

Trial Hearing
WITNESS: CIV-OTP-P-0567

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 15 November 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:14] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:32:39] Good morning. Good morning,
15 Madam Witness.
16 WITNESS: CIV-OTP-P-0567 (On former oath)
17 (The witness speaks Dioula)
18 THE WITNESS: [9:32:52] (Interpretation) Good morning. How are you?
19 PRESIDING JUDGE TARFUSSER: [9:33:00] I give immediately the floor -- are you
20 fine? Are you okay?
21 THE WITNESS: [9:33:09] (Interpretation) I'm well. Thank you.
22 PRESIDING JUDGE TARFUSSER: [9:33:12] So I give the floor now again to the
23 Defence for Mr Gbagbo for putting you questions, okay?
24 Yours, the floor.
25 MS BAROAN: [9:33:29] (Interpretation) Good morning, your Honour. Thank

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1 you, first of all. I'd like to apologise for my indiscipline, especially with respect to
2 the interpreters. I hadn't respected the five-second rule, which made working
3 difficult. I would like to apologise, and I really promise that I shall not repeat this
4 again.

5 QUESTIONED BY MS BAROAN: (Continuing)(Interpretation)

6 Q. [9:34:08] Hello, Witness.

7 A. [9:34:10] Hello. How are you?

8 Q. [9:34:14] Are you fine?

9 A. [9:34:17] Yes, I am.

10 Q. [9:34:19] We're going to continue with our interrogation. It's difficult. I
11 would really like you to be a bit more indulgent. I know it's hard, but I'm really
12 forced to ask the details of the two days. This is extremely important.

13 When we stopped yesterday's session we were talking about 12 April 2011, and you
14 talked about the visit, and my first question is, on 12 April 2011 at what time did you
15 leave your house?

16 A. [9:35:33] I don't remember what time I left the house.

17 Q. [9:35:36] Whom did you leave the house with?

18 A. [9:35:45] I left the house with my *older brothers.

19 Q. [9:35:50] Just your *brothers? Did you not have anyone else from your
20 neighbourhood with you?

21 A. [9:36:00] No. I went with my *brothers, my older brothers.

22 Q. [9:36:06] Did you leave the house wearing glasses?

23 A. [9:36:13] I do not remember.

24 Q. [9:36:16] What happened when you left the house?

25 A. [9:36:22] We went and saw the dead.

1 Q. [9:36:35] Did other people from the neighbourhood come along with you, or
2 did you just go with *your brothers?

3 A. [9:36:48] We had other people from the neighbourhood, so we were many
4 people.

5 Q. [9:36:53] Did you go near the dead bodies?

6 A. [9:37:01] Yes, I did.

7 Q. [9:37:09] And at that time, no one was gathering the dead bodies; people were
8 just looking at the dead bodies, is it?

9 A. [9:37:26] No one touched the dead bodies. We were just looking at them.

10 Q. [9:37:32] Yesterday, you said that you counted the dead bodies yourself,
11 according to the witness statement. How did you count the dead bodies?

12 A. [9:37:48] We counted them.

13 Q. [9:37:53] You personally them?

14 A. [9:38:04] I, we counted them.

15 Q. [9:38:07] Did you count the dead bodies with your brothers, with your
16 brother?

17 A. [9:38:20] I counted the dead bodies, but I don't know if the others did the
18 same.

19 Q. [9:38:25] What was the position of the dead bodies?

20 A. [9:38:35] They were scattered.

21 Q. [9:38:38] So, did you actually go and see all the dead bodies?

22 A. [9:38:44] Yes, I did.

23 Q. [9:38:47] And did you recognise the 18 bodies?

24 A. [9:38:59] I did not recognise all of them, but just some of them.

25 Q. [9:39:04] In your witness statement you mentioned a few names.

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- 1 A. [9:39:24] Yes.
- 2 Q. [9:39:26] For instance, Doumbia Ibrahim.
- 3 A. [9:39:31] Yes, I do know him.
- 4 Q. [9:39:33] Could you describe him for me if it's possible?
- 5 A. [9:39:45] He was thin, not very tall.
- 6 Q. [9:39:52] Thank you. I just wanted to know how was he lying on the floor, on
7 the ground, that day?
- 8 A. [9:40:04] He was on his back.
- 9 Q. [9:40:11] And who was near him on that day?
- 10 A. [9:40:15] I do not remember. I do not remember the person who was lying
11 next to him.
- 12 Q. [9:40:22] Thank you. After having seen the dead bodies, what happened?
- 13 A. [9:40:30] After we examined and counted the dead bodies, we went back home.
14 We ran back home.
- 15 Q. [9:40:44] Why did you run?
- 16 A. [9:40:49] Because we were *hearing gunshots.
- 17 Q. [9:40:55] It was each person running on his own, or were you running together
18 with your brothers?
- 19 A. [9:41:06] We ran back to our house -- to our concession and others were
20 running elsewhere.
- 21 Q. Again, we, according to -- regarding the dead bodies, the OTP questioned you,
22 and in your statement I'm going to read an excerpt and I'm going to ask you a
23 question. It's CIV, document CIV-OTP-0069-0051. It's paragraph 26, and I'm going
24 to read it.
- 25 THE INTERPRETER: Sorry, paragraph 25. I'm sorry. The interpreter corrects

1 himself.

2 MS BAROAN: (Interpretation)

3 Q. "I knew all the youngsters of the neighbourhood. These were youngsters
4 without any particular background. I don't think they belong to an armed group, or
5 they supported the rebels."

6 My question --

7 PRESIDING JUDGE TARFUSSER: [9:42:44] I think you should just finish
8 the -- there is a last sentence, "C'étaient des jeunes tranquilles".

9 MS BAROAN: [9:42:53] (Interpretation) I stand corrected.

10 "These were young people who were calm and quiet."

11 Q. [9:43:07] My question: Why did you talk about armed group and rebels *in Yopougon?

12 A. [9:43:34] We were all from the same neighbourhood. We were altogether.

13 Q. [9:43:45] *Yes, there were several armed groups and rebels in Yopougon, is
14 that why you refer to rebels and armed groups?

15 A. [9:44:04] I don't know because I wasn't covering the whole of Yopougon.

16 Q. [9:44:08] Yes, you weren't covering the whole of Yopougon. My concern is
17 why were -- why did you mention the armed groups and rebels when we were
18 talking about the dead bodies?

19 A. [9:44:27] We heard people talking about armed groups.

20 Q. [9:44:45] If I understood you well, we were talking of armed groups and rebels
21 in Yopougon?

22 A. [9:45:07] I heard people talk about that.

23 Q. [9:45:09] Thank you, Witness. We are going to continue with the
24 interrogation.

25 So you ran back home. And what happened after that?

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1 A. [9:45:37] So we ran back home and our father asked us to close the doors and
2 stay put indoors.

3 Q. [9:45:46] When you came back home, did your -- were your brothers already
4 there?

5 A. [9:46:04] We all returned home together.

6 Q. [9:46:08] Who was there at home when you got back?

7 A. [9:46:18] My father was there with my younger brothers, back home.

8 Q. [9:46:24] *Were your mamas home at that time as well?

9 A. [9:46:30] *Yes, our mamas were homes.

10 Q. [9:46:39] What happened then?

11 A. [9:46:52] We, once we were home, my -- there was a death. *My father had
12 tied shut the sheep's mouth, so it would not bleat.

13 Q. [9:47:17] In the interpretation I heard the word "death". Did you talk about a
14 death?

15 A. [9:47:33] I said "sheep".

16 I did not mean a death, I meant a sheep.

17 I'm sorry, that was my mistake.

18 Q. [9:47:46] Was the sheep tied in the courtyard or was it walking around freely?

19 A. [9:47:56] The sheep was tied.

20 Q. [9:48:00] After that what happened?

21 A. [9:48:10] So my father tied the mouth of the sheep and he went back -- he
22 returned indoors, and then I went to the toilet. *They had even closed the door
23 while I was in the toilet.

24 Q. [9:48:27] Were you in the same room as your father?

25 A. [9:48:41] When my father *came back, I went to the toilet.

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1 Q. [9:48:45] I want to know if you and your father were in the same premises, in
2 the same room.

3 A. [9:49:04] We weren't in the same room because when my father entered the
4 house, I went to the toilet.

5 Q. [9:49:22] Before going to the toilet, where were you?

6 A. [9:49:35] My father and I were in the room.

7 Q. [9:49:42] When you left the room, were you wearing glasses?

8 A. [9:49:57] I do not remember that.

9 Q. [9:50:05] So your mother and your younger brothers and -- your mothers,
10 younger brothers and your sister were in the same room as that of your father?

11 A. [9:50:19] Yes, I was in the room with my mothers and my younger brothers,
12 but my elder brothers were not there.

13 Q. [9:50:29] I'm not talking about your elder brothers, I'm talking about the room
14 where your mothers, your father and your younger brothers were there.

15 Witness, yesterday you described the premises where the toilets are indoors.

16 A. [9:51:27] No. The toilets were outside. They're not in the room.

17 Q. [9:51:36] Thank you. So you were in the toilet. So what happened after that?

18 A. [9:51:54] I was in the toilet when a group of boys banged on the door, and they
19 threatened to launch a bomb, launch a grenade if I did not open the door. And then
20 they broke open an entry.

21 Q. [9:52:11] Then what happened?

22 A. [9:52:22] So they pulled out three of my elder brothers and they asked for
23 money. And they took all our belongings and put them on the floor.

24 Q. [9:52:41] So you, from the toilet, you saw your brother on the ground?

25 A. [9:52:59] In the beginning I heard noises, but I did not see them.

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- 1 PRESIDING JUDGE TARFUSSER: [9:53:06] You started saying that you will not.
2 There is no question. You are putting where you don't overlap with the witness and
3 with the interpreters.
- 4 MS BAROAN: [9:53:36] (Interpretation) I apologise and I will remember to
5 respect the rule.
- 6 Q. [9:53:44] Witness, as I was saying, you did not see that they had put your
7 brothers on the ground.
- 8 A. [9:54:01] Yes, I did not see. Yes, that's what I said.
- 9 Q. [9:54:31] Yes, that was what was said. What did you say?
- 10 A. [9:55:01] When I heard noises, I was in the toilet. I came out to see what was
11 happening.
- 12 Q. [9:55:23] Witness, I apologise, I know it's a bit difficult, but I would like to
13 shed more light on this fact. I really need to understand this properly. When you
14 talked about the fact that they put your brothers on the ground, you were in the toilet
15 or did you -- or were you already out of the toilet?
- 16 A. [9:56:06] I was in the toilet.
- 17 Q. [9:56:11] Thank you. What happened after that?
- 18 A. [9:56:29] I came out of the toilet and I saw that they killed three people, and
19 then they killed the last person. *Then they killed Ibrahim. And someone said,
20 "There's no one there, *but there are more people inside." And they entered the
21 house and they found Malu (phon) under the bed and they killed him, too.
- 22 Q. [9:57:00] Madam Witness, I know that this is difficult. We all want to
23 understand, and this is why I really would like to go step by step.
24 So the first step is the first room that was open, so they forced the people out of the
25 room. And you came out of the toilet. So at that point, what happened?

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1 A. [9:57:45] I haven't heard your question.

2 Q. [9:57:49] Let me ask the question again. I would like you to explain the
3 following, the various steps. This first step when you were in the toilet, you came
4 out of the toilet?

5 A. [9:58:20] When I came out of the toilet, that was the time when they were
6 being killed.

7 Q. [9:58:31] So when you came out of the toilet, they weren't dead?

8 PRESIDING JUDGE TARFUSSER: [9:58:45] No. Come one. Excuse me. Let
9 me put the question in a different way.

10 When you came out from the toilet, can you just with your words and as if you were
11 looking at a film, a horrible film, but a film, just tell us what you are seeing. What's
12 going on? What do you see when you go out from the toilet?

13 THE WITNESS: [9:59:23] (Interpretation) When I left the toilet, my brothers
14 shouted and they died.

15 PRESIDING JUDGE TARFUSSER: [9:59:36] But how did they die?

16 THE WITNESS: [9:59:55] (Interpretation) I don't know.

17 PRESIDING JUDGE TARFUSSER: [10:00:00] The question is only did you see
18 people doing something to kill them, did you see that, or did you see them already
19 dead?

20 THE WITNESS: [10:00:35] (Interpretation) Yes. But when I left the toilets, they
21 had already been shot at and they were dead.

22 PRESIDING JUDGE TARFUSSER: [10:00:47] Okay, thank you.

23 I really would like you to be very cautious with your questioning. Okay, please go
24 ahead.

25 MS BAROAN: [10:01:03] (Interpretation)

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- 1 Q. [10:01:06] Madam Witness, when you came out, what happened after that?
- 2 A. [10:01:20] Nothing happened when I came out of the toilets.
- 3 Q. [10:01:30] When you came out of the toilet, those who had hurt your brothers,
- 4 did you speak to them, or did they speak to you?
- 5 A. [10:01:50] I spoke to them.
- 6 Q. [10:02:01] Did you walk up to them to speak to them, or when you came out of
- 7 the toilets, were they immediately in front of you?
- 8 A. [10:02:13] I went towards them to speak to them.
- 9 Q. [10:02:20] And what happened after that?
- 10 A. [10:02:31] I begged them not to kill the other brothers.
- 11 Q. [10:02:39] What happened after that?
- 12 A. [10:02:43] They hit me and I fell down, and then they moved on to kill the
- 13 others.
- 14 Q. [10:03:03] When you fell down, where did you fall down?
- 15 A. [10:03:16] I fell down beside the bodies which were on the ground, the bodies
- 16 of my brothers.
- 17 Q. [10:03:25] When you say "beside," I mean, were you really just beside them, or
- 18 was there a short distance, were you a short distance away from the bodies?
- 19 A. [10:03:44] No, I wasn't really far from them. There was a short distance
- 20 between me and the bodies.
- 21 Q. [10:03:58] When the young people were coming in, what was the sheep doing?
- 22 A. [10:04:12] The sheep was -- its mouth was bound and it couldn't do anything
- 23 and it was tied up.
- 24 Q. [10:04:23] For the whole time?
- 25 A. [10:04:27] I don't really remember.

- 1 Q. [10:04:36] When you were on the ground, did they hit you?
- 2 A. [10:04:48] Yes.
- 3 Q. [10:04:52] And they hit you on your eye; is that right?
- 4 A. [10:04:59] Yes, that's right.
- 5 Q. [10:05:02] What happened after that?
- 6 A. [10:05:12] After that they went in to kill the others, Ibrahim, *Mamadou...
- 7 Q. [10:05:18] Did they go into the bedroom?
- 8 A. [10:05:24] Yes.
- 9 Q. [10:05:32] Was Ibrahim standing up?
- 10 A. [10:05:38] He was in the bedroom.
- 11 Q. [10:05:45] What happened then?
- 12 A. [10:05:54] They fired and one of those who had came said that it was over, and
- 13 another said no, it wasn't over, and then they killed my elder brother. They found
- 14 him.
- 15 Q. [10:06:19] The person who said it wasn't over yet, do you know him?
- 16 A. [10:06:31] Yes, I know him.
- 17 Q. [10:06:36] And he knew everybody in the household?
- 18 A. [10:06:43] Yes.
- 19 Q. [10:06:46] And when they came in, he didn't speak at all?
- 20 A. [10:07:00] They were talking, but I didn't hear what they were saying exactly.
- 21 Q. [10:07:05] And what happened then?
- 22 THE INTERPRETER: [10:07:13] Inaudible for the interpreter.
- 23 THE WITNESS: [10:07:21] (Interpretation) When they finished, they took our stuff
- 24 out of the bedroom, they untied the sheep, they ate their breakfast and then they left.
- 25 MS BAROAN: [10:07:36] (Interpretation)

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1 Q. [10:07:37] So they took things out of which bedroom?

2 A. [10:07:43] Both bedrooms where they had killed people.

3 Q. [10:07:57] Can I ask you if you remember exactly what they took?

4 A. [10:08:10] They took the television, the ventilation fan, clothes and so on.

5 Q. [10:08:22] How did they carry that away with them?

6 PRESIDING JUDGE TARFUSSER: [10:08:27] With their hands. Come on, please.

7 THE WITNESS: [10:08:32](Interpretation) I don't know. I don't know how they
8 carried that away with them.

9 MS BAROAN: [10:08:44] (Interpretation)

10 Q. [10:08:44] And when they were leaving, what happened?

11 A. [10:08:57] Nothing happened. My sisters calmed down a bit, my father
12 opened the door, and there we are.

13 Q. [10:09:36] When you went to the toilet, did your father see you go in there?

14 PRESIDING JUDGE TARFUSSER: [10:09:44] You have to ask the father. It's not
15 her to respond to this question.

16 MS BAROAN: [10:10:05] (Interpretation)

17 Q. [10:10:07] When you went out to go to the toilet, just now you said that when
18 you went out they even shut the door behind you. Now, did anybody see you go to
19 the toilet?

20 MS HENDERSON: Your Honours.

21 PRESIDING JUDGE TARFUSSER: [10:10:24] Madam Henderson, yes.

22 MS HENDERSON: [10:10:29] We'd ask for the reference for that citation,
23 your Honours.

24 MS BAROAN: [10:10:54] (Interpretation) Just a second, please, your Honour.

25 MS HENDERSON: [10:11:01] Your Honours, while my learned friend is looking

1 for that reference, I'd just bring up a discrepancy between the English and French
2 versions of the transcript. At the French, page 12 at line 18, the question was, and I'll
3 say this in French: (Interpretation) "And they hit you?"
4 (Speaks English) And that was translated into English as, "When you were on the
5 ground, did they hit you?" And we'd say that there is a difference in the meaning
6 there, so just flagging that.

