

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(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  
5 Goudé - ICC-02/11-01/15  
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and  
7 Judge Geoffrey Henderson  
8 Trial Hearing - Courtroom 1  
9 Wednesday, 10 May 2017  
10 (The hearing starts in open session at 10.03 a.m.)  
11 THE COURT USHER: [10:03:00] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE TARFUSSER: [10:03:17] Good morning. Good morning  
15 everybody here in the courtroom.  
16 Good morning, Mr Witness, in the remote location.  
17 WITNESS: CIV-OTP-P-0109 (On former oath)  
18 (The witness speaks French)  
19 (The witness gives evidence via video link)  
20 THE WITNESS: [10:03:47] (Interpretation) Good morning.  
21 PRESIDING JUDGE TARFUSSER: [10:03:49] Are you okay? Are you fine?  
22 THE WITNESS: [10:03:55] (Interpretation) Yes.  
23 PRESIDING JUDGE TARFUSSER: [10:03:58] So we continue with the questioning by  
24 the Defence for Mr Gbagbo, okay?  
25 THE WITNESS: [10:04:10] (Interpretation) Okay.

Trial Hearing  
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(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [10:04:12] So I give the floor to Madam Naouri.
- 2 We have the session until 12. Okay. Thank you.
- 3 MS NAOURI: [10:04:24] (Interpretation) Thank you, your Honour.
- 4 QUESTIONED BY MS NAOURI: (Continuing)(Interpretation)
- 5 Q. [10:04:45] Good morning, Mr Witness.
- 6 A. [10:04:46] Good morning.
- 7 Q. [10:04:47] How are you? Did you rest well?
- 8 A. [10:04:50] Yes.
- 9 Q. [10:04:50] Good. I'd now like us to return to 25 February?
- 10 A. [10:04:53] Yes.
- 11 Q. [10:04:54] And yesterday we were talking about people throwing stones?
- 12 A. [10:05:00] Yes.
- 13 Q. [10:05:00] At that time the young people in Doukouré were able to repel the
- 14 young people from Yao Séhi; is that right?
- 15 A. [10:05:18] Yes.
- 16 Q. [10:05:18] And the young people from Doukouré were able to push back these
- 17 youth \*from Yao Sehi all the way back to the rear of the 16<sup>th</sup> police station, behind the
- 18 16<sup>th</sup> police station?
- 19 A. [10:05:34] Behind the bridge. Not the police station, the bridge. There's a
- 20 bridge before the police station.
- 21 Q. [10:05:50] Very well. So there was a large crowd at the bridge?
- 22 A. [10:05:57] Yes.
- 23 Q. [10:06:00] So at the beginning of the clashes, the young people from Doukouré
- 24 had an advantage over the young people from Yao Séhi?
- 25 A. [10:06:14] What do you mean by that?

1 Q. [10:06:16] They had the upper hand over the young people in Doukouré.

2 A. [10:06:21] No. It was them who started. They were the ones who started  
3 throwing stones at us. And to defend our property along the road, we too threw  
4 stones.

5 Q. [10:06:45] That's very clear, Mr Witness. I'm waiting for five seconds. Please,  
6 five seconds so that the person can interpret into English. So please try to wait a few  
7 seconds when I'm pausing.

8 A. [10:07:07] Okay.

9 Q. [10:07:10] So when you started throwing stones and you were repelling the  
10 young people from the other side, at that time you had the upper hand, you were  
11 stronger?

12 A. [10:07:25] Yes.

13 Q. [10:07:27] Very well. And then the young people from Doukouré went back to  
14 the neighbourhood; is that right?

15 A. [10:07:43] Yes.

16 Q. [10:07:46] And while the stones were being thrown in each direction, were you  
17 throwing stones for two hours?

18 A. [10:08:02] Yes. It was for a while, an hour and a half, two hours.

19 Q. [10:08:12] And then you said there was a grenade, right?

20 A. [10:08:17] Yes. When -- because they came and threw stones, and when people  
21 started to run away along the side of the road, they started to loot the shops along the  
22 side of the road, and that is why the neighbourhood, people from the neighbourhood  
23 came out in large numbers to push them back, to repel them out of the  
24 neighbourhood.

25 Q. [10:08:50] Very well. Now, just to clarify the unfolding of events. So once you

1 went back, the young people of Doukouré in the neighbourhoods, that is when the  
2 grenade was thrown?

3 A. [10:09:14] No.

4 Q. [10:09:15] Okay. Tell us when.

5 A. [10:09:17] They came and we pushed them back to the bridge. They went back  
6 into their neighbourhood and we -- as we were getting ready to go back into our  
7 neighbourhood, some people came with weapons. And first they threw a grenade  
8 into the middle of the crowd. And when they threw the grenade, after that there  
9 was shooting, shots were fired from guns.

10 Q. [10:09:56] Very well. And you, yourself, you didn't see who threw the  
11 grenade?

12 A. [10:10:07] Well, they were, what do you call it? Well, a group of militia  
13 members, including a group of militia members.

14 Q. [10:10:35] Was there smoke at that time?

15 A. [10:10:38] Yes, there was. You see, it was tear gas that they threw. And then  
16 after the grenade or the canister -- correction, after the grenade, then they threw the  
17 tear gas.

18 Q. [10:11:22] Mr Witness, let's try again. You mentioned some tear gas, but at the  
19 time that you saw the armed men and then the grenade was thrown, was that when  
20 the smoke started?

21 A. [10:11:41] The smoke where?

22 Q. [10:11:47] At the place that you say a grenade was thrown?

23 A. [10:11:53] \*Yes. The grenade was thrown by some people after they -- it was the  
24 same people who shot at us afterwards \*in the neighbourhood -- but there was no  
25 smoke.

1 Q. [10:12:07] Mr Witness, Mr Witness, that's not my question. We'll get to that  
2 point later, but right now you're telling us that a grenade fell?

3 A. [10:12:19] Yes, yes.

4 Q. [10:12:20] Now, at that particular place where you were located, was there  
5 smoke? Was tear gas released?

6 A. [10:12:33] The tear gas was thrown after the grenade.

7 Q. [10:12:40] Very well. Now, you say that a grenade was lobbed and people  
8 were fleeing?

9 A. [10:12:53] Yes.

10 Q. [10:12:57] And you, too, were running away, weren't you?

11 A. [10:13:03] Yes.

12 Q. [10:13:06] So you didn't see the small -- I'm not going to say the name of the  
13 person, we're in open session. You didn't see that person with your own eyes?

14 A. [10:13:30] It was after I saw that person's body.

15 Q. [10:13:33] Very well. So it was only after the grenade that you say there was  
16 shooting; is that right?

17 A. [10:13:47] Yes.

18 Q. [10:13:48] And when the shooting occurred, you were running away from the  
19 tarred road?

20 A. [10:14:00] Yes, we were running away, getting away from --

21 Q. [10:14:05] So you were running?

22 A. [10:14:06] Yes, we were running to get away from there.

23 Q. [10:14:09] Very well. So you couldn't see who was shooting at that time?

24 A. [10:14:22] At that time I couldn't see who was shooting, no. But coming back  
25 into the neighbourhood, we tried to find out who had been shooting at that time.

1 Q. [10:14:43] Very well. Mr Witness, you just told us that it was militia members?

2 A. [10:14:57] Yes.

3 Q. [10:15:00] Could you tell us how they were dressed, these people you're  
4 referring to as militia members?

5 A. [10:15:07] The militia members were people who had some training by other  
6 people. They weren't completely dressed like police officers or gendarmes, because  
7 part of their clothing was civilian and part of their clothing was military. So that  
8 means, for example, the trousers might have been camo, but the shirt might have been  
9 a civilian piece of clothing.

10 Q. [10:15:48] Very well. So you are making a distinction between people wearing  
11 civilian clothing and people who were wearing half civilian clothing; is that right?

12 A. Well, let's say why we referred to them as the militia members. It's because the  
13 people from the gendarmerie, the policemen, the -- what do you \*call them  
14 again -- the people from the navy, when they go by you can recognise them. \*So, the  
15 militia members, they were young people. They weren't old. Some of them had  
16 Kalashnikovs, others didn't. \*But their behavior showed that they weren't-- they did  
17 not belong to the military corps. That's why we called them militia members.

18 Q. [10:16:58] Very well. And then you told us yesterday, page 52, line 23, that you  
19 fled and you ran away to the upper part of the neighbourhood. What do you mean  
20 exactly? Where is that?

21 A. [10:17:26] It's a few, a few metres away from the tarred road. You see, you  
22 have the paved or tarred road, and then a little bit further up in the neighbourhood,  
23 that's where we went, we were kind of somewhat sheltered. It was a little bit off  
24 from the paved road.

25 Q. [10:17:56] Okay. And that's where you were hiding, right?

1 A. [10:18:07] Yes.

2 Q. [10:18:10] How long did you stay there hiding?

3 A. [10:18:14] I -- we rest -- we stayed there for a while, not all that long, let's say one  
4 or two hours.

5 Q. [10:18:32] Very well. And during that time, the one or two hours, how many of  
6 you were there?

7 A. [10:18:40] I was with the people who had managed to get away. Not everyone  
8 who was along the side of the road, because we scattered, you see, each person went  
9 in his own particular direction. We didn't get out of there altogether. But I was  
10 with people who had been able to get away. You see, there are several intersections,  
11 and I went straightforward, straightforward. And once I got to the intersection, I  
12 turned and that's when I saw my friends who had just come -- well, they, too, were  
13 coming towards me.

14 I was with two people, and I got to that intersection. I saw some people who had  
15 fled away from the paved road. So we waited and we saw the people who were  
16 heading towards us. We wanted to find out what had happened after we had gotten  
17 out of there.

18 Q. [10:19:49] Very well.

19 PRESIDING JUDGE TARFUSSER: [10:19:57] The question was much more simple.  
20 How many people about? You spoke a while, but you didn't respond to the  
21 question.

22 THE WITNESS: [10:20:19] (Interpretation) How many people?

23 PRESIDING JUDGE TARFUSSER: [10:20:22] Yes. How many people were you  
24 hidden?

25 THE WITNESS: [10:20:30] (Interpretation) With me? With me --

1 PRESIDING JUDGE TARFUSSER: Yes.

2 THE WITNESS: (Interpretation) Well, with two people, but as we were running  
3 there were other people, but people went off in different directions. We weren't  
4 altogether. But at the spot where I was, I was with two people and we stayed at the  
5 intersection. Some people were running, running, running. People I knew well,  
6 people from the neighbourhood, and we met up. There was at least seven or eight of  
7 them.

8 PRESIDING JUDGE TARFUSSER: [10:21:11] Okay. Thank you.

9 Madam Naouri.

10 MS NAOURI: [10:21:13] (Interpretation) Thank you, your Honour.

11 Q. [10:21:19] Yesterday, sir, you told us, page 53, lines 18 to 21, and I'll quote, you  
12 said this:

13 "I fled. I went into the neighbourhood, a little bit upwards and I waited. There  
14 were a lot of us. There were many of us. We fled from the neighbourhood. We  
15 left the perimeter. We even left our houses."

16 So when you say "there were many of us", you just answered that question, you just  
17 said seven, eight, nine.

18 A. [10:22:05] Well, seven, eight, or nine, that's many.

19 Q. [10:22:09] Very well. You just told us that everyone was running in the  
20 neighbourhood?

21 A. [10:22:23] Yes.

22 Q. [10:22:23] And was that when the tear gas --

23 A. [10:22:27] Yes. That was when -- first of all, everyone was running here and  
24 there because, you see, us, the event, what happened at the bridge was such that we  
25 ran, even people who weren't at the bridge started running because us, when we

1 started, when we left the paved road, we were running. And we knew that we were  
2 coming under attack by these men. So we fled. So all the people along the side of  
3 the road, they were fleeing.

4 Q. [10:23:10] Very well.

5 A. [10:23:12] So there you have it.

6 Q. [10:23:16] But my question is not about what happened. We've talked about  
7 that. I'm asking you this: Once you fled, once everyone was fleeing, was that the  
8 moment when the tear gas --

9 A. [10:23:33] Yes. In the neighbourhood and also a canister in the mosque.

10 Q. [10:23:40] We're not there yet. We're just going to go one step at a time. We're  
11 still talking about the neighbourhood. So if there was tear gas, there was smoke?

12 A. [10:23:52] Yes.

13 Q. [10:23:55] So you couldn't see very well where you were going or what was  
14 happening; isn't that right?

15 A. [10:24:02] Yes.

16 Q. [10:24:06] Very well. And then once you had left your hiding place in the  
17 neighbourhood, did you go back to the paved road?

18 A. [10:24:23] No, not totally. First, because we could no longer go back to the  
19 paved road, we couldn't get there because they were throwing grenades and at the  
20 same time the young people who -- well, some of these young people took advantage  
21 of the situation to go in. So we couldn't go back to the paved road, no.

22 Q. [10:24:52] Very well. So you left your hiding spot. Where did you go then,  
23 where?

24 A. [10:25:01] I went out of my hiding spot, and first I went to see what had  
25 happened at the house. And I discovered that my belongings had been looted. Just

1 the bed was left. They took everything else. And while we were on the bridge, I  
2 was told that the child -- well, two people were hit. And automatically I discovered  
3 that it was true.

4 Q. [10:25:48] Very well. So if I've understood correctly, you went back home after  
5 you left your hiding spot?

6 A. [10:25:58] I went back home, and when I saw that they had taken everything, I  
7 went back out.

8 Q. [10:26:02] Okay, okay. Mr Witness, you see, we're trying to clarify things.  
9 And we're trying to go one step at a time. So if you answer my question, things will  
10 go more quickly and more easily. We're going to get there. So you went back  
11 home, you've told us that. And you just told us that you learned that. Who told  
12 you? I'll put the question and then we'll go into private session. But my question is  
13 who?

14 MS NAOURI: Your Honour, if we could go into private session.

15 PRESIDING JUDGE TARFUSSER: [10:26:40] Yes, please, let us go into private  
16 session for the name.

17 (Private session at 10.26 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Private Session)

ICC-02/11-01/15

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13 Page redacted – Private session

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6 (Redacted)

7 (Redacted)

8 (Open session at 10.30 a.m.)

9 THE COURT OFFICER: [10:30:22] We're back to open session, Mr President.

10 PRESIDING JUDGE TARFUSSER: [10:30:26] Thank you very much. Madam Naouri.

11 MS NAOURI: [10:30:28] (Interpretation) Thank you, your Honour.

12 Q. [10:30:32] Mr Witness, where did you go after that?

13 A. [10:30:44] I stayed in the neighbourhood to see whether everything was okay.

14 And I wanted to see at the tarred road whether it was possible to get there, whether

15 you could still go to the tarred road. So I stayed where I was near my house,

16 because everything had been looted, and we were worried about whether or not we

17 could get to the tarred road.

18 Q. [10:31:18] So if I've understood correctly, you tried to go toward the tarred road?

19 A. [10:31:28] No. At that point, no, I didn't go there directly when I left the upper

20 area of the neighbourhood, when \*I left the neighbourhood, I got to my house, I saw

21 that everything had been looted, and I stopped at an intersection. And people were

22 coming one by one. Someone said \*I had been looted, another said that they had

23 shot at our brothers. Others said people had been shot. And I hadn't really seen as of

24 yet what had happened. \*But the grenade ... I had a minor wound because I was

25 among those who were at the location where the grenade was lobbed.

