [13:01:11] Yes, yes, yes.

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- 1 MR GARCIA: [13:01:12] I'll be very brief.
- 2 PRESIDING JUDGE TARFUSSER: [13:01:13] Yes. We do this after the break.
- 3 Now we let Maître N'Dry finish.
- 4 Is this okay with you. So you have, you will have more than two hours to
- 5 look at them. Just go through quickly to find out if this is you, if you did this,
- 6 sign it, and that's it, okay?
- 7 THE WITNESS: [13:01:38] (Interpretation) That's fine. Thank you, Mr
- 8 President.
- 9 PRESIDING JUDGE TARFUSSER: [13:01:43] Maître N'Dry.
- 10 MR N'DRY: [13:01:45] (Interpretation) The reference of the video is the
- 11 following, CIV-D15-0001-3931. Transcript CIV-D15-0004-1467.
- 12 THE COURT OFFICER: [13:02:36] I have a few questions for you. First of
- 13 all, is this video public?
- 14 MR N'DRY: [13:02:40] (Interpretation) It is public.
- 15 THE COURT OFFICER: [13:02:43] Would you like the interpreters to read
- 16 out the transcript you just gave reference to?
- 17 MR N'DRY: [13:02:49] (Interpretation) Yes, Madam, please.
- 18 THE COURT OFFICER: Thank you.
- 19 (Viewing of the video excerpt)
- 20 THE INTERPRETER: [13:03:19] (Interpretation of the video excerpt) The
- 21 Quartier du Carrefour is a ghost town today. Houses --
- 22 THE COURT OFFICER: [13:03:26] You now have the floor and the video
- 23 will be displayed on the evidence 2 channel.
- 24 (Viewing of the video excerpt)
- 25 THE INTERPRETER: [13:03:31] Mr President, if this would be played all over

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1 because there an interruption.

2 PRESIDING JUDGE TARFUSSER: [13:03:40] Can we restart? There was an
3 interruption by the court officer.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [13:03:56] (Interpretation of the video excerpt) The
6 Quartier du Carrefour is a ghost town today. Houses were pillaged and then
7 burnt, and grisly discoveries are made there every day. A man was thrown
8 into this well.

9 Out of 500 inhabitants --

10 THE INTERPRETER: [13:04:29] Mr President, unfortunately, the interpreters
11 do not have the full transcript.

12 (Interpretation of the video excerpt) It is inhuman for these people to be held
13 in these conditions. People die on a daily basis. At least one person per day.
14 They are health emergencies, and this is what the administration has used as
15 an excuse to evacuate the camp, which is an embarrassment for President
16 Ouattara, who had promised a few days ago that light would be shed on all the
17 massacres.

18 PRESIDING JUDGE TARFUSSER: [13:05:23] Yes, Maître N'Dry.

19 MR N'DRY: [13:05:25] (Interpretation)

20 Q. [13:05:25] Madam Witness, were you aware of any killings in Douékoué
21 in your capacity as an Ivorian, to begin with?

22 A. [13:05:38] Yes, as an Ivorian, yes, I was aware of that.

23 Q. [13:05:44] Very well. Now, you had a mandate to deal with the victims
24 of these post-election victims -- crisis, rather, of the post-election crisis. Did
25 you have mandate? And, please, I would like to ask the Prosecutor to wait

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1 before raising any objections to allow me to finish my question.

2 Now, the question is the following: Did you have or did you receive, or did
3 you yourself go to the mortuaries where those victims lay, that is, the victims of
4 the Douékoué massacre, as referred to here by the journalist? And I say the
5 journalist, where the journalist alleges, allegedly refers to some 200 people
6 having been killed. Did you analyse those bodies? That's the end of my
7 question. Maybe the Prosecutor can object now.

8 PRESIDING JUDGE TARFUSSER: [13:06:56] Mr MacDonald.

9 MR MACDONALD: [13:06:57] Yes, I'm going to field this objection, your
10 Honour.

11 Duékoué is at the northwest. It's not in Abidjan.

12 PRESIDING JUDGE TARFUSSER: [13:07:09] Yes.

13 MR MACDONALD: [13:07:09] I have no problems with the -- just a second,
14 your Honour, if you allow me to finish.

15 We have no objection for the witness to answer, but, again, and it's been
16 repeated over and over, there is a CIV2 investigation, and that is that. Right
17 now this is a different trial.

18 PRESIDING JUDGE TARFUSSER: [13:07:32] Can you please answer with one
19 word, yes or no.

20 MR N'DRY: [13:07:38] Monsieur le Président.

21 PRESIDING JUDGE TARFUSSER: [13:07:41] No.

22 MR N'DRY: [13:07:42] (Interpretation) Mr President, with your leave, and
23 with all respect, with all due respect for the Court, before, before I answer or,
24 rather, before the witness answers, I would like to ask the Prosecutor to read
25 the report again. There are a number of towns mentioned in the report

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1 outside of Abidjan: Anyama, Dabou, Yamoussoukro, Gagnoa, Daloa, and
2 therefore his argument doesn't hold any water.

3 PRESIDING JUDGE TARFUSSER: [13:08:15] I understood it doesn't hold any
4 water as it was translated. Therefore, I ask the witness to answer the
5 questions, the formal questions, made by Maître N'Dry.

6 Were you anyhow involved in this, in these killings, as a professional?

7 THE WITNESS: [13:08:40] (Interpretation) I want to specify, Mr President,
8 yes, of these 789 bodies mentioned here, the west, Daloa, San Pedro, are
9 concerned, but they were dealt with under a specific requisition for INTERFU,
10 which was managing the mortuaries in that area. So those bodies are
11 involved or are included in the 789.