7 MS BAROAN: [10:12:36] (Interpretation) We've found the reference. This is
8 page 7, from line 12 onwards. So we read:

9 "My father tied up the sheep's mouth and then he went inside. After that, I went
10 outside to go to the toilet. And he'd even shut the door when I went to the toilet."

11 Q. [10:13:43] My question, Madam Witness, is to find out if your father didn't
12 hear everything that happened while you were in the toilet?

13 PRESIDING JUDGE TARFUSSER: [10:14:04] Well, excuse me. How can the
14 witness respond to a question what the father heard while she was on the toilet? I
15 mean, to the witness should be put questions she can, after six years or seven years,
16 she can still recall.

17 MS BAROAN: [10:14:42] (Interpretation)

18 Q. [10:14:43] Let me move on. So you knocked on the door and what happened?

19 A. [10:15:00] My father opened the door and he saw *the bodies, and he said to
20 put ourselves or himself in the hands of God.

21 Q. [10:15:21] Did you explain to your father what had happened?

22 A. [10:15:33] No. Before knocking on the door, I said that all his children had
23 been killed.

24 Q. [10:15:55] Well, that is my question, was it you who explained to your father
25 what had happened?

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1 A. [10:16:14] Yes, I told him. I told him about the death of his children.

2 Q. [10:16:25] So while you were in the toilet, he hadn't been looking for you; is
3 that correct?

4 PRESIDING JUDGE TARFUSSER: [10:16:36] I hope so.

5 MS BAROAN: [10:16:52] (Interpretation) I understand, your Honour, but these
6 are important details for us, because this lady is the person who saw this scene in a
7 house where there was a lot of noise, so I'm trying to understand what happened.

8 PRESIDING JUDGE TARFUSSER: [10:17:06] I do understand that you're trying to
9 understand what happened. But when she was in the toilet, obviously nobody saw
10 her. Some questions I really don't understand. They are so detailed, which
11 probably nobody would recall such details as you are asking.

12 MS BAROAN: [10:17:29] (Interpretation) I'm sorry for insisting on this. I'm not
13 asking if she was in the toilet, I'm wanting to ask if she had been seen. She went out
14 of the house to go to the toilet, and then there was a period of time that went past, so I
15 wanted to know if her father had been wondering in this period of time where she
16 was and had been looking for her. I'm not asking what she saw. It's a question yes
17 or no.

18 PRESIDING JUDGE TARFUSSER: [10:18:05] But you cannot ask the witness if her
19 father was looking for her. You should ask the father if he was looking for his
20 daughter. This is the problem. You cannot ask the witness a question she cannot
21 answer because it wasn't her to do what you're asking for.

22 MS BAROAN: [10:18:30] (Interpretation) Your Honour, it's a question of are
23 there --

24 PRESIDING JUDGE TARFUSSER: [10:18:35] No, you don't ask a question, no, you
25 don't ask a question if the father went, saw her or what you were going to ask. You

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1 have to ask this to the father, not to this witness. So you must ask the witness
2 questions she did, she knows, she saw, and not what others did, saw and know.

3 MS BAROAN: [10:19:05] (Interpretation) Your Honour, I'm not asking -- I'm
4 asking if her father was worried. This is something we can ask her.

5 PRESIDING JUDGE TARFUSSER: [10:19:15] But no, because if the father was
6 worried, the father knows if he was worried. She cannot know if the father was
7 worried.

8 MS BAROAN: [10:19:34] (Interpretation) Your Honour, thank you. We will
9 continue.

10 Q. [10:19:44] So your father goes out and you tell him of what's happened.
11 What happens next?

12 A. [10:20:04] He saw the bodies and he said that we had to put ourselves in the
13 hands of God. After that, we went to his bedroom to put things in Madam Bamba's
14 house, or place.

15 Q. [10:20:43] Madam Witness, I'm sorry, it's very difficult. I would like to know
16 if those who had been killed in the bedroom were then removed from the bedroom?

17 A. [10:21:10] No. They killed them and then the bodies were taken away to be
18 burnt.

19 Q. [10:21:22] Madam Witness, I'm talking about 12 April, when you were taking
20 things to send them off to Madam Bamba's.

21 THE INTERPRETER: [10:21:54] No interpretation.

22 MS BAROAN: [10:22:03] (Interpretation)

23 Q. [10:22:04] What happened at Madam Bamba's?

24 A. [10:22:09] We went to drop off our things, and then my father waited for me,
25 and we went along and met groups, and we met a group of people who promised to

1 come along the next day and to take the bodies away.

2 Q. [10:22:51] Where were you going on this road that you were walking along?

3 A. [10:23:01] We were in a district which was not far away from our own
4 neighbourhood.

5 Q. [10:23:12] And how did this walk along the path to Port Bouët go?

6 A. [10:23:26] We saw a lot of bodies strewn along the path.

7 Q. [10:23:34] At Port Bouët II, did you meet a lot of people?

8 A. [10:23:43] Yes, we met people who asked us where we were going and we said
9 that we wanted to go to Port Bouët. They asked us where we were coming from and
10 we said we were coming from Mami Faitai.

11 Q. [10:24:04] Who were these people that you met?

12 THE INTERPRETER: [10:24:19] No interpretation coming through to the English
13 booth. Yes, no interpretation coming through. Inaudible.

14 PRESIDING JUDGE TARFUSSER: [10:24:27] We have no interpretation to the
15 English booth, so it makes it difficult.

16 THE INTERPRETER: [10:24:35] No, the English interpretation did not get the
17 interpretation from the Dioula booth. Apologies.

18 PRESIDING JUDGE TARFUSSER: [10:24:44] I can hear that, yes. I can
19 understand it, no. Just ask why.

20 THE INTERPRETER: [10:25:37] Yes, the Dioula interpreters have had a problem
21 switching the microphone one from the other, which means that the English
22 interpreter is unable to pick up the interpretation. Apologies from the booths on that
23 point.

24 PRESIDING JUDGE TARFUSSER: [10:25:53] The question is if it is possible to pick
25 up from where we stopped with the English interpretation.

1 THE INTERPRETER: [10:26:02] Your Honour, could we go back to the point
2 where we'd stopped off, please. Would that be possible?

3 PRESIDING JUDGE TARFUSSER: [10:26:08] Yes, but not orally. I think in the
4 French transcript it came through, I hope. This would be easier instead of asking
5 again the witness to repeat something which, if you have seen, it's difficult to ask. It
6 would be easier to translate from the French transcript. I think there was no
7 problem with the French. Okay.

8 THE INTERPRETER: [10:26:43] From the English booth, the translation of the
9 French transcript is as follows at line 21: Question, and the time is 10.24.02. The
10 question was, "Who were the people you met?"
11 The answer, line 22, reference 10.24.08: "The group FRCI".

12 PRESIDING JUDGE TARFUSSER: [10:27:04] Thank you. Can we continue now?
13 Is this problem solved with the Dioula, with the microphone? Okay.

14 THE INTERPRETER: [10:27:19] Yes, the problem is solved. Thank you.

15 PRESIDING JUDGE TARFUSSER: [10:27:21] Okay. So let's continue.

16 MS BAROAN: [10:27:27] (Interpretation) Thank you, your Honour.

17 Q. [10:27:29] The FRCI whom you met, could you describe them? Were there
18 many of them, very few of them? How were they dressed?

19 A. [10:27:45] I don't remember at all.

20 Q. [10:27:47] Thank you. Let me try and refresh your memory reading from a
21 witness statement.
22 This is page 12, document CIV--0069-0062, paragraph 61.
23 "On the road we didn't meet anybody. It's only at the entrance to Port Bouët II that
24 we encountered soldiers. They were carrying weapons and there were many of
25 them. They were wearing green camouflage uniforms and carrying

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1 Kalashnikov-type weapons. These soldiers asked us where we were coming from.
2 We were scared to answer, but they reassured us, explaining that they were not
3 militia, but FRCI, soldiers of Alassane. We then answered that they were
4 coming -- we were coming from Mami Fatai, and then they let us through."

5 PRESIDING JUDGE TARFUSSER: [10:29:54] That's paragraph 60 and 61, right.
6 Paragraph 60 and 61, right, because it is only 61 stated on the transcript.

7 MS BAROAN: [10:30:10] (Interpretation) Yes, it is 60 and 61. Just to finish off I'll
8 read the last sentence:

9 "We went to my grandfathers who lives at Port Bouët II, and there the situation was
10 calm; people had not run away."

11 Q. Does this jog your memory as to what you saw upon entering Port Bouët II,
12 Madam Witness?

13 A. [10:31:11] We encountered the FRCI when we were going to Port Bouët II.

14 Q. [10:31:20] Yes, but you will agree with me that they were in great numbers,
15 they were armed and with what I've just read out to you from your statement?

16 A. [10:31:42] What I said before is what I stand by.

17 Q. [10:31:45] Thank you, Madam Witness. This will be my last point. Have
18 you -- well, did you tell everything that happened to you to anybody else?

19 A. [10:32:24] No, we told nobody.

20 Q. [10:32:26] And after the crisis, people came?

21 A. [10:32:41] Yes. After people came to see me to ask some questions.

22 Q. [10:32:52] Thank you, Madam Witness. Thank you very much for your
23 patience and for your bravery. I would like to thank you very warmly because in
24 very difficult circumstances you've made it possible for us to understand what
25 happened over that two-day period.

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1 I now hand over to my colleague who will be finishing with our bar's questions. I
2 don't think she'll have much -- she'll need much time. It is Counsel Naouri who will
3 be taking over from me, your Honour.

4 PRESIDING JUDGE TARFUSSER: [10:33:31] Thank you.

5 Madam Naouri.

6 MS NAOURI: [10:33:49] (Interpretation) Thank you very much, your Honour.

7 QUESTIONED BY MS NAOURI: (Interpretation)

8 Q. [10:33:57] Good morning, Madam Witness.

9 A. [10:34:02] Good morning. How are you?

10 Q. [10:34:02] I am fine. Thank you. I'm going to be putting one or two
11 questions to you by way of clarification. You said in your oral evidence yesterday in
12 response to a question from the LRVs that you knew Doumbia Abdoulaye, the district
13 chief. Do you remember that?

14 A. [10:34:27] Yes, I do.

15 Q. [10:34:28] Very well. This district chief, did he tell you or give you
16 information to the fact that the collective of victims in Côte d'Ivoire was going to try
17 and collect the names in Mami Fatai of the victims?

18 A. [10:35:14] Yes, I was told of that. But I wasn't told.

19 Q. [10:35:21] Hang on, just by way of clarification, were you told or were you not
20 about the names being collected of the victims in the Mami Fatai district?

21 A. [10:35:31] No, I wasn't told about that.

22 Q. [10:35:40] All right. Madam Witness, did your father tell you whether he had
23 met anybody from a victims' association?

24 A. [10:36:16] No, he didn't tell me about that.

25 Q. [10:36:19] Very well. So your brother is called Camara Mamadou,

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1 Dou Camara, Issa Diawara and Inza Camara; that's right, isn't it? Those are their
2 names, isn't it?

3 A. [10:36:42] Yes.

4 Q. [10:36:43] And Ibrahim Diomandé was one of the brothers -- one of the friends
5 of your brothers who was there at the time of the incident in question; is that right?

6 A. [10:36:54] Yes.

7 Q. [10:36:56] Very well. Now, we have a document, I'm going to give you the
8 name for the record, bearing the number CIV-D15-0004-2734, tab 15 on our list of
9 materials. Now, this document is a list with the names of people who allegedly died
10 during the post-electoral crisis in the Yopougon-Mami Fatai area. And this list was
11 allegedly drawn up by the victims' collective in Côte d'Ivoire.

12 And on this list, Madam Witness, we see the name of your brother and the friend of
13 your brother whose name I've just cited to you. So here's my question: Do you
14 know how the collective could have received such information?

15 A. [10:38:07] I've never heard about that.

16 Q. [10:38:09] All right. Madam Witness, is there a member of your family who,
17 following the incidents in question, took any steps in respect of your brothers?

18 A. [10:38:37] My father was aware.

19 Q. [10:38:41] All right. Issiaka Diaby, does that name mean anything to you,
20 Madam Witness?

21 A. [10:39:12] I don't remember.

22 Q. [10:39:13] All right. Returning to Kamara Mayabra, we spoke of him
23 yesterday, do you recall that, Madam Witness?

24 A. [10:39:43] Yes.

25 Q. [10:39:44] Very well. On the transcript, page 45, line 3 through to 8, you say,

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1 and let me quote, the question that's put to you is the following:

2 "And do you know Mrs Kamara for a long time?"

3 And you answer: "Yes, I've known her since the year 2000."

4 Question: "And I understand that you see Madam Kamara on a regular basis."

5 Answer: "Yes, we live in the same district."

6 So here's my question, Madam Witness, since you know Madam Kamara very well,
7 you also know that she works for victims' associations, no?

8 A. [10:40:55] I don't know.

9 Q. [10:40:56] All right. So if I were to say to you the Mami Faitai victims'
10 association, does that name ring a bell? Do you know whether Madam Kamara
11 works for that association or has mentioned something about that association to you?

12 A. [10:41:25] I'm not aware of that because I haven't asked any information about
13 that.

14 Q. [10:41:35] All right. Now, in your statement made to the Prosecutor, you
15 speak of Mrs Caroline, and let me quote paragraph 10 from your statement, in this
16 particular paragraph you say, and let me quote:

17 "Having said that, I remember having spoken to a woman called Caroline. She told
18 me that she worked for the ICC. She asked me to tell her what had happened and I
19 did so. I saw Caroline a number of times, I often saw her at Deux Plateaux. Many
20 victims went to see her. Every time I saw her other crisis victims were there, but
21 Caroline would meet us on an individual basis. I don't remember when exactly I
22 saw Caroline." End of quote.

23 So, Madam Witness, here's my first question: In which language did you speak with
24 Caroline?

25 A. [10:43:14] I spoke to her in French.

1 Q. [10:43:20] Very well. And the first time that you met Caroline and you gave
2 her your account, did she take down any notes?

3 A. [10:43:50] I don't really remember.

4 Q. [10:43:52] All right. And who put you in touch with Caroline in the first
5 place? How did you get to meet Caroline, Madam Witness?

6 A. [10:44:13] Kamara Mayabra spoke to me of her.

7 Q. [10:44:21] All right. And whenever you went to see Caroline, you went
8 through Kamara, is that right?

9 A. [10:44:43] She would often call her with a view to obtaining information.

10 Q. [10:44:47] For the avoidance of doubt, Madam Witness, when you say "she,"
11 who is "she"?

12 A. [10:44:57] She would often call Mayabra Kamara to tell the others.

13 Q. [10:45:05] All right. And when you say "I saw Caroline on a number of
14 occasions," that equates to how many times, roughly?

15 A. [10:45:22] I don't remember.

16 Q. [10:45:23] All right. But five, ten times, just to have an idea, Madam Witness,
17 on average?

18 A. [10:45:38] I don't remember at all.

19 Q. [10:45:40] It's not a problem.

20 And your father, did he also meet Caroline and did he speak to you of that?

21 A. [10:45:53] I don't know. I don't know.

22 Q. [10:45:57] All right. And your other brothers and sisters, did they meet
23 Caroline as well?

24 A. [10:46:09] I don't know.

25 Q. [10:46:22] Madam Witness, do you know somebody called Kamara

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1 Madoussou Fifi?

2 A. [10:46:39] No, I don't know that person.

3 Q. [10:46:41] All right. And who organised the Deux Plateaux meetings with
4 Caroline?

5 A. [10:47:04] It was Kamara Mayabra.

6 Q. [10:47:11] All right. And who paid for your travel costs all the way to Deux
7 Plateaux?

8 A. [10:47:21] We paid for the trip ourselves.

9 Q. [10:47:36] And do you know the other victims who went to meet Caroline,
10 those meetings, other people from your district, for example?

11 A. [10:47:49] I don't remember.

12 Q. [10:47:55] Okay. You also spoke of an encounter with an American woman.
13 Did that happen in the same location as your meetings with Caroline in Deux
14 Plateaux or in another place altogether?

15 A. [10:48:30] I don't know, I don't remember where we met.

16 Q. [10:48:35] All right. Yesterday the LRV showed you a document that
17 Mayabra Kamara helped you fill out, 14 November 2017, 46, line 8 through to 26,
18 that's the transcript reference. Now, appended to that document was Mamadou
19 Camara's identity document. Was it you who handed in that particular document?

20 A. [10:49:19] Yes, I gave that document.

21 Q. [10:49:23] Very well. And how did you obtain that particular document,
22 Madam Witness? Where did you retrieve it?