1 Q. [10:32:18] Thank you, Witness. So you stayed at that intersection with a group  
2 of young people, and then you moved forward with that group?

3 A. [10:32:31] No. No. We were waiting, because there was noise along the side  
4 of the road, so we couldn't go in that direction.

5 Q. [10:32:44] Fine. Thank you.  
6 When did you go to the mosque?

7 A. [10:32:59] We started going towards the mosque in the evening.

8 Q. [10:33:12] Very well. And how many were there with you?

9 A. [10:33:19] No. We each went individually because it was -- we didn't want to  
10 be in a group anymore because we were afraid that something might happen if we  
11 were in a group, so we each went individually just in case.

12 Q. [10:33:45] Fine. So you get to the mosque in the evening, and you yourself  
13 didn't see what happened to Cissé and to the young people that you told us were hit  
14 by gunshot?

15 A. [10:34:11] No. The one who was hit by gunshot, he was running back to the  
16 neighbourhood. He was hit by gunshot. He was on his way to the hiding place.

17 Q. [10:34:24] So you didn't see that?

18 A. [10:34:26] No. It was afterwards, afterwards that we saw his arm.

19 Q. [10:34:43] And when you got to the mosque, you yourself didn't see any clashes?

20 A. [10:34:50] At the mosque?

21 Q. [10:34:51] Yes.

22 A. [10:34:55] Well, we found Cissé's body, who had been burned.

23 Q. [10:35:07] Yes. That wasn't my question. You came afterwards, so you didn't  
24 see what had happened. You were not there in the afternoon; is that correct? You  
25 were there in the evening only?

1 A. [10:35:19] Yes.

2 Q. [10:35:22] You yourself, when you arrived in the mosque, did you see any  
3 clashes taking place?

4 A. [10:35:29] At that point in time clashes had stopped. There were no clashes at  
5 that point in time.

6 Q. [10:35:38] Very well. And once you went to the mosque, then what did you  
7 do?

8 A. [10:35:52] I myself, well, we went into the mosque to see what had happened.  
9 And when I went inside the mosque, I saw that the mats had been burned, the mats  
10 inside the mosque had been burned. There was a body that was Mr Cissé's body.  
11 And then I went back right next to the mosque where there was a football field.

12 Q. [10:36:41] Fine. And what did you do there at the football field?

13 A. [10:36:45] When I got there, the people from the neighbourhood were there and  
14 they were talking and they were talking about what had happened and why it had  
15 happened. And they said that we needed to go to the customary chiefs and discuss  
16 with the people so that we could find a solution with the people in Yao Séhi so that  
17 this not happen again. And that's what people were saying, things had to stop.  
18 This wasn't a good thing. We didn't know why it had happened, why they had  
19 come and done all these things.

20 Q. [10:37:39] Very well. So after spending some time discussing, did you go  
21 home?

22 A. [10:37:49] No, we didn't go home. It started up again at 5 o'clock in the  
23 afternoon, because people started saying, "They're coming, they're coming." And  
24 everybody started running. And that particular day we didn't sleep at home. I  
25 didn't sleep at my home. I went to the neighbourhood where I'd taken refuge earlier

1 that day and --

2 Q. [10:38:36] Thank you. That was clear.

3 After the clashes that took place on 25 February, the young people in Doukouré built  
4 roadblocks; is that correct?

5 A. [10:38:52] Yes. \*We closed off the neighbourhood. We put logs and  
6 corrugated iron sheets to stop it --while waiting for the customary chiefs to discuss  
7 the situation with them because they were saying that there were rebels in the  
8 neighbourhood. They came. Gun shots were fired but there was no response to it. So  
9 they tried to leave us alone, but the Yao Séhi young people wouldn't listen to reason.  
10 So we preferred to close off the area and set up the roadblocks.

11 Q. [10:39:37] Where did you set up these roadblocks?

12 A. [10:39:41] At the entrance to the neighbourhood, 6 or 7 metres from the tarred road.

13 Q. [10:39:52] Was there also a roadblock at the mosque?

14 A. [10:39:59] Yes. Well, it wasn't really a roadblock. What we did was to close  
15 off the entrance to the neighbourhood to avoid certain things. It wasn't actually a  
16 roadblock where we asked people to say who they were or where they were going.  
17 It was just to avoid the kind of events that had already taken place.

18 Q. [10:40:25] Thank you. And you yourself, did you participate in building up  
19 these roadblocks?

20 A. [10:40:34] Yes, because I lived in the neighbourhood.

21 Q. [10:40:38] Very well. And you knew the young people who were standing at  
22 the roadblocks?

23 A. [10:40:49] \*Yes. Mostly a few ... I could even say all ... all the youth of the  
24 neighbourhood. We all stood to lose but we did not have to lose everything.

25 MS NAOURI: [10:41:07] (Interpretation) Your Honour, could we go into private

- 1 session for a moment for the next question?
- 2 PRESIDING JUDGE TARFUSSER: [10:41:13] Let's please go into private session.
- 3 (Private session at 10.41 a.m.)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
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- 16 (Redacted)
- 17 (Redacted)
- 18 (Open session at 10.42 a.m.)
- 19 THE COURT OFFICER: [10:42:41] We're in open session.
- 20 PRESIDING JUDGE TARFUSSER: [10:42:43] Madam Naouri.
- 21 MS NAOURI: [10:42:45] (Interpretation) Thank you, your Honour.
- 22 Q. [10:42:50] If I understand correctly, the purpose of the roadblock near the tarred
- 23 road was to prevent the young people from Yao Séhi from getting in?
- 24 A. [10:43:03] Yes.
- 25 Q. [10:43:07] What was the basis for your knowing that someone was a young

1 person from Yao Séhi?

2 A. [10:43:15] These are people we knew well. I've always said this. These are  
3 people we knew.

4 Q. [10:43:27] Very well. Let me ask the question differently. On what basis  
5 would you let someone go through the roadblock or not?

6 A. [10:43:43] Well, what we did, we did this to protect ourselves. We would say  
7 to someone where are you going, who are -- we didn't ask them who they were,  
8 where they were going or what they were doing. The only thing we did was to  
9 prevent people from coming to attack us from getting in.

10 Q. [10:44:14] Thank you. Very well. So, Witness, let's go back to 12 April. Is  
11 that okay?

12 A. [10:44:24] Yes, okay.

13 Q. [10:44:31] The day before, Laurent Gbagbo was arrested, you know that?

14 A. [10:44:38] Yes. He was arrested by the FRCI.

15 Q. [10:44:44] So you knew that the FRCI was in Abidjan?

16 A. [10:44:48] Yes.

17 Q. [10:44:50] How long had the FRCI been in Abidjan?

18 A. [10:44:55] I can't really know that. I don't remember. Today I don't  
19 remember.

20 Q. [10:45:06] Very well. When we talked about the march on 16 December, you  
21 told us that there were soldiers who were already at the Golf hotel before the march  
22 on the RTI. This is on page 101, lines 5 to 18 of the transcript. Those soldiers were  
23 FRCI soldiers, weren't they?

24 A. [10:45:32] I beg your pardon?

25 Q. [10:45:34] The soldiers at the Golf hotel, they were members of the FRCI, weren't

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 they?

2 A. [10:45:42] No, at the march, I don't remember talking about soldiers.

3 Q. [10:45:51] Very well. But there were soldiers who intervened for Alassane  
4 Ouattara, weren't there?

5 A. [10:46:04] Intervened where?

6 Q. [10:46:06] During the crisis.

7 A. [10:46:09] No, no. I have no knowledge of that.

8 MS HUCK: [10:46:13] (Interpretation) Your Honour.

9 PRESIDING JUDGE TARFUSSER: [10:46:17] Yes, please.

10 MS HUCK: [10:46:19] (Interpretation) Perhaps the question could be put in more  
11 precise terms.

12 MS NAOURI: [10:46:35] Monsieur le Président.

13 PRESIDING JUDGE TARFUSSER: [10:46:40] Yes, it could be a matter of formulation  
14 of the question.

15 MS NAOURI: [10:46:43] (Interpretation) I will rephrase my question.

16 Q. [10:46:49] Mr Witness.

17 A. [10:46:52] Yes.

18 Q. [10:46:55] Those soldiers were from Alassane Ouattara's army? They were  
19 working on behalf of Alassane Ouattara?

20 A. [10:47:07] For what purpose, I don't know. Where exactly?

21 Q. [10:47:15] The day of the big battle in Abidjan on 11 April 2011, Alassane  
22 Ouattara had an army?

23 A. [10:47:25] Yes.

24 Q. [10:47:26] Do you agree?

25 A. [10:47:28] An army? Well, the only army I know is today's army.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 Q. [10:47:45] So today's army, the army are the former FRCI members. Do you  
2 know that?

3 A. [10:47:58] Well, I don't know. That could be, but I don't know.

4 Q. [10:48:02] Very well. Mr Witness, I'd like to show you a portion of your  
5 statement.

6 MS HUCK: [10:48:12] (Interpretation) Your Honour, may I?

7 PRESIDING JUDGE TARFUSSER: [10:48:14] Yes, please.

8 MS HUCK: [10:48:15] (Interpretation) I don't know if the Defence intends to  
9 continue along these lines, but we don't really understand the relevance in relation to  
10 this witness.

11 PRESIDING JUDGE TARFUSSER: [10:48:28] Now I think there is a confrontation, I  
12 would say, with the statement, and then we'll understand probably. Please go  
13 ahead.

14 MS NAOURI: [10:48:39] (Interpretation)

15 Q. [10:48:44] In your statement to the OTP investigators you say the following,  
16 paragraph 152, and I'm quoting, "I would also like to add that on 12 April 2011, part  
17 of Yopougon had already been freed by the FRCI." End of quote.

18 A. [10:49:15] Yes.

19 Q. [10:49:17] So you knew that the FRCI was in Abidjan at that point in time?

20 A. [10:49:21] Yes.

21 Q. [10:49:22] Therefore you knew that the FRCI --

22 PRESIDING JUDGE TARFUSSER: [10:49:34] Mr Witness, what is the FRCI?

23 THE WITNESS: [10:49:52] (Interpretation) They were the New Forces from Bouaké,  
24 the Forces Nouvelles from Bouaké.

25 PRESIDING JUDGE TARFUSSER: [10:50:11] Madam Naouri.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 MS NAOURI: [10:50:13] (Interpretation) Thank you, your Honour.

2 Q. [10:50:23] Okay. So the FRCI or the Forces Nouvelles had taken control of  
3 Yopougon; is that correct?

4 A. [10:50:35] Yes.

5 Q. [10:50:36] Very well. And the FRCI/Forces Nouvelles arrested and imprisoned  
6 individuals in Yopougon; is that correct?

7 A. [10:50:56] Well, they arrested people who had weapons.

8 THE INTERPRETER: [10:51:13] Inaudible.

9 MS NAOURI: [10:51:15] (Interpretation)

10 Q. [10:51:16] Very well. Witness, you watch the TV, don't you, quite a lot?

11 A. [10:51:23] Yes.

12 Q. [10:51:24] I'd like to show you a video.

13 This is a public video, CIV-D15-0001-3948, time code from 2.34 to 3.33. The  
14 transcript bears the number CIV-D15-0004-1195. And I believe we can take control  
15 of the video.

16 PRESIDING JUDGE TARFUSSER: [10:52:11] Which channel? 2.

17 MS NAOURI: [10:52:17] Evidence 2.

18 THE COURT OFFICER: [10:52:20] You have the floor, evidence channel 2.

19 MS NAOURI: [10:52:30] (Interpretation)

20 Q. [10:52:34] Witness, I'd like to ask you to watch this video.

21 (Viewing of the video excerpt)

22 PRESIDING JUDGE TARFUSSER: [10:53:34] Madam Naouri, we have to stop and  
23 start again, because in the field they didn't see part of it. And the request is also is  
24 there a transcript?

25 MS NAOURI: [10:53:48] (No interpretation)

- 1 PRESIDING JUDGE TARFUSSER: Oui, merci.
- 2 THE INTERPRETER: [10:54:10] Message from the interpreters: We have not  
3 received this transcript.
- 4 PRESIDING JUDGE TARFUSSER: [10:54:21] The message from the interpreters that  
5 this transcript was not received by them.
- 6 MS NAOURI: [10:54:30] (Interpretation) I've been told that it was just now sent a  
7 moment ago.
- 8 PRESIDING JUDGE TARFUSSER: [10:54:41] So I think we wait a minute for the  
9 interpreters to have the transcript. Could have been done before.
- 10 THE INTERPRETER: [10:55:02] Message from the interpreters: We have received  
11 the transcript now and we will do a sight translation off the screen.
- 12 PRESIDING JUDGE TARFUSSER: [10:55:11] Thank you very much. Now we can  
13 start with the video again.
- 14 (Viewing of the video excerpt)
- 15 THE INTERPRETER: [10:55:22] (Interpretation of the video excerpt)
- 16 "Commentator: The last act will have lasted but one week beginning with the arrival  
17 of the men from the north at the doors of Abidjan. The troops of president elect  
18 Alassane Ouattara, the forces now rebaptised, now called the Forces Républicaines.  
19 Journalist: Are you ready to go off and fight?
- 20 Rebel soldier 1: Of course. As soon as we get the word!
- 21 Rebel soldier 2: You came to kill, that's what your mission is.
- 22 Rebel soldier 3: Gbagbo is going to be dealing with us and we're going to take him  
23 down no matter what the obstacles are, Gbagbo has got some guys facing him.
- 24 Commentator: Some of these warriors of veterans of the 2002 campaign, before the  
25 country was partitioned.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

- 1 Commentator: In the neighbourhood of Yopougon mostly Gbagbo" --
- 2 MS NAOURI: [10:56:35] Pardon.
- 3 THE INTERPRETER: [10:56:37] Message from the interpreters: The last line of
- 4 the -- (overlapping speakers)
- 5 MS NAOURI: [10:56:45] (Interpretation)
- 6 Q. [10:56:46] Did you see the images, Witness?
- 7 PRESIDING JUDGE TARFUSSER: [10:56:49] Can I ask you to stop until I tell you
- 8 because we're --
- 9 MS NAOURI: [10:56:53] Oui bien sûr.
- 10 PRESIDING JUDGE TARFUSSER: Okay.
- 11 MS NAOURI: Pardon.
- 12 PRESIDING JUDGE TARFUSSER: [10:56:57] You said the last line?
- 13 THE INTERPRETER: [10:56:58] The last line of the video footage was as follows:
- 14 "Commentator: In the neighbourhood of Yopougon, mostly Gbagbo supporters,
- 15 they have claimed their first victims, they've taken their first prisoners.
- 16 Rebel soldier 4: What do you say? You're going to talk instead of us."
- 17 End of sight translation.
- 18 PRESIDING JUDGE TARFUSSER: [10:57:23] Thank you very much.
- 19 Madam Naouri, now you have the floor.
- 20 MS NAOURI: [10:57:26] (Interpretation) Thank you, your Honour.
- 21 Q. [10:57:33] Okay, Witness, back to us. Did you see this footage?
- 22 A. [10:57:40] Yes.
- 23 Q. [10:57:40] Very well. So you were informed that the Forces Nouvelles had
- 24 taken prisoners in Yopougon; is that correct?
- 25 A. [10:57:52] Well, yeah. The prisoners went with them, and that's what I

1 understood. Of course, I didn't have any confirmation precisely.