12 Now, the corpses from the west, particularly Duékoué, were dealt with under
13 another mission which was started and which is still ongoing.

14 PRESIDING JUDGE TARFUSSER: [13:09:42] Okay. Maître N'Dry.

15 MR N'DRY: [13:09:48] (Interpretation)

16 Q. [13:09:54] Madam Witness, it is very clear. Your answer is clear.

17 But let us hop back to page 37 of your report. CIV-OTP-0050-0037. Are you
18 there, Madam?

19 A. [13:10:33] Yes, yes.

20 Q. [13:10:33] Here, we see presidential residence and we see one dead. Are
21 you there?

22 A. [13:10:40] Yes.

23 Q. You see presidential residence, one dead. Now, as far as you remember,
24 would this be in reference to Mr Désiré Tagro, the former minister, as far as
25 you can recall?

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1 A. [13:10:57] No.

2 MR N'DRY: [13:10:59] (Interpretation) Mr President, I have no further
3 questions for the witness.

4 PRESIDING JUDGE TARFUSSER: [13:11:04] Thank you very much. Now
5 we take the break. We will resume at 3.00 with the discussion on the amicus
6 curiae issue, and after, around 3.30, we will re-see you with the answer of your
7 question, the re-questioning by the Office of the Prosecutor and the possible
8 re-questioning by the two Defence teams. And so we will finish in any case
9 today by 4.30, around.

10 So now the hearing is adjourned until 3 o'clock. Please take your binders with
11 you this time. Thank you.

12 THE COURT USHER: [13:11:55] All rise.

13 (Recess taken at 1.11 p.m.)

14 (Upon resuming in open session at 3.02 p.m.)

15 THE COURT USHER: [15:02:54] All rise.

16 Please be seated.

17 PRESIDING JUDGE TARFUSSER: [15:03:10] Good afternoon.

18 As said before the break, we are now going to discuss the issue of the amicus
19 curiae, and once we have finished, we continue with the questioning of the
20 witness.

21 Before giving the floor to the office of Prosecutor, I just want to summarise very
22 quickly what happened and what it is about.

23 On 13 January, with filing number 1093, Des avocats et démocrates Africains
24 sans frontières, ADASF, requested to participate in the proceedings, in this
25 proceedings as amicus curiae on a number of issues they consider relevant to

1 this proceedings.

2 In support of the request, the applicants attached a number of public
3 documents consisting of mainly media reports from various sources.

4 The Prosecutor requested to respond before the Chamber takes a decision on
5 the application, and I'm referring to filing 1093.

6 The Chamber granted the request of the Prosecutor and extended it to all
7 parties and participants.

8 The filings, 1093 and '94, were classified as confidential by the Registry, and the
9 Chamber ordered the reclassification as public of all documents.

10 Today the applicants filed an addendum to their application. I will not dwell
11 into the reasons of all this, which will come out in the discussion. And I give
12 the floor to the Office of the Prosecutor, who requested first to intervene in this
13 proceedings, in this matter, on this matter. Mr MacDonald.

14 MR MACDONALD: [15:06:22] Thank you, your Honour, Mr President, your
15 Honours. I will address the law, then the facts.

16 But before starting, I would like, I have an in limine request for the filing of
17 today, the 1100 annex 1 to be rejected outright. Why? First of all, it is not an
18 addendum.

19 Second, you haven't granted them right to intervene yet, so obviously this
20 filing should not even be before the Chamber in the first place until you rule on
21 their initial request.

22 The law. I'll be brief, but there are numerous decisions in this case. When I
23 say "this case," primarily this situation when it was the case code of Mr Gbagbo
24 alone. There is also a decision in the case of Madame Simone Gbagbo, and
25 now here in the joint trial, this is the first such request that you have or this

1 Chamber has to rule upon.

2 So let me go back to the first one that was ever filed in this case, and it was filed
3 by Mr Knoops and Mr Zwart, I understand, back in January of 2013 when it
4 was Mr Gbagbo's case alone, and a decision was issued which is number 402.
5 I'll repeat the case code of Mr Gbagbo back then, I'll say it once, but it's
6 ICC-02/11-01/11. And the decision I'm referring to is decision 402.

7 Now, Mr Knoops and his colleague at that time were trying to intervene in the
8 Gbagbo case at the stage of the confirmation hearing, and the then Single Judge,
9 President of the Court, Judge Fernández, issued a decision noting, paragraph 4,
10 that granting to a State, an organisation or an individual standing before the
11 Chamber as *amicus curiae* pursuant to Rule 103 is essentially a discretionary
12 decision which is subject to the consideration as to whether the proposed
13 observations are of assistance in the determination of any issue pending before
14 the Chamber.

15 Again, paragraph 5, the Single Judge at that time came to the conclusion, and I
16 will read the last part of the second sentence, "... that it was not" -- I'll just quote,
17 "However, the Single Judge is not persuaded that the proposed observations
18 are necessary at this stage of the proceeding for the proper determination of
19 any issue pending before the Chamber in the present case."

20 On appeal, your Honour, because there was eventually an appeal after
21 extending the Prosecution's opportunity to investigate further during the
22 confirmation hearing in the case of Mr Gbagbo, as everybody knows, and that
23 there were issues on appeal, and in October 2013, again in the Gbagbo case,
24 decision 5117, again for the same reasons, Mr Knoops and Mr Zwart were
25 seeking to be heard as *amicus*, and the Appeals Chamber confirmed that it is,

1 first of all, a discretionary power.

2 And last, as to the need or not, at paragraph 10, and I quote, "In the application
3 under consideration, the Appeals Chamber finds that the issues that the
4 applicants propose to address in their observations are not related to the
5 Prosecutor's appeal."