23 A. [10:49:38] I took it with my father.

24 Q. [10:49:40] Okay. And your father, did he tell you where he had found it, that
25 identity document?

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- 1 A. [10:49:54] He didn't tell me.
- 2 Q. [10:49:56] All right. And you or your brother --
- 3 THE INTERPRETER: Or father, corrects the interpreter.
- 4 MS NAOURI: (Interpretation)
- 5 Q. Do you have the identity cards of your other brothers?
- 6 A. [10:50:24] I don't know.
- 7 Q. [10:50:24] All right. So you don't know about your father, but you personally,
- 8 Madam Witness, you don't have the identity cards belonging to your other brothers;
- 9 is that right?
- 10 A. [10:50:38] No.
- 11 Q. [10:50:48] Okay. Mrs Witness, do you know whether other members of your
- 12 family are victims that are part of the victims procedure here before the ICC?
- 13 A. [10:51:09] I don't know.
- 14 Q. [10:51:12] All right. And did your father say whether he had met Madam
- 15 Paolina Massidda, the LRV counsel?
- 16 A. [10:51:28] I don't know anything about that.
- 17 Q. [10:51:30] All right.
- 18 PRESIDING JUDGE TARFUSSER: [10:51:31] Shouldn't be a big crime having met
- 19 Paolina Massidda, right? It shouldn't be a big crime having met with Ms Massidda.
- 20 No, I'm wondering why all these questions, so ...
- 21 MS NAOURI: [10:51:47] (Interpretation) Your Honour, if we had an -- I will
- 22 answer, I will answer.
- 23 PRESIDING JUDGE TARFUSSER: [10:51:50] (Overlapping speakers)
- 24 MS NAOURI: [10:51:54] (Interpretation) Well, we could have requested the
- 25 admission into evidence of the statement of the father.

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1 PRESIDING JUDGE TARFUSSER: [10:52:03] You can always do it.

2 MS NAOURI: [10:52:11] (Interpretation) Yes, not through this witness,
3 your Honour, but your intervention is welcomed.

4 Q. [10:52:19] Madam Witness, the encounter that you had with the LRV counsel,
5 was that organised at Zoro Bi Ballo's office?

6 A. [10:52:39] I've heard nothing about that. I don't know anything about that.

7 Q. [10:52:44] So just to make sure that I've followed your evidence properly, you
8 haven't heard about Zoro Bi Ballo is that what you're telling us?

9 A. [10:52:57] I haven't heard anything about that.

10 Q. [10:53:08] All right. How many times did you meet the victims' counsel,
11 roughly, Madam Witness, to the best of your knowledge?

12 PRESIDING JUDGE TARFUSSER: [10:53:17] No, I don't admit this. There is also
13 a relation, Counsel -- I don't ask you how many times you met with your clients.
14 Come on. No. I don't admit this question.

15 MS NAOURI: [10:53:33] (Interpretation) Thank you, your Honour. Duly noted.

16 Q. [10:53:36] Madam Witness, I'd like to return to the meetings with the
17 Prosecutor very briefly. Madam Witness, how did the OTP representatives get in
18 touch with you?

19 A. [10:54:06] I don't remember.

20 Q. [10:54:07] Was it Mayabra Kamara who served as the intermediary? Does
21 that jog your memory or not at all? Tell us, Madam Witness.

22 A. [10:54:25] I don't remember.

23 Q. [10:54:27] All right. And did you put in touch with other people the OTP
24 investigators? Did you give the names of other potential witnesses, for example?

25 A. [10:54:47] No.

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1 Q. [10:54:48] All right. The last thing, Madam Witness, was there an interpreter
2 in attendance when you met with the OTP investigators?

3 A. [10:55:16] There was nobody.

4 Q. [10:55:19] All right. So in what language did you speak to the OTP
5 investigators?

6 A. [10:55:30] We spoke in French amongst ourselves.

7 Q. [10:55:39] All right. And did they read back to you your statement, and how
8 did that go? Was that done at the end of each meeting or right at the end of a round
9 of interviews? Just so I can understand what occurred.

10 A. [10:56:05] When the interviews were finished they were read back right to the
11 end.

12 Q. [10:56:12] Perfect. And my last question: At a given point in time, did you
13 ask to provide any amendments to the statement that you had given, a request made
14 at your own initiative?

15 A. [10:56:36] No, I don't remember.

16 Q. [10:56:39] Thank you very much. Thank you very much, Madam Witness.

17 A. [10:56:46] Thank you.

18 MR ALTIT: [10:56:47] (Interpretation) This concludes the questioning from the
19 Gbagbo bar. Thank you.

20 PRESIDING JUDGE TARFUSSER: [10:56:54] Thank you very much.

21 Now we have the break. We come back at 11.30, in half an hour, when I give the
22 floor to the Defence for Mr Blé Goudé. Yes, mister --

23 MR ZOKOU: [10:57:13] (Interpretation) Yes, your Honour. We'll have one or two
24 questions. And to make things run smoothly for the hearing, I don't think we'll need
25 any more than 10 minutes, possibly quarter an hour tops, so we can perhaps think

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- 1 about what follows. Thank you.
- 2 PRESIDING JUDGE TARFUSSER: [10:57:30] Thank you very much for this. So
- 3 the Registry is alerted that as soon as we finish, we start with the next witness, which
- 4 is 568.
- 5 Thank you very much. The hearing is adjourned to 11.30.
- 6 THE COURT USHER: [10:57:46] All rise.
- 7 (Recess taken at 10.57 a.m.)
- 8 (Upon resuming in open session at 11.30 a.m.)
- 9 THE COURT USHER: [11:30:52] All rise.
- 10 Please be seated.
- 11 PRESIDING JUDGE TARFUSSER: [11:31:22] So, Madam Witness, a last few
- 12 questions from the Defence for Mr Blé Goudé, and then you're free to go back home.
- 13 Are you okay?
- 14 THE WITNESS: [11:31:51] (Interpretation) Yes, I'm doing fine.
- 15 PRESIDING JUDGE TARFUSSER: [11:31:53] Okay. Then I give the floor to
- 16 Mr Knoops.
- 17 MR KNOOPS: [11:31:57] Mr President, Mr Zokou will conduct the examination on
- 18 behalf of our Defence team. Thank you.
- 19 PRESIDING JUDGE TARFUSSER: [11:32:04] Okay. Maître Zokou, yours the
- 20 floor.
- 21 MR ZOKOU: [11:32:14] (Interpretation) Good morning, Mr President. Good
- 22 morning, your Honours. Good morning, dear colleagues.
- 23 QUESTIONED BY MR ZOKOU: (Interpretation)
- 24 Q. [11:32:27] Good morning, Madam Witness.
- 25 A. [11:32:30] Good morning.

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1 Q. [11:32:31] My name is Zokou Seri. I'm a member of the Defence team of
2 Mr Charles Blé Goudé. And after the questions of my colleagues, I will put to you
3 two or three brief questions, and that will be it.
4 Now, Madam, during the post-election crisis and specifically in the month of March,
5 where were you?

6 A. [11:33:13] I was in Abidjan.

7 Q. [11:33:19] Can you be more specific, that is as to your location in Abidjan
8 during that entire month of March?

9 A. [11:33:34] I was in our neighbourhood.

10 Q. [11:33:46] Very well. Did you know the prison in Yopougon, that is the
11 MACA, or have you ever heard about it?

12 A. [11:33:53] Yes, I know that location.

13 Q. [11:34:05] The prison is not too far away from your house, can you clarify us
14 on that?

15 A. [11:34:23] We are not far from the prison.

16 Q. [11:34:29] When you say "far," did you go there?

17 THE INTERPRETER: And the witness had said we are far from the prison.

18 THE WITNESS: [11:34:42] (Interpretation) When you leave our house to go to
19 Abobo you pass by there.

20 MR ZOKOU: (Interpretation)

21 Q. [11:34:49] Very well. Do you remember that during the end of March,
22 the 30th, 31st March and 1 April, did you hear that the prison had been broken into
23 and that all the prisoners had escaped?

24 A. [11:35:19] I do not recall.

25 Q. [11:35:25] Very well. I'm going to ask you another question. Do you

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1 remember the year in which you dropped out of school?

2 A. [11:35:53] I stopped my schooling in 2004.

3 Q. [11:35:56] And can you state once again here the reason why you stopped
4 going to school?

5 A. [11:36:13] My mother was ill, so I stopped my schooling in order to take care
6 of her.

7 Q. [11:36:23] Very well. So if I understand correctly, you did not stop your
8 schooling because of health problems resulting from the attack of which you were a
9 victim; is that correct?

10 A. [11:36:51] It was because of my mother that I stopped going to school.

11 Q. [11:36:57] Very well. Thank you. I have no further questions. And I wish
12 you a safe journey/trip back home.

13 Mr President, those were the points of clarification that I wanted to ask. Thank you.

14 PRESIDING JUDGE TARFUSSER: [11:37:14] Thank you.

15 Now I revert to the Office of the Prosecutor asking if there is need for re-questioning?

16 MS HENDERSON: [11:37:24] There are no supplemental questions, your Honour.

17 PRESIDING JUDGE TARFUSSER: [11:37:29] Well, this

18 concludes -- Madam Massidda.

19 MS MASSIDDA: [11:37:37] Thank you, Mr President. I have one question for the
20 witness.

21 PRESIDING JUDGE TARFUSSER: [11:37:38] Yes, but if the Prosecutor does not
22 make a request, I think I'm afraid I cannot let you put the question.

23 MS MASSIDDA: [11:37:48] May I explain the reasons, your Honour, before?

24 PRESIDING JUDGE TARFUSSER: [11:37:51] You may explain, but I -- yes, explain.

25 MS MASSIDDA: [11:37:55] We have noticed during the questioning of Ms Naouri

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1 that the Dioula interpretation, they didn't actually interpret correctly one name put to
2 the witness. I can provide the reference for your Honour.

3 PRESIDING JUDGE TARFUSSER: [11:38:19] That's not a question to put to the
4 witness, but if there is a mistaken interpretation, I mean, there is --

5 MS MASSIDDA: [11:38:34] The mistaken interpretation has misled the witness.
6 That's the reason why I would like to pose the question. It will become apparent, if I
7 am authorised to question now, the reason why I want to do it. It's because the
8 misinterpretation caused actually the witness to respond in a certain way, and I
9 believe that the witness should have not responded that way if the interpretation was
10 good enough to pronounce the name correctly.

11 PRESIDING JUDGE TARFUSSER: [11:39:09] Which is the name? Which one is
12 the name?

13 MS MASSIDDA: [11:39:14] I'm referring to the transcript of hearing of this
14 morning, realtime English, page 27, lines 1 to 4, and the French is --

15 PRESIDING JUDGE TARFUSSER: [11:39:25] Wait, wait, wait. 1 to 4, 27, 1 to 4.

16 MS MASSIDDA: [11:39:30] Yes, at the end of the line, you see a name which has
17 been translated as Camara Madison.

18 PRESIDING JUDGE TARFUSSER: [11:39:42] 27, you say?

19 MS MASSIDDA: [11:39:43] Yes, lines 1 to 4.

20 PRESIDING JUDGE TARFUSSER: [11:39:48] Well, which starts with
21 "Madam Witness"?

22 MS MASSIDDA: [11:39:53] I will re-open it, your Honour.

23 PRESIDING JUDGE TARFUSSER: [11:39:55] Yes, because I don't see this name.

24 MS MASSIDDA: [11:40:03] French, page 25, lines 12, 14.

25 In English the name has been translated as Camara Madison Fifi.

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- 1 PRESIDING JUDGE TARFUSSER: [11:40:26] But where, which page?
- 2 MS MASSIDDA: [11:40:29] Page 27, line 2, your Honour. I'm reading --
- 3 PRESIDING JUDGE TARFUSSER: [11:40:31] Okay, okay. Yes. Okay.
- 4 MS MASSIDDA: [11:40:33] -- from page --
- 5 PRESIDING JUDGE TARFUSSER: [11:40:34] "Madam Witness, do you know
- 6 somebody called Camara Madison Fifi?" But there is a --
- 7 MS MASSIDDA: Voila.
- 8 PRESIDING JUDGE TARFUSSER: -- there is a sign that it is not, there should be
- 9 a -- we have to overlook it.
- 10 THE WITNESS: [11:40:55] Madoussou Fifi.
- 11 PRESIDING JUDGE TARFUSSER: [11:40:56] Do you know this person?
- 12 THE WITNESS: [11:41:00](Interpretation) Madoussou Fifi.
- 13 PRESIDING JUDGE TARFUSSER: [11:41:02] Is this right? So do you know this
- 14 person?
- 15 THE WITNESS: [11:41:11] (Interpretation) Yes, I know that person.
- 16 PRESIDING JUDGE TARFUSSER: [11:41:13] And why do you know that person?
- 17 Who is she? Who is she?
- 18 THE WITNESS: [11:41:24] (Interpretation) She's one of my elder sisters.
- 19 MS MASSIDDA: [11:41:35] Thank you for addressing this, your Honour. Thank
- 20 you.
- 21 PRESIDING JUDGE TARFUSSER: [11:41:37] Thank you very much.
- 22 Now, this concludes, this concludes your testimony, Madam Witness. I wish you a
- 23 safe trip back home. And thank you for having been here to respond to the
- 24 questions put to you by the parties. Thank you very much.
- 25 Yes, thank you. The witness can be brought out.

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1 (The witness is excused)

2 PRESIDING JUDGE TARFUSSER: We suspend five minutes for the change and
3 come back in five minutes for the witness, next Witness 568.

4 Thank you very much.

5 THE COURT USHER: [11:42:30] All rise.

6 (Recess taken at 11.42 a.m.)

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

8 THE COURT USHER: [11:48:15] All rise.

9 Please be seated.

10 PRESIDING JUDGE TARFUSSER: [11:48:45] Good morning, Mr Witness.

11 WITNESS: CIV-OTP-P-0568

12 (The witness speaks Dioula)

13 THE WITNESS: [11:48:53] (Interpretation) Good morning. How are you doing?

14 PRESIDING JUDGE TARFUSSER: [11:48:57] I'm okay. And you?

15 We will start now with your testimony. Before giving the floor to the parties for
16 their questions, I would ask you to tell us your name.

17 THE WITNESS: [11:49:32] (Interpretation) My name is Abdoulaye Doumbia. I
18 come from Séguelon, Odienné sub-préfecture. My father's name is Bakary Doumbia,
19 and my mother's name is Koné.

20 PRESIDING JUDGE TARFUSSER: [11:49:55] And when were you born?

21 THE WITNESS: [11:50:05] (Interpretation) I was born in 1954.

22 PRESIDING JUDGE TARFUSSER: [11:50:08] And what is your ethnicity and your
23 faith?

24 THE WITNESS: [11:50:20] (Interpretation) I am a Muslim, and I'm a Dioula, from
25 Odienné.

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- 1 PRESIDING JUDGE TARFUSSER: [11:50:31] Are you working?
- 2 THE WITNESS: [11:50:46] (Interpretation) Ever since the hostilities, I no longer work.
- 3 I no longer have a job.
- 4 PRESIDING JUDGE TARFUSSER: [11:50:52] And what did you do until the
- 5 hostilities, when you -- since -- until the hostilities as a job? What did you work?
- 6 THE WITNESS: [11:51:12] (Interpretation) After the hostilities, I have been staying at
- 7 home. I'm not doing anything.
- 8 PRESIDING JUDGE TARFUSSER: [11:51:18] No, I asked you what you did before,
- 9 until the hostilities?
- 10 THE WITNESS: [11:51:35] (Interpretation) I was working with some companies. I
- 11 was a labourer.
- 12 PRESIDING JUDGE TARFUSSER: [11:51:39] Okay. You have a person near you
- 13 who give you, if need be, assistance in reading, and in any case, if you need
- 14 something else, you just ask me and I will try to address your needs, okay?
- 15 THE WITNESS: [11:52:08] (Interpretation) Understood. May God help us.
- 16 PRESIDING JUDGE TARFUSSER: [11:52:12] Well, hopefully.
- 17 You are speaking Dioula but you understand also French, right? You speak also
- 18 French and understand French.
- 19 THE WITNESS: [11:52:31] (Interpretation) Well, I learnt French in the streets and on
- 20 the job; otherwise, I do not know to read or write.
- 21 PRESIDING JUDGE TARFUSSER: [11:52:47] Yes, but you speak and understand
- 22 French also?
- 23 THE WITNESS: [11:53:02] (Interpretation) Well, it is Dioula that I speak well
- 24 because French seems to me to be quite complicated.
- 25 PRESIDING JUDGE TARFUSSER: [11:53:09] Okay. So now you are talking in

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1 Dioula and I'm speaking in English; other people here are speaking in French, so
2 everything what you say and what I say must be translated, interpreted, in other
3 languages. So, therefore, I would ask you to speak slowly, okay, because our people
4 in the booth, they have to do a good job and they do a better job if they
5 understand -- the better they understand, the better it is, the better job they can do.
6 So if I give you a sign like this, you just slow down, okay?

7 THE WITNESS: [11:54:01] (Interpretation) Yes, I have understood.

8 PRESIDING JUDGE TARFUSSER: [11:54:05] Now, you are -- you know that you
9 are here because you are a witness in this trial, which is the trial of the Prosecutor
10 against Mr Gbagbo and Mr Blé Goudé, and your duty is to respond to the questions
11 that will be put to you, clearly, slowly, but, most of all, truthfully. So you have the
12 obligation to say the truth. And to this effect, the law asks you to make a solemn
13 undertaking and, therefore, I would ask you to repeat what I'm saying to you now: I
14 solemnly declare.