2 Q. [10:58:07] Very well. Witness, did you know that in Yopougon the people who  
3 followed the Forces Nouvelles actually took refuge in Saint-André cathedral?

4 A. [10:58:28] No, I was not aware of that.

5 Q. [10:58:29] Can you tell us where the Saint-André cathedral is?

6 A. [10:58:33] Saint-André cathedral is after --

7 Q. [10:58:57] Can you give us the name of the neighbourhood perhaps where the  
8 cathedral is?

9 A. [10:59:01] It's in Sicogi.

10 Q. [10:59:04] Very well. Thank you very much. Let's go back to what you were  
11 doing on April 12, 2011?

12 A. [10:59:23] April 12, 2011 --

13 Q. [10:59:25] Let me ask my question first.

14 A. [10:59:28] Very well.

15 Q. [10:59:32] Where were you before the shooting started?

16 A. [10:59:41] I was with my friend.

17 Q. [10:59:45] Don't say his name. We're in open session here.

18 A. [10:59:50] I was at his house, with my friend, before the shooting started.

19 Q. [10:59:56] But you went to get food that day, didn't you?

20 A. [11:00:04] Yes, yes.

21 Q. [11:00:09] Did you want to add something?

22 A. [11:00:11] Yes. I went to get food with my friend.

23 Q. [11:00:17] What road did you take with your friend to go get food?

24 A. [11:00:26] I went to my friend's house. We ate at his house, and then, well, I  
25 went from my house to his house through various little alleys in the neighbourhood.

1 Q. [11:00:55] Very well. So after you ate, you went back, after you had met with  
2 other people from the neighbourhood?

3 A. [11:01:05] Yes, with my friend we went back, but we didn't take the same  
4 pathway. We went further up. So we were a little bit further from where the  
5 friends were.

6 Q. [11:01:22] Where did you meet up with your friends?

7 A. [11:01:28] It's in the neighbourhood, but I'm not sure how to explain it. It's at a  
8 different intersection. There is an intersection called Piera (phon).

9 Q. [11:01:45] Very well. What did you do when you were with your friends?

10 A. [11:01:51] Nothing at all because we got there, and as soon as we got there, we  
11 had barely got there and I can tell you a few minutes, \*not up to an hour, maybe a few  
12 minutes after, people arrived. So, you see, we talked about the country, current  
13 events, what wasn't going right, \* why people were ... We talked about this, that and  
14 \*other matters.

15 Q. [11:02:18] Very well. So you all gathered together. How many?

16 A. [11:02:24] No, we didn't all gather together. It was more like -- well, not exactly  
17 all gathered together, but the perimeter is like is -- well, I would say it's like in the  
18 shape of -- there were women selling goods, there was a shop, at least four people were  
19 sitting on the bench in between the shop and one of the traders, one of the ladies selling  
20 goods there, it would have been at least 2 metres. And between the lady selling orange  
21 and the other lady selling -- well, I would say maybe 8 metres, 8 metres, something like  
22 that. But we weren't exactly all gathered together. Do you see what I mean?

23 Q. [11:03:27] Very well. So that was when a group of people came up to you and  
24 asked you for your identity cards?

25 A. [11:03:38] Yes. First they said, first they said, "Mister, come here." That's what

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Private Session)

ICC-02/11-01/15

1 they said first. So they were very abrupt the way they were talking to us. They  
2 said, "Come here."

3 We couldn't run away, so we had to listen to what they were saying.

4 Q. [11:04:10] Very well. And you personally, were you asked for your identity  
5 papers?

6 A. [11:04:17] No. There was a bit of a distance, maybe 6 to 7 metres, 7 to 8 metres  
7 between us. So the ones who were sitting down just in front of the shop, they were  
8 the ones who got up. They were older people. They got up and they asked if there  
9 was a problem.

10 Q. [11:04:45] Very well. But did you have your identity card on you that day?

11 A. [11:04:55] Me? Yes.

12 Q. [11:04:56] Very well. And do you have your identity card or identity papers  
13 with you today?

14 A. [11:05:07] Me?

15 Q. [11:05:08] Yes, you.

16 A. [11:05:12] Oh, today? Yes, yes, it's here.

17 Q. [11:05:16] Very well.

18 MS NAOURI: Could we briefly go into private session, your Honour.

19 PRESIDING JUDGE TARFUSSER: [11:05:23] Yes, we can. Let's go into private  
20 session.

21 (Private session at 11.05 a.m.) \*Reclassified as open session

22 THE COURT OFFICER: [11:05:41] We're in private session, your Honour.

23 PRESIDING JUDGE TARFUSSER: [11:05:43] Madam Naouri.

24 MS NAOURI: [11:05:46] (Interpretation) Thank you, your Honour.

25 Q. [11:05:48] Your ethnic group isn't shown.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Private Session)

ICC-02/11-01/15

1 A. [11:05:50] Ethnic group, no, no.

2 Q. [11:05:52] Very well.

3 MS NAOURI: [11:06:00] (Interpretation) We would like to ask the witness if we  
4 could have a scan of his ID so that it is quite clear that his ethnicity is not shown on  
5 the identity and so that this can be placed on the case record.

6 MS HUCK: [11:06:15] (Interpretation) Your Honour.

7 PRESIDING JUDGE TARFUSSER: [11:06:19] No, but -- Ms Huck, yes, please.

8 MS HUCK: [11:06:21] (Interpretation) We don't think this is necessary. The  
9 witness has answered the question.

10 PRESIDING JUDGE TARFUSSER: [11:06:29] I don't think it's necessary at all. I  
11 mean, why should we have his ID card on the record of the case? No, we will not do  
12 this.

13 MS NAOURI: [11:06:40] (Interpretation) Monsieur le Président --

14 PRESIDING JUDGE TARFUSSER: [11:06:45] We will -- We will not --  
15 (Defence counsel confer)

16 PRESIDING JUDGE TARFUSSER: [11:06:56] We will not have the ID card of the  
17 witness shown and put on the record of the case. Okay, full, that's it.

18 Maître Altit.

19 MR ALTIT: [11:07:08] (Interpretation) Thank you, your Honour. Your Honour,  
20 just to -- I've taken note of your decision. I'm not debating or discussing it, but just  
21 for the case record, our request was based on the reasons set out by Ms Naouri and  
22 because we have absolutely nothing relating to the witness's identity. And it is quite  
23 difficult for us to believe that the OTP investigators did not even trouble themselves  
24 to ask for identity. And we have absolutely nothing, nothing by way of evidence as  
25 to the actual identity of this witness.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Private Session)

ICC-02/11-01/15

- 1 MR GARCIA: [11:07:54] Your Honour, I'm sorry, but the witness has come here to  
2 testify and he has given his identification.
- 3 PRESIDING JUDGE TARFUSSER: [11:07:58] Yes.
- 4 MR GARCIA: [11:07:59] I don't think that's even at issue at this point.
- 5 PRESIDING JUDGE TARFUSSER: [11:08:01] No. This is not, this is not an issue.  
6 The witness has given his identity to the Court, and that's it. So full stop.  
7 Please, Madam Naouri, we can continue. Can we go --
- 8 MS NAOURI: [11:08:15] (Interpretation) Thank you.
- 9 PRESIDING JUDGE TARFUSSER: Can we go into open session?
- 10 MS NAOURI: (Interpretation) And can we go back into open session.
- 11 PRESIDING JUDGE TARFUSSER: [11:08:24] Yes. Let's go into open session.  
12 Thank you.
- 13 (Open session at 11.08 a.m.)
- 14 THE COURT OFFICER: [11:08:30] We are back to open session, Mr President.
- 15 PRESIDING JUDGE TARFUSSER: [11:08:34] We are in open session, Madam  
16 Naouri.
- 17 MS NAOURI: [11:08:37] (Interpretation) Thank you, your Honour.
- 18 Q. [11:08:38] Mr Witness, where were you when you heard the shooting?
- 19 A. [11:08:53] When?
- 20 Q. [11:08:54] When you heard the shooting on the 12th.
- 21 A. [11:08:56] When? I was -- the 12th of April? I was there.
- 22 Q. [11:09:03] Yes.
- 23 A. [11:09:06] I was there. They opened fire and we -- I, I fled.
- 24 Q. [11:09:16] Very well. And all the others who were with you,  
25 they also fled; isn't

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 that so?

2 A. [11:09:27] No. Some were shot immediately right then and there. They  
3 couldn't flee. After, of the ones who were there, you see, at the front, the ones who  
4 had the machetes, they left, and the ones with the weapons came and they were the  
5 ones who opened fire.

6 Q. [11:09:56] Very well. But you, you were running away. You couldn't see  
7 exactly who was shooting, right?

8 A. [11:10:04] Yes. At that time I couldn't see who was shooting. I was trying to  
9 find my bearings.

10 Q. [11:10:12] Of course. Now, your three friends, I won't give their names, you  
11 lost sight of them, didn't you?

12 A. [11:10:23] Yes, because, you see, I, I got away. They opened fire upon everyone  
13 who was there at that time. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [11:10:53] Very well. And how long did you stay there lying down?

17 A. [11:11:02] A few minutes, a few minutes.

18 Q. [11:11:06] Very well. And then you heard a lady, right?

19 A. [11:11:15] I heard some people saying "Are they dead? See if they're there."  
20 And then the lady, the woman, I, I heard her voice after, she was saying "The boys,  
21 the young fellows running away, that's because of you they're there. If you can get  
22 away, run away."

23 And then some people were going by and I realised they weren't --

24 THE INTERPRETER: [11:11:46] Inaudible.

25 THE WITNESS: [11:11:48] (Interpretation) And I got up.

1 MS NAOURI: [11:11:52] (Interpretation)

2 Q. [11:11:53] When you got up, you were in a courtyard?

3 A. [11:11:56] Yes.

4 Q. [11:11:57] Were you familiar with this courtyard, this spot?

5 A. [11:12:08] I've -- I had seen it, but I'd never gone in because I didn't know

6 \*anyone there in that yard or courtyard.

7 MS NAOURI: [11:12:17] (Interpretation) Your Honour, I do have a few questions  
8 that I need to put in private session, please.

9 PRESIDING JUDGE TARFUSSER: [11:12:22] Yes, please, can we go in private  
10 session.

11 (Private session at 11.12 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Private Session)

ICC-02/11-01/15

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Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Private Session)

ICC-02/11-01/15

- 1 (Redacted)
- 2 (Redacted)
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- 4 (Redacted)
- 5 (Redacted)
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- 7 (Redacted)
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- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Open session at 11.16 a.m.)
- 16 THE COURT OFFICER: [11:16:56] We are in open session, Mr President.
- 17 PRESIDING JUDGE TARFUSSER: [11:17:06] Thank you.
- 18 Madam Naouri.
- 19 MS NAOURI: [11:17:08] (Interpretation) Thank you, your Honour.
- 20 Q. [11:17:14] I'd like us to talk about 13 April, the following day, okay?
- 21 A. [11:17:20] Okay.
- 22 Q. [11:17:21] So you left the home of your friend. Did you have a hard time
- 23 walking?
- 24 A. [11:17:27] Yes.
- 25 Q. [11:17:27] And where did you go? What direction were you heading off in?

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 A. [11:17:41] In the morning when I woke up, the place where the bodies were, we  
2 went there, we didn't see. The people who were still there asked me where the  
3 people --

4 Q. [11:17:59] Mr Witness, I'm interrupting you because we'll get to that point. But  
5 my first question was when you left the home of your friend --

6 A. [11:18:10] Yes.

7 Q. [11:18:11] -- you didn't go directly to the parking area. You went somewhere.  
8 Where did you go?

9 A. [11:18:20] It's the same path or road. I headed towards the parking area but  
10 along the way as I went along by that place where they had been shot.

11 Q. [11:18:33] Very well. But when you left your friend's house, you decided to go  
12 somewhere. Where? What was the place you were trying to get to that day?

13 A. [11:18:56] Leaving the neighbourhood or --

14 Q. [11:18:58] Yes. You left the neighbourhood. Where were you going?

15 A. [11:19:02] Oh, I wanted to go to Abobo, to my sister's house that day.

16 Q. [11:19:07] Very well.

17 A. [11:19:10] I decided to leave that neighbourhood that day.

18 Q. [11:19:15] Very well. And you stopped along the way, right?

19 A. [11:19:31] Yes.

20 Q. [11:19:32] Exactly where?

21 A. [11:19:35] Andokoi.

22 Q. [11:19:39] Could you tell us how far away that is from the tarred road?

23 A. [11:19:45] What diff --

24 Q. [11:19:48] From the tarred road, the main road?

25 A. [11:19:52] From where to where?

- 1 Q. [11:19:54] From the place where you stopped. You stopped along the way.
- 2 A. [11:19:59] Well, I stopped in Andokoi, the neighbourhood just on the road.
- 3 That is where I stopped and took a break at a friend, a cousin by the name of --
- 4 Q. [11:20:20] I'll clarify, because I don't think we're talking about the same thing.
- 5 Now, before you got to Andokoi, you stopped at a parking area, didn't you?
- 6 A. [11:20:29] Yes, yes. The parking area where the bodies were.
- 7 Q. [11:20:34] Very well. How far away is that parking area from the tarred road?
- 8 A. [11:20:41] Hmm, a hundred metres, maybe 120 metres away.
- 9 Q. [11:20:52] Very well. And when you got there there were already some bodies
- 10 there?
- 11 A. [11:21:04] Yes.
- 12 Q. [11:21:04] So you yourself personally, you didn't know exactly where the bodies
- 13 had come from?
- 14 A. [11:21:11] Yes, I did know, because I had seen some, I had seen the bodies of my
- 15 brothers who had been shot in front of me at the parking area.
- 16 Q. [11:21:22] Very well. But some of those bodies, some of those people had been
- 17 killed at the house.
- 18 A. [11:21:40] Yes. Some of the people had been killed at the house but --
- 19 Q. [11:21:44] Excuse me, excuse me. So those bodies of the people killed at the
- 20 house, you don't know how it came to be that those bodies ended up at the parking
- 21 area, you don't know?
- 22 A. [11:21:56] Yes, I -- I didn't see.
- 23 Q. [11:22:01] Very well. So you did not take part in the gathering up of the
- 24 bodies?
- 25 A. [11:22:13] I didn't have the strength. But some people were picking up these

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 bodies and --

2 Q. [11:22:20] Very well. And you did not take part in the burial of the bodies?

3 A. [11:22:26] No.

4 Q. [11:22:28] How long did you stay there for? You were injured?

5 A. [11:22:34] Not an hour. Let's say a few minutes. Not, not even half an hour.

6 I stayed there for a bit and then I left. I looked and I saw people coming with the

7 bodies and the bodies had been set down there.

8 Q. [11:22:50] Very well. And you took the time to count the bodies that you saw

9 arriving?

10 A. [11:22:59] Yes. As I was leaving, I counted 17 bodies, to my knowledge.

11 That's what I saw.

12 Q. [11:23:06] Very well. Now, that day, did anyone tell you that there had been a

13 request to have the bodies buried?

14 A. [11:23:24] I beg your pardon?

15 Q. [11:23:25] Did anyone tell you that the FRCI had made a request for the bodies

16 to be buried?

17 A. [11:23:34] No. It was the local people who wanted the bodies buried.

18 Q. [11:23:37] Very well. We're going to go into private session.

19 If that's possible, your Honour.

20 PRESIDING JUDGE TARFUSSER: [11:23:53] In 10 minutes you have reached

21 your -- 12 minutes, you have reached your time.