6 So there was no link deemed by the Appeals Chamber.

7 There are other decisions, your Honour, and I can send them by email. Once,
8 though, there was indeed an amicus curiae brief that was accepted, and that is,
9 sorry, again, in the same appeal, in October 2013, a group of professors, and
10 that is decision 516 in the Gbagbo case, sought to intervene on the following
11 issues, basically, that an attack, it was essentially the element of the crime of
12 widespread -- the chapeau elements, and they wanted to demonstrate on
13 appeal that an attack does not require multiple incidents; second, they wanted
14 to provide authority showing that direct evidence of a policy was not required,
15 and that the existence of a policy may be inferred from the manner in which
16 the acts occurred.

17 And this was granted, your Honour, by the Appeals Chamber on those issues
18 because, and I quote, paragraph 10, "In the present case, the Appeals Chamber
19 finds that the issues that the applicants proposed to address in their
20 observations appear to be of relevance to the grounds of appeal set out by the
21 Prosecutor and their receipt of the proposed observations may be desirable for
22 the proper determination of the appeal."

23 Again, there was a link.

24 So that is the law, very quickly. Because you've seen our response, I don't
25 need to go very far, but just to remind the Chamber that, first of all, in our

1 request seeking leave to reply before you make a decision, whether these
2 amicus or this group -- I'm sorry, I should mention, this group is calling, and
3 I'll quote in French because it's not really the literal translation of a stay of
4 proceedings, it's (interpretation) the dismissal of the proceedings.
5 (Speaks English) So the accused, plural, but then when we see further, it's
6 limited to Mr Gbagbo.

7 PRESIDING JUDGE TARFUSSER: [15:14:12] Just when you switch, give a
8 little bit of time. Thank you.

9 MR MACDONALD: [15:14:18] And their intentions are very clear. Again, I
10 would remind the Chamber that when you are seeking to intervene as an
11 amicus, you can state the foundation, but we're in the realm of a request. You
12 don't provide your substantive grounds.

13 And that's what they've done obviously starting paragraph 9 and further.
14 And again these, your Honour, we would seek that you reject them, because at
15 this stage it's going to the heart of the matter, they want to argue, which is
16 going further than the stage at which we're at.

17 And let's be clear about their intentions, which can be found, and I'll quote,
18 because I think it's important and for the Chamber's decision, the conclusions,
19 what is the relief, why? So it's on page 12, just before the signature, and I
20 quote in French:

21 (Interpretation) "It is for this reason that the lawyers and persons undersigned
22 as well as the ADASF respectfully press the Chamber, one, of the International
23 Criminal Court to authorise the undersigned to introduce an amicus curiae
24 motion in favour of Mr Laurent Koudou Gbagbo and to support this
25 application with subsequent briefs."

1 (Speaks English) Now, why is this line important? It's because they want to
2 introduce a procedure on behalf of the accused while they're not representing
3 the accused, number one.

4 The accused is represented by Mr Altit as lead counsel. That's number one.

5 And what is the link to the case? There is no live issue before the Chamber.

6 So how would these representations trying to be made on behalf of Mr Gbagbo
7 help the Chamber in deciding on an issue that would be pending before the
8 Chamber? I think it's a pure question of logic. It's even beyond legal. It's
9 like it's an issue that has not been brought forward by the parties. So that's it.

10 Now, if ever a party was to bring this issue and it was live before the Chamber,
11 then one would have to revisit it potentially. But Mr Gbagbo is well

12 represented and has been so far. So, in essence, those are our representations.

13 There is nothing for the Chamber to be entertained about by an amicus when
14 the parties have not entertained the Chamber of that issue. Thank you.

15 PRESIDING JUDGE TARFUSSER: [15:18:02] Thank you very much.

16 Now I refer to the Legal Representative of Victims.

17 MR CARNERO ROJO: [15:18:07] Thank you very much, Mr President, your
18 Honours. We concur with the submissions of the Prosecution, and we submit
19 that the request to participate as amicus curiae should be dismissed by the
20 Chamber because it has not fulfilled the requirements of Rule 103.

21 And on a preliminary note, we share the submissions of the Prosecution that
22 the submissions as to the substance, as to the content, the arguments that they
23 have submitted, the applicants, they have to be submitted after your Honours
24 decide on that application to participate as amicus curiae. And the applicants
25 have not justified why they needed to submit it now.

1 As your Honours know, the Appeals Chamber has repeatedly dismissed in
2 limine, that is, without addressing the content of the submissions, requests of
3 this type. I refer to record 3044 in the Lubanga case and record 602 in the
4 Bemba case.

5 In those judgments, the Appeals Chamber established that applicants should
6 not include the substance of the proposed observations and that said
7 observations are only permissible after a Chamber has granted leave for their
8 participation.

9 So if your Honours decide to entertain the submissions, we submit respectfully
10 that they should also be dismissed for mainly three reasons.

11 The first one is that the request does not show that the applicants have the
12 required expertise to participate as *amicus curiae*.

13 The second reason is that the request does not identify, as the Prosecution just
14 said, a specific issue that is currently before the Chamber for which an *amicus*
15 *curiae* intervention should be or could be of assistance.

16 Third reason is that the request shows that the applicants do not have the
17 required independence to serve as *amicus curiae*.

18 I know that, well, we don't have much time to discuss this, but I will try to
19 briefly address each of these reasons, with your leave.

20 Firstly, concerning the required expertise, the Chambers of this Court have
21 consistently considered whether those seeking to participate as *amicus curiae*
22 have specific expertise on the particular topics that they seek to address, okay.