15 THE WITNESS: [11:55:20] (Interpretation) I solemnly declare --

16 PRESIDING JUDGE TARFUSSER: [11:55:23] -- that I will speak the truth --

17 THE WITNESS: [11:55:37] (Interpretation) -- that I will speak the truth.

18 PRESIDING JUDGE TARFUSSER: [11:55:38] -- the whole truth and nothing but
19 the truth.

20 THE WITNESS: [11:55:45] (Interpretation) -- the whole truth and nothing but
21 the truth.

22 PRESIDING JUDGE TARFUSSER: [11:55:52] Mr Witness, giving false testimony is
23 an offence against this Court; you understand this?

24 THE WITNESS: [11:56:08] (Interpretation) Yes, I understand very well.

25 PRESIDING JUDGE TARFUSSER: [11:56:12] Thank you.

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1 Now, before giving the floor to the Office of the Prosecutor, who is the first to put
2 questions to you, we have to do some other technical things. In this case, in your
3 case, the Chamber has in front of it your written statement, the statement you gave to
4 the Office of the Prosecutor in April 2015. Do you recall that you have given a
5 statement on 9, 10, 11 and 14 April 2015 to the investigators of the Office of the
6 Prosecutor?

7 THE WITNESS: [11:57:18] (Interpretation) Yes, indeed. I will tell you everything
8 that I know.

9 PRESIDING JUDGE TARFUSSER: [11:57:23] Yes, but do you remember that you
10 gave a statement, you signed a statement, that you spoke with the investigators of the
11 Office of the Prosecutor in April 2015?

12 THE WITNESS: [11:57:46] (Interpretation) Yes, all those events happened quite a
13 long time ago, but I'm going to come back to them.

14 PRESIDING JUDGE TARFUSSER: [11:58:07] Okay. You have in front of you the
15 statement; you gave it. Can you see it? Can you see it in front of you?

16 Excuse me. You're the reading assistant. Could you show him, otherwise ...

17 THE WITNESS: [11:58:50] (Interpretation) I will tell you everything that I remember.

18 PRESIDING JUDGE TARFUSSER: [11:58:53] Okay. For the record, I'm referring
19 to the statement CIV-OTP-0069-0069, with the annexes 0088, 0090, 0092, 0094, 0095,
20 0097, 0099 and 0101.

21 In the last few days since you are here in The Hague, did somebody read to you the
22 statement you gave in April 2015 to the Office of the Prosecutor?

23 THE WITNESS: [12:00:05] (Interpretation) Yes.

24 PRESIDING JUDGE TARFUSSER: [12:00:06] Okay. So --

25 THE WITNESS: [12:00:08] (Interpretation) Yes, that's correct.

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1 PRESIDING JUDGE TARFUSSER: [12:00:09] So the Chamber has decided that this
2 statement you gave, the written statement you gave, can be introduced as such in the
3 record of the case according to the law. This means that, rather than you giving the
4 whole statement here again orally, we can use it as such, but you must be -- you can
5 be questioned by the Office of the Prosecutor and by the Defence in any case. And
6 you have to agree that this happens, that the statement you gave goes into the record
7 of the case so that you can -- you avoid to repeat everything. Do you agree -- this is
8 my question -- that we use your statement, your written statement?

9 THE WITNESS: [12:01:27] (Interpretation) Yes. As I said, I will tell you everything
10 that I remember.

11 PRESIDING JUDGE TARFUSSER: [12:01:34] Yes.

12 THE WITNESS: [12:01:47] (Interpretation) Yes, there is absolutely no problem. I
13 will give you all the details if required.

14 PRESIDING JUDGE TARFUSSER: [12:01:52] Yes, but my first question is another
15 one, and I need you only a yes or a no, and it's the following: Do you agree --

16 THE WITNESS: [12:02:08] (Overlapping speakers)

17 PRESIDING JUDGE TARFUSSER: [12:02:09] Wait, wait, wait. Do you agree that
18 your written statement of April 2015 goes into the record of the case?

19 THE WITNESS: [12:02:31] (Interpretation) Yes. If you read the statement, I will
20 approve of everything I know.

21 PRESIDING JUDGE TARFUSSER: [12:02:41] So, in light of the fact that you're here
22 and available for -- to be questioned by the parties, the Chamber notes that all the
23 requirements of Rule 68(3) have been met and that the introduction of the written
24 statement is allowed, and the written statement, I'm referring to the numbers I read
25 out just before with the annexes, and these items are all considered as submitted.

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1 Now we can start with the questioning by the Office of the Prosecutor.

2 And I give the floor to Mr Leddy.

3 MR LEDDY: [12:03:42] Thank you, your Honour.

4 QUESTIONED BY MR LEDDY:

5 Q. [12:03:49] Good morning, Mr Witness.

6 A. [12:03:51] (No interpretation)

7 Q. [12:03:52] As you may remember, my name is Nicholas Leddy. I'm a lawyer
8 here with the Office of the Prosecutor. You may remember we met last week at the
9 courtesy meeting in this building. Today, I'm going to address you as "Mr Witness".
10 It is not a sign of disrespect, rather, it is a custom here at the Court. We only have 30
11 minutes, so I'll just be asking you to clarify some parts of your statement about the
12 crisis in Abidjan in 2010 and 2011.

13 First, I want to ask you about your role as chef central of Mami Fatai in Yopougon.

14 In paragraphs 8 to 14 of your statement -- and for the record, that's

15 CIV-OTP-0069-0069, at page 0073 to 0074, you describe how you became chef central
16 in Mami Fatai approximately *22 years ago.

17 A. [12:05:09] Yes, indeed.

18 Q. [12:05:10] My question to you is: At the time of the crisis in 2010 and 2011,
19 what was the ethnic composition of Mami Fatai?

20 A. [12:05:33] Yes, I was there.

21 Q. [12:05:47] My question to you, Mr Witness, was: What was the ethnic
22 composition, the ethnic makeup of that neighbourhood at the time of the crisis?

23 A. [12:06:16] There was everyone with their neighbourhood chief. In the event
24 of a problem, I would correspond or liaise with the chiefs of all ethnic groups.

25 Q. [12:06:30] And in the same neighbourhood, could you give us an idea of the

1 religious composition of the neighbourhood?

2 A. [12:06:56] What do you mean by "the religious composition"? There were
3 Christians, there were Muslims who go to the mosque, and the Christians would go
4 to the church.

5 Q. [12:07:20] Can you describe the relationship at that time of youth who
6 supported President Gbagbo with other residents of the neighbourhood?

7 A. [12:07:48] We weren't supporting Gbagbo, we weren't his supporters.

8 Q. [12:08:03] Were there youth in Mami Fatai at the time who did, in fact,
9 support President Gbagbo?

10 A. [12:08:18] Yes. You had all kinds of ethnic races with each of their
11 responsibility, each belonging to their party, and you really could not force
12 everybody. And everyone wasn't supporting Gbagbo.

13 Q. [12:08:45] If you know, could you just give us a sense of how many Dioula
14 there were in comparison to other ethnicities? Is it more or less than other
15 ethnicities?

16 A. [12:09:06] There were many Dioulas. There were people from Mali, from
17 Guinea and they were majority.

18 Q. [12:09:23] As chef central, what was your relationship with the youth who
19 supported President Gbagbo during the crisis?

20 A. [12:09:41] Everyone was free to belong to his or her party. You couldn't ask
21 anyone to leave a party. I never tried to ask anyone to leave his or her party to come
22 to mine.

23 Q. [12:10:09] I wasn't suggesting that, Mr Witness. I was just asking you to
24 describe the relationship that you had as chief with these groups.

25 A. [12:10:32] I was working with the community chiefs or leaders. And there

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1 were 19 of them. I would meet with them, I would pass on their grievances, and I
2 was the go-between, so to speak.

3 Q. [12:11:01] And acting as a go-between, did you ever mediate or resolve
4 conflicts with these youth groups?

5 A. [12:11:25] No. If people had marital problems with their spouses or family
6 problems with their younger brother, for instance, they would come and tell us about
7 it.

8 Q. [12:11:52] Now, do you recall ever receiving any threats during this period in
9 your role as chef central?

10 A. [12:12:11] No. If you did not attack people, no one would attack or threaten
11 you.

12 Q. [12:12:28] Now, Mr Witness, I'm going to switch subjects and ask you about
13 the events of 11 and 12 April 2011. In paragraphs 49 and 50 of your statement to the
14 Office of the Prosecutor, and I'm referring to CIV-OTP-0069 at page 0080, you
15 mentioned that after the death of your sons and your cousin, you asked your wives
16 and children to leave the neighbourhood, but you stayed behind. My question to
17 you is: Why did you stay behind at that time?

18 A. [12:13:16] I stayed behind because people who left, I entrusted them to others.
19 And not everyone was -- they left with food. Not everyone could leave. If you
20 were to leave with your family, then you needed provisions. And once there, the
21 hostilities broke out, the conflict broke out, we did not have food and we just had to
22 place faith in the good Lord.

23 Q. [12:14:03] On the next page of the statement in paragraph 54 to 55, that's
24 CIV-OTP-0069-0081, you described an armed man, a masked man who is wearing a
25 police T-shirt and broke into your home.

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1 A. [12:14:34] The one who broke into my home, we could think that he was a thief.
2 He wasn't armed. He had a T-shirt. And he asked me to give him money. I told
3 him that I had no money, and I only had 5,000 francs that belonged to my wife. And
4 he, in fact, broke my cupboard to take my belongings.
5 I told him that "You're a police officer and you're not even -- you claim to be a police
6 officer and you're even armed. You don't even carry a weapon." And he said that
7 he was on a fact-finding mission, but in fact he was a thief, because a police officer is
8 armed; and normally a police officer wouldn't ask for money from the citizens. So it
9 was a thief.

10 Q. [12:15:26] And what did this person say to you in your home?

11 A. [12:15:37] This person broke my cupboard. He did not find any money.
12 And he told me that he was trained in Israel. He came back and he is still a student.
13 And I told him that "You're not carrying a weapon. You're just wearing a T-shirt
14 that says 'police.'" And since I was in my room I couldn't leave, because he said that
15 his companions were outside, that I did not manage to check out.

16 Q. [12:16:20] Mr Witness, I want to switch topics again and talk about a perhaps
17 more sensitive topic, about the people who died during the course of the events of
18 April 11 and April 12, 2011.

19 Now, in paragraph 71 of your statement, that's ERN CIV-OTP-0069-0084, you
20 describe the list of about 79 men from Mami Fatai who were killed during this
21 post-electoral crisis. And that list for the record is number 9 on our list of materials
22 and annex 8 to your statement with the ERN of CIV-OTP-0069-0101.

23 Now, I understand from your statement that you did not prepare this list yourself,
24 but I want to ask you about some of the names --

25 PRESIDING JUDGE TARFUSSER: [12:17:17] Slowly, slowly. Dioula-French.

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1 MR LEDDY: [12:17:21] Apologies.

2 Q. [12:17:23] But I want to ask you about some of the names that appear on the
3 list. Now, we see on the first page of the list, at ERN ending in 0101, we see the
4 names of your sons at number 16 and 17, and your cousin Adama Koné at number 18.
5 There are two other men that you named in your statement as having also died are on
6 the list at numbers 44 and 48.

7 My question to you is do you know a man by the name of Broulaye Camara?

8 A. [12:18:22] Broulaye Camara was my neighbour.

9 Q. [12:18:25] And do you know what happened to him at this point in time,
10 Witness?

11 A. [12:18:34] He also lost some of his children.

12 Q. [12:18:42] And do you know the names of those children that he lost?

13 A. [12:18:51] No, I don't know the names.

14 Q. [12:18:55] If I put them to you, would that assist your memory or no?

15 A. [12:19:14] I have to see the list. The secretariat carried out a census, and
16 without the list one wouldn't know who's lost near and dear or who hasn't. So the
17 investigators from the OTP asked me questions, and I said I would consult the
18 secretariat, and the secretariat provided me with a list that I passed on.

19 Q. [12:19:51] I appreciate that, Mr Witness. My question to you is, if I were to
20 put names to you of Mr Camara's children, would that help refresh your recollection
21 about their identities?

22 PRESIDING JUDGE TARFUSSER: [12:20:09] Did you ever know the names of
23 these children?

24 THE WITNESS: [12:20:22] (Interpretation) No, I don't know their names.

25 PRESIDING JUDGE TARFUSSER: [12:20:23] Well, that's it.

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1 THE WITNESS: [12:20:28] (Interpretation) I know the names of my children, but I
2 don't know the names of the children of Broulaye Camara.

3 MR LEDDY: [12:20:42]

4 Q. [12:20:42] So I'm going to finish up here, Mr Witness, with just a couple last
5 questions. Could you please describe for the Chamber the impact that the deaths of
6 your sons and your cousin and your neighbours has had on your life?

7 A. [12:21:20] Really, I can't go into details; I can't overcome the emotion. The
8 death of my children has deeply affected me. I had headaches for four years. It's
9 going to be hard for me to describe all this and yet I have to express myself.

10 Q. [12:21:49] The last question is: Could you describe the affect of these deaths
11 on your family unit as a whole and your greater family?

12 A. [12:22:13] You see --

13 Q. [12:22:24] Mr Witness, we can take a break, if you prefer.

14 A. [12:22:43] My children meant the world to me. Ever since they died, we were
15 deeply disturbed. I don't even -- I've lost my bearings. I don't even know where I am,
16 day in day out. These children started working to help me out. And when you kill
17 them, you can understand that I was deeply affected. And I don't even want to talk
18 about it because it gives me headaches.

19 Q. [12:23:28] Thank you very much, Mr Witness. I have no further questions.

20 PRESIDING JUDGE TARFUSSER: [12:23:34] Thank you.

21 Now the floor goes to the Legal Representative of Victims, Madam Massidda.

22 Yours the floor.

23 MS MASSIDDA: [12:23:47] Thank you, Mr President. We have no question for
24 this witness. Thank you.

25 PRESIDING JUDGE TARFUSSER: [12:23:51] Thank you very much, Mr Witness.

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1 Yes, I -- I can cope, yes.

2 Do you want a break? We can continue? Tell me.

3 THE WITNESS: [12:24:34] (Interpretation) Yes, we can continue.

4 PRESIDING JUDGE TARFUSSER: [12:24:37] Okay. Thank you. Thank you very
5 much.

6 And now it's -- we have about half an hour and then we break, in any case, for lunch,
7 and it will be the Defence for Mr Gbagbo to put you questions, okay?

8 I give the floor to Maître Altit.

9 Mr Witness, do you want us to break? I ask you again, do you want us to break or
10 can we continue? It's up to you.

11 THE WITNESS: [12:25:22] (Interpretation) You can continue, please.

12 PRESIDING JUDGE TARFUSSER: [12:25:24] I give the floor then to Maître Altit
13 who is the lead counsel for the Defence for Mr Gbagbo.
14 Yours, the floor.

15 MR ALTIT: [12:25:35] Thank you, your Honour.

16 THE WITNESS: [12:25:39] (No interpretation)

17 MR ALTIT: [12:25:43] Thank you, your Honour. In the name of Gbagbo's bar, I'd
18 like to take the floor. It is Madam Naouri who is going to take the floor.

19 PRESIDING JUDGE TARFUSSER: [12:26:00] Madam Naouri, yours, the floor, and
20 I just, maybe it's not necessary, but I do it in any case, I remind you just to take care of
21 the conditions of the witness. And I will interrupt you if there is something I think
22 that goes beyond what is acceptable. Thank you very much.

23 MS NAOURI: [12:26:38] (Interpretation) Thank you, your Honour. I've taken due
24 note of the fact.

25 QUESTIONED BY MS NAOURI: (Interpretation)

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1 Q. [12:26:47] Hello, Witness. I'm Jennifer Naouri and I'm going to ask you
2 questions on behalf of Laurent Gbagbo's bar, okay?

3 A. [12:27:05] Okay, I've understood. Please proceed.

4 Q. [12:27:16] I want to come back to the time when you settled down in the
5 Mami Fatai district or neighbourhood. With whom did you settle down in that
6 neighbourhood?

7 A. [12:27:36] What do you mean by "settle down"?

8 Q. [12:27:43] In your witness statement to the OTP, and I'm going to quote. It's
9 paragraph 8. "I founded the Mami Fatai district and my family was the first to settle
10 down there. At that point in time, this is dating back to -- more than 22 years, I was
11 living with my family in a neighbourhood called Odienné Koulani. Now, this
12 neighbourhood was demolished by the municipality, and we were asked to settle
13 down in a new district or neighbourhood. The population of Odienné Koulani
14 refused to settle down there because it was said that the new neighbourhood was full
15 of bandits. And I was the only person to accept to settle down in this new
16 neighbourhood, which did not have a name at that point in time."

17 And I'm asking you, Witness, first of all, do you actually remember having said this?
18 What I read out, do you remember actually having said this?

19 A. [12:29:09] Yes. When they demolished Odienné Koulani, it's that point in
20 time when we went and settled down in Mami Fatai.

21 Q. [12:29:25] Right. My question: With whom did you go there? With your
22 wife, your wives, your children? How many people were there? Please explain all
23 this.

24 A. [12:29:43] I went with my wife and then the others joined us later.

25 Q. [12:29:55] *Fine, with one wife, or more?

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1 A. [12:30:03] One. I went with my four wives and we went to Mami Faitai.