22 Let's please go into private session.

23 (Private session at 11.24 a.m.)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Private Session)

ICC-02/11-01/15

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Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Private Session)

ICC-02/11-01/15

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16 (Open session at 11.35 a.m.)  
17 THE COURT OFFICER: [11:35:22] We are in open session, Mr President.  
18 PRESIDING JUDGE TARFUSSER: [11:35:25] Thank you.  
19 MS NAOURI: [11:35:25] (Interpretation) Thank you, your Honour.  
20 Q. [11:35:35] Mr Witness, yesterday you told us, on page 75, lines 5 to 8, and I  
21 quote, "No. Under the tarpaulin there were people who were bare chested. The  
22 people we crossed on the tarred road, some of them were sitting in the car and they  
23 were bare chested." End of quote.  
24 I'd like to show you a picture, Mr Witness. This is photograph CIV-D15-0001-0717,  
25 page 0751.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

- 1 THE COURT OFFICER: [11:36:58] Evidence channel 1.
- 2 MS NAOURI: [11:37:01] (Interpretation)
- 3 Q. [11:37:02] Can you see the photograph, Mr Witness?
- 4 A. [11:37:11] Yes.
- 5 Q. [11:37:12] Does that correspond to what you said that day?
- 6 A. [11:37:15] No.
- 7 Q. [11:37:17] Did you see similar images later on?
- 8 A. [11:37:24] The truck that I crossed paths with was a small vehicle with a
- 9 tarpaulin.
- 10 Q. [11:37:37] Explain.
- 11 A. [11:37:39] No, it was a smaller vehicle. There weren't that many men. There
- 12 were only four or five, maybe six, people at most in this smaller truck.
- 13 Q. [11:37:53] Very well. But the ones you saw were bare chested like the ones we
- 14 can see here?
- 15 A. [11:38:01] Yes. They were bare chested, but they were sitting down.
- 16 Q. [11:38:08] If I were to put to you that the people in the truck are pro-Gbagbo
- 17 supporters transported by republican forces in April of 2011 --
- 18 MR GARCIA: [11:38:28] First of all, I didn't see, your Honours -- I didn't see the
- 19 relevance of -- I mean, the witness is explaining his testimony. He said he saw
- 20 people who are shirtless. I don't see the relevance of putting a photo of a truck full
- 21 of people, of shirtless people, and then trying to confront the witness and trying to get
- 22 him to agree to a certain state of facts.
- 23 I think that we're far away from the witness's testimony, and I don't think that this
- 24 should be permitted.
- 25 PRESIDING JUDGE TARFUSSER: [11:38:49] No. The question would be: Do you

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 recognise what this is or who they are, not "if I put it to you that."

2 MS NAOURI: [11:39:01] (Interpretation) Very well. I shall rephrase my question.

3 Q. [11:39:03] Witness, did you recognise that these were republican forces that  
4 were transporting pro-Gbagbo supporters?

5 A. [11:39:13] I beg your pardon?

6 Q. [11:39:14] Did you recognise as you looked at this photograph that these were  
7 republican forces from Forces Nouvelles transporting pro-Gbagbo forces?

8 A. [11:39:22] No, no. How can I know? No. I don't know that.

9 Q. [11:39:30] Very well. Thank you for answering my question.

10 PRESIDING JUDGE TARFUSSER: [11:39:33] In any case, the question should have  
11 been: Do you recognise what this -- the persons on this truck, who they are and  
12 what they represent.

13 Madam Naouri.

14 MS NAOURI: [11:39:49] (Interpretation) Thank you, your Honour.

15 Q. [11:39:50] Mr Witness, were you aware that Adama and Bobi were collecting  
16 information on victims in the neighbourhood?

17 A. [11:40:05] Yes, they were counting the victims who were injured and killed.

18 Q. [11:40:10] Very well. Did you meet Adama and Bobi after February 25 to tell  
19 them what had happened to you?

20 A. [11:40:24] Yes, yes, I saw them.

21 Q. [11:40:31] Very well. But after the events, after the events, did you meet  
22 Adama and Bobi to tell them what had happened to you, to testify, so to speak?

23 A. [11:40:44] When? What date are you referring to?

24 Q. [11:40:50] After February 25, after the date of the events.

25 A. [11:40:54] Yes, after the events, they were aware of what happened. I told them

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 this, that and the other thing. I wasn't injured all that seriously. I just had some  
2 injuries on my left arm. But as regards the theft and looting, I told them about that.  
3 I told them that everything had been looted at my house.

4 Q. [11:41:29] Very well. And they didn't take notes from what you said?

5 A. [11:41:35] Yes, they did. They took notes. They took notes of -- when they  
6 listened to everyone in the neighbourhood as regards their injuries and their looted  
7 property.

8 Q. [11:41:48] Can you tell me --

9 MS HUCK: [11:41:52] (Interpretation) Perhaps we should go into private session  
10 for some of this information.

11 PRESIDING JUDGE TARFUSSER: [11:42:02] Why?

12 MS HUCK: [11:42:04] (Interpretation) Well, can we perhaps go into private session  
13 so I can explain?

14 MS NAOURI: [11:42:16] (Interpretation) Perhaps I can respond. We will go into  
15 private session when I will show a document that may identify the witness. But  
16 Adama spoke to something like 2,000 victims and, therefore, it's impossible to identify  
17 this particular witness through that information.

18 MR GARCIA: [11:42:36] I don't think we should be carrying this conversation in  
19 public. The Chamber can make its decision afterwards. But we have some  
20 submissions in this regard. I think it's a convergence. If we ask supplementary  
21 questions and it gets more precise, then obviously it converges towards one person.  
22 And that's -- I think, we need to err on the side of caution. This is what we are  
23 worried about.

24 PRESIDING JUDGE TARFUSSER: [11:42:57] Yes. But it's the responsibility of  
25 Madam Naouri, who has three minutes to do this job, because then I will stop her.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Private Session)

ICC-02/11-01/15

1 Okay? She'll have three minutes to make this without making any identification,  
2 any question, which could identify the person.

3 So please let her go ahead. Otherwise, we are -- three minutes.

4 MS NAOURI: [11:43:20] (Interpretation) I take due note of that.

5 Q. [11:43:25] Mr Witness, I have three minutes left. How did they take notes?

6 You referred to that. Were you seated around a table? How did it take place?

7 A. [11:43:39] Yes. I told you there were people in charge. They had an office,  
8 and each person would go there to that office and tell them what had happened, and  
9 they took notes. That's how it happened.

10 Q. [11:43:58] Very well.

11 Your Honour, I would like to go very briefly into private session for a single question.

12 PRESIDING JUDGE TARFUSSER: [11:44:06] Thank you. Let's go into private  
13 session.

14 (Private session at 11.44 a.m.)

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Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Private Session)

ICC-02/11-01/15

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- 24 (Open session at 11.47 a.m.)
- 25 THE COURT OFFICER: [11:47:15] We are now in open session, Mr President.

- 1 PRESIDING JUDGE TARFUSSER: [11:47:18] Please.
- 2 MS NAOURI: [11:47:24] (Interpretation) Thank you, your Honour.
- 3 Q. [11:47:26] Mr Witness?
- 4 A. [11:47:28] Yes.
- 5 Q. [11:47:28] During the crisis, you were not working; is that correct?
- 6 A. [11:47:31] Yes.
- 7 Q. [11:47:32] You mean yes, you were not working?
- 8 A. [11:47:36] Yes.
- 9 Q. [11:47:37] So you spent a lot of time in Yopougon?
- 10 A. [11:47:40] Yes, in the neighbourhood.
- 11 Q. [11:47:45] Were weapons hidden the grin?
- 12 A. [11:47:50] No.
- 13 Q. [11:47:51] Did you see Mr Adama before you came here to testify?
- 14 A. [11:47:57] No.
- 15 Q. [11:47:58] Very well. Thank you very much.
- 16 PRESIDING JUDGE TARFUSSER: [11:48:03] Maître Altit.
- 17 MR ALTIT: [11:48:05] (Interpretation) Thank you, your Honour. Your Honour,
- 18 we have no further questions for this witness from the Gbagbo Defence team.
- 19 PRESIDING JUDGE TARFUSSER: [11:48:17] Thank you. Thank you very much.
- 20 Now we go for the lunch break, I think, and we come back just before 1.30 to start
- 21 with Defence for Mr Blé Goudé. Who will question?
- 22 MR N'DRY: [11:48:38] (Interpretation) Your Honour, it will be Maître N'Dry.
- 23 And in keeping with your instructions, I think I'm not going to need a lot of time, and
- 24 therefore we can prepare to start with the next witness.
- 25 PRESIDING JUDGE TARFUSSER: [11:49:02] Thank you very much.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

- 1 This what I was going to ask, thank you.
- 2 So we see each other at, say, 1.30. Thank you very much. The hearing is adjourned.
- 3 THE COURT USHER: [11:49:16] All rise.
- 4 (Recess taken at 11.49 a.m.)
- 5 (Upon resuming in open session at 1.34 p.m.)
- 6 THE COURT USHER: [13:34:55] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE TARFUSSER: [13:35:12] Good afternoon.
- 9 Hello to you, Mr Witness, in the remote location.
- 10 THE WITNESS: [13:35:26] (Interpretation) Thank you.
- 11 PRESIDING JUDGE TARFUSSER: [13:35:30] It is now probably the last turn. It is
- 12 the questioning, it is time for the questioning by the Defence for Mr Blé Goudé.
- 13 And to that effect I give the floor to Maître N'Dry.
- 14 MR N'DRY: [13:35:54] (Interpretation) Good afternoon, your Honour, your
- 15 Honours.
- 16 QUESTIONED BY MR N'DRY: (Interpretation)
- 17 Q. [13:36:14] Good afternoon, Witness.
- 18 A. [13:36:15] Good afternoon.
- 19 Q. [13:36:17] My name is Maître N'Dry. I am a member of the Côte d'Ivoire bar
- 20 association and I am co-counsel for Mr Charles Blé Goudé.
- 21 A. [13:36:27] Okay.
- 22 Q. [13:36:30] I'd like to go over a few points with you that have already been
- 23 discussed with the Office of the Prosecutor as well as by the other Defence team. I
- 24 don't want to spend too much time on what has already been said, but I would like to
- 25 ask you for some clarification. So I would like to ask you to answer my questions

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 briefly so we can go quickly.

2 A. [13:37:09] Okay.

3 Q. [13:37:09] Brief and precise. Mr Witness, I would like to avoid that we speak at  
4 the same time. Please do wait for a few seconds when I have finished asking my  
5 question before you begin to answer.

6 Mr Witness, I'd like to discuss once again the visit by President Laurent Gbagbo,  
7 according to your statement, to the parliament. It was in the Saguidiba parliament;  
8 is that correct?

9 A. [13:37:53] Yes.

10 Q. [13:37:56] Very well. On that day, when I read your statement, I see that you  
11 stated that you did not listen to President Gbagbo; is that correct?

12 A. [13:38:17] Yes.

13 Q. [13:38:21] I beg your pardon. As I was saying, you did not listen to President  
14 Gbagbo; is that correct?

15 A. [13:38:42] Yes.

16 Q. [13:38:45] And that that day it was Mr Charles Blé Goudé that you heard?

17 A. [13:38:51] Yes, \*while passing by.

18 Q. [13:38:57] When you say passages, was that the same day when the president  
19 went to the parliament?

20 A. [13:39:11] Well, when I was walking toward the neighbourhood and I left the  
21 market, there were a lot of people there. And I came closer to see what was  
22 happening and I asked people what was going on. And I saw Mr Blé Goudé  
23 speaking.

24 And the crowd was saying that the president is coming. But I didn't see the  
25 president, I saw Blé Goudé.

1 Q. [13:39:44] Mr Witness, the reason I'm asking this question is to have a precise  
2 answer, because in your statement you refer to that visit by the president to the  
3 parliament in Saguidiba. And you say that on that day Mr Blé Goudé was there.

4 Are you referring to the very same visit when you testified before the Chamber?

5 A. [13:40:24] That day I did not see the president. I heard people speaking that  
6 day. But the person I saw on that day was Mr Blé Goudé. To be perfectly truthful,  
7 I did not see the president on that day.

8 Q. [13:40:45] So in fact, you never saw the president at the parliament?

9 A. [13:40:51] Yes, that's correct. I never saw him at the parliament.

10 Q. [13:40:57] And yet, Mr Witness --

11 A. [13:41:10] Yes.

12 Q. [13:41:13] -- when the OTP investigators went to see you, you say something  
13 completely different.

14 A. [13:41:22] What do you mean?

15 Q. [13:41:24] Okay. In your statement that you gave to the OTP investigators --

16 A. [13:42:01] Yes.

17 Q. [13:42:03] -- you state the following in paragraph 51. This is page 16 of the  
18 statement, and I'm quoting, "When Gbagbo finished his speech, people applauded  
19 and then he left. Blé Goudé was standing at the side of President Gbagbo. I did not  
20 listen to Blé Goudé's speech." End of quote.

21 Mr Witness, today you stated before this Chamber that you never saw the president  
22 at a parliament, and yet when you spoke to the OTP investigators, you said  
23 something completely different. So what should we understand?

24 A. [13:43:11] What I'm saying is that the day when I was passing by the parliament,  
25 I heard people talking about the fact that the president was going to come. But in

1 fact, that day, it was Blé Goudé that I saw.

2 Q. [13:43:37] We've understood. Again, I mentioned earlier that I want to clarify  
3 some things, so I'd like to talk now about February 25, February 25, 2011.

4 A. [13:43:59] Okay.

5 Q. [13:44:02] Mr Witness, I'd like to ask you to think back on February 25, 2011.

6 A. [13:44:19] Yes.

7 Q. [13:44:21] When you came back, did you go to your -- when you woke  
8 up -- correction, when you woke up, when did you go to your grin?

9 A. [13:44:45] I went sometime before noon, between 10 o'clock and 11 o'clock. I'd  
10 say 10 o'clock, 10 o'clock.

11 Q. [13:45:04] 10 o'clock, you say?

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

13 Q. [13:45:14] Okay, fine. I've understood. On that day, did you see Mr  
14 Diomandé Adama?

15 A. [13:45:41] On that day, I don't remember. I don't know.

16 Q. [13:45:50] Well, this person is well-known, isn't he?

17 A. [13:45:55] Yes, in the neighbourhood, yes.

18 Q. [13:45:59] If he had been there, you should be able to tell us.

19 MS HUCK: [13:46:08] (Interpretation) Objection, your Honour.

20 PRESIDING JUDGE TARFUSSER: [13:46:10] Yes, please.

21 MS HUCK: [13:46:11] (Interpretation) The question is argumentative. The  
22 witness has already answered the question.

23 MR N'DRY: [13:46:30] (Interpretation)

24 Q. [13:46:31] Witness, I'm going to rephrase my question. On the day of February  
25 25, 2011, did you see Mr Diomandé Adama?

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 A. [13:46:46] That's what I said. I don't remember. When I got there, there was a  
2 lot of noise. I don't remember. I don't remember if I saw him that day or not.