23 The rationale for this is that, as Pre-Trial Chamber 1 ruled in the Lubanga case
24 in what I think is one of the first decisions on *amicus curiae* applications, the
25 purpose of Rule 103, and I quote, "... is to have the opportunity to get experts'

1 information on relevant issues of legal interest for the proceedings." End
2 quote.

3 And this is decision 373 in the Congo situation.

4 That means that the applicants need to show that they have an expertise on a
5 matter for which the Chamber can rely upon to decide on a particular issue.

6 And we submit that the applicants have failed to submit the extent of their
7 expertise. If we look at the request, in particular paragraph 7, and I quote,
8 well, they say, and I quote, they say they have, and I quote, (Interpretation) "...
9 broad experience before international jurisdictions, particularly before the
10 United Nations Tribunals for Rwanda and the former Yugoslavia." (Speaks
11 English) End quote.

12 However, this statement is plainly unsupported, has no further details, or if
13 these alleged experience are provided. And, in fact, it is contradicted by the
14 inaccurate statements that the application and the addendum to the application
15 contain.

16 I will not refer to the so-called alleged disguised warrant of arrest to which the
17 applicants make reference that, according to them, the Prosecutor issued
18 without authorisation by a Chamber, because we all know that it was Pre-Trial
19 Chamber III who issued the warrants authorised against the accused in
20 November and December 2011.

21 So bottom line, your Honours, the applicants do not have the required
22 expertise to serve as *amicus curiae*.

23 Secondly, your Honours, the applicants also failed to specify an issue that has
24 come before the Chamber and for which the Chamber may get assistance from
25 an *amicus curiae*. We agree with the Prosecution, but we would like to

1 specify that actually the applicants referred to an alleged conspiracy -- they
2 speak about a complot in paragraph 8 of the request -- of the Prosecution
3 against Mr Gbagbo, which according to them would justify the termination of
4 the proceedings and the immediate release of the accused.

5 Once again, these submissions, your Honours, are not only frivolous but
6 wholly unsupported.

7 As it is known, both cases, well, the Pre-Trial Chamber found that for both
8 accused the evidence shows that there are substantive grounds to believe that
9 they committed crimes alleged against them, and that's why we have the trial.

10 And also, the applicants referred to the alleged inadmissibility of the case,
11 whereas we all know that Pre-Trial Chamber I already ruled that both cases,
12 the case against Mr Gbagbo and the case against Mr Blé Goudé, are admissible;
13 and that ruling took place, as you know, in 2013 and 2014.

14 So bottom line, your Honours, the single requirement is not fully given because
15 they don't make reference to any issue currently before the Chamber.

16 And finally, your Honours, we respectfully submit that the applicants do not
17 have the independence required for an *amicus curiae*. As *amicus curiae*, they
18 are supposed to be friends of the Court, not friends of any party or participant.

19 And this Court has made that very clear in a cogent manner. I will not
20 mention to you the jurisprudence, because *iura novit curia*, but there is a
21 principle of *amicus curiae*.

22 By contrast, reading the application, your Honour, we can see that the
23 applicants seek to substitute Defence counsel by raising issues that are not
24 currently before the Chamber.

25 For example, they claim that the Prosecution and the Chamber itself, which I

1 think is a bit grave allegation, have violated the presumption of innocence
2 enjoyed by the accused, and they put forward a sort of a request for what the
3 Prosecution has explained the termination of the case. And this is in
4 paragraphs 53 to 62 of their request and in paragraph 10 of the addendum to
5 their request.

6 Your Honours, the applicants also criticise the decision to prosecute the
7 accused and express their disagreement with your decision not to grant them
8 provisional release.

9 Again, all these submissions are not only partial, biased, but also legally
10 unsound, and as a consequence, the applicants cannot claim to be independent
11 and impartial interveners in the proceedings and, therefore, they cannot serve
12 as an amicus curiae.

13 So to sum up, your Honours, we respectfully submit, first, that the request be
14 dismissed in limine because the applicants submitted their views without
15 previously obtaining your leave. And in the alternative, if the request is
16 considered in its merits, that it be dismissed equally because, first, the
17 applicants do not show the required expertise and independence to serve as
18 amicus curiae; and, second, because their request does not identify any legal
19 issue currently before the Chamber.

20 And exceptionally, your Honours, if you decide to grant the request, we submit,
21 we'd request, your Honours, respectfully leave to respond to the observations
22 because the issues addressed in the request affect the personal interests of the
23 victims and, therefore, we would be grateful if we could respond. Thank you
24 very much.

25 PRESIDING JUDGE TARFUSSER: [15:27:32] Thank you.

1 Maître Altit or Mr Knoops, who wants to speak first?

2 (Defence counsel confer)

3 MR ALTIT: [15:28:00] (Interpretation) Thank you, Mr President. Mr

4 President, your Honours, it is Professor Jacobs who will make the submissions
5 on this issue on behalf of the Defence team of Mr Laurent Gbagbo.

6 PRESIDING JUDGE TARFUSSER: [15:28:19] Thank you.

7 Mr Jacobs.

8 MR JACOBS: [15:28:26] (Interpretation) Thank you, Mr President. Mr

9 President, your Honours, the framework for the intervention of amicus curiae
10 is governed by Rule 103 of the Rules of Procedure and Evidence.

11 The Chamber has the discretionary power to admit a brief introduced by

12 amicus curiae. Given that discretionary power, the Defence for

13 Laurent Gbagbo will make certain general observations.

14 It must be pointed out that the participation of amicus curiae requires that the

15 Judge should consider that it contributes to the administration of justice. The

16 Judge will take into consideration those contributions as the proceedings

17 proceed. And it is a dynamic procedure, and the Judge examines on a

18 continuous basis the issues that are raised. And it is in this way that there is a
19 good administration of justice.