2 Q. [12:30:24] *Fine, and your children came along, right?

3 A. [12:30:25] Yes, we all went together.

4 Q. [12:30:29] Très bien. Alors, combien de fils sont venus avec vous, en tout, au
5 total?

6 A. [12:30:40] All my children were with me, 20 in total. And when the
7 others -- when some of them had been killed there were only 17 left.

8 Q. [12:30:57] How many sons amongst the 17 do you have?

9 A. [12:31:14] Nine boys.

10 Q. [12:31:17] Thank you. And amongst these nine boys, were there any who you
11 financially --

12 A. [12:31:42] There were two who helped me financially and these were the two
13 who died. Others died following on from sickness and disease. And there were
14 three in total who were really everything for me, they helped to feed me, they looked
15 after the children. Two had died during the war, with a cousin, in fact.

16 Q. [12:32:12] Thank you. That's very clear.

17 Now, my question is a bit different here. Were there any other sons apart from these
18 two who helped with your children, with financial expenses? Were there just these
19 two sons or were there other sons who helped you?

20 A. [12:32:34] Well, the others were very young. There were two who weren't
21 able to go to school. They were too young to go and work and earn any money, so I
22 had to try and get them into school.

23 Q. [12:32:58] Which of your sons do help you financially, if there are any?

24 A. [12:33:15] Those who helped me financially are dead. Those who remain,
25 they finished their *studies and they're unemployed. How can they help me?

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1 They're grown up. Those who used to help *me are no longer there. I have had to
2 try and get some support. To get support, you need to go and work but even life
3 doesn't give us any rest. We get no respite.

4 PRESIDING JUDGE TARFUSSER: [12:33:57] Just one clarification --

5 MS NAOURI: [12:33:59] Very well.

6 PRESIDING JUDGE TARFUSSER: [12:34:02] -- because at line 25, page 54, it is said
7 those who remain, they finished their sons but it doesn't make any sense. They
8 finished their? Their school probably, I would say. I have not the French transcript,
9 but --

10 MR LEDDY: [12:34:27] That's right. The French transcript indicates they finished
11 their studies.

12 PRESIDING JUDGE TARFUSSER: [12:34:32] Okay.

13 MR LEDDY: [12:34:33] Yes.

14 PRESIDING JUDGE TARFUSSER: [12:34:34] Okay. Thank you.

15 Madam Naouri.

16 MS NAOURI: [12:34:47] (Interpretation) Thank you, your Honour.

17 Q. [12:34:49] Just to be clear, Mr Witness, these other sons, how old are they now?

18 A. [12:35:01] Really, I can't read, and I can't tell you what their ages are, because I
19 don't want to lie to you. If you lie, then of course that's a wrong vis-à-vis the Court,
20 so I don't want to lie.

21 Q. [12:35:27] Are they married?

22 A. [12:35:33] Only one is married amongst those who are remaining.

23 Q. [12:35:39] Thank you. Very well, Mr Witness.

24 Now that we understand that, can you tell us how you managed to live and feed
25 yourselves?

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1 A. [12:36:08] Thanks be to God. This is a secret, I didn't want to talk about it, it's
2 God who's helping us. It is God who is helping us to feed our families.

3 Q. [12:36:36] Thank you, Mr Witness.

4 Do you still receive taxes paid by some of the inhabitants of Mami Faitai?

5 A. [12:36:55] I didn't understand what you're asking, what you think people give
6 me.

7 Q. [12:37:04] Witness --

8 A. [12:37:06] What kind of tax are you talking about? I'm not a driver. How can
9 I get *taxes?

10 Q. [12:37:15] Let's try and clarify things. We're not talking about taxis. And I
11 simply want to quote what you said in your statement. Paragraph 14, and I'm
12 reading this out:

13 "I don't receive any remuneration from the authorities for the work I do as chef
14 central of the district, because it's the population who chose me and not the
15 authorities. However, sometimes the population pays me a small tax when
16 somebody is organising an event in the district or when somebody decides to sell a
17 piece of land in the district. And with this money I can pay for my small trips." End
18 of quote.

19 Mr Witness, do you still receive this tax which you mentioned to the investigators of
20 the OTP?

21 A. [12:38:30] Thank you. What I said there was that if you're the chief, and if
22 somebody needs you, then they have to pay a small tax, it's 1,000 francs or 1,500
23 francs, and they pay that and then I can deal with that person's problem. And with
24 that 1,000 francs, that helps me to travel. But it doesn't help me to feed my family.
25 It's really just remuneration so I can pay for my transport to the person who has a

1 problem. That's the purpose of the tax.

2 Q. [12:39:12] Very well. And if somebody doesn't pay you that tax which is due,
3 what happens, Mr Witness?

4 A. [12:39:23] Well, I have to do it because I agreed to be the chief. So I have to
5 go and help other people. I'm rather like their slave. You're there, you go and do
6 your job, you do your work before you do anything else. So once you agree to be the
7 chief, then you have to do the job of the chief.

8 Q. [12:40:05] Very well, Mr Witness. So let me ask you, what happens if the
9 people do not pay you, you being the chief?

10 A. [12:40:24] Yes, well, I have agreed to be the chief, so I work in the interest of
11 the population. So if somebody has a means of transport, then that's all right, but
12 otherwise somebody pays me and that's what happens.

13 Q. [12:41:07] Very well, Mr Witness. Mr Witness, did you have to register with
14 the mairie of Yopougon as the chef central of the district; in other words, as the
15 central chief?

16 A. [12:41:36] It wasn't the mayor who chose me, it's the people of that community
17 who chose me to be the chief, it wasn't the city hall. When there's a problem, I go
18 along to the city hall and tell them what is going on. I am the chief working in the
19 service of the population.

20 Q. [12:41:59] Very well. So you go along to the Yopougon city hall to talk about
21 what is happening in the local community; is that correct?

22 A. [12:42:15] When the mayor has information, it's the chief that he calls to pass
23 on that information, and then we pass that information on to the local population.
24 And we will say, "Well, this is what the mayor wants to tell you. Here is his
25 message."

1 Q. [12:42:36] Very well. So you talk directly with the mayor of Yopougon; is
2 that correct?

3 A. [12:42:48] If there's a problem, then we work together. If we are together, he
4 will not just talk to me, but he'll talk to the other people who have come along and we
5 try and work out the problem together.

6 Q. [12:43:14] Very well. So you, personally speaking, you've never had a
7 one-to-one meeting with the mayor of Yopougon?

8 A. [12:43:28] As chief, I don't go along by myself. *I have a secretary, there are
9 the ranking people in the community. We all go along, and *we all get information.
10 If I don't pass it on, then it's my fault. The chief is not there to lie, he's there to tell
11 the truth.

12 Q. [12:43:55] Very well. What kind of messages were you asked to pass on,
13 Mr Witness?

14 A. [12:44:10] We were told to bring about reconciliation. So then we would go
15 together, and with the mayor we would have a meeting and we would work on
16 reconciliation. So we would call on a population and we worked with the mayor to
17 try and work to bring about reconciliation.

18 Q. [12:44:36] Very well. Thank you. That is today. But before the
19 post-electoral crisis and before the elections of 2010, did you meet or did you used to
20 meet the mayor of Yopougon?

21 A. [12:44:57] No. The mayor would look and see who was to meet whom.

22 Q. [12:45:18] Very well. During the electoral period, did you pass messages on
23 to the population?

24 A. [12:45:42] No, because you have to inform the population. And it was political
25 parties who were campaigning. That's not the same thing for a chief. A chief does

1 not get involved in politics.

2 Q. [12:46:10] Did the population not come along to see, to ask for advice, for
3 example, in the electoral period asking, for example, how they should vote or where
4 to go and vote? Would you give this kind of information as chief?

5 A. [12:46:38] No. The chief has a programme, and the political programme is a
6 completely different thing. The chief's programme is one relating to local district
7 problems. As for the political parties, they do what they have to do. And if you're
8 in a political party, very often your wife is not even in the same party. So what the
9 chief does and what the political party is not the same thing. If the chief does
10 politics, then it's not going to work.

11 Q. [12:47:28] Traditional chiefs, don't they play an important role in the course of
12 electoral campaigns?

13 A. [12:47:37] No. What we do is important. If there's a problem in the district,
14 then we are there to try and solve these problems. But if you're not in a party, then
15 people will not get in touch with you. You are the chief of the district. If there's a
16 local problem, then you tell the people, and with the advisers, your advisers*, you try
17 and solve the problem. *You don't go to Siriki, or Zoumano, or Koffi*... A chief does not do
18 that. You don't do that when you're the chief of the district. What you do concerns the
19 whole community. Even if you don't like somebody, you have to solve their problem.

20 Q. [12:48:27] Thank you. So as far as you know, none of the candidates tried to
21 mobilise the chiefs, the traditional chiefs asking them to pass on instructions on how
22 to vote?

23 A. [12:48:59] The political parties dealt with their secretary generals who were
24 everywhere, and it was the secretary generals who would talk to their group and
25 organise the political meetings. They would do this together. So if there were any

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1 discussions, they would come and see the chief and perhaps say "There's a problem
2 and I'd like you to intervene because we would like to reconcile things."

3 Q. [12:49:31] Very well. So you would settle the local problems such as
4 neighbourhood problems which might crop up; is that correct?

5 A. [12:49:50] Even if somebody has a problem with their wife, we would try and
6 reconcile them. Or if somebody has done something wrong, then instead of taking
7 them to the police, we would try and settle the dispute. We tried to settle disputes
8 and problems before going to the police.

9 Q. [12:50:17] Very well, Mr Witness. Who takes the people to the police if the
10 problem is not settled?

11 A. [12:50:43] If we don't manage to settle the problems, since people have not
12 agreed to what you suggest, you say, well, do what you want? But when I'm in front
13 of the police, I say, well, we need to try and stop this dispute. If you can't settle the
14 problem, at least nobody can say that the chief has not done his work properly.

15 Q. [12:51:12] Very well, Mr Witness. Who were your assistants or deputies
16 in 2010, 2011, in the electoral period and the post-electoral crisis period?

17 A. [12:51:33] I was with all of my bureau. Everybody was there. Everybody.
18 Nobody had moved.

19 Q. [12:51:42] Very well. Could you give us the names of the people who were or
20 are your deputies?

21 A. [12:51:54] I can't give you the names of everybody, but I can give you a few
22 names. My first assistant was Akakou; second, Globali Gosou (phon); my secretary,
23 Dosso Adama.

24 Q. [12:52:14] Very well. And what was the work of these three people that you
25 mentioned who were in your bureau?

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1 A. [12:52:37] We didn't have anything else to do. They were there to give me
2 advice when there was a problem. Everybody can get it wrong sometimes, even the
3 chief. So if that happens, then we say to the chief, well, do this or do that. And
4 sometimes they can get it wrong, and then the chief will give them instructions. I'm
5 there and now they are dealing with the district in my absence. There are no
6 problems amongst us; we get on very well with each other.

7 Q. [12:53:14] Thank you, Mr Witness. Adama Dosso, can you tell me -- I beg
8 your pardon. How long has he been your secretary for, Adama Dosso?

9 A. [12:53:30] Yes, he is my secretary. He's been my secretary for a long time.
10 He's been working with me for a long time.

11 Q. [12:53:43] Very well. And Adama Dosso, does he know Diaby,
12 Issiaka Diaby?

13 THE INTERPRETER: Phonetic pronunciation from the interpreter.

14 THE WITNESS: [12:53:59] (Interpretation) Adama knows the secretary Diaby well.

15 MS NAOURI: [12:54:15] (Interpretation)

16 Q. [12:54:15] Mr Witness, when you pass on messages, where do you pass them
17 on?

18 A. [12:54:22] If we have messages to pass on, we pass them on to *a praise singer
19 who takes the microphone who announces that the chief should see the population.
20 The 17 committees get together with the chief and we set up a programme, and then
21 we start our discussions.

22 Q. [12:54:50] Very well. So once you've done these discussions, had these
23 discussions, how do you pass on a message saying what you've decided upon?

24 A. [12:55:15] The chief of the Bété tells the Bété; the Baoulé tell the Baoulé; the
25 Malians tell the Mali people; the Burkinabés tell the Burkinabés, and I tell the

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1 population as well. There's always a risk that if you speak directly to the population,
2 then things might be misspoken or badly said, so you speak through the different
3 chiefs.

4 Q. [12:55:47] Did you pass on a message through the grand mosque of
5 Mami Faitai, the Ali Rahamat mosque?

6 A. [12:56:07] If there's a problem with *the imam, then we pass on a message
7 within the mosque.

8 PRESIDING JUDGE TARFUSSER: Mr Leddy.

9 THE WITNESS: (Interpretation) But what we're doing, we don't say it in this way
10 to the chiefs.

11 MR LEDDY: [12:56:24] I just want to make sure that, given the special measures for
12 this witness, that we're not confusing him, and I would like to ask for some clarity
13 about what kind of messages we're talking about here. I believe earlier in his
14 testimony he denied passing on messages of a certain nature. So a question as to just
15 what kind of messages we're talking about.

16 PRESIDING JUDGE TARFUSSER: [12:56:49] Madam Naouri.

17 MS NAOURI: [12:57:02] (Interpretation) Let me just react to what the witness has
18 just been saying, saying that he passed on messages to the population having met
19 with other chiefs. Then the committee of 17, they said they passed on messages. So
20 my question is, where do you pass on these messages. And the witness said, I speak
21 to the population. So my question then is whereabouts. So I'm not trying to make
22 the witness say anything false in any way.

23 PRESIDING JUDGE TARFUSSER: [12:57:35] Go ahead, but let's go to some point
24 which has a little bit meaning within this trial because until now we are really not
25 focusing on nothing particularly relevant to the trial.

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1 MS NAOURI: [12:58:00] (Interpretation) Well noted. Thank you.

2 Q. [12:58:01] Mr Witness, you just said, concerning the grand mosque, that you
3 didn't pass on messages. And I would like to read out to you paragraph 20 of your
4 statement:

5 "On that day Mr Diaby came to my house and explained that he had been sent by the
6 government to identify the victims of the crisis. He asked for my assistance in
7 gathering the people who had lost loved ones, but also those who had been injured in
8 the crisis. I passed this message to the population. I remember that I went to the
9 grand mosque of Mami Fatai, the mosque Ali Rahamat, where I informed the faithful
10 that people had come to identify the victims of the crisis."

11 Now, is this what you said in your statement correct?

12 A. [12:59:21] Yes. *When David gives me the program, and I inform my
13 secretary, he has to inform the population. So the secretary has to pass on the
14 information. Some went to the church, some went to the mosque, and the secretary
15 tells them of the message. And we do everything we can to pass this message on to
16 all the different sectors of the population.

17 Q. [12:59:52] Very well, Mr Witness, but in your statement which you gave to the
18 OTP, you say, "I passed this message on to the population and I" -- emphasis on
19 "I" -- "remember going to the grand mosque of Mami Fatai". So did you personally
20 pass the message on to the Mami Fatai mosque?

21 A. [13:00:31] No. When I get a message from somebody who wants to inform
22 others, going back to what I said, I sent somebody on who then informs the people.
23 If I don't send a secretary to do something, then he can't do it off his own bat. We
24 wanted to call up the victims who were at the church or at the mosque.

25 Q. [13:01:01] Thank you, Mr Witness.

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- 1 MS NAOURI: [13:01:03] (Interpretation) Your Honour, I've finished. I haven't -- I
2 beg your pardon. I see time is going past, and I've finished on this point.
- 3 PRESIDING JUDGE TARFUSSER: [13:01:21] So now let's break. We have now
4 the lunch break, and we come back at 2.30, and we continue with the questioning.
5 Okay, thank you very much. The hearing is adjourned.
- 6 THE COURT USHER: [13:01:57] All rise.
7 (Recess taken at 1.02 p.m.)
8 (Upon resuming in open session at 2.39 p.m.)
- 9 THE COURT USHER: [14:39:33] All rise.
10 Please be seated.
- 11 PRESIDING JUDGE TARFUSSER: [14:39:56] Good afternoon.
12 Good afternoon, Mr Witness.
- 13 THE WITNESS: [14:40:06] (Interpretation) Good afternoon.
- 14 PRESIDING JUDGE TARFUSSER: [14:40:08] The floor goes back to Madam Naouri
15 for her questioning.
- 16 MS NAOURI: [14:40:15] (Interpretation) Thank you very much, your Honour.
- 17 Q. [14:40:55] Mr Witness, in paragraph 8 of your statement, you say, and I quote:
18 "The Odienné Koulani population refused to settle there" - here you're talking the
19 about the district Mami Fatai - "because it was said that this new district was
20 occupied by ruffians."
21 Can you tell me what ruffians are being referred to here?
- 22 A. [14:41:36] No. There were pickpockets, but it wasn't organised crime.
- 23 Q. [14:41:43] Very well. And you as district chief, what did you do to combat
24 those pickpockets?
- 25 A. [14:41:52] I reported it to the 16th so that they would send people to deal with it

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1 in situ.

2 Q. [14:42:12] All right. And before the crisis, were there problems with
3 pickpockets and thieves; isn't that right?

4 A. [14:42:33] I didn't quite follow your question, Counsel.

5 Q. [14:42:39] Very well. I'll reformulate my question.

6 A. [14:42:51] The police entered into play, but then the crime fell away.

7 Q. [14:43:14] Very well. During the crisis, Mr Witness, was there an increase in
8 crime in the district, increase in theft and the number of thieves, for example?