3 Q. [13:47:11] You were with the young people from Doukouré when stones were  
4 being thrown, right?

5 A. [13:47:19] Yes.

6 Q. [13:47:23] And you didn't notice at that point in time Mr Diomandé Adama?

7 A. [13:47:31] That's what I've said. That's what I've said.

8 PRESIDING JUDGE TARFUSSER: [13:47:34] If he doesn't remember, he doesn't  
9 remember. I mean -- thank you.

10 MR N'DRY: [13:47:48] (Interpretation) I've understood, your Honour. Fine.

11 Q. [13:47:58] Mr Witness, have you heard about buses being burned by  
12 pro-Ouattara young people, the articulated buses that were burned by young  
13 pro-Ouattara supporters? Did you hear about that?

14 A. [13:48:23] No. I know that buses were burned, but I don't know by whom.

15 Q. [13:48:38] Well, we're going to show you a video now. This is a public video.  
16 I'll give you the reference. It's CIV-OTP-0064-0087, minute 00.24.32 to 00.25.15. The  
17 transcription is CIV-OTP-0064 -- sorry 63, 0063-2998, page 3004, line 195 to 207. I'm  
18 told that the transcript has been sent. I'm told it was sent this morning to the court  
19 officer.

20 THE COURT OFFICER: [13:50:19] (Interpretation) It was sent to the interpreters  
21 this morning. (Speaks English) The video is going to be displayed on evidence  
22 channel 2.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [13:51:36] (Interpretation) A bus on flames on this crazy day  
25 of demonstrations in quartier Koumassi, not far from Campement. The RHDP

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 demonstrators did everything, and they burnt a bus at la Sotra. The bus was  
2 completely burnt down. From the beginning of the crisis, the la Sotra bus company  
3 has suffered loss of significant dimension of about 110 buses which were vandalised  
4 and burnt and destroyed, costing some 1.3 billion francs CFA.

5 PRESIDING JUDGE TARFUSSER: [13:52:43] Yes, please. Yes, you can go.

6 MR N'DRY: [13:52:45] (Interpretation)

7 Q. [13:52:46] Did you see the video, Witness?

8 A. [13:52:52] Yes, I saw it.

9 Q. [13:52:53] Very well. You referred to gbakas?

10 A. [13:53:03] Yes.

11 Q. [13:53:04] You've lived in Côte d'Ivoire. Can you confirm here before the  
12 Chamber that during the post-electoral crisis the buses were targeted by the  
13 pro-Ouattara young people?

14 A. [13:53:24] I don't know. I don't know who it was who burnt the buses.

15 Q. [13:53:33] But you know who burned the gbakas?

16 A. [13:53:40] Well, \*the gbaka were not far away. What happened is that the gbaka  
17 I saw was burning. It was not on that day. I was just passing by and in another gbaka.

18 Q. [13:53:57] So you only saw one gbaka burning?

19 A. [13:54:00] Yes, it was just one gbaka that burned. I was told that there were  
20 several. I didn't see the others, but I saw one gbaka that wasn't very far from -- from  
21 the demonstrators.

22 Q. [13:54:22] Witness, I told you I wanted to have some precise answers. I'd like  
23 to refer now to December 16, 2010. And again, I want very precise answers. On  
24 December 16, 2010, do you remember that day?

25 A. [13:54:52] The 16th.

- 1 Q. [13:55:02] The day of the March on the RTI.
- 2 A. [13:55:06] Yes, I said the 16th.
- 3 Q. [13:55:09] Okay. You said that the information was announced on the TCI.
- 4 A. [13:55:17] Yes.
- 5 Q. [13:55:19] The precise information I would like is as follows. Did you find out
- 6 through someone that the information was announced on TCI or did you see it yourself?
- 7 A. [13:55:40] I learned about it.
- 8 Q. [13:55:56] Very well. So from where you lived on that day, you went to Siporex?
- 9 A. [13:56:07] Yes.
- 10 Q. [13:56:07] I'd like to ask you some information about the timing, the time of day.
- 11 When did you take a gbaka from your own neighbourhood to go to Siporex?
- 12 A. [13:56:27] It was around 9 or 10 o'clock. I don't really remember precisely, but
- 13 it was around 9 or 10 o'clock.
- 14 Q. [13:56:43] Rest assured, we know that it was a long time ago. We just want to
- 15 have an idea.
- 16 A. [13:56:51] It was in the morning when I -- I don't remember exactly. It was
- 17 around 9 o'clock, 10 o'clock, that I left with my friend.
- 18 Q. [13:57:15] Okay. So if I note down between 9 and 10 o'clock; is that okay?
- 19 A. [13:57:21] Yes.
- 20 Q. [13:57:21] So around 9, 10 o'clock you were around the Siporex?
- 21 A. [13:57:25] Yes.
- 22 Q. [13:57:25] And you're with your friend?
- 23 A. [13:57:27] Yes.
- 24 Q. [13:57:31] Where did you go exactly to go toward Cocody? Exactly which path
- 25 did you take?

- 1 A. [13:57:49] The central road, the central highway. It goes straight ahead.
- 2 Q. [13:57:54] So you were on the highway, the autoroute?
- 3 A. [13:57:55] \*Yes.
- 4 Q. [13:57:56] You were not on the road facing Mossikro?
- 5 A. [13:58:06] No, no.
- 6 Q. [13:58:06] Just to be clear, so you were going along the highway, the autoroute,
- 7 and what did you see? What did you observe \*as you were walking along?
- 8 A. [13:58:22] Yes, we were walking.
- 9 Q. [13:58:27] Yes?
- 10 A. [13:58:28] And we saw a four-by-four, a Kia, a gendarme vehicle, and they asked
- 11 us "where are you going?"
- 12 Q. [13:58:41] Where specifically was that?
- 13 A. [13:58:46] It was on highway, around Siporex, the lane that goes straight ahead
- 14 to the roundabout ... where there is a pedestrian bridge.
- 15 Q. [13:59:12] Very well. Now, what time was it?
- 16 A. [13:59:20] It must have been around 11.30, thereabouts. I don't know. I don't know.
- 17 Q. [13:59:32] Then you go on to say that you stopped a gbaka?
- 18 A. [13:59:40] Yes, two of us, yes.
- 19 Q. [13:59:44] Very well. What route does that gbaka take specifically to get to
- 20 Adjamé Liberté?
- 21 A. [13:59:58] It goes through a road that passes by le Sable, a road which goes by le
- 22 Sable towards Lem Adjamé. I don't know whether you can see it.
- 23 Q. [14:00:36] Mr Witness, you are on the highway?
- 24 A. [14:00:47] Yes, we are on the highway.
- 25 Q. [14:00:50] You are going to Adjamé Liberté?

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 A. [14:00:55] Yes.

2 Q. [14:00:58] And where did you say you went by?

3 A. [14:01:02] I went on the road towards Siporex, straight to Siporex, and then on  
4 foot, straight ahead, where one would go by a supermarket known as Sicomex. Do  
5 you get it?

6 Q. [14:01:37] I wonder whether you get it yourself. I was just wondering,  
7 because --

8 A. [14:01:48] Now, let me clarify things to you beginning from Siporex, with your  
9 leave.

10 Q. [14:01:56] Mr Witness, you have already told the Court that we left Siporex  
11 already.

12 A. [14:02:03] Yes.

13 Q. [14:02:07] So we are moving forward?

14 A. [14:02:08] Please hold on, hold on.

15 Q. [14:02:10] No, no, please. You hold on and let me specify my question and  
16 then you can answer, all right?

17 A. [14:02:16] Okay.

18 Q. [14:02:17] Let me crave the indulgence of the Court to begin with. Mr. Witness,  
19 just hold on.

20 Mr President, I am revisiting these issues, your Honours. I am revisiting this point  
21 because this might be somewhat of a difficulty for us, given that we do not exactly  
22 know how the witness is going to intervene. Maybe subsequently we will deal with  
23 the lists identifying the itinerary followed by the witness. To our mind, this itinerary  
24 was not clear, and that's why I'm seeking this clarification, Mr President. Thank you.  
25 Now, Mr Witness.

1 A. [14:03:11] Yes.

2 Q. [14:03:12] When we are on the autoroute, the highway -- let's take it step by step.

3 You were at Siporex. And I asked you, what did you do from Siporex? You told us  
4 that you were moving forward. You have already left Siporex, correct?

5 A. [14:03:29] Yes.

6 Q. [14:03:31] You have gotten to the first bridge?

7 A. [14:03:34] Yes.

8 Q. [14:03:36] Now, you then said again that you went through Siporex. Can you  
9 please clarify that, because I didn't understand that.

10 A. [14:03:45] This is what I said. Once one is at Siporex, there is a road that goes  
11 straight forward, straight to the highway, to the autoroute. Now, whilst one is on  
12 the highway, there is the same road that goes straight forward. And if you go  
13 straight ahead, you come to the pedestrian bridge. And after the pedestrian bridge,  
14 you come to another bridge which links up to Sable, and at Sable there is a route that  
15 connects to the highway for those who cannot go through Siporex. That's it. That's  
16 it. So once on the highway, one can then take a vehicle coming from Siporex going  
17 through Sable and then onto Adjamé. So there are two roads that can be used to get  
18 to Adjamé.

19 Q. [14:04:55] Very well. So was that the road you took to Adjamé?

20 A. [14:05:00] Yes, on the highway.

21 Q. [14:05:03] While you were on the way in the gbaka, what did you observe?

22 A. [14:05:12] We didn't notice anything along the way except in Adjamé.

23 Q. [14:05:22] At what time did you get to Adjamé Liberté?

24 A. [14:05:28] It must have been noon, around noon or just before noon, around  
25 noon. Well, you see, I don't remember the time exactly because I really don't

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 remember that clearly.

2 Q. [14:05:55] One moment, please.

3 (Defence counsel confer)

4 MR N'DRY: [14:06:10] (Interpretation)

5 Q. [14:06:20] Mr Witness.

6 A. [14:06:23] Yes.

7 Q. [14:06:26] On 13 April, is that when you went to Abobo?

8 A. [14:06:32] Yes.

9 Q. [14:06:33] How did you travel to get to Abobo, through the prison civile or by  
10 another road?

11 A. [14:06:44] I passed \*by -- first of all, I left my neighbourhood and I went through  
12 \*Selmer, Wassakara and unto Andokoi where I met up with a cousin.

13 Q. [14:07:08] My question was whether you went through the prison civile.

14 A. [14:07:14] Yes, I went by the prison civile.

15 Q. [14:07:16] What did you observe on 13 April at the prison civile, particularly in  
16 relation to the military forces that may have been in that area? That's what I'm  
17 interested in.

18 A. [14:07:36] I didn't notice anything because I was in a transport vehicle on my  
19 way to Abobo.

20 Q. [14:07:41] You did not come across any members of the Commando Invisible in  
21 that area on 13 April?

22 A. [14:07:56] Well, those are things one used to hear, but I never saw them.

23 Q. [14:08:03] Very well. The last point I want to raise with you is in relation to a  
24 video that you were shown, and we will not show it again. It was done in private  
25 session. We are not going to view it again, but I would like to know from you why,

1 according to you, and I'm not seeking an opinion. I'm asking you to give us the  
2 knowledge that you have of this. Why is it that those people were buried in that  
3 mass grave? Why were they not buried in a cemetery?

4 A. [14:08:58] Because it was better, or they thought that it was better to bury them  
5 in the neighbourhood where they used to live, as far as I know.

6 Q. [14:09:11] Was it a deliberate desire, according to you, or was it because some  
7 circumstances may have made it possible? If you don't know, feel free to say so.  
8 You have expressed an opinion, but I was seeking specific knowledge. In your  
9 answer you said, as far as according to you now -- I'm not asking for your opinion.  
10 I'm just asking for knowledge that you may have of the situation; do you know  
11 anything?

12 A. [14:09:44] No, I don't.

13 MR N'DRY: [14:09:49] Very well. Mr President, the Defence team for Mr Charles  
14 Blé Goudé has finished its questioning of this witness.

15 PRESIDING JUDGE TARFUSSER: [14:09:57] Thank you very much. And now I  
16 turn to the Office of the Prosecutor and ask if there is something -- if there is a request  
17 for re-questioning.

18 MS HUCK: [14:10:12] (Interpretation) We have no additional questions for this  
19 witness.

20 PRESIDING JUDGE TARFUSSER: [14:10:17] (Interpretation) Thank you very  
21 much.

22 (Speaks English) Mr Witness, I can now tell you that your testimony is finished, has  
23 come to an end. You can go back to your occupations. I thank you for having been  
24 with us and having answered the questions of all the parties. So thank you very  
25 much and good luck for the future.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: [14:10:48] (Interpretation) Thank you.

2 (Witness excused)

3 PRESIDING JUDGE TARFUSSER: [14:11:05] Thank you very much also to Wilfred.

4 We are now disconnected from the remote location.

5 The next witness is a viva voce witness here, and I think we suspend 20 minutes just  
6 to give time to arrange everything. So we resume at 2.30 and then we start with the  
7 next witness. Thank you very much. The hearing is adjourned to 2.30.

8 THE COURT USHER: [14:11:31] All rise.

9 (Recess taken at 2.11 p.m.)

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

11 THE COURT USHER: [14:47:12] All rise.

12 Please be seated.

13 PRESIDING JUDGE TARFUSSER: [14:47:30] Good afternoon. Now we will start  
14 with a new witness, Witness 440. We have received just one something, an  
15 application by the Rule 74 lawyer, which I don't see in the courtroom. I think she or  
16 he should be here.  
17 Just for housekeeping information, we will have now a session of one hour and a half,  
18 an ordinary session. We will start tomorrow at 9 o'clock with the issue, with the ex  
19 parte issue. Then we will have normal sessions starting tomorrow morning at 9.30.  
20 We will go, we will see how it evolves, meaning from the time point of view. If at a  
21 certain point we need -- we see that it works as expected, in order to finish on Friday,  
22 we will continue. Otherwise, we will have extended hours. But this witness has to  
23 be finished on Friday. So this is a pre-warning to the parties to be very tight and  
24 strict, to the point, without making questions which maybe are not so necessary as  
25 sometimes happens.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

- 1 Hello also to the -- bonjour à vous.
- 2 MR PIRARD: [14:49:52] (Interpretation) Good afternoon, Mr President.
- 3 PRESIDING JUDGE TARFUSSER: [14:49:58] I saw that you made an application,  
4 and in order to decide this application, I give the floor very briefly, and I repeat, very  
5 briefly to the parties, starting by the Office of the Prosecutor.
- 6 MS PACK: [14:50:17] Your Honour, first of all, I am aware we're in public session.
- 7 PRESIDING JUDGE TARFUSSER: [14:50:21] Yes, that's right.
- 8 MS PACK: [14:50:28] So perhaps if my friend wants to expand on her application, it  
9 should be in private.
- 10 PRESIDING JUDGE TARFUSSER: No, no, I don't -- there is no -- I would not want  
11 to expand this because it's something -- the application is made, so we know what it's  
12 about. I think it's only the parties who have to speak on this now. And as long as  
13 you can speak without going too deep into details, I think we can do it in open.
- 14 MS PACK: [14:50:53] Yes. I have only to say that the Prosecution leave this issue to  
15 your Honour's discretion.
- 16 PRESIDING JUDGE TARFUSSER: [14:51:05] For this we did not need any private  
17 session.
- 18 MS PACK: You didn't.
- 19 PRESIDING JUDGE TARFUSSER: Thank you.
- 20 MS PACK: Thank you, your Honour.
- 21 PRESIDING JUDGE TARFUSSER: [14:51:09] Is this a witness where the LRV have  
22 requested to put questions to --
- 23 MS MASSIDDA: [14:51:17] No, your Honour, we are not requesting any questioning,  
24 thank you.
- 25 PRESIDING JUDGE TARFUSSER: [14:51:20] Okay, thank you.

