

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Friday, 9 December 2016
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: [9:35:46] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:36:12] Good morning. Good morning to
15 everybody.
16 Good morning in the remote location to you, Madam Court Officer. I think we can --
17 THE COURT OFFICER: (Via video link) [9:36:23] Good morning, your Honours.
18 PRESIDING JUDGE TARFUSSER: [9:36:24] Good morning.
19 I think we can straightaway bring the witness in. No, we can't. Mr Knoops is on
20 his feet. Therefore, I give him the floor.
21 MR KNOOPS: [9:36:37] I'm very sorry, Mr President. Mrs Adyel, good morning.
22 With leave of the Court, Mr Blé Goudé would like to personally thank the Court for
23 the possibility to retire yesterday from the session. Thank you.
24 PRESIDING JUDGE TARFUSSER: [9:36:54] This goes without saying. I think that
25 health is paramount to every other thing, and we will always have to try to find a way

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

- 1 to comply with both things. So of course it was done with pleasure. Thank you.
- 2 Thank you, Mr Knoops.
- 3 Now, Madam Court Officer, I would ask you to bring the witness in.
- 4 THE COURT OFFICER: [9:37:22] Yes, right away, your Honour.
- 5 PRESIDING JUDGE TARFUSSER: [9:37:24] Thank you.
- 6 (The witness enters the video link room)
- 7 PRESIDING JUDGE TARFUSSER: [9:38:00] So I'm told that it is working.
- 8 Good morning, Mr Witness.
- 9 WITNESS: CIV-OTP-P-0589 (On former oath)
- 10 (The witness speaks French)
- 11 (The witness gives evidence via video link)
- 12 THE WITNESS: [9:38:13] (Via video link) (Interpretation) Good morning,
- 13 ma'am -- oh, good morning, Mr President.
- 14 PRESIDING JUDGE TARFUSSER: [9:38:19] That's okay. Good morning.
- 15 We have to continue the questioning by the Defence for Mr Gbagbo this morning and
- 16 then by the Defence of Mr Blé Goudé. I'm very much confident that it will be a short
- 17 or quite a short morning and that you can leave sometime this morning to go back to
- 18 your ordinary occupations.
- 19 Please respond clearly, slowly so that we all can understand, in particular the
- 20 interpreters.
- 21 And now I give the floor to Madam Naouri for her questioning.
- 22 MS NAOURI: [9:39:14] (Interpretation) Thank you, Mr President.
- 23 QUESTIONED BY MS NAOURI: (Continuing) (Interpretation)
- 24 Q. [9:39:35] Good morning, Mr Witness.
- 25 A. [9:39:36] Good morning, ma'am.

1 Q. [9:39:37] Did you rest well?

2 A. [9:39:40] Yes.

3 Q. [9:39:41] Very well. So I'm going to resume where we left off yesterday. And
4 you were telling us that after having marched for an hour, you received a telephone
5 call and you said to us, and this is the transcript dated 8 December 2016, page 105,
6 line 19:

7 "If she stayed on her own, it's not because I just left them there, I left. That means
8 that I took a few pieces of luggage with me, because I hurried up and I came back to
9 pick up a few more. I accompanied her home after having accompanied them home.
10 And then I went out to see where my brother had fallen." End of quote.

11 My question is, after having done that, what itinerary did you follow from your house
12 in order to go and join your brother?

13 A. [9:40:58] I went on the paved road that goes through the Williamsville
14 neighbourhood, and that was the itinerary that I followed. I arrived at the Djeni
15 Kobenan intersection. I went into Williamsville neighbourhood and I continued on
16 to come out at the Macaci intersection.

17 Q. [9:41:26] Very well. And I'm sorry, did you come across anybody on your
18 journey?

19 A. [9:41:41] Yes, I did. When I reached the Djeni Kobenan intersection, we
20 couldn't get through because the demonstrators were already there.

21 Q. [9:41:53] Mr Witness, I shall clarify my question to you. Did you meet any
22 people from your house to Djeni Kobenan?

23 A. [9:42:00] Yes.

24 Q. [9:42:01] Were there any demonstrators? Mr Witness?

25 A. [9:42:23] Yes.

1 Q. [9:42:24] Were there any demonstrators on the way from your house to Djeni
2 Kobenan? Did you come across any?

3 A. [9:42:30] Yes.

4 Q. [9:42:30] How many approximately?

5 A. [9:42:36] *Maybe, there were hundreds of them, you know.

6 Q. [9:42:40] All right. And how long did it take you to go from your house to
7 Djeni Kobenan?

8 A. [9:43:09] From my house to Djeni Kobenan, approximately 10 minutes, because I
9 was hurrying.

10 Q. [9:43:23] Very well. And when you were on your way to Djeni Kobenan, were
11 you also on your way to the RTI, yes?

12 A. [9:43:35] Yes.

13 Q. [9:43:38] Why did you not go via the north, via the Williamsville cemetery in
14 order to go to Macaci? That would have been a shorter way, wouldn't it?