9 A. [14:43:30] Before the crisis, you say? Well, it's -- it's the work, whatever the
10 circumstances. Even -- even today and tomorrow they're going to carry on with
11 their thievery.

12 Q. [14:43:53] All right. And what did the local population do to protect
13 themselves against these vagabonds, these thieves?

14 A. [14:44:06] This is what I told you, I reported this state of affairs to the 16th, and
15 the police officers stepped in.

16 PRESIDING JUDGE TARFUSSER: Mr Leddy.

17 MR LEDDY: [14:44:26] Your Honour, if we could just have some clarity as to the
18 time frame we're discussing here. I believe the paragraph that's referenced in the
19 statement refers to 22 years ago. So I just want to be clear what time frame we're
20 referencing.

21 MS NAOURI: [14:44:43] (Interpretation) I said very clearly, I quoted from the
22 statement, the witness then responded based on the period when he settled in the
23 district, and then he said very clearly during the crisis, I asked whether the crime had
24 increased, and I placed the time frame and very clearly, unambiguously we find
25 ourselves within that framework, and irrespective of the crisis, these vagabonds were

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1 in the district.

2 PRESIDING JUDGE TARFUSSER: [14:45:17] Well, I read "during the crisis", we're
3 talking about the crisis.

4 MR LEDDY: [14:45:35] Your Honour, just if I may, the question was "during the
5 crisis", but then the witness's answer asked "Before the crisis, you say?" So I think
6 there's just some, maybe a misunderstanding or lack of clarity on the timing.

7 PRESIDING JUDGE TARFUSSER: [14:45:50] Well, let's put the question again.

8 MS NAOURI: [14:45:55] (Interpretation)

9 Q. [14:45:58] So, Mr Witness, I'll put the question to you again. During the crisis,
10 were these thieves and vagabonds there, did their number increase?

11 A. [14:46:15] They'll be here today, tomorrow, they come and go, because that's
12 what they do, isn't it.

13 Q. [14:46:37] Very well. And during the crisis, what did you do personally, or the
14 local population in the district, to combat those vagabonds? And here I'm talking
15 about during the crisis, all right?

16 A. [14:46:56] Well, the only thing you can do is go to the police. There is no other
17 way to go. They were armed with knives, so it was a bit dangerous to take them on.
18 And so I reported the situation to the police and three days later the police stepped in.

19 Q. [14:47:21] Very well. Thank you very much, Mr Witness. That's
20 unambiguous.

21 So, Mr Witness, at Mami Fatai, there were grins?

22 A. [14:47:37] Sorry, I didn't understand your question.

23 Q. [14:47:42] In your district, Mami Fatai, were there grins?

24 A. [14:47:52] I spoke about the council, the elder people. The youngest couldn't
25 belong to the committee.

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1 Q. [14:48:11] Yes, that's clear, the youngest couldn't be a member of the committee.
2 But you, since you were informed as district chief, the youngest people, they met
3 within these grins and where did they meet?

4 A. [14:48:27] I don't know. It really depends on the schooling that you give to
5 your children. And that's why, because the vagabonds were there, we had no other
6 recourse other than that before the police. Sometimes they get tired and they go
7 away, but when they came back, then we go to the police.

8 THE INTERPRETER: [14:49:06] Counsel's microphone.

9 MS NAOURI: [14:49:08] (Interpretation)

10 Q. [14:49:10] I just butt in, Mr Witness, because we're not talking anymore about
11 the vagabonds. Here I'm talking about le grins, where young people met to drink
12 tea, all right. And my question to you, Mr Witness, as district chief, my question is
13 the following: Do you know where those Mami Faitai grins were, and if so, can you
14 tell me?

15 A. [14:49:34] You say "grins," when three people met to prepare tea, well, then you
16 refer to it as a grins. Or six people, even there it would be called a grins and that's it.
17 It starts and stops there.

18 Q. [14:50:03] Yes, but in your area, were there grins?

19 A. [14:50:20] No. To the best of my knowledge, when people met up and bought
20 tea, that's what was called grins. But to say that there was a specific group called
21 grins that was established, well, I'm not aware of the existence of such a group.

22 Q. [14:50:42] Very well. And you personally, Mr Witness, did you ask the local
23 population to set up roadblocks?

24 A. [14:51:04] Roadblocks for what purpose?

25 Q. [14:51:08] You've just told us that there was a certain degree of crime in the area.

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1 So did the local population take steps to protect themselves, and for example, setting
2 up roadblocks?

3 A. [14:51:23] No. There were no roadblocks erected. We called upon the police.
4 A roadblock couldn't drive away the vagabonds. It would only be the police able to
5 do that.

6 Q. [14:51:46] Mr Witness, were there any weapons caches in Mami Fatai?

7 A. [14:52:09] Well, if you don't know anything about something, you can't speak to
8 it. If somebody came to me to remedy a problem, then I would do my best. But as
9 far as weapons are concerned, I don't know anything about them.

10 THE INTERPRETER: [14:52:40] Counsel's microphone, please.

11 MS NAOURI: [14:52:47] (Interpretation) I'm grateful, your Honour.

12 Q. [14:52:49] Mr Witness, at what point in time did the rebels arrive in Mami Fatai,
13 your district?

14 A. [14:53:00] There were never any rebels in our district. They didn't come into
15 our district.

16 Q. [14:53:14] And the FRCI, Mr Witness, when did they arrive in your district?

17 A. [14:53:27] The FRCI came well after we'd already run away and evacuated.

18 Q. [14:53:50] Yes, but the FRCI were already at Yopougon before you fled the
19 district, Mr Witness?

20 A. [14:54:08] They were at Yopougon, but not at Mami Fatai. And there is two
21 kilometres between those two different places.

22 Q. [14:54:26] Very well. And do you know when the FRCI arrived in other areas
23 within Yopougon?

24 A. [14:54:58] No. I told you that the FRCI arrived and then they left in another
25 direction altogether.

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1 Q. [14:55:17] Mr Witness, when they arrived, what did the FRCI do? Did they
2 commit acts of violence and abuse?

3 A. [14:55:45] Well, if somebody hasn't come into your district, you can't know what
4 they've done, because the places that you speak of, well, there is two -- those places
5 are two kilometres away, unless you've got a camera to film what they're doing.

6 Q. [14:56:16] All right, Mr Witness. But as a district chief, people came to speak to
7 you and told you what was going on in the district. Did they tell you that the FRCI
8 had arrested people?

9 A. [14:56:31] Well, how can I possibly be aware of certain things?

10 Q. [14:56:48] Mr Witness, are you telling us that you're not aware of things, or are
11 you saying how could you be aware? Because here I can see the interpretation:
12 How were you aware of things.

13 THE INTERPRETER: "How could I be aware of things", corrects the interpreter.

14 THE WITNESS: [14:57:10] (Interpretation) No. I said that when you don't know
15 about a particular area -- look, I am a district chief, so we're aware of problems arising
16 in the district. But who knows what's going on in another district.

17 MS NAOURI: [14:57:36] (Interpretation)

18 Q. [14:57:40] Very well, Mr Witness. Do you remember when you learned about
19 Laurent Gbagbo's arrest?

20 A. [14:57:53] Yes. We saw it on the TV.

21 Q. [14:58:00] Very well. What television?

22 A. [14:58:06] The TV set that I had in my bedroom.

23 Q. [14:58:14] Do you remember which television channel it was, RTI, the TCI?

24 A. [14:58:28] I don't see any difference between the two. I just turned on the TV
25 set and I looked at what was on, and that's it.

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1 Q. [14:58:39] Very well. And on that particular day, did you meet in the district?

2 And you, for example, as district chief, did you impart messages to the local
3 population?

4 A. [14:58:58] When there is a fire, everybody tries to combat it. If people are
5 seeing something on the television, well, then they would react as appropriate.

6 Q. [14:59:14] All right. On that particular day, the day of Laurent Gbagbo's arrest,
7 did you hear -- you say you heard gunfire late at night; is that right?

8 A. [14:59:36] If there was gunfire, well, you didn't know where they were coming
9 from. We went inside. We hid. We didn't know where the gunfire was coming
10 from, particularly when we were inside.

11 Q. [14:59:52] Very well. So, Mr Witness, I'd like you to expand upon the layout of
12 your house. First, how many rooms are there in your house?

13 A. [15:00:13] What, well, what rooms? How many rooms in the house?

14 Q. [15:00:28] This is the question I'm putting to you, Witness.

15 A. [15:00:34] We talk about a living room and a bedroom, that we have one living
16 room, one bedroom. That's how we term it in our language.

17 Q. [15:00:45] That's very clear. Very well.

18 And where is the shed in relation to your sitting room and your bedroom? Can you
19 describe that to us?

20 A. [15:01:03] What type of shed or hangar?

21 Q. [15:01:11] The shed in which you pray.

22 A. [15:01:21] There is a location that I designated as a mosque.

23 Q. [15:01:28] Very well. And that location is attached to your house or is it
24 outside of your house?

25 A. [15:01:39] It is just right in front of my house. It is attached to my bedroom.

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1 Q. [15:01:51] Very well. And so do you have to go outside of the house to go to
2 that shed or you can go to it while inside your house?

3 A. [15:02:10] When you are inside, you can go into the shed. But if you are
4 outside the house, you can use a large door from the outside to enter into the shed.

5 Q. [15:02:31] And from that shed, can you see outside?

6 A. [15:02:39] How is it possible to see outside? When one is inside you can see the
7 mosque, but you cannot see outside because I close the main gate. You can see
8 someone in the courtyard, but not outside because the main gate is locked or
9 is closed.

10 Q. [15:03:30] Which main gate, the gate of the common compound or courtyard, or
11 the door of the shed?

12 A. [15:03:36] I mean the gate of the compound because when you are in the shed
13 you can see the main gate, but you cannot see anyone outside because there is a wall.

14 Q. [15:03:54] Very well. So when you are inside the shed, you can only see inside
15 the courtyard; is that correct?

16 A. [15:04:11] Well, you cannot see if you do not go out.

17 THE INTERPRETER: And the question from Counsel was:

18 "You cannot see what is outside if you are in the shed?"

19 And the witness answered: "Yes, you cannot see if you do not go out."

20 MS NAOURI: (Interpretation)

21 Q. [15:04:37] Mr Witness, on the day of the incident, was it usual for your children
22 not to be at home, that is at the time at which you heard the gunshots?

23 A. [15:04:53] What did you say?

24 Q. [15:05:03] Was it usual that at 11.45 p.m. your sons would not be at home? Was
25 this something usual that happened frequently?

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1 A. [15:05:22] Thank you. There is a place in front of my house, my children would
2 sit there and drink some tea near the (Redacted)

3 (Redacted). And it was there that they would sit down and take some tea.

4 Q. [15:05:54] You did not see them on that day sitting at that location and drinking
5 tea?

6 A. [15:06:01] Myself?

7 Q. [15:06:03] Yes, you, personally?

8 A. [15:06:09] I myself, I was seated with them outside and we were conversing.

9 And as from 9 p.m., I would go back inside the house and pray. So at 9 o'clock I left
10 them outside *having tea, while I was doing my rakats.

11 Q. [15:06:33] But when you went inside at 9 p.m., you could no longer see your
12 sons; is that correct?

13 A. [15:06:42] Yes. I had brought them up well. I know how I brought up my
14 children.

15 Q. [15:06:53] Yes, Mr Witness. There is no problem there. We are simply trying
16 to understand what happened.

17 Let me repeat my question to you. When you left at 9 p.m. on that day, you did not
18 see your sons again after that; is that correct?

19 A. [15:07:16] When I went in at around 9 p.m., it was then that I heard gunshots
20 and I heard people saying, "Lie down. Lie down. Lie down." And I heard boom,
21 boom, boom, gunshots.

22 I came out to the terrace and I was trembling because I did not know what was
23 happening. I stood in front of the house and I saw a man with a rifle. And I told
24 my children to go back into the house. They went inside the house. And the
25 women asked "What is happening?"

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1 When things calmed down a little bit, I came to see what was happening. There
2 were loud noises. Someone was saying, "Go. Go. Go away." And I told my
3 children not to leave the house again until the following morning.
4 And at day break, I heard the voices of other people. My family went out. I, myself,
5 went out. And I was told that my children had died.
6 Oh, my children. My children. My children.

7 PRESIDING JUDGE TARFUSSER: [15:08:00] Well, first of all, let's go into private
8 session.

9 (Private session at 3.08 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Upon resuming in open session at 3.31 p.m.)

19 THE COURT USHER: [15:31:27] All rise.

20 Please be seated.

21 PRESIDING JUDGE TARFUSSER: [15:31:34] Mr Witness, how do you feel now?

22 THE WITNESS: [15:31:51] (Interpretation) I feel better.

23 PRESIDING JUDGE TARFUSSER: [15:31:55] Are you ready to answer the questions?

24 Otherwise, we could also suspend and go to tomorrow morning if you think this is
25 better for you. Just tell me.

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1 THE WITNESS: [15:32:08] (Interpretation) I will manage.

2 PRESIDING JUDGE TARFUSSER: [15:32:16] Okay. If you need something, just tell
3 me, okay.

4 THE WITNESS: [15:32:20] (No interpretation)

5 PRESIDING JUDGE TARFUSSER: [15:32:30] Madam Naouri.

6 MS NAOURI: [15:32:32] (Interpretation) Thank you, your Honour.

7 Q. [15:32:34] Witness, can you tell us approximately at what distance is the
8 common gate from your house? Can you give me the approximate distance?

9 A. [15:33:14] It's about 15 metres, 15 metres.

10 Q. [15:33:23] Right. During the day of the event when you went to the gate, were
11 there people in your courtyard?

12 A. [15:33:50] I was the only person who was outside in the start.

13 Q. [15:34:02] When you say "in the start" or "in the beginning", is it when you
14 arrived at the gate, other people came out and entered the courtyard?

15 A. [15:34:13] When I got to the main gate, I saw the man with the gun. And I then
16 met the children and the daughters. I saw the man with the gun and I didn't know
17 what he was about to do.

18 Q. [15:34:42] Apart from your wife and children, were there other people in the
19 courtyard?

20 A. [15:34:51] No, there was no one else. Only my family was there. My wife,
21 myself and my children.

22 Q. [15:35:05] So there was no one else living in your courtyard except your family,
23 if I've understood you well?

24 A. [15:35:12] No one else. *There were Salanyi's kids, and a child named Seydou.

25 Q. [15:35:25] Right. The man you saw, did he also see you?

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1 A. [15:35:46] No, he did not see me. Since there was some light, I could see him.
2 His face was covered. When I saw him, he said, "Go. Go. Go." Then I came back
3 to my children and I told them, "Do not go out. There is someone at the door", and I
4 told them to stay in -- I told them to stay indoors. *And it means "go go".

5 Q. [15:36:24] Right, Witness.

6 I'm actually trying to ask questions that are precise so that we don't repeat things in
7 your statement. So it would be nice if you could actually reply to the question I'm
8 asking.

9 Can you explain where you were when you saw the man? You said that he did not
10 see you and he was standing under a light. So I just want to know where were you?
11 Were you near the main gate? Were you in the courtyard?

12 A. [15:36:57] There is an iron main gate, and I looked through the keyhole and I
13 saw the man. I couldn't open the door since there was the shop just outside. I
14 could see the shop. And the man was standing there with a gun in his hand. When
15 he said "go, go," I told the children, "Go back to your rooms because the man is there,
16 and no one should come out."

17 Q. [15:37:34] Right. Did you lock the iron door? Do you have any recollection of
18 locking the iron door?

19 A. [15:37:46] There is a bell -- sorry, there is a hook. *There is a hook on the -- a
20 latch on the top and a latch on the bottom. So when you want to open, it makes
21 noise and it would attract attention, so I did not.

22 Q. [15:38:07] So you did not make the noise?

23 A. [15:38:12] I did not make any noise, because what I saw scared me. So I did not
24 make any noise at all.

25 Q. [15:38:33] When you returned back home, what did you do?

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1 A. [15:38:40] I entered the corridor, I sat down, and I told my wife, I told my wives,

2 "Do not go out."

3 They're curious, and I asked them to stay put indoors.

4 Q. [15:39:01] *Fine.

5 After having told them to stay inside, where did you go?

6 A. [15:39:10] I was sitting on a stepladder, in the shade, because if I went in, a wife
7 could pretend to go to the bathroom to see what's going on.

8 Q. [15:39:35] Ok, so you were sitting outside your house?

9 A. [15:39:43] The wife would say she would go to the toilet to have a look. It's in
10 the middle of the courtyard.

11 Q. [15:40:05] And how long were you sitting on this mango tree?

12 A. [15:40:13] Ever since I heard "go, go," I remained outside. I almost -- I was
13 actually living in the courtyard, so to speak, and I asked my wives and my children to
14 stay indoors.

15 Q. [15:40:34] So you left this place. You said that you spent a part of the evening
16 at that place.

17 And when did you leave that place?

18 A. [15:40:54] At the crack of dawn, I heard women who wanted to leave, and they
19 actually left before me. And the first who came out told me that all my children, all
20 my children are dead, and I was really deeply affected. I fell down, and I was
21 brought indoors.

22 Q. [15:41:21] What did you do then?

23 A. [15:41:32] Since everyone was outside, I asked my children to come out as well.
24 And if I had to die, I would die.