Trial Hearing  
WITNESS: CIV-OTP-P-0109

(Open Session)

ICC-02/11-01/15

1 So I go to the Defence of Mr Gbagbo.

2 MR ALTIT: [14:51:24] (Interpretation) Thank you, Mr President. As far as we are  
3 concerned, we have not received anything and we cannot express any opinion. But  
4 we would have loved to and we would still like to receive information on the content  
5 of this application so that we can talk about it. Thank you.

6 PRESIDING JUDGE TARFUSSER: [14:51:54] It's (Interpretation) Application  
7 relating to protective measures under rule -- (Speaks English) Well, it's in-court  
8 protective measures for the witness. Of course, you are right, you haven't received  
9 it.

10 MS PACK: [14:52:17] Yes, the parties don't appear to have been notified, albeit it's  
11 not identified as an ex parte submission. There is no notification on the preceding  
12 page.

13 PRESIDING JUDGE TARFUSSER: [14:52:27] Yes, yes. But I would say to the Rule  
14 74 lawyer for this witness that practice of the Chamber is to protect the witness in case  
15 of self-incrimination, and we do protect -- we give assurances, Rule 74 assurances, but  
16 no other in-court protective measures are requested. They are not requested by the  
17 Office of the Prosecutor and they are not recommended nor by the VWU, nor from  
18 security, nor from a psychological point of view. Therefore, we will obviously  
19 respect all what could bring to any incrimination, but not grant protective measures.  
20 This is how we proceed with all Rule 74 witnesses. Okay?

21 Now I would ask -- and I will obviously give all the information to the witness  
22 himself as soon as he's here. Okay.

23 So I ask the court usher to bring the witness in. Thank you.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE TARFUSSER: [14:55:03] Good afternoon, Mr Witness.

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 WITNESS: CIV-OTP-P-0440

2 (The witness speaks French)

3 THE WITNESS: [14:55:06] (Interpretation) Good afternoon.

4 PRESIDING JUDGE TARFUSSER: [14:55:07] Before starting with your testimony,  
5 which consists of questions which will be put to you by the parties, by the Office of  
6 the Prosecutor and by the Defence teams of Mr Gbagbo and Mr Blé Goudé, and  
7 maybe also by the Chamber, I give you some information. We have to do some  
8 preliminaries. The first thing is your identification. So could you please give us  
9 your name, your date of birth and the place where you were born.

10 THE WITNESS: [14:55:54] (Interpretation) My names are Touré N'Datieu Bertin.  
11 I was born in Odienné. I don't know whether there was another question. I was  
12 born on 4 April 1972 in Odienné.

13 PRESIDING JUDGE TARFUSSER: [14:56:27] And Odienné is in Côte d'Ivoire?

14 THE WITNESS: [14:56:31] (Interpretation) Yes. Odienné is in Côte d'Ivoire in the  
15 north.

16 PRESIDING JUDGE TARFUSSER: [14:56:39] So you are an Ivorian citizen?

17 THE WITNESS: [14:56:47] (Interpretation) Yes, I am an Ivorian citizen. My father  
18 and mother are Ivorian.

19 PRESIDING JUDGE TARFUSSER: [14:56:55] Can you tell us your ethnicity and your  
20 faith?

21 THE WITNESS: [14:57:00] (Interpretation) I am from Katiola, which is in the  
22 centre-north of the country and I am Catholic Christian.

23 PRESIDING JUDGE TARFUSSER: [14:57:24] What is your current occupation?

24 THE WITNESS: [14:57:27] (Interpretation) I am a police commissioner, chief of the  
25 Marcory police district.

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [14:57:39] And at the time of the crisis, and I refer  
2 to the period from, say, October, November to April, October, November 2010 to  
3 April 2011, your occupation, I mean.

4 THE WITNESS: [14:58:02] (Interpretation) I was a police commissioner at the time,  
5 chief of service at the 16th police station in Yopougon.

6 PRESIDING JUDGE TARFUSSER: [14:58:14] So thank you very much. Now you  
7 will have noticed that I refer to you as "Mr Witness" and we all will do so. This is the  
8 common practice in the courtroom.

9 Then you have been assigned a lawyer, which is sitting beside you, to provide you  
10 with legal advice about possible self-incrimination, this because the Prosecutor has  
11 indicated that what we call Rule 74 assurances were appropriate in your case. Ms  
12 Pirard is present with you, and if any concerns arises during the course of your  
13 testimony, she will be able to advise you and to raise all the concerns you might have  
14 with the Chamber.

15 In any case, the Chamber gives you the assurance pursuant to Rule 74(3) of the Rules  
16 of Procedure and Evidence that your testimony here in court will not be used either  
17 directly or indirectly against you in any subsequent proceedings by this Court, except  
18 under Article 70 and 71, which are the two provisions which define the  
19 offence -- which are the offences against the Court.

20 So if any question is asked to you which could lead to your self-incrimination, we will  
21 hear your answer in private session so that nobody outside can hear such answer or  
22 what you are saying. And the parties which are questioning you are requested prior  
23 to ask you questions which could lead to self-incrimination, and obviously also duty  
24 counsel can do so after maybe having spoken with you, parties are alerted to request  
25 in such cases themselves private sessions.

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 Have you understood this?

2 THE WITNESS: [15:01:14] (Interpretation) Yes, I have understood.

3 PRESIDING JUDGE TARFUSSER: [15:01:24] Now, the second recommendation

4 regards the language. You might have noticed that I'm speaking slowly. I'm

5 speaking in English and slowly in order for our interpreters and court reporters to

6 interpret the thing I said correctly for you so that you understand me. But the same

7 applies to you. So you please speak slowly so that we can fully understand you and

8 you can be correctly interpreted. And everything you are saying is also written

9 down. So please speak slowly and clearly in the microphone.

10 This even more when one or the other parties will ask you in French, this leads you to

11 reply with immediacy, of course, because you don't need the translation, but be

12 always aware that we have to in any case to translate, to interpret what you are

13 saying.

14 So this said, we come now to your testimony, and you are aware I think that this

15 Chamber has been established to try the case of the Prosecutor against Mr Gbagbo

16 and Mr Blé Goudé. And your part in this proceedings is to help the Chamber, to

17 help us to find the truth. And you contribute to this, but you contribute only to this

18 by saying the truth. Is this clear? That you're only, you are only -- what you must

19 do is to say -- to truthfully answer the questions which are put to you.

20 So in order to or to this effect, the law requests from you to make a solemn

21 undertaking and, therefore, I would ask you to read loud the formula which is I think

22 in front of you which is the solemn undertaking.

23 THE WITNESS: [15:04:07] (Interpretation) I solemnly declare that I will speak the

24 truth, the whole truth and nothing but the truth.

25 PRESIDING JUDGE TARFUSSER: [15:04:21] Thank you very much.

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 And now I think we are ready to start the questioning. And for this I give the floor  
2 to the Office of the Prosecutor, with a request not to repeat what I said. And we will  
3 go until 4.30 and then stop and resume tomorrow.

4 Madam Pack, yours the floor.

5 MS PACK: [15:04:48] Thank you, Mr President.

6 QUESTIONED BY MS PACK:

7 Q. [15:04:55] Mr Witness, my name is Melissa Pack. We met at the courtesy  
8 meeting on Monday. And my colleague Ms Henderson sits next to me. I'm going  
9 to be asking you questions on behalf of the Prosecution today. I'll be addressing you  
10 as "Mr Witness." By that I mean no disrespect. It is simply the way in which we  
11 address witnesses in this courtroom.

12 A. [15:05:28] Okay.

13 Q. [15:05:29] Now, you were asked by his Honour just now about your occupation  
14 during the crisis. You told us you were chief of service at the 16th arrondissement  
15 commissariat. Which part of Abidjan is the 16th arrondissement commissariat  
16 situated?

17 A. [15:05:57] The 16th arrondissement commissariat is in Yopougon Sicogi.

18 Q. [15:06:12] And since when had you occupied that position at the commissariat?

19 A. [15:06:29] I was transferred to the 16th commissariat in December 2004. At that  
20 time I served as the deputy to the chief of service. And then in 2007 I was appointed  
21 to the position of chief of service, which I occupied till 2011. There you have it.

22 Q. [15:06:57] And what was the rank that you held at that time during the crisis?

23 A. [15:07:04] At the time of the crisis, my rank was first class police commissioner.

24 Q. [15:07:20] Do you still hold that rank today?

25 A. [15:07:25] No. Today I am a commissaire principal de police, principal police

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 commissioner.

2 Q. [15:07:41] And you tell us you occupied the position of chief of service at the  
3 16th arrondissement commissariat until 2011. When did you move on in 2011 from  
4 that position?

5 A. [15:08:01] I think it was in October 2011 that I was transferred to the  
6 commissariat de police in Port-Bouët.

7 Q. [15:08:25] During the crisis, were you based at the commissariat itself in the 16th  
8 arrondissement commissariat?

9 A. [15:08:35] Please clarify, what do you mean by "based"? Please clarify. What  
10 does based mean?

11 Q. [15:08:55] Was the commissariat your place of work?

12 A. [15:09:00] Yes, that indeed was my place of work.

13 Q. [15:09:10] And was there a time during the crisis when you stopped going to  
14 work at the commissariat?

15 A. [15:09:17] Yes. On 31 March 2011, I stopped going to work.

16 Q. [15:09:40] Now, now I'd like to ask you a little bit more about your work.  
17 Which areas of Yopougon did the 16th arrondissement commissariat have  
18 competence over?

19 A. [15:09:58] Are you talking about the geographical limitation of the police station  
20 or about the location of the commissariat? Please be specific.

21 Q. [15:10:28] I'm talking, yes, that's right, I'm talking about the geographical  
22 limitations of the police station.

23 PRESIDING JUDGE TARFUSSER: [15:10:36] The jurisdiction.

24 MS PACK: [15:10:37] Jurisdiction, yes. Thank you, Mr President.

25 THE WITNESS: [15:10:50] (Interpretation) Jurisdiction was over a number of

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 neighbourhoods, including Sideci and going all the way to Siporex. We also had  
2 jurisdiction over Yopougon Attié all the way to border with Niangon neighbourhood.

3 Q. [15:11:25] Now I'd like you, if possible, to mark that area over which you had  
4 jurisdiction on a map.

5 So if I can call up please for the Registry to handle the map, CIV-OTP-0092-0407, and  
6 it's public. And I would like please just to zoom in slowly to the road that appears to  
7 the centre left, moving to the left of the image, the road where the mouse is on now,  
8 the yellow one. We can just zoom in a bit on that.

9 Look at that. Take your time.

10 If we can just pause a moment, please.

11 We can start again if you prefer, Mr Witness. Did you get to see the image as it was  
12 zooming in to the street markings we see now?

13 A. [15:12:38] The print is too fine and I can't see anything. I have trouble  
14 identifying any area.

15 Q. [15:13:00] Can we zoom in just a couple of clicks I would say on the mouse.

16 PRESIDING JUDGE TARFUSSER: Why don't we zoom in on \*the 16th – on the  
17 police station, and then from then --

18 MS PACK: [15:13:16] Okay.

19 Q. [15:13:17] Let's just -- a couple more clicks on the mouse, please, and we can  
20 just get to the police station. And then I would just like you to encircle it. Can you  
21 see now? Take your time.

22 A. [15:13:47] Yes, more or less I can see it now, more or less.

23 Q. [15:13:50] We have the facility for you to mark, if you can circle and mark with  
24 an A the police station.

25 PRESIDING JUDGE TARFUSSER: [15:13:57] Can the court usher give help, because

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 probably he does not know how to handle this, at least the first time.

2 THE WITNESS: [15:14:26] (Interpretation) I think that this is where the police  
3 commissariat is located.

4 MS PACK: [15:14:31]

5 Q. [15:14:32] Thank you.

6 Can we please, once we take a screenshot of that image, and then we want to just  
7 show the zone of jurisdiction. And so we'll need to zoom out, just for the witness to  
8 be able to mark his area of jurisdiction.

9 PRESIDING JUDGE TARFUSSER: [15:14:50] Mr Witness, can you write please near  
10 this sign you have made "police station" or something so that we know in the future  
11 what it is.

12 THE WITNESS: [15:15:08] (Interpretation) Okay.

13 PRESIDING JUDGE TARFUSSER: [15:15:19] Okay, perfect. Now we make a  
14 screenshot.

15 MS PACK: [15:15:54] Are we ready to -- I'll wait for my colleague.

16 THE COURT OFFICER: [15:16:43] You can go on please.

17 PRESIDING JUDGE TARFUSSER: [15:16:45] Can we now enlarge, I think.

18 MS PACK: [15:16:46] Yes. Can we also just go slightly, just one more click just to  
19 get a tiny bit closer before we go out, just on this same image, please, and another one.

20 Q. [15:17:09] You can see now where you've marked the police post. There is a  
21 little image there in the corner, can you see to the, to the -- I would say to the left and  
22 under the marking --

23 PRESIDING JUDGE TARFUSSER: That is a --

24 MS PACK: -- there is an --

25 PRESIDING JUDGE TARFUSSER: That is a policeman.

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

- 1 MS PACK: -- image of a policeman.
- 2 PRESIDING JUDGE TARFUSSER: [15:17:23] Okay.
- 3 MS PACK: [15:17:24]
- 4 Q. [15:17:25] Is that also the environs of the police station, it's around that area, is it,
- 5 or is it somewhere different?
- 6 PRESIDING JUDGE TARFUSSER: [15:17:42] But I don't think it's something
- 7 scientific. We know that it's around there.
- 8 MS PACK: [15:17:43] I simply draw it to the witness's attention.
- 9 PRESIDING JUDGE TARFUSSER: Okay.
- 10 MS PACK: That's it.
- 11 We can zoom out now please, just keeping this road as the centre point, if we can
- 12 zoom out gradually and I can tell madam court officer when to stop zooming out, if
- 13 that's possible, and then we will try to mark the map in another way.
- 14 We can keep going, please. We want to encompass a broader area. And more,
- 15 further.
- 16 PRESIDING JUDGE TARFUSSER: [15:18:27] Let the witness tell when to stop when
- 17 he knows -- when he can --
- 18 MS PACK: [15:18:29] Stop, stop.
- 19 PRESIDING JUDGE TARFUSSER: [15:18:31] -- more or less make a drawing on his
- 20 jurisdiction.
- 21 MS PACK: [15:18:35]
- 22 Q. [15:18:35] Now, Witness, just looking at this, I appreciate it's very small and
- 23 quite difficult to see, but looking at this would you be in a position to mark with a pen
- 24 the area of your jurisdiction from the 16th arrondissement commissariat?
- 25 A. [15:18:54] I can do that approximately. I cannot guarantee that it is going to be

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 precise.