15 A. [9:43:54] The cemetery, no, no. Djeni Kobenan, well, it was closer than the
16 cemetery.

17 Q. [9:44:09] Mr Witness, you said that going via Djeni Kobenan -- I'm sorry, let me
18 rephrase.

19 Going from your place via Djeni Kobenan to go to Macaci was the shortest way; is
20 that right?

21 A. [9:44:29] Yes.

22 Q. [9:44:29] Very well. And at what time did you get to Djeni Kobenan
23 approximately?

24 A. [9:45:04] 9 hour -- 9 o'clock, 10 o'clock, around then.

25 Q. [9:45:12] Very well. And what did you see at the Djeni Kobenan intersection?

- 1 A. [9:45:22] At the intersection I saw uniformed individuals dressed in black.
- 2 Q. [9:45:25] Very well.
- 3 A. [9:45:28] That they were trying to cut the road off when the demonstrators were
- 4 advancing.
- 5 Q. [9:45:36] How many uniformed individuals were there?
- 6 A. [9:45:39] There were several.
- 7 Q. [9:45:43] And how many is several approximately?
- 8 A. [9:45:50] Well, I can't say how many, but there were lots of them.
- 9 Q. [9:46:00] Very well. And what were they wearing?
- 10 A. [9:46:05] They were wearing black.
- 11 Q. [9:46:09] Were they wearing badges?
- 12 A. [9:46:13] Yes.
- 13 Q. [9:46:14] What colour were they?
- 14 A. [9:46:17] They were -- *they had CRS badges on.
- 15 Q. [9:46:23] Can you tell us what that looks like?
- 16 A. [9:46:29] Well, it's written CRS.
- 17 Q. [9:46:35] Very well. And you say that you saw demonstrators as well; is that
- 18 correct?
- 19 A. [9:46:41] Yes.
- 20 Q. [9:46:42] How many approximately?
- 21 A. [9:46:44] Several, several demonstrators, because they were on their way to the
- 22 RTI. I was on my way to Djeni Kobenan in order to go and see my brother's body.
- 23 So I was in the midst of the demonstrators.
- 24 Q. [9:47:02] We're at the Djeni Kobenan intersection here, Mr Witness?
- 25 A. [9:47:06] Yes, Djeni Kobenan intersection.

1 Q. [9:47:11] And from what direction were those demonstrators coming?

2 A. [9:47:15] They were coming from Abobo. Others were going via the Djeni
3 Kobenan intersection on their way down.

4 Q. [9:47:25] And did you remain to see what was going on at the Djeni Kobenan
5 intersection?

6 A. [9:47:46] Well, they were stopping the demonstrators from going by, so they
7 lobbed tear gas, and that is when I continued on my way.

8 Q. [9:47:59] Did you suffer from this tear gas, Mr Witness?

9 A. [9:48:05] Yes, because I was amongst the demonstrators.

10 THE INTERPRETER: [9:48:07] Message from the interpreter: Could there be a
11 pause observed on both parts, please, especially the witness.

12 MS NAOURI: [9:48:18] (Interpretation)

13 Q. [9:48:19] So you found it difficult to see what was going on, didn't you?

14 A. [9:48:23] Yes. Well, it wasn't difficult to see. I wasn't very far. I was in the
15 crowd.

16 Q. [9:48:33] Did you receive tear gas?

17 A. [9:48:42] They lobbed tear gas into the crowd in order to disperse people. And
18 as my objective was to go and see my brother, I continued on my way in order to go
19 up into the Williamsville neighbourhood.

20 Q. [9:48:57] Very well. And when you saw that scene, did you hide somewhere or
21 did you continue on?

22 A. [9:49:22] Well, I realised what was going on and I just continued on my way.

23 Q. [9:49:30] So you didn't try to hide; is that correct?

24 A. [9:49:37] Well, the road that I was following was with a view to going to see my
25 brother. I didn't hide. But I did run away so that the tear gas didn't affect me.

1 And I just wanted to continue on my way, so there we are.

2 Q. [9:49:57] Very well. And when you reached Williamsville, which road did you
3 follow?

4 A. [9:50:17] When I entered the Williamsville neighbourhood, I didn't go via the
5 paved road. I went into the neighbourhood and then came out at the Macaci
6 intersection. And when I went into the neighbourhood, I came across *at least two
7 more CRS. *One of them asked me, "him over there, who is he?" One had his face
8 covered up, the other didn't. So I continued. But he stopped me and he said "Oh,
9 here's a demonstrator," and I said "No, I'm not a demonstrator."

10 Q. [9:50:56] Mr Witness, I'm interrupting you because indeed everything is
11 contained in your statement and this wasn't really my question. So I'm trying to
12 move swiftly because we do not want to dwell on things too lengthily this morning as
13 the President said. So please concentrate on the questions I'm putting to you.

14 A. [9:51:14] Yes, I'll answer them all.

15 Q. [9:51:16] Very well. You explained to us that you went via the small alleyways.
16 Did you come across any demonstrators then?