20 International jurisprudence particularly of this Court has established on what

21 basis the judges can proceed to justify the factors that are relevant to the good

22 administration of justice. It has already been said that in this case at the

23 pre-trial phase, in decision 402, the Single Judge decided that granting

24 participation to amicus curiae is a discretionary decision and that is based on

25 an issue pending before the Court.

1 This point which has to do with the link between an amicus curiae and an issue
2 before the Court has been dealt with by other international tribunals. And I
3 will provide an example. ICTR, the Bagambiki case, Trial Chamber III
4 decided, 24 May 2001, in its ruling that, and I quote, paragraph 20, "It comes
5 out of the responses of the two and also from the remarks made by the
6 Prosecution that the amicus curiae application raises issues that are not before
7 the Trial Chamber and are not relevant under the circumstances or relevant to
8 this case."

9 What is more, the Single Judge of Pre-Trial Chamber III in the Ruto case at the
10 ICC stated in a decision of 12 April 2011, this is decision 56, and I quote in
11 English, paragraph 14.

12 (Speaks English) "The Single Judge wishes to clarify that the Chamber will
13 resort at its discretion to amicus curiae observations only on an exceptional
14 basis when it is of the view that such observations providing specific expertise
15 are needed on particular topics." (Interpretation) End of quote.

16 The jurisprudence shows that this status, status of amicus curiae, is only
17 granted by a judge on an exceptional basis. Indeed, the proper unfolding of
18 judicial proceedings, particularly before an International Criminal Court, is the
19 consequence of the dynamics that are put into play by the parties to the case.
20 These dynamics are something that is played out before the Bench and under
21 their control.

22 The Judges are the ones who are in the best position to deal with issues that are
23 brought before them.

24 As for the procedural stages and the time at which an issue shall be dealt with,
25 it is the Statute that prevails and shall govern, and provides the parties and the

1 Bench with the procedural framework in which they play their roles.
2 Within this particular framework, depending on the modus provided for in the
3 legal texts, that is where we see the proper administration of justice. These
4 texts provide the parties with the various procedural ways and means by
5 which they can make their views known, and the Bench can consequently come
6 to a decision.

7 Each particular stage of the proceedings has its own rhythm and its own logic.
8 Against this backdrop, and I conclude, it is logical to state that recourse to a
9 third party not part of the proceedings *is only exceptional. It is logical to
10 provide for this third party's views on a specific issue before the Court. And I
11 thank you.

12 PRESIDING JUDGE TARFUSSER: [15:35:10] Thank you.

13 Mr Knoops.

14 MR KNOOPS: [15:35:18] Mr President, the Defence team of Mr Charles Blé
15 Goudé leaves the ultimate decision in the hands of the Court.

16 We just want to make one observation. The filing by the --

17 PRESIDING JUDGE TARFUSSER: [15:35:39] As always, I would say.

18 MR KNOOPS: [15:35:40] Yes, but this will be just one, Mr President. And it's
19 not meant to rehearse an exam for the university, as you confronted me with
20 the articles.

21 In the filing, if that would be the bases of your ruling, initial filing with the
22 annex 1, is the filing of the Registry of 5 January 2018, where the first request is
23 transmitted to the Court, paragraph 1 of the filing reads that the submission
24 intends to seek the Chamber's authorisation to participate in the case of
25 Mr Gbagbo and Mr Charles Blé Goudé as amicus curiae.

1 We submit that if the Court would consider this application, a distinction
2 should be made between, on the one hand, participation, and, on the other
3 hand, submitting an observation on a very specific issue.

4 The precedence as discerned in the case law before the Court dictate that if the
5 Court would grant at all such a request, the observation on which the Court
6 deems it appropriate to be informed of should be on a specific and limited
7 issue.

8 I refer to the decision by the Appeals Chamber of 9 November 2009 in the
9 situation in Darfur, Sudan, in the case of Prosecution versus Mr Al Bashir,
10 paragraph 2 and 3, referring also to the Appeals Chamber decision of 18
11 September 2009. In that situation, the Sudan International Defence group was
12 granted leave to file a brief, although the permission of the Appeals Chamber
13 was limited to the use, the issue of whether the Article 58 test of the Statute was
14 met to determine whether there were reasonable grounds to believe that Mr Al
15 Bashir was criminally responsible for genocide.

16 From this case law we discern that the Chamber, if it would consider this
17 application, could not grant such an application based on the general
18 paragraph as introduced by the Registry, namely, that an amicus curiae group
19 can participate in general, but only for a very specific issue which the Court
20 deems appropriate.

21 Our conclusion is, therefore, that our team leaves the ultimate decision in the
22 hands of the Court with the observation as we just mentioned. Thank you.

23 PRESIDING JUDGE TARFUSSER: [15:39:29] Thank you very much.

24 MR MACDONALD: [15:39:31] There is a translation issue, your Honour, that
25 I want to address. In the arguments submitted by Mr Jacobs, because the

1 conclusion, because of the negatives in it, but I understand we basically have
2 the same position, but I just want to read again, because in English it may have
3 been different.

4 (Interpretation) It is logical that he be called only to provide specific analysis
5 brought by experts on a specific issue, issue pending before the Court. I thank
6 you.

7 (Speaks English) So, because in English it was saying the contrary, that you
8 should accept, while they're actually saying the contrary. That has to be a
9 pending issue. Thank you.

10 PRESIDING JUDGE TARFUSSER: [15:40:20] Thank you.

11 No observation by Mr Jacobs? Because it's a matter of interpretation, so I ask
12 you if the, say, the real interpretation.

13 MR JACOBS: [15:40:39] (Interpretation) Your Honour, the OTP's reading
14 was correct. I have not checked the English equivalent.