2 PRESIDING JUDGE TARFUSSER: [15:19:06] That's okay.

3 MS PACK: [15:19:11] That's fine.

4 PRESIDING JUDGE TARFUSSER: [15:19:12] We understand this.

5 MS PACK: [15:19:14]

6 Q. If you could just take your time and do that, Mr Witness.

7 A. [15:19:50] I think it is something like that. And possibly it continues further  
8 down to the lagoon.

9 PRESIDING JUDGE TARFUSSER: [15:20:09] Can we bring it a little bit up to see the  
10 lagoon?

11 MS PACK: [15:20:24]

12 Q. [15:20:25] Can you draw the bottom point?

13 PRESIDING JUDGE TARFUSSER: [15:20:27] Furthermore.

14 THE WITNESS: [15:20:34] (Interpretation) If you can scroll up a little bit more.  
15 That's it.

16 MS PACK:

17 Q. [15:21:13] So did it encompass there, just looking at the bottom limit?

18 A. [15:21:37] Yes, that is more or less it.

19 Q. [15:21:44] So the area of looking at this map, the road in the very centre where  
20 the police station is based and we see your marking on that, is that the Boulevard  
21 Principal?

22 A. [15:21:59] Yes, indeed, it is the Boulevard Principal.

23 Q. [15:22:08] The area that you just told us you had jurisdiction over, Sideci, could  
24 you mark that with a letter, let's say the letter B. Just very roughly again.

25 And you also mentioned an area Attié. Could you mark that with a C.

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 A. [15:22:47] If you can scroll down, if you can pull down the map a little bit.

2 Q. [15:23:06] And the area I see just above the lagoon between the B and the lagoon,  
3 is that Kouté village? What area is that there?

4 A. [15:23:24] Yes, indeed, it is Kouté village.

5 Q. [15:23:27] And you had jurisdiction over that area as well?

6 A. [15:23:32] Not over the entire area, just part of the area. But another part of the  
7 area came under the jurisdiction of the 19th arrondissement.

8 Q. [15:23:55] Okay. And you also mentioned another area which was Siporex.  
9 Could you just mark that with a D.

10 Thank you. And did you also have jurisdiction over -- looking at this map over the  
11 area of Yopougon Sicogi? Could you mark that with an E, that area, as best you can?  
12 And also the area Yopougon Selmer, is that an area you had jurisdiction over?

13 A. [15:24:49] Yes. You want me to mark that with a letter also?

14 Q. [15:25:06] I would very much like you to do that also, Mr Witness, please, with  
15 an F.

16 And just to confirm for the record that you nodded your head when I asked you if  
17 you had jurisdiction over Sicogi; is that right, to say yes?

18 PRESIDING JUDGE TARFUSSER: [15:25:26] Yes, but if he had jurisdiction over this  
19 whole area --

20 MS PACK: [15:25:30] That's fine.

21 PRESIDING JUDGE TARFUSSER: [15:25:31] Yes.

22 MS PACK: [15:25:32]

23 Q. [15:25:32] Now, we can take a screenshot of that, and I'm done with the map,  
24 please.

25 Mr Witness, I'm done with the map. Thank you for making those markings and

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 clarifying that for us.

2 Now let me move to a link topic, which is your chain of command as, in your position,  
3 as chief of service in the commissariat, the 16th arrondissement commissariat. Who  
4 was your immediate superior?

5 A. [15:26:32] My immediate superior was commissar principle Tiagnéré Jean-Louis.

6 Q. [15:26:44] And what was his position, his title?

7 A. [15:26:46] He was the chief of the Yopougon police district.

8 Q. [15:27:01] And under him as chief of the district of Yopougon, were there other  
9 commissariats under his authority, apart from the 16th?

10 A. [15:27:11] Yes. Apart from the 16th arrondissement, he also had the  
11 commissariat of the 17th, the 19th and the 23rd arrondissements.

12 Q. [15:27:38] And where was Tiagnéré based? Where did he work from during  
13 the crisis?

14 A. [15:27:58] The offices of the district is right adjacent to the offices of the 16th  
15 arrondissement, so it is simply a wall separating us.

16 Q. [15:28:21] You're in the same building?

17 A. [15:28:26] Yes.

18 Q. [15:28:29] Now, back to your chain of command. Above Tiagnéré, who was  
19 immediately superior to him in the chain of command?

20 A. [15:28:38] The immediate superior of the chief of district, that is, Mr Tiagnéré,  
21 was the prefect of police.

22 Q. [15:29:04] And his name during the crisis?

23 A. [15:29:09] Commissaire divisionnaire Djehannin Bi Tra.

24 Q. [15:29:29] And above him?

25 A. [15:29:30] Above him was the deputy director general in charge of public

1 security, and that was commissaire divisionnaire Sami Bi.

2 Q. [15:29:58] And, finally, above him?

3 A. [15:29:59] His superior was the director general of the national police,  
4 administrator general Bredou M'Bia.

5 Q. [15:30:22] And below you, immediately below you, in the chain of command  
6 was who?

7 A. Under my authority, I had \*a deputy police commissioner called Kouamé  
8 Arthur Lezou. I had approximately some ten police officers and about 50  
9 non-commissioned police officers.

10 Q. [15:30:59] And who was below Lezou, immediately below him?

11 A. [15:31:06] Lezou was under my authority, so everyone under him was under his  
12 orders. This includes the 10, the about 10 officers and about the 50 NCOs. All of  
13 those were under Lezou, and he himself was under my authority.

14 Q. [15:31:42] Was there, in French, a commandant de corps urbain?

15 A. [15:31:50] Yes, indeed. There was a commandant de corps urbain. That is a  
16 person who is directly in charge of the elements in the field. That is the about 50  
17 non-commissioned officers. If there are orders to be given, those orders are given to  
18 him and then he conveys them directly to the men in the field.

19 Q. [15:32:25] And what was his name at the time during the crisis, this individual?

20 A. [15:32:29] Lieutenant Kouakou Mathurin.

21 Q. [15:32:44] Were there police brigades as well?

22 A. [15:32:47] Yes. When it came to the division of labour, there were brigades,  
23 because all the 50 officers could not work every day, so there are brigades that work  
24 in shifts. There were three brigades, A, B, and C. So if one brigade works on a  
25 certain day, the next day it's a different brigade that would be on duty, and so on and

1 so forth.

2 Q. [15:33:31] Your officers and non-commissioned officers at the commissariat, can  
3 you describe what their uniforms looked like during the crisis?

4 A. [15:33:41] All of us wore the police uniform. Well, there was the fatigues and  
5 then we had a full-collared, light uniform which was khaki in colour.

6 Q. [15:34:14] And did you have a dark blue uniform?

7 A. [15:34:36] Yes. In fact, in our camouflage uniform, there were dark blue  
8 colours.

9 Q. [15:34:45] Now, let me ask you a little bit more about Tiagnéré, your immediate  
10 superior. Did you -- were you aware of what his political affiliation was?

11 A. [15:35:07] To say that I was aware, that would be an exaggeration. However, I  
12 would say that he did not hide the fact that he was a supporter of the FPI.

13 Q. [15:35:40] Do you recall him saying anything in particular to you about his  
14 political affiliation?

15 A. [15:35:48] No. He never talked to me about his political affiliation. But quite  
16 often when we had meetings, sometimes he might mention jokingly that we should  
17 vote FPI. We took it lightly, but I believe that at the bottom of his heart, that is what  
18 he wished for.

19 Q. [15:36:29] And what was your relationship with him? Were you friends with  
20 him?

21 A. [15:36:36] Yes, we were friends. I had a lot of respect for him, and I think he  
22 also had a lot of respect for me. It is true that we did not frequent each other that  
23 much out of duty hours, but while at work, we had a lot of affinity.

24 Q. [15:37:11] Finally on the police, on the commissariat itself, what were the  
25 resources in terms of weapons that were available to the police at the commissariat?

1 A. [15:37:24] At the commissariat, we had three Kalashnikovs. Then we had  
2 personal weapons for individual policemen. It is not everyone who had such  
3 weapons, but many of them had them, and then we had those three Kalashnikovs for  
4 the entire service.

5 Q. [15:37:57] And what do you mean by personal weapons?

6 A. [15:38:03] Each policeman at the end of the training is given an individual  
7 weapon, which is a pistol. \*So the weapons that were collectively assigned were  
8 Kalashnikovs.

9 Q. [15:38:35] Okay. Now, I wanted to ask you about reporting. In the  
10 period -- let me deal with this before we moved on. You talked about brigades  
11 earlier. How many men in a brigade, how many elements?

12 A. [15:39:02] Approximately 14 elements.

13 Q. [15:39:13] Thank you. Now I'll go on to reporting. Before the crisis, to whom  
14 did you report?

15 A. [15:39:25] I reported to my immediate superior, that was, Commissioner  
16 Tiagnéré.

17 Q. [15:39:42] And did you report to him orally and in writing, both?

18 A. [15:39:47] Yes, both orally and in writing.

19 Q. [15:40:04] And what were you obliged, what were you under a duty to report?

20 A. [15:40:10] As to the reports, I was compelled to report every incident in our area  
21 no matter how little we had to report, both by telephone and in writing.

22 Q. [15:40:50] So what -- how frequently were you making written reports for example?

23 A. [15:40:58] You have to know that there were many incidents in Yopougon, so it  
24 was practically every single day that we would make a report.

25 Q. [15:41:21] Did you also make written reports for the préfet de police of Abidjan

1 himself?

2 A. [15:41:33] Yes.

3 Q. [15:41:46] And how frequently were you making those written reports to the  
4 préfet?

5 A. [15:41:52] With regard to such reports, we did not do them often because, in  
6 principle, you have to follow your hierarchy. This means that if you have a report,  
7 you have to submit it to the chief of district, who will forward it to the police prefect.  
8 But if there was an emergency, it sometimes happened that we would skip the chief of  
9 district and send directly to the préfet of police. But at all times a copy would be  
10 sent to the district chief and it is possible that the two would receive reports at the  
11 same time.

12 Q. [15:42:45] And how would you assess something to be a situation of emergency  
13 that required you to also report directly in writing to the préfet de police?

14 A. [15:42:55] We assessed the urgency based on the situation in the field.  
15 Sometimes you would want to report to your chief and he is not available, maybe by  
16 telephone you cannot reach him, and yet you need instructions so as to determine  
17 how to react, so it is possible to skip him and report directly to the préfet de police.  
18 This is something that happened.

19 Q. [15:43:45] The préfet de police, did you meet him ever in person for purposes of  
20 discussion of your duties or reporting or anything else?

21 A. [15:43:56] We met with the préfet de police every Thursday. We had meetings  
22 with the préfet de police where we would express all our grievances and all our  
23 problems and tried -- he would try to react to those.

24 Q. [15:44:31] And you say "we all", who was there with you in attendance at these  
25 meetings with the préfet de police?

1 A. [15:44:38] Those who attended those meetings were all the police commissioners  
2 in Abidjan, all those in the arrondissements and the surrounding localities in the  
3 vicinity of Abidjan, and the meetings also included the chiefs of district.

4 Q. [15:45:16] Where did those meetings take place?

5 A. [15:45:21] The meetings took place at the police préfecture in Abidjan.

6 Q. [15:45:33] These meetings you describe, did they continue? You've been  
7 talking about the period before the crisis, did these meetings continue during the  
8 crisis?

9 A. [15:45:46] During the crisis, there came a point when we no longer had meetings.  
10 I believe as from February we practically had no more meetings up until March.

11 Q. [15:46:12] And insofar as the obligation to report, that you were describing, and  
12 your practice in terms of reporting, did the obligation and your practice, did that  
13 continue throughout the crisis as well as before the crisis?

14 A. [15:46:35] As I said a short while ago, as from February, there was practically no  
15 longer any communication between us. We no longer called our chiefs, and they  
16 also no longer called us.

17 Q. [15:47:05] What about written reporting, did that continue during the crisis?

18 A. [15:47:13] Yes. Whenever there was an incident, there was an obligation to file  
19 a written report. So written reports were filed during the crisis.

20 Q. [15:47:34] Now, I'd like to pull up please document 0045-1501 with the OTP  
21 prefix. Just look at a document very quickly. It can be in public.

22 I'd actually like to move please to the page 1503 and then just, so the witness has a  
23 chance to see the last pages, just 1504.

24 PRESIDING JUDGE TARFUSSER: [15:48:44] Maître Gbougnon.

25 MR GBOUGNON: [15:48:47] (Interpretation) Mr President, the French transcript

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 was frozen, but I think it's unfrozen now.

2 PRESIDING JUDGE TARFUSSER: [15:48:57] Good news.

3 MS PACK: [15:49:07]

4 Q. [15:49:10] Right. You can look at this page. Please, so just please do take your  
5 time. The signature at the bottom, do you recognise that signature?

6 A. [15:49:19] Yes, it is indeed my signature.

7 Q. [15:49:27] And we'll just go over to the following page, please, 1505. The  
8 signature there, do you recognise that one?

9 A. [15:49:48] Yes, that's my signature as well.

10 Q. [15:49:57] And can we go to page 1502.

11 Is that your signature as well?

12 A. [15:50:15] Yes.

13 Q. [15:50:19] And if we can just go back to page 1503.

14 I only want to deal with this very briefly, Mr Witness. Is this a report written by  
15 you?

16 A. [15:50:40] Yes. It's a report that I wrote.

17 Q. [15:50:49] And just for the record, so we have the date at least, it's dated 23  
18 October 2010. And it's addressed to "Monsieur de Préfet de Police d'Abidjan."

19 And just very briefly, because we won't stay with this for long, what was this report  
20 about?

21 PRESIDING JUDGE TARFUSSER: [15:51:15] Well, we can read it.

22 MS PACK: [15:51:17] Why -- let's just change the question, your Honour.

23 PRESIDING JUDGE TARFUSSER: [15:51:20] Thank you.

24 MS PACK: [15:51:20]

25 Q. [15:51:21] Why did you come to write this report and, just briefly, addressed

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 directly to the préfet de police?

2 A. [15:51:31] I think I need to read it first to be able to know why I wrote this  
3 report.

4 Q. [15:51:42] Okay. Take your time.

5 And if we could just have the page all shown, if it's possible to read it in that way, or  
6 otherwise just move it as the witness requires.

7 If it's easier for you, Mr Witness, I have a paper copy. So just take your time or  
8 please do take a paper copy if that's better, easier? I wonder if the court officer could  
9 just assist. Thank you.

10 I'm handing over the full range, so that's all the pages that I've brought up. And  
11 what I'll do is I'll move it to the relevant page. Thank you.

12 A. [15:54:30] (Speaks English) Okay.

13 Q. [15:54:31] Let me just repeat my question. Why did you come to write this  
14 report addressed to the préfet de police?

15 A. [15:54:43] I wrote this report for two reasons: The first was that this was a rally  
16 and, like I said before, when events occur, we have to file a report; the second reason  
17 is that during the rally, a policeman died and several people were injured, both  
18 civilian and military, and they were all taken to the HMA. Those are the reasons for  
19 which I drafted this report.

20 Q. [15:55:12] Thank you, Mr Witness. We'll leave that document now.

21 I'd like to move to a different topic entirely. Now, I'd like you to think back, please,  
22 to the crisis, to the period before the elections, the elections in 2010, so if you could  
23 think to before that period.

24 Was there anything that started happening around the commissariat at that time that  
25 stood out for you?

1 A. [15:56:01] Well, I really no longer recall.

2 Q. [15:56:05] Did you at one time receive any visits to your office at the  
3 commissariat that stood out for you at that time?

4 A. [15:56:26] Well, maybe you can help me so that I can understand what you are  
5 talking about, because otherwise I don't understand.

6 Q. [15:56:35] Were you aware at any time in this period of the elections or before of  
7 youths running in the area of your -- of the commissariat?