25 Q. [15:41:47] So one of your wives announced the death of your sons. Did you go

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1 and see the bodies of your sons?

2 A. [15:41:58] I could not go because I fainted.

3 Q. [15:42:05] Right. Witness, do you know where your sons are buried?

4 A. [15:43:21] We left the bodies for analysis, and I left the bodies for four days, and
5 then I left the bodies and I came back to see them.

6 Q. [15:43:46] So we're going to take this step by step, Witness. On the day of the
7 incident, you did not see the bodies. That's what you said?

8 A. [15:44:00] I could not see the bodies.

9 Q. [15:44:06] So I'm actually going slowly for the interpreters. Right. You said
10 that, if I understood you well, four days down the line you went to see the bodies?

11 A. [15:44:22] Yes. I went to the place where the bodies were there. I did not see,
12 I could not see the bodies. I could not get myself to see them. I did not even go
13 through that way.

14 Q. [15:44:57] So you avoided the place where the bodies of your sons were there?

15 PRESIDING JUDGE TARFUSSER: Why do you insist on this? If he said he didn't
16 see, why insist on this?

17 THE WITNESS: [15:45:06] If I had to go through that place, if I went through that
18 place --

19 MS NAOURI: [15:45:20] (Interpretation) I do not want to come back to this. This
20 is why I'm asking all these questions, to make sure that I've understood. The witness
21 said that, I did not go through that place. And this is clear. So the Prosecution
22 cannot call that into question. That's why I'm asking this question.

23 PRESIDING JUDGE TARFUSSER: [15:45:48] Yes, but now he has responded and
24 that's it.

25 Mr Leddy.

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1 MR LEDDY: [15:45:54] We object to this line of questioning on the basis -- we would
2 object to this line of questioning on the basis of it being repetitive but also in violation
3 of the special measures that were granted for this witness.

4 PRESIDING JUDGE TARFUSSER: [15:46:04] Okay, okay, okay. I'm quite alert
5 on this.

6 Please, Madam Naouri, go ahead.

7 MS NAOURI: [15:46:12] (Interpretation) Thank you, your Honour.

8 Q. [15:46:17] Witness, that's very clear now. I asked you another question about
9 the burial of your sons. Now, do you know where the bodies of your children, of
10 your sons, are buried? If you do not know, you can say so.

11 A. [15:46:40] When I arrived at the spot, the bodies were buried, and I also saw that
12 my children, the bodies of my children were there.

13 Q. [15:47:01] So personally if I understand you well, you don't know where your
14 sons are buried?

15 A. [15:47:13] You've actually been running from this for four months. How can
16 you find that place?

17 Q. [15:47:30] Thank you, Witness.

18 Witness, do you remember if at any point in time, if at any point of time, people came
19 looking for the bodies of your sons?

20 A. [15:47:57] Yes. These are things that happened in my absence and they should
21 be the place where my sons are buried, and that's where I put the bricks.

22 Q. [15:48:18] Yes. Do you know if there were people who came into the district to
23 exhume the dead bodies? Does that ring a bell or not?

24 A. [15:48:34] Yes, I do remember.

25 Q. [15:48:41] Were you there when they came to exhume the body of your sons?

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- 1 A. [15:48:51] Yes, I had actually come back to my compound by then.
- 2 Q. [15:49:00] Personally, did you see people exhuming the bodies of your sons?
- 3 A. [15:49:09] Yes. They took the remains, they put that in a bag and they took it
- 4 away.
- 5 Q. [15:49:17] Mr Diaby Issiaka, was he present on that day?
- 6 A. [15:49:26] He was with them. He was the one driving them.
- 7 Q. [15:49:34] Right, Witness. Do you remember at a certain point of time -- did
- 8 you go to the morgue to find the body of your children, of your sons?
- 9 A. [15:49:57] No. We called eight to nine people at the morgue to question them.
- 10 We were never called.
- 11 Q. [15:50:15] Witness, what do you mean by people, we called the people? Who is
- 12 this "we"? Who called these people?
- 13 A. [15:50:28] They called eight people. And I drove them to the morgue, but I
- 14 wasn't called. I just led these people to the morgue.
- 15 Q. [15:50:48] And is it Mr Diaby who said that the bodies were in the morgue?
- 16 A. [15:51:14] Diaby told me that everyone was in the morgue.
- 17 Q. [15:51:26] Did you ask Diaby to help you recover the dead bodies of your sons?
- 18 A. [15:51:40] If our president calls you, you go. And if someone else is called, they
- 19 go. One doesn't go without an invitation, without being called.
- 20 Q. [15:51:54] Okay, Witness. Your president, Mr Diaby, he is presiding an
- 21 association of victims in Côte d'Ivoire; am I right?
- 22 A. [15:52:26] Yes.
- 23 Q. [15:52:32] Before the crisis, was he the president?
- 24 A. [15:52:51] I did not know him at all.
- 25 Q. [15:52:59] Do you know approximately when the victims' association in Côte

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1 d'Ivoire was created? Did Diaby tell you?

2 A. [15:53:18] I only got acquainted with Diaby during the events.

3 Q. [15:53:42] Witness, can you tell me how did Diaby organise the census of the
4 victims in the neighbourhood?

5 A. [15:53:59] Since I wasn't really in my mind, in my right mind, I was feeling
6 really bad and I don't remember anything. He was actually coordinating with my
7 secretary, and they worked together.

8 Q. [15:54:28] Right, Mr Witness. But do you remember if he came to the district
9 with other people in order to take information, gather information about the victims
10 and carry out a census on the victims? Do you remember that?

11 A. [15:54:52] Yes, he did come with some people. But since I do not remember, I
12 had a bout of amnesia, and I do not understand -- I did not understand what was
13 going on.

14 Q. [15:55:12] I'm going to actually read out a statement from your witness
15 statement, paragraph 20:

16 "After the evening, Diaby came to my district. The people who were taking the
17 census asked me what happened during the crisis and I explained that to them."
18 Now, does that jolt your memory?

19 A. [15:55:59] If you -- well, I can explain what -- I can explain what I understand,
20 but if I haven't understood something I can't explain it to you.

21 THE COURT OFFICER: [15:56:12] Page 0075 for the record.

22 MS NAOURI: [15:56:26] (Interpretation)

23 Q. [15:56:27] Witness, you gave a statement to the investigators from the OTP.
24 And we asked you this morning --

25 THE INTERPRETER: [15:56:39] Inaudible. The counsel is inaudible.

1 PRESIDING JUDGE TARFUSSER: The counsel is inaudible.

2 THE INTERPRETER: [15:56:43] The mics had stopped.

3 MS NAOURI: [15:56:52] (Interpretation) So I'm getting closer to the mic.

4 Q. Witness, you spoke to the investigators from the OTP. They took notes of what
5 you said. And the notes were -- they read back to you when you came here. And
6 they were read back to you. And you said it, so I'm not saying something that you
7 did not understand, I'm saying something that was said by you.

8 So I'm asking you if this jolts your memory, or if you perhaps haven't said what I read.

9 Explain that to me. And I will read the extract again for you and that way we're
10 completely clear about what we're talking about.

11 You said in paragraph 20, and I'm actually quoting your statement here:

12 "The following day of our first meeting, Diaby came back to our neighbourhood with
13 six people in charge of taking the census. The people in charge of taking the census
14 asked me what happened to me during the crisis, and I explained that to them."

15 What I just read, is it true?

16 A. [15:58:14] Voilà. Il a emmené des gens quelquefois.

17 Q. Can you repeat the answer, please?

18 A. [15:58:38] Yes, he came with some people at some times.

19 Q. [15:58:40] And people who -- who bought with him, the people who he bought
20 with him, did you tell them what had happened?

21 A. [15:58:52] I explained what happened to me, but there are certain things that
22 were not well understood.

23 Q. [15:59:00] Why are you saying that? Why are you saying that there were things
24 that were not properly understood?

25 A. [15:59:11] The papers they bought with them and the papers they took back

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1 with them -- the Prosecutor showed to us that in the papers it was written that the
2 children were the *guards, and that was not true. The people who actually drafted
3 the papers did not understand things properly. And my children were actually in
4 the courtyard having tea, and they did not understand this.

5 Q. [16:00:07] Yes. So if it's the people with Diaby who did not understood
6 it -- understood all that properly, they're the ones who filled in the documents shown
7 to you by the investigators from the Prosecution; is that right?

8 A. [16:00:31] *The people who came with Diaby did not take notes down the way I
9 told them. So I don't know what they wrote. I told them that my children were
10 having tea outside my house. How can you actually pass my children off as
11 guards?

12 Q. [16:00:59] Very well, Mr Witness. Mr Witness, do you know Adama Dosso got
13 the list which you gave to the OTP?

14 A. [16:01:48] I spent three months with Adama Dosso. He was my contact. He
15 got in touch with me to say that -- well, to ask if people had come, and I said no.
16 And he said that during the investigation phase you had to say that you had lost
17 somebody or to ask people to leave their telephone number. So that's what I said.
18 And anybody, a person who put themselves on the list also had to leave their
19 telephone number as well, and that way the truth would come out everywhere, even
20 here.

21 Q. [16:02:40] Mr Witness, let me try and understand what you've just said. Did
22 you say to Adama Dosso that he should draw up this list?

23 A. [16:02:59] Well, I was the chief. And I was told that people were dead. So I
24 said that I wasn't there and that they should go and see Adama to see who had lost
25 somebody close and to draw up a list with the appropriate telephone numbers. And

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1 that way we could then phone up the relevant person so that he or she could explain
2 the situation, because at the time I was not in good health.

3 Q. [16:03:42] Mr Witness, in your statement, statement that you gave to the OTP,
4 you say -- this is paragraph 71, 0084 of the French version:

5 "The people who worked on the identification stage drew up lists of victims per
6 district. Dosso Adama, who was there at the time of this stage of the investigation,
7 gave me a copy of the list of the victims who were killed during the post-electoral
8 crisis in Mami Faitai."

9 Now, my question is, was it the people who were doing the investigation who drew
10 up this list, or was it you yourself, Mr Witness?

11 A. [16:04:51] It was Adama who did the identification and the listing, because you
12 can't write down the names of people who say they've lost somebody without having
13 checked. And this is how we went about it.

14 Q. [16:05:26] Very well. In paragraph 70, you say:

15 "I don't know the total number of people who were killed during the Mami Faitai
16 attack on 11 April 2011 and the following days because it was not I who drew up the
17 list of the victims."

18 Is that correct, Mr Witness? If that's right, could you just say "yes" instead of just
19 nodding or on top of nodding?

20 A. [16:06:02] I gave a document. If you don't know how to read, I can't talk about
21 things which somebody else has. So I wanted the information, the information to be
22 precise. We've come here to say the truth, not to say lies.

23 Q. [16:06:39] Very well, Mr Witness. My question, Mr Witness, is what I read out
24 to you. "I don't know the total number of people who were killed in the course of
25 the Mami Faitai attack on 11 April 2011 and the following days because it was not I

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1 who drew up the list of the victims."

2 Now, is that statement correct, is it true?

3 A. [16:07:22] I said to Adama to call me and tell me about the people who had lost
4 people.

5 THE INTERPRETER: "I asked if Adama if people had phoned him up." Correction
6 from the interpreter.

7 THE WITNESS: (Interpretation) And I said that had -- I had not been contacted and
8 that there could be problems. We can't simply write anything down, and that we
9 had to draw up a list of the people.

10 MS NAOURI: (Interpretation)

11 Q. [16:08:08] Mr Witness, it was not you who drew up the list?

12 A. [16:08:15] No. It was my secretary who drew up the list.

13 Q. [16:08:28] Did he do it for you or did he do it for Diaby?

14 A. [16:08:35] What we did and what Diaby did were two different things. My
15 secretary tried to draw up a list of people. I don't know what Diaby did, in any case.
16 We checked that these people had indeed lost somebody close and then we drew up a
17 list. You know, investigators don't like us to tell lies, so I told him to draw up a list
18 and that I would give this list to the people in the OTP.

19 Q. [16:09:27] Mr Witness, was it the investigators of the OTP who asked you to
20 draw up this list?

21 A. [16:09:40] No, no. I went to make my statement, and I was asked how many
22 people had been killed in Mami Fatai and I answered "I can't tell you. I don't
23 know." I asked my secretary to draw up a list. And once we'd got the list, I said,
24 "Then, well, I'll get back to you on that." Otherwise they didn't ask me to draw up a
25 list. I can tell you that. Everybody was included on the list.

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1 MS NAOURI: [16:10:33] (Interpretation) Just a question, because he had the list or
2 when he met the investigators from the OTP. Just a question.

3 Q. [16:10:42] Therefore, how often did you meet the investigators of the OTP,
4 please?

5 A. [16:10:50] We just met once, but the lawyers, we met the lawyers from the OTP
6 just once, once they had taken my statement.

7 Q. [16:11:17] Very well. So can you tell me how Adama Dosso actually organised
8 the drawing up of this list of identification?

9 PRESIDING JUDGE TARFUSSER: [16:11:29] You should ask Dosso and not him.
10 You are asking him how another person organised it. Come on.

11 MS NAOURI: [16:11:37] (Interpretation) He said that Adama asked him to do this.
12 He was his employee as his secretary, so as a boss of Adama, so I'm asking what he
13 asked him, his employee, to do, and what his employee actually did for him.

14 PRESIDING JUDGE TARFUSSER: [16:11:59] You have also the answer. You have
15 already the answer to this.

16 MS NAOURI: [16:12:08] (Interpretation)

17 Q. [16:12:10] Mr Witness, your employee Adama Dosso, who drew up the list for
18 you, did he report back to you? Did he give you reports? And when he did that,
19 did he say to you how he drew up the lists of people?

20 A. [16:12:27] He works under my orders, if you like. So he has to report back to
21 me. But I have to check. We have to facilitate the task. When they need to get
22 information about somebody, and if they want to get in touch with us, we didn't ask
23 him to look for names, but we wanted him to be able to contact the people and get the
24 phone numbers. And there you are. If that wasn't the right thing to do, then I'm
25 very sorry.

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1 Q. [16:13:36] Mr Witness, we're not saying what you should or shouldn't do. This
2 list was tendered as evidence and it's an important document. We're trying to
3 understand how all these people on this list got on to the list. That's a very, very
4 important point for us.

5 Now, you said that there is a hierarchical structure, if you like, and that Adama Dosso
6 should report to you. When he was reporting to you, he explained how he had
7 found the names of all these victims that appear on the list.

8 A. [16:14:21] You know, I think that somebody who works, and when you show
9 them how to go forward on something, then that makes it easier for him. He did
10 good work. He was there on the spot. He'd lost -- so with a telephone number, it
11 was easy to contact Adama. I can't lie on this. I can't lie on this.

12 PRESIDING JUDGE TARFUSSER: [16:15:08] Mr Witness, let's not make easy
13 things more difficult than they are. Did Adama Dosso tell you how he compiled the
14 list of names? Did he, yes or no?

15 THE WITNESS: [16:15:23] (Interpretation) He worked with Diaby. Although I
16 didn't ask Diaby directly to work, because I wasn't well. I asked him to work with
17 Diaby. And he spoke to me of a list. And then the Prosecutor asked me to give the
18 number of people. And since I couldn't do that, I asked him to draw up a list of the
19 people.

20 PRESIDING JUDGE TARFUSSER: [16:16:08] The only question you did not answer
21 yet is if he told you how he drew up this list.

22 THE WITNESS: [16:16:24] (Interpretation) Adama said to me that he was going to
23 gather information from the relevant families. And I said to him, well, add in the
24 telephone numbers so that we can follow up.

25 PRESIDING JUDGE TARFUSSER: [16:16:51] Thank you. That's it.

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1 Please go ahead.

2 MS NAOURI: [16:16:55] (Interpretation) Thank you, your Honour.

3 Q. [16:16:59] Mr Witness, just a point of clarification. I think I heard you say that
4 there were zones of command when you were talking about Adama Dosso. Could
5 you explain what you mean by that, please?

6 A. [16:17:18] What command zones? That's new to me.

7 Q. [16:17:30] Well, I think there is probably a mistaken the interpretation. Thank
8 you, Mr Witness.

9 Mr Witness, do you have documents relating to Brahima Koné or
10 Seydou Banse (phon)? Do these names mean anything to you? If not, just say.

11 A. [16:17:52] Who, please?

12 Q. [16:17:58] I'll repeat. Brahima Koné.

13 A. [16:18:04] Yes, I know him.

14 Q. [16:18:08] Very well. Do you have a copy of his identity card?

15 A. [16:18:20] No. No. Each person dealt with his own case or file, as it were,
16 vis-à-vis Diaby. I don't have a photocopy of his identity card or of any other
17 identification.

18 Q. [16:18:42] Very well. And for Seydou Danse (phon), is it the same answer, you
19 don't have any identification concerning him?

20 A. [16:19:01] It's his parents who have it, Souleymane Koné, Seydou Bansé (phon),
21 it's their family who has the papers. You know, in order to bury a body or to recover
22 a body, you need to present identification.

23 Q. [16:19:27] Very well, Mr Witness. Now, when we're talking about
24 identification documents, could I go back to the identification which you gave to the
25 investigators of the OTP concerning your sons. How did you obtain these

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1 identification cards or documents?