15 PRESIDING JUDGE TARFUSSER: [15:40:49] Thank you very much. This
16 concludes the discussion on this issue, and obviously a decision will be filed in
17 due course. I just note that unanimity of, strange unanimity, well, for once, by
18 all parties. And now I ask the court usher to bring the witness in, which I
19 heard, I was told that she's ready.

20 (The witness enters the courtroom)

21 PRESIDING JUDGE TARFUSSER: [15:42:41] Good afternoon.

22 THE WITNESS: [15:42:44] (Interpretation) Good afternoon.

23 PRESIDING JUDGE TARFUSSER: [15:42:47] Have you had time to rest, to eat
24 and to look at the binders?

25 THE WITNESS: [15:42:56] (Interpretation) No. I just had the time to look

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1 at the binders. I finished one binder, but I haven't finished with the other one.

2 PRESIDING JUDGE TARFUSSER: [15:43:12] With which one have you
3 finished?

4 THE WITNESS: [15:43:17] (Interpretation) The 147 examinations that were
5 done on the one particular day in Anyama.

6 PRESIDING JUDGE TARFUSSER: [15:43:27] And the others, did you not
7 even start or did you reach some --

8 THE WITNESS: [15:43:36] (Interpretation) Yes. I began. I thought that it
9 had to do with the reports, the forensic autopsy reports, if I understood
10 correctly. But they were external examinations.

11 PRESIDING JUDGE TARFUSSER: [15:43:56] I have here the binder with 429.
12 So with the thick binder, you are through with the thick binder?

13 THE WITNESS: [15:44:34] (Interpretation) Yes, your Honour.

14 PRESIDING JUDGE TARFUSSER: [15:44:36] Can you tell us if you recognised
15 as yours all the numbers which you are requested to look at.

16 THE WITNESS: [15:44:58] (Interpretation) I looked at the signatures, the
17 names, the numbers, the signatures, and I even glanced at the findings and
18 what it was all about.

19 PRESIDING JUDGE TARFUSSER: [15:45:11] And?

20 THE WITNESS: [15:45:13] (Interpretation) And I noticed that that day the
21 maximum of bodies were clothed. There were 47 cases of bodies without
22 clothing. There was about 84 cases of bodies with one or more impacts
23 identified, and about 50 cases of bodies that had been torched, that had been
24 gathered in Anyama, and we were able to identify two bodies that had been
25 commingled and, thus, that increased the number of total bodies examined.

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1 So that is what we observed.

2 PRESIDING JUDGE TARFUSSER: [15:46:08] I think the question by, and then
3 I give her the floor, so you can put the question better, but I think the question
4 was, do you recognise them all as yours? Your signature that you have dealt
5 with all these reports on external examination?

6 THE WITNESS: [15:46:39] (Interpretation) I'm sorry, these were, yes, I
7 recognised my signature, and I jotted OK on the form, and I looked at each
8 report.

9 PRESIDING JUDGE TARFUSSER: [15:46:59] So the first one, Madam Naouri.

10 MS NAOURI: [15:47:05] (Interpretation) Yes, your Honour, just to make
11 sure that things are entirely clear.

12 Q. [15:47:16] I'm not sure I entirely understood. So you put OK when you
13 identified the signature on the form?

14 A. [15:47:24] Yes, exactly.

15 Q. [15:47:26] Very well, your Honour. For each one of the reports?

16 A. [15:47:29] Exactly, as you asked me to.

17 MS NAOURI: [15:47:33] (Interpretation) Perfect. No further -- but we
18 don't see them.

19 PRESIDING JUDGE TARFUSSER: [15:47:41] Yes, I see them. I just ask if
20 there is any on which she had doubts and she did not put the OK. This is the
21 question. Otherwise, things are clear.

22 So there is no report where you had doubts and you did not put the OK?

23 THE WITNESS: [15:48:09] (Interpretation) No.

24 PRESIDING JUDGE TARFUSSER: [15:48:13] Good. So let's go to the second.

25 So this is submitted, of course.

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1 What about the second? You said you did not go through the whole binder.

2 THE WITNESS: [15:48:38] (Interpretation) Yes, your Honour.

3 PRESIDING JUDGE TARFUSSER: [15:48:47] Can you tell us how many?

4 Because I see the first is okay. I can see seven OKs until now. No. There is
5 an eight. Until now I've seen 15 OKs, but then after the 15, you arrived until
6 there probably; is this correct?

7 THE WITNESS: [15:51:20] (Interpretation) Probably, your Honour. I was
8 wondering whether I was supposed to also identify the reports, whether I
9 could be situated, because I gathered that it was about the autopsy reports.

10 PRESIDING JUDGE TARFUSSER: [15:51:41] And not the external, and not
11 the external examinations, you mean?

12 MS NAOURI: [15:51:47] (Interpretation) Yes.

13 Q. [15:51:51] Just to clarify, it's very simply, it was exactly the same exercise
14 as with the first binder. Any autopsy report or external forensic report that
15 you signed was put in the binder, and we wanted you to confirm that it was
16 indeed your signature on all the documents in the binder.

17 A. [15:52:17] Yes, I've understood. I hadn't finished authenticating all of
18 them.

19 PRESIDING JUDGE TARFUSSER: [15:52:34] But excuse me, I think it seems
20 clear. I mean, we can bear the signatures. I don't see really the problem.
21 No, I don't see the problem.

22 MR GARCIA: [15:52:50] Your Honour, if I may. I'm sorry, if I may. I'm
23 sorry to interrupt.

24 MS NAOURI: [15:52:54] (Interpretation) I was responding to the Presiding
25 Judge's question. Now, you see, we need the witness to authenticate the

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1 signatures so that the document --

2 PRESIDING JUDGE TARFUSSER: [15:53:08] But don't you think that we can
3 judge if this is the signature after having seen it 200 times?