8 A. [15:56:50] Yes, yes. There were some youth who used to do sports and jog on  
9 the streets and sometimes would even come in and go out of the police station.

10 Q. [15:57:16] Now, I want to ask you a bit more about these youths. Can you  
11 describe the youths? And let's just start with this: Were any of them armed?

12 A. [15:57:37] Yes. Some of them were armed. A good number of them were  
13 armed. They would run in the streets. They could be seen. Sometimes they  
14 would come into the police station and then they would leave.

15 Q. [15:58:02] Do you recall a visit from anyone in particular amongst these youths?

16 A. [15:58:10] Yes. I was visited by Maguy Le Tocard, who I believe was their  
17 leader. In any event, he was one of the leaders of the groups.

18 Q. [15:58:29] Let's pause with him, please. Now, Maguy Le Tocard, do you know  
19 what his real name is?

20 A. [15:58:41] No, I don't know what his real name is.

21 Q. [15:58:48] Now, you say you received, you recall, a visit from him. Do you  
22 recall when he came to visit you?

23 A. [15:58:59] No. I cannot remember the specific date, but I think it was either  
24 before the elections or before the two rounds of elections. But I don't recall the exact  
25 specific date of his visit.

1 Q. [15:59:20] So you mean before the first or before the second round of the  
2 elections; is that what you were saying?

3 A. [15:59:30] Well, now that I think about it, it must have been before the first  
4 round. And like I said earlier, I really don't recall exactly.

5 Q. [15:59:49] Where did he visit you?

6 A. [15:59:55] In my office at the 16th police station.

7 Q. [16:00:07] How did he arrive there? Did he announce himself first? Did he  
8 arrange a visit? Or did he just walk in? How was it that he came into your office?

9 A. [16:00:20] You see, generally we do not give appointments. We are a public  
10 service, and anybody who wants to visit us can come at any time and go through the  
11 secretariat. I think that's what he did. He went through the secretariat. He was  
12 announced and I received him.

13 Q. [16:00:50] And when he came to your office, was he armed?

14 A. [16:00:55] No. He did not enter into my office armed.

15 Q. [16:01:09] How long was he in your office for? How long was the visit?

16 A. [16:01:16] At the most five, if not ten minutes. But I think it was five minutes,  
17 just to greet.

18 Q. [16:01:36] Did he say why he was there, why he was visiting you?

19 A. [16:01:42] Yes. He told me that he was offering us our services and that he had  
20 men who were available and that if we needed armed persons for any specific  
21 mission whatsoever, he was ready to help us. So I took note of what he had said and  
22 then he left.

23 Q. [16:02:12] And did he say to you how many men he had available?

24 A. [16:02:21] No, he did not give me a specific number. But going by the number  
25 of people we saw running, I would have put the figure at around 200. But he

1 himself did not tell me the exact number of his men.

2 Q. [16:02:46] And you say that he said that the men were -- he asked you if you  
3 needed armed persons for any specific mission, that he was ready to help. Did he  
4 tell you anything else about the arms that his men had, the weapons that they had?

5 A. [16:03:06] No, he did not even need to tell me, because we could see for  
6 ourselves that they had Kalashnikovs, which were the same arms or weapons that we  
7 were using.

8 Q. [16:03:31] And just again on the men you've described, you say you'd put a  
9 figure at around 200 men that you saw running, how did you know that the men you  
10 saw running were the men of Maguy Le Tocard? How did you know they were his  
11 men?

12 A. [16:03:58] It was possible to identify them by their T-shirts, the T-shirts they  
13 wore, and he himself was wearing one of those T-shirts. And then he told me  
14 himself that they were his men.

15 Q. [16:04:20] And what, what were the T-shirts? Can you describe them, please?

16 A. [16:04:26] I think they were generally black T-shirts and that they wore  
17 camouflage pants and then rangers, ranger boots.

18 Q. [16:04:51] And the weapons that you saw, you say you saw they had  
19 Kalashnikovs. Did you see all of them with Kalashnikovs, or what did you see in  
20 relation to the group of 200 men?

21 A. [16:05:07] No. When they were running, they did not all have arms.  
22 Generally when they did the jogging, maybe ten of them would be armed to provide  
23 guidance for the others. But while we had the discussion, he told me himself that  
24 they were armed.

25 Q. [16:05:41] And did he tell you who had armed them?

1 A. [16:05:45] Yes. He mentioned one colonel of the Republican Guard, he even  
2 gave me his name, but I don't remember the name.

3 Q. [16:06:01] Did he say anything else about this colonel of the Republican Guard?

4 A. [16:06:05] Nothing specific, except that he was the one who took care of them  
5 and who provided them with food and so on and so forth, yeah.

6 Q. [16:06:26] And by "so on and so forth", do you also mean weapons? Is that  
7 what he said?

8 A. [16:06:34] Yes. He was very clear on that point, namely, that he was receiving  
9 weapons from that colonel of the Republican Guard. At the time he actually  
10 mentioned his name, but I didn't pay too much attention to it at the time.

11 Q. [16:06:57] And when Maguy Le Tocard came into the office, your office at this  
12 time, had you ever met him before or seen him -- ever met him before? Let's start  
13 with that.

14 A. [16:07:10] The first time he showed up and introduced himself to me, I had not  
15 known him yet, although I had heard mention of him. I knew that he was armed. I  
16 knew that he had men. I had heard talk of him, but I didn't know him. So it's  
17 spontaneously that he came to introduced himself to me.

18 Q. [16:07:37] And over what sort of time had you been hearing of him?

19 A. [16:07:40] Well before the elections, well before the first round of elections, I  
20 have been hearing about him already.

21 Q. [16:08:01] And when he comes into your office on this day and says "I've got  
22 some men, they're armed, we're here for you" or words to that effect, what did you  
23 think?

24 A. [16:08:26] Well, I thought that he wanted to connect with us, he wanted to -- he  
25 must have had the idea that we of the forces of law and order were going to fight

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 them, so he wanted to connect with us, and that's why he was proposing their  
2 services.

3 Q. [16:08:57] Now, did anything else happen during this meeting, this short  
4 meeting that you had?

5 A. [16:09:02] No, no, I don't -- I don't see anything else. If there was anything else,  
6 well, I don't know. I can't, I can't ...

7 Q. [16:09:27] Well, in order to -- he was proposing his services, did he give you a  
8 phone number or anything, any way to contact him?

9 A. [16:09:36] Yes. We exchanged our contacts. I gave him my contacts and I took  
10 his as well.

11 Q. [16:09:53] And did you ever call Maguy Le Tocard?

12 A. [16:09:58] No, I never called him.

13 Q. [16:10:03] Why not?

14 A. [16:10:05] Well, I really didn't see what business we had together, you know. I  
15 never called him.

16 Q. [16:10:19] This meeting that you had, did you report it to anyone?

17 A. [16:10:29] Yes. I spoke about it with my direct boss.

18 Q. [16:10:37] What did you tell him?

19 A. [16:10:42] That Maguy Le Tocard had come to greet us. That's all we told him.

20 Q. [16:10:55] Did you not tell him about any of the other things that Maguy Le  
21 Tocard had said to you about his services being available to you?

22 A. [16:11:10] No. I think that he, himself, knew Maguy Le Tocard and I did not  
23 need to tell him all that.

24 Q. [16:11:24] After this visit by Maguy Le Tocard, did he come to your office at the  
25 commissariat again?

1 A. [16:11:35] Yes. I think I received him at least two or three times, at least.

2 Q. [16:11:47] And can you tell us approximately when that was? If you can't  
3 remember ...

4 A. [16:11:57] No, I really did not pay much importance to these things at all. So I  
5 really am not able to remember, not at all.

6 Q. [16:12:09] And do you recall what you discussed with him on those other  
7 occasions?

8 A. [16:12:14] Well, generally we talked about this and that and nothing specific.  
9 We talked about this and that. And he would come simply because he wanted to  
10 make sure that he had our support, and then we wanted to reassure him that we were  
11 not against him.

12 Q. [16:12:50] And when you say "we," were you aware of anyone else at the  
13 commissariat also meeting with Maguy Le Tocard?

14 A. [16:13:03] Yes, I think so. I think, I think he met with many other people.

15 Q. [16:13:15] What about your superior in the hierarchy, Tiagnéré, Tiagnéré, do you  
16 know if he met with him personally?

17 A. [16:13:32] I know that he knew of his existence, but whether the two met, I don't  
18 know. In any event, I was never a witness to any meeting between the two.

19 Q. [16:13:46] Do you know where Maguy Le Tocard, the group of men that you  
20 talk about, were they based anywhere in particular?

21 A. [16:13:52] I think they were based at Timhotel. \*It is an abandoned hotel  
22 located at the border between Niangon and Sideci neighbourhoods.

23 Q. [16:14:18] Did you ever go there yourself?

24 A. [16:14:20] No, not before the crisis, not during the crisis, not after the crisis. I  
25 never went there.

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 Q. [16:14:35] How do you know they were based there?

2 A. [16:14:38] It was common knowledge. Everybody knew about it.

3 Q. [16:14:50] And just going back to the men you've described, running, I'd like  
4 you please to tell us a bit more about that, please. So you've told us about a number  
5 of men, you've told us about 200 men, can you describe the ages of these men roughly,  
6 the age range, if you can?

7 A. [16:15:19] Most of them were young people who must have been 17, 18, all the  
8 way up to 30 years maximum old.

9 Q. [16:15:37] Now, you say you saw them running. Did you see them do anything  
10 else?

11 A. [16:15:47] I did not see them do it, but I heard that \*they were also conducting  
12 police operations. They often wore armbands. There are some armbands we wear  
13 when in civilian attire in order to identify ourselves as policemen. And we heard  
14 that they wore those armbands to carry out police operations. \*Quite often this  
15 would involve arrests, arrests of people suspected of being either rebels or assailants.

16 Q. [16:16:31] The armbands you're describing, what sort of armbands were they  
17 that they were wearing?

18 A. [16:16:39] These were red armbands on which the word "police" is written on it.  
19 I think many police departments in the world use those.

20 Q. [16:17:01] And how do you know they were going on police operations and  
21 making arrests? How do you know that?

22 A. [16:17:12] We received information from members of the public and from people  
23 who observed them. They told us.

24 Q. [16:17:28] And do you recall roughly what period this was, whether it was  
25 before the elections, during the election period, after the election period? Are you

1 able to give us an idea of when this was?

2 A. [16:17:43] I believe that this was mainly after the elections.

3 Q. [16:17:58] And just going back, please, I'll ask you a bit more about that  
4 momentarily, but just going back to the running, where was that happening? Where  
5 was that taking place, the running?

6 A. [16:18:12] The jogging was done on the streets, and especially on the Boulevard  
7 Principal that we mentioned a short while ago. So they did their jogging there and  
8 so as to be seen.

9 Q. [16:18:36] Why do you say "so as to be seen"? What do you mean by that?

10 A. [16:18:43] I believe that they wanted to be seen. So they did not make any  
11 secret of it. They did their jogging with T-shirts with military backpacks, just so that  
12 the population should see them. So, at the very least, I can say it was to show -- it  
13 was a show of strength.

14 Q. [16:19:23] Did they come to the -- around the police -- or, the commissariat  
15 itself?

16 A. [16:19:32] Yes. They even came inside the commissariat premises.

17 Q. [16:19:42] So by inside the commissariat premises, can you describe the premises?  
18 Was there an area where they could go within the commissariat to do their running?

19 A. [16:19:57] No. Well, there is a large gate, so when they are passing, jogging by  
20 the commissariat, some of them will get into the commissariat and then they will go  
21 back out immediately and continue their jogging.

22 Q. [16:20:24] And was there -- how was the commissariat, was there an area where  
23 they could go inside the gate, or was it just offices? Was there an area where they  
24 could run or was it just offices inside the commissariat?

25 A. [16:20:40] They entered into the commissariat, but not into the offices. They

1 didn't even enter the police post. When you enter into the commissariat, there is an  
2 empty space there, that is in the courtyard of the station. And immediately behind  
3 we have a parade ground. So they get into the courtyard, they run around that  
4 parade ground, and then they just go back out immediately.

5 Q. [16:21:23] And to gain access to the courtyard and then to the police parade  
6 ground, just so I understand you correctly, they had to go through a gate first to  
7 access that area?

8 A. [16:21:43] \*They did not pass by a gate as such, because the police station is  
9 never closed. There is, of course, a SET gate, but it's never closed. So they would  
10 just come in, go round and go back out again.

11 Q. [16:22:03] Who gave them permission to come into the commissariat and to run  
12 in the courtyard and in the parade ground of the commissariat, these men?

13 A. [16:22:22] They didn't need to have permission. In any case, we never gave  
14 them permission. They did not need it and ourselves, we didn't see any need to  
15 prevent them from doing so.

16 Q. [16:22:41] Were any of them armed when they came in into the courtyard and  
17 the parade ground?

18 A. [16:22:50] Yes, some of them were armed.

19 Q. [16:22:56] Why didn't they need permission to come into the police station with  
20 their Kalashnikovs?

21 A. [16:23:04] I have to say that at that time they were feared more or less. No  
22 action could be taken against them. So they could come in and go out without  
23 anyone raising a finger. They knew that no one would react.

24 Q. [16:23:38] And when you say they were feared, did you personally, you, the chef,  
25 the chief of service at the commissariat, did you fear these men?

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

1 A. [16:23:49] Yes. Yes, also.

2 Q. [16:24:01] And why in particular was that?

3 A. [16:24:05] They were practically untouchable. There was a category of people  
4 such as those that could not be arrested, that we could not prevent them from doing  
5 what they were doing. You had them, you had the students, the FESCI. There was  
6 another group known as the GPP. They did things that we could observe but we  
7 were powerless.

8 Q. [16:24:45] Why? Why were you powerless? Why were they untouchable?

9 A. [16:24:51] Because we could not arrest them. We didn't even think about it  
10 because we were thinking that there would be reprisals against us.

11 Q. [16:25:20] Reprisals from whom?

12 A. [16:25:25] To begin with, from them and then reprimands from our hierarchy,  
13 because everyone was aware and everyone let them do what they were doing.

14 (Counsel confer)

15 MS PACK: [16:26:36

16 Q. [16:26:37] Now, earlier, excuse me, earlier you mentioned that you had wanted  
17 to reassure Maguy Le Tocard that you were not against him. What did you mean by  
18 that?

19 A. [16:26:54] That is in fact because we were afraid. He came to be sure that we  
20 were not against his interests, against him, and when he came, we also we assured  
21 him that there was nothing for him to fear from us.

22 MS PACK: [16:27:22] Your Honour, I'm aware of the time. And I was going to  
23 move on to a new, completely different topic at this point, which I could start now or  
24 if your Honour's content for us to rise a couple of minutes early.

25 PRESIDING JUDGE TARFUSSER: [16:27:37] No, we stop here, we resume

Trial Hearing  
WITNESS: CIV-OTP-P-0440

(Open Session)

ICC-02/11-01/15

- 1 tomorrow morning at 9 with an ex parte session and then at 9.30 with the continuing
- 2 of this questioning of the witness.
- 3 The hearing is adjourned to tomorrow morning 9.30, 9, 9.30. 9 for you and 9.30 for
- 4 all.
- 5 THE COURT USHER: [16:28:08] All rise.
- 6 (The hearing ends in open session at 4.28 p.m.)