2 A. [16:19:59] My children's sons are -- I beg your pardon, my children's
3 identification documents are mine. You are supposed to have these documents in
4 your possession.

5 Q. [16:20:14] Very well. But did your sons not have their identification on them?

6 A. [16:20:24] Yes, they did. All this information is in the file. The identification
7 documents are in the file.

8 Q. [16:20:41] Which dossier --

9 PRESIDING JUDGE TARFUSSER: [16:20:44] I can't understand the relevance of this
10 question. I mean, what is the relevance of the questioning if the father has a copy or
11 the identification card of a son? I have the one of my son, just to tell you. What is
12 the relevance?

13 MS NAOURI: [16:21:00] (Interpretation) Your Honour, I don't want to say too
14 much because the witness is before us, but he gave documents which comes from the
15 mairie of Yopougon which, logically speaking, couldn't come from there. And if
16 people had their ID cards on the day they died, then they had to be recovered at some
17 point, bearing in mind that the ID cards in some countries -- well, there aren't that
18 many around. Personally, I don't have, for example, the ID card of my father.
19 So we're trying to understand how he got the ID of his sons once they'd died. And
20 we have documents annexed to this file which the origin of them is not clear at all.

21 PRESIDING JUDGE TARFUSSER: [16:21:41] And within the trial, the relevance of
22 this?

23 MS NAOURI: [16:21:46] (Interpretation) The sons are being presented as victims
24 and the ID cards are being presented as evidence of the death of these sons. So we
25 have to challenge them because it's not sure that the bodies and the burial and so on

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1 actually took place. So we're simply doing our work, checking verification of the
2 authenticity of what is presented by this witness and who is being presented as a
3 victim.

4 PRESIDING JUDGE TARFUSSER: [16:22:20] And how long do you think it will take,
5 because I would like to finish this witness today, if possible? We've suspended for
6 more than 20 minutes.

7 MS NAOURI: [16:22:35] (Interpretation) Well, exactly, this is the last but one
8 subject. I think I've got about quarter of an hour maximum.

9 PRESIDING JUDGE TARFUSSER: About?

10 MS NAOURI: (Interpretation) Fifteen minutes maximum.

11 PRESIDING JUDGE TARFUSSER: [16:22:47] Go ahead.

12 MS NAOURI: [16:22:48] Merci, Monsieur le Président.

13 Q. [16:22:54] (Interpretation) Mr Witness, Mr Witness, did you go to the CHU
14 hospital of Cocody?

15 A. [16:23:16] I have all the documents with me.

16 Q. [16:23:23] But that's not my question. I'm not asking if you've got all the
17 documents, I'm simply asking you if you remember having gone to the CHU hospital
18 of Cocody?

19 A. [16:23:36] Why would I go to the CHU? What would I be doing there?

20 PRESIDING JUDGE TARFUSSER: [16:23:55] What's now?

21 MR LEDDY: [16:23:56] If we could just clarify when, the time frame of this question,
22 that would be helpful.

23 PRESIDING JUDGE TARFUSSER: [16:24:03] When?

24 MS NAOURI: [16:24:07] (Interpretation)

25 Q. [16:24:09] Very well. Mr Witness, let me just specify, do you remember going

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1 to the Cocody CHU hospital after having learnt that your sons had been buried?

2 A. [16:24:26] Are you asking me if I went to the CHU hospital to inform them of the
3 death of my sons?

4 Q. [16:24:49] If I answer that question, Mr Witness, then I will be influencing you
5 and I don't want to do that. I'm asking you if you personally remember going to the
6 hospital in Cocody, after the death of yours sons, obviously?

7 A. [16:25:12] Once we'd established the death certificates.

8 Q. [16:25:21] Very well. Who drew up the death certificates, Mr Witness?

9 A. [16:25:35] A doctor who's working at the CHU, he drew up the death
10 certificates.

11 Q. [16:25:44] Very well. And he was the one who gave you the death certificates?

12 A. [16:25:54] Yes, absolutely.

13 Q. [16:26:01] And did you show that death certificate to anybody once you had
14 retrieved it?

15 A. [16:26:31] I showed it to Diaby to whom I gave these certificates.

16 Q. [16:26:46] And Diaby, what did he do with those certificates, do you know?
17 Did he tell you?

18 A. [16:26:54] We gave Diaby all their papers, all the documents because he knew
19 how to file them based on what would be needed.

20 Q. [16:27:19] And how did you go about getting the civil status documents going to
21 your sons after their demise?

22 A. [16:27:38] I had that document at home. You see. I had all their documents.

23 Q. [16:28:11] One of the extracts taken from the civil registry status is that of Koné
24 Ibrahima, and it is stated there -- I haven't finished, Mr Witness, just a
25 second -- deceased, this is document CIV-OTP-0069-0099. So here we read

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1 "deceased." This document was, therefore, drew up after the demise of your son,
2 logically. So where did you obtain that document? Do you recall if, indeed, you
3 remember at all?

4 A. [16:29:09] What document are you talking about, Counsel?

5 Q. [16:29:21] I'm talking about a document called "Extract from the civil status
6 registry for the year 2014". I can read out the document. I read:

7 "On 11 April 2011, deceased, Yopougou, Koné Adama, born at Lingoho on 12
8 December 1979. Occupation, driver. Son of Koné Ibrahima, deceased, and of
9 Diarassouba Madoussou, deceased, single."

10 This document was delivered at Yopougou on 11 February 2014. It was issued on
11 this date. Does this jog your memory having heard this information, Mr Witness?

12 A. [16:30:31] We had the certificates and then we had the documents afterwards.
13 This certificate you are talking about was drawn up at the same time, it's when calm
14 came back that we did this administrative process. So the investigator told us to
15 bring -- well, to have these certificates drawn up, and then once that was done, we
16 handed over those documents.

17 Q. [16:31:36] Very well, Mr Witness. Now, the extract that I've just read out goes
18 to -- sorry, let me start.

19 It doesn't go to one of your sons, but another person altogether, your cousin; isn't that
20 right?

21 A. [16:31:57] He died with my children. He died with my children, with
22 Seydou Bansse and Doumbia Brama, Doumbia Bakary and Koné Adama. They all
23 died together. So all the respective parents had death certificates drawn up in
24 respect of their own children.

25 Q. [16:32:39] All right. But did somebody ask you to undertake the requisite steps

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1 in respect of that cousin?

2 A. (No interpretation)

3 Q. [16:32:59] I'll repeat my question. Did somebody ask you to undertake this
4 administrative process, *for your cousin, because here we have a document going to
5 that individual, and that it was you in fact who gave it to the OTP investigators.

6 A. [16:33:14] No. It was the young brother of my wife's brother called
7 Souleymane. They were all in my house.

8 Q. [16:33:34] All right. Now, to just return to your sons. On the civil registry
9 status document going to Doumbia Bakary, I see here that he is the son of Doumbia
10 Abdoulaye, once again, and the name of the mum has been redacted, single.

11 Why do we read here that Bakary's mother is single?

12 A. [16:34:09] Bakary had two wives -- has one wife, rather, and two children.

13 Maybe it's a mistake. But Bakary has one wife and two children. It's Ibrahima who
14 doesn't have children and she is single.

15 Q. [16:34:34] Well, this leads me to my next question. Are you married with the
16 mother, with Bakary's mother?

17 A. [16:34:42] Bakary's mother, yes, a legal marriage was contracted.

18 Q. [16:34:55] Okay.

19 MS NAOURI: [16:34:56] (Interpretation) Your Honour, for my last question can we
20 go very briefly into private session?

21 (Private session at 4.35 p.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Open session at 4.35 p.m.)

4 THE COURT OFFICER: [16:35:51] We are back to open session, Mr President.

5 PRESIDING JUDGE TARFUSSER: [16:35:56] Madam Naouri.

6 MS NAOURI: [16:35:58] (Interpretation)

7 Q. [16:36:01] Thank you, your Honour. Mr Witness, do you remember having
8 met somebody from the truth, dialogue and reconciliation committee?

9 A. [16:36:14] This is the first time I've heard of such a thing.

10 MS NAOURI: [16:36:33] (Interpretation) Your Honour, I would like to read out
11 extract CIV-OTP-0104-0002, tab 12 in our list of materials. This is a public document.

12 And it is an article taken from The Patriote, entitled "National Reconciliation. The
13 CDVR meets the victims", published 18 May 2012 on Abidjan.net. Jean-Claude
14 Coulibaly is the writer of this article. We read:

15 "Before that of Imam Camara, Charles Konan Banny's envoyée was *at Mr Doumbia
16 Abdoulaye's house, *the chef central of Mami Fatai *at Yopougon. After having
17 received the delegation headed up by Mrs Diomandé, Chief Doumbia recalled that in
18 this district, 122 people were murdered during the post-electoral crisis. These
19 people for the most of them were buried swiftly in mass graves. One of them
20 located in front of his house contained 19 bodies.

21 "I was angry against the dialogue, truth and reconciliation commission because the
22 misfortunes experienced by this district was something that no other district had
23 experienced. But what you're doing today is good, because it will calm down, it will
24 calm us down and be a source of reassurance for us". End of quotation marks.

25 Chief Doumbia felt important to say, the central chief of Mami Fatai was very angry

1 at the fact that the victims were left to one side, in spite of the people who had done
2 this wrong.

3 Does this jog your memory, Mr Witness?

4 A. [16:39:03] He came to say hello to me. But he prepared no document in my
5 home. He came to say hello because the Al Bayane radio, well, I -- well, since our
6 children have died, nobody has come to present their condolences to us.
7 On the radio I heard this, said people came to see us and presented their condolences.
8 But I filled out no document. He came, actually, to present his condolences to me.

9 Q. [16:39:51] Okay, Mr Witness. But what I've just read out to you and what is in
10 speech marks, the person who quotes you, did you in fact say that to the journalist?
11 Are you being reported accurately by the journalist?

12 A. [16:40:11] Banny came to present his condolences. We didn't *talk about the
13 number of dead. We only spent a half an hour together and he presented his
14 condolences. He gave me 200,000, and he *presented his condolences. It didn't last
15 very long. We didn't talk about victims, but I felt ill at ease. I felt really strange.
16 He spent 30 minutes with us and he presented his condolences to me. And he
17 thanked me. And then he went again.

18 When he came, nothing else was said because the journalist has their article to write.
19 But what features in the article doesn't correspond to what I said.

20 Q. [16:41:13] That's very clear, Mr Witness. Thank you.

21 And you said that somebody gave you 200,000 CFA francs; is that right? Did I hear
22 correctly?

23 A. [16:41:24] Banny gave me that sum of money to buy rice and so I could feed my
24 children. And since then, nobody else has come to tell us anything else. It was only
25 he who came to me to pay his condolences. He gave me that money and he wanted

1 reconciliation. It was Banny who did this. He asked people to come and he
2 brought us altogether. And he said that the war -- nothing good comes from war,
3 and we need to reach across communities. And so everybody from our community
4 was called and we're asked to reconcile one with the other. And we worked to that
5 end. And we all even organised things to that end and people shook hands. 230
6 people, what have you, no, that's just journalists who will give you that figure. But
7 nothing like that was ever mentioned.

8 Q. [16:42:33] Did Banny promise you anything else, money, help, or anything like
9 that? What else did he say?

10 A. [16:42:42] No. He didn't make any promise to me. But he said that, God's will,
11 you will be helped and you'll get something. And a little while later, he was
12 removed from office. So he couldn't do anything.

13 Q. [16:43:05] Okay. Thank you very much, Mr Witness.

14 MR ALTIT: [16:43:08] (Interpretation) Your Honour, honourable members of the
15 Bench, nothing further from our bar.

16 PRESIDING JUDGE TARFUSSER: [16:43:19] Thank you very much.

17 Now I have a question to, first of all -- I don't know how far we can go, but this is now
18 also -- let me first ask the Defence for Mr Blé Goudé.

19 MR ZOKOU: [16:43:43] (Interpretation) Thank you, your Honour. It's true that
20 we would have liked to have put one or two questions, but as the day has unfolded,
21 we're satisfied with where things stand.

22 PRESIDING JUDGE TARFUSSER: [16:44:03] I think it's just a matter of organisation
23 because otherwise tomorrow we have another witness which is in closed session, and
24 therefore this would create some problems. So I just ask. We can do everything,
25 but I just would like to have an idea.

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1 MR ZOKOU: [16:44:23] (Interpretation) I'd just like to say to the Chamber that our
2 Defence will not put questions to the witness.

3 PRESIDING JUDGE TARFUSSER: [16:44:35] Thank you very much.
4 So I revert to the OTP.

5 MR LEDDY: [16:44:45] Your Honour, we just have one question.

6 QUESTIONED BY MR LEDDY:

7 Q. The question we'd like to ask, Mr Witness, earlier in your testimony with
8 Ms Naouri, you discussed the certificates that you got in relation to your deceased
9 sons and cousin. I want to ask you about the timing when you received those
10 certificated.

11 I'll direct you to page -- paragraph 69 of your statement. That's ERN,
12 CIV-OTP-0069-0083, and at the end of the paragraph, it indicates: (Interpretation)
13 "I obtained the death certificated of Koné Adama and Doumbia Bakary at Yopougon
14 town hall. I obtained these documents and gave them to the investigators. I got the
15 death certificate of Doumbia Brama on 12 February 2014 at the Yopougon town hall."
16 Is that statement correct?

17 A. [16:46:08] Because we had filed them, the person who had to sign these death
18 certificates, there are people at the town hall who's responsibility it is to sign those
19 certificates. And then I spent, well, that was overnight. And after that leave, after
20 the holiday, they came back to work.

21 Q. [16:46:44] Thank you very much for your time, Mr Witness.

22 We have no further questions.

23 PRESIDING JUDGE TARFUSSER: [16:46:51] The Defence for Mr Gbagbo.

24 MR ALTIT: [16:46:56] (Interpretation) Yes, we do have one.

25 THE INTERPRETER: [16:47:10] Inaudible intervention from the Gbagbo Defence.

1 PRESIDING JUDGE TARFUSSER: [16:47:14] Yes, they have one. This was the
2 intervention of the Gbagbo Defence.

3 MS NAOURI: [16:47:21] (Interpretation) [16:47:22] Just to pick up on the
4 Prosecution's question.

5 QUESTIONED BY MS NAOURI: (Interpretation)

6 Q. Mr Witness, you said, let me quote you, paragraph 95:

7 "We took certificates once we had the paper drawn up, Ibrahima, the paper that we
8 talked about and the certificate weren't drawn up at the same time. It was when the
9 calm returned that we took those administrative steps. The investigator told us to
10 bring them, to have certificates brought, drawn up, and that's when we brought the
11 papers."

12 So here is my question: Did you first have the death certificates drawn up and then
13 you obtained the civil status records? Is that what you were saying, Mr Witness?

14 A. [16:48:19] The civil status papers, it was the opposite. The office had been
15 ransacked. There was nothing there. It was afterwards that the town hall got
16 organised. But the town hall had been totally ransacked. *The health centers had
17 not been, but everywhere else had been totally destroyed.

18 Q. [16:48:52] All right. And the death certificate, you got it at the dispensary; is
19 that right?

20 A. [16:49:02] No. The hospitals were still open. They hadn't been closed. If it
21 wasn't closed, you could get there. At Yopougon, Cocody, everybody worked in the
22 hospitals. And if they hadn't worked, how would they have treated the injured?
23 But as for the town hall, they had been totally destroyed right from the beginning,
24 and that's why the papers were drawn up late.

25 Q. [16:49:46] Thank you. Thank you, Mr Witness.

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1 Last question. The death certificates, you obtained them at the hospital; is that right?

2 A. [16:50:06] It was the only place where a doctor could sign the certificates. And
3 they could be issued. And we'd like to thank the doctors. The doctor was very
4 kind with us. But there was no town hall. But the doctor signed the papers,
5 because there was no town hall to be had at the time.

6 MR ALTIT: [16:50:32] (Interpretation) We have no further questions, your Honour.

7 PRESIDING JUDGE TARFUSSER: [16:50:35] Thank you very much.

8 This concludes your testimony here. I wish you a safe trip back home. And I thank
9 you for having been here and answered the questions which have been put to you by
10 the parties. Thank you very much.

11 The hearing is adjourned to tomorrow.

12 THE WITNESS: [16:51:01] (Interpretation) Thank you very much. May you live
13 long. And with these proceedings, our children won't have died for nothing. We'd
14 like to thank the Office of the Prosecutor, the Chambers and all the officers. We'd
15 like to thank everybody, everybody who is doing sterling work. When you work
16 well, you need to be thanked for that.

17 You are the only glimmer of hope for us. You have helped us greatly. Otherwise
18 there would have been no way forward.

19 Since the death of my children, even today, even today we don't know what the
20 future holds. I've received no assistance, no compensation for my children. And
21 we're constantly requesting for help. And you are helping us. May God be with
22 you. And I have every faith and confidence in the future. Thank you very much.

23 PRESIDING JUDGE TARFUSSER: [16:52:08] Thank you very much. Thank you
24 very much.

25 (The witness is excused)

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- 1 PRESIDING JUDGE TARFUSSER: Now, the hearing is adjourned to tomorrow
- 2 morning at 9.30. It's a hearing completely in private session, just to recall, for you to
- 3 recall. Thank you very much.
- 4 THE COURT USHER: [16:52:42] All rise.
- 5 (The hearing ends in open session at 4.52 p.m.)