4 MS NAOURI: [15:53:14] (Interpretation) Of course, your Honour. That's
5 quite possible. But other than that, the document is not placed on the record
6 and --

7 PRESIDING JUDGE TARFUSSER: [15:53:23] The document is placed on the
8 record when we say it is placed on the record.

9 MR GARCIA: [15:53:26] Your Honour, if I may, this might just help this
10 whole situation. I understand that these are all documents that the
11 Prosecution disclosed. And if that's the case, then the Prosecution has no
12 objection that they be submitted into the record.

13 PRESIDING JUDGE TARFUSSER: [15:53:41] Yes, that's what I think as well.
14 Thank you.

15 MS NAOURI: [15:53:47] (Interpretation) Very well. Thank you very much
16 for the information from the OTP. But all the same, we do need the
17 documents to be submitted on --

18 PRESIDING JUDGE TARFUSSER: [15:53:58] The document is submitted.

19 MS NAOURI: [15:53:59] (Interpretation) And authenticated.

20 PRESIDING JUDGE TARFUSSER: [15:54:01] The document is submitted.

21 MS NAOURI: [15:54:11] (Interpretation) Thank you, your Honour.

22 PRESIDING JUDGE TARFUSSER: [15:54:15] I would ask now the Office of
23 the Prosecutor if there is request for re-questioning as announced.

24 MR GARCIA: [15:54:25] Yes, your Honour, just briefly, a couple of minutes.

25 PRESIDING JUDGE TARFUSSER: [15:54:28] Okay. Thank you.

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1 QUESTIONED BY MR GARCIA: (Interpretation)

2 Q. [15:54:40] Good afternoon once again, Madam Witness. I don't want to
3 keep you much longer, but just a few questions, ma'am.

4 Now, there is a document here that I'd like to have taken to the witness if the
5 Court usher could. This is 0048-1360. This is a document that can be made
6 public. Thank you.

7 Ma'am, now, this is a document that was used by Defence counsel when
8 questions were put to you on Wednesday. And I'd like to return to some of
9 these points just to ask you some clarifications. Now, there is mention made
10 of an email between the director of the police and the public prosecutor, 1361 is
11 the page number. And I'll draw your attention in particular to
12 page 1363, 1363. Perhaps you could start where it reads "email 85". Are
13 you there? Please take your time. Read carefully. Please start with "email
14 number 85" and then all the way down to the sentence that begins "À côté de
15 ces obstacles". Take your time.

16 If you need to review other parts of this document, please do so, of course.

17 A. [15:59:20] Okay.

18 Q. [15:59:21] Thank you. Just to make sure everything is perfectly clear for
19 the record, now here we see that mention is made of instructions that you
20 received, and I'll just quote. Quote, "Initially, I was asked to instruct the
21 forensic pathologist to carry out the autopsies as soon as possible of the bodies
22 of the Defence and Security Forces and provide the relatives of these people
23 with the autopsy reports of the bodies that have already been subjected to an
24 autopsy.

25 Secondly, ask him to draw up medical certificates of death or certificates

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1 attesting to the kind of death for the other bodies, it being understood that
2 these new measures cannot be a barrier, a hindrance, to people who would like
3 to have the bodies subjected to an autopsy at their own cost."

4 Now, why is it that we have these two instructions going by your own
5 experience?

6 A. [16:00:58] Honestly, I have no particular opinion on this. It says that it
7 had to be done, so we carried out the instructions as best we could.

8 Q. [16:01:20] One last question, Madam Witness. In matters of insurance,
9 was it necessary to obtain certificates?

10 PRESIDING JUDGE TARFUSSER: [16:01:33] Mr N'Dry.

11 MR N'DRY: [16:01:36] (Interpretation) Mr President, we are here asking the
12 witness for an opinion. There is a letter, not from her. It is from a judicial
13 authority. And now she's being asked to say something about the purpose,
14 the goal or the reason for which she had to conduct the autopsies within a
15 particular time frame.

16 She is not the author of that letter. Now, the Prosecutor had the opportunity
17 to do so, so it might have been best for him to put that question to the author of
18 the letter, and it would have been clearer. That is why I raised this objection,
19 because we are seeking an opinion from the witness.

20 PRESIDING JUDGE TARFUSSER: [16:02:32] Please.

21 MR GARCIA: [16:02:32] I clearly prefaced the question, asking the witness to
22 her experience, to her knowledge, so basically for the witness to draw on her
23 experience. I can reformulate it, putting aside the document.

24 PRESIDING JUDGE TARFUSSER: [16:02:44] No, no. But in any case, this is
25 an expert, so she can give opinions, of course. But she already answered,

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1 saying she does not know, so I don't understand.

2 MR GARCIA: [16:02:58] It was just one additional question on whether to her
3 knowledge questions of insurance could be resolved with certificates. That's
4 the simple question that I had as a last question for the witness.

5 PRESIDING JUDGE TARFUSSER: [16:03:08] And this is not an opinion,
6 please.

7 MR GARCIA: [16:03:11] I'm asking the witness, and I've prefaced it,
8 according to her experience.

9 PRESIDING JUDGE TARFUSSER: [16:03:14] Please, go ahead.

10 MR GARCIA: [16:03:18] (Interpretation)

11 Q. [16:03:21] To be clear on the question, once again, based on your
12 experience and your knowledge in your area, was it necessary for matters of
13 insurance for death or autopsy certificates to be obtained, as far as you know?

14 A. [16:03:31] As far as I know, death certificates, certificates of type of death,
15 are useful both to the civil registry services for purposes of internment and also
16 in relation to possible insurance and social welfare rights, as the case may be.
17 That is why death certificates and certificates on the nature of death are
18 generally issued because the civil status rights attending thereto may arise in
19 relation to an insurance.

20 Q. [16:04:17] Thank you, Madam Witness. That was my last question.
21 Thank you, your Honours.

22 PRESIDING JUDGE TARFUSSER: [16:04:23] Thank you very much.
23 The Defence for Mr Gbagbo.

24 EXAMINATION BY MS NAOURI:

25 MS NAOURI: [16:04:26] (Interpretation) Two quick questions on that

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1 document, Mr President.

2 Q. [16:04:33] Madam Witness, you still have the document before you.

3 Now, right above the text that the OTP has just read out to you, still on
4 page 1363, we find the following, "By letter of No. 85/CF/PR-AP/TPI, dated 28
5 February 2011, you asked me in the context of the above-mentioned
6 requisitions, pursuant to new instructions, asked me to transfer to the
7 interested person by letter number 1068/MI/DGPN/DGA-CPJ/DPC dated 2
8 March 2011".

9 I'm sorry, Mr President. I'm sorry.

10 Now here the prosecuting authority of Abidjan is informing the director of
11 criminal police that a mail has been sent to you bearing new instructions on 2
12 March 2011. That letter bears a number. Did you receive that letter and is it
13 archived in your services?

14 A. [16:05:58] I am not able to answer you as is or off the cuff. I might need
15 to conduct some research.

16 Q. [16:06:06] So subsequently we would probably send you this number and
17 find out whether, from you, whether you have that letter in your archives?

18 THE INTERPRETER: [16:06:18] Witness nods.

19 MS NAOURI: [16:06:20] (Interpretation)

20 Q. [16:06:21] Witness, please, don't nod. Answer.

21 A. [16:06:24] Okay, thank you.

22 Q. [16:06:27] Next question is on page 1362, previous page on the same
23 document, paragraph 3, which reads as follows: "In fact, on 4 February 2011
24 by letter No. 01/HYE/IML/THAN/2011, the expert requesting made mention to
25 you of a number of difficulties, particularly the following:

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1 Namely, there was no letter to the State prosecutor or to the director of criminal
2 police complaining about lack of equipment."

3 We have a number mentioned here as well, and does this correspond to the
4 references that you usually would use in your letters, Madam Witness; is that
5 the case?

6 A. [16:07:30] Yes, it does indeed correspond. But I would like to see the
7 letter.

8 Q. [16:07:37] I understand that, Madam Witness. For now we only have the
9 reference. I just wanted to cross-check with you whether it corresponds to the
10 types of references you used.

11 Thank you very much, Mr President.

12 PRESIDING JUDGE TARFUSSER: [16:07:53] Thank you very much.

13 Mr Knoops.

14 MR KNOOPS: [16:07:54] Yes, one additional question which came up during
15 the re-examination.

16 EXAMINATION BY MR KNOOPS:

17 Q. Madam Witness, earlier today, that's the realtime transcript, realtime
18 transcripts, English version, page 19, line 9 till 14, you did say that you didn't
19 carry out examinations to determine the dates of death of the individuals you
20 examined.

21 My question to you is, was this decision not to carry out these examinations on
22 the date of death, was it also based on the absence of death certificates?

23 A. [16:08:43] I am not sure that I have understood your question. Could
24 you please rephrase?

25 Q. [16:08:57] Did the absence of death --

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1 MR MACDONALD: [16:08:59] Your Honours, I just, if you allow me just a
2 second. I want to note for the record that this does not come out of our
3 re-examination. It's a question that was asked, I understand, by Madam
4 Naouri, which questioned before Mr Knoops started his. It could have been
5 asked. I understand it's a request to ask the question.

6 PRESIDING JUDGE TARFUSSER: [16:09:21] Yes. Please, Mr Knoops, go
7 ahead with the question, although the answer is quite obvious, but please go
8 ahead.

9 MR KNOOPS: [16:09:34]

10 Q. [16:09:35] Madam Witness, was the absence of death certificates a reason
11 why you didn't carry out examinations to determine the date of death of the
12 individuals you examined?

13 A. [16:09:54] I do not remember having received any death certificates
14 relating to the bodies that we examined. Our instructions did not require that
15 we determine the date of death of those persons. And it is for that reason that
16 we did not carry out that task.

17 MR KNOOPS: [16:10:28] Thank you very much.

18 Q. [16:10:32] Thank you, madam.

19 PRESIDING JUDGE TARFUSSER: [16:10:35] The longer, the more time
20 elapses between the death and when the exam is done, the fewer are the
21 chances to go even close to the date of the death.

22 Thank you very much, Madam Yapo Etté. I thank you for having been here.
23 This is -- your testimony has come to an end. I wish you a good flight back
24 home, and I thank you for having been here. Thank you very much.
25 Please, court usher.

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1 THE WITNESS: [16:11:11] (Interpretation) Thank you, Mr President.

2 (The witness is excused)

3 PRESIDING JUDGE TARFUSSER: [16:11:34] So this was the last witness of
4 the Prosecution. The Legal Representative of Victims have announced a few
5 weeks ago that she does not bring any witnesses before the Court, any live
6 witnesses, before this Court, just documents.

7 Now, the way in which this trial will continue will be part of a decision which
8 will be issued by the Chamber in due course, and, therefore, I can only now
9 adjourn the hearing, and you will hear from, through the filing, through a
10 decision, how we continue with the trial. Thank you very much. The
11 hearing is adjourned.

12 THE COURT OFFICER: [16:12:24] All rise.

13 (The hearing ends in open session at 4.12 p.m.)