17 A. [9:51:22] No.

18 Q. [9:51:23] And how long did it take you to get to the Macaci intersection?

19 A. [9:51:32] Well, as for the time, I didn't really calculate, but I got there quite fast.

20 Q. [9:51:45] And when you got to Macaci, did you see any law enforcement?

21 A. [9:51:49] When I got to Macaci, there was no more law enforcement present.

22 Q. [9:51:55] Were there any demonstrators?

23 A. [9:52:00] There were a few.

24 Q. [9:52:04] How many?

25 A. [9:52:08] I can't tell you really how many there were. Some were there to see

1 which bodies had fallen. I can't tell you how many.

2 Q. [9:52:24] Very well. And how many of your brother's friends were present at
3 Macaci intersection?

4 A. [9:52:35] Well, there was Ibrahim. There were demonstrators. Well, there
5 were at least two of my brother's friends that I recognized. But there were other
6 people there looking at the bodies.

7 Q. [9:52:49] Very well. But you knew two individuals; is that correct?

8 A. [9:52:55] Yes.

9 Q. [9:52:56] And how long did those two people remain next to the body?

10 A. [9:53:03] Until I got there at least.

11 Q. [9:53:08] Did they tell you, either Ibrahim or Bamba, that they had tried to hide
12 during the events that had befallen them?

13 A. [9:53:24] Well, they said that when it happened, people tried to -- started to open
14 fire on them and they started to flee.

15 Q. [9:53:32] So they fled, did they?

16 A. [9:53:34] Yes.

17 Q. [9:53:35] Did they tell you whether they had moved the body?

18 A. [9:53:46] No, they didn't tell me.

19 Q. [9:53:53] Very well. So, Mr Witness, I'm going to be reading a paragraph of
20 your statement to you, paragraph 43, and you say as follows:

21 "Bamba told me that when the CRS arrived, an elderly gentleman stood in front of the
22 demonstrators. The elderly gentleman was old and he wanted to protect the
23 demonstrators. They told me that this was an elderly gentleman from Adjamé. It
24 was said that he had power to resist bullets. He was not armed. But he had a
25 beef's -- he had a cow's tail. These are used for dances and marches. Bamba said

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 that his brother and him walked in front of this old gentleman and that that is when
2 the CRS opened fire." End of quote.

3 PRESIDING JUDGE TARFUSSER: [9:55:20] Excuse me. My brother, not his
4 brother, I would say.

5 THE INTERPRETER: [9:55:22] Yes, correction from the interpreter, my brother.
6 Apologies. Thank you.

7 MS NAOURI: [9:55:35] (Interpretation)

8 Q. [9:55:36] All right. My question, Mr Witness, is did Bamba or your brother,
9 Ibrahim, did they know the old gentleman who stood in front of the demonstrators?

10 A. [9:55:52] No.

11 Q. [9:55:53] I'm waiting 5 seconds.

12 A. [9:55:56] No. I said no.

13 Q. [9:55:59] So how did they know that they came from Adjamé?

14 A. [9:56:06] Well, it was a march, a popular march. So on that day everyone had
15 their gris-gris. Everyone had their power. So that's how they came to know that
16 old gentleman in the march.

17 Q. [9:56:28] Very well. And how was the old man supposed to go about
18 protecting those demonstrators?

19 A. [9:56:40] Well, according to what they told me, if the old gentleman is up front,
20 then nobody is supposed to go in front of him. Everyone is supposed to walk
21 behind him. And when people would open fire, he would be there to use his power
22 to stop those, that gunfire from reaching the demonstrators.

23 Q. [9:57:04] Very well. So the old man was protecting the demonstrators. Did
24 Bamba tell you why your brother then went in front of the old man?

25 A. [9:57:17] Well, according to the explanation provided, they said that my brother

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 must have gone in front of the old man, and that's when they opened fire and, well ...

2 Q. [9:57:28] Very well, Mr Witness. And were Bamba and your brother together
3 at that moment in time when your brother decided to go in front of the gentleman?

4 A. [9:58:01] *Well, I wasn't there, as, I presume they were together, as they were all
5 there when it happened.

6 THE WITNESS: [9:58:09] (Via video link) (Interpretation) I wasn't there. I was
7 told I can't confirm whether they were there together or not.

8 THE INTERPRETER: [9:58:13] Message from the interpreter: Could a pause please
9 be observed. It is impossible to interpret if no pause is observed.

10 PRESIDING JUDGE TARFUSSER: [9:58:21] Can we observe the pauses, please.

11 MS NAOURI: [9:58:23] (Interpretation) Yes, Mr President.

12 PRESIDING JUDGE TARFUSSER: [9:58:26] And I mean all the questions which is
13 really he can't, he can't know when he was not present. I mean, it's all suppositions.

14 MS NAOURI: [9:58:39] (Interpretation) Yes, you are right, Mr President. But I'm
15 trying to ascertain what information was given to him as Bamba wasn't there. We
16 just want to know what information he received. But we'll soon be finishing off with
17 this line of questioning.

18 Q. [9:58:58] So, Mr Witness, how long did you remain next to the body of your
19 brother before transporting it?

20 A. [9:59:04] Well, I stayed there for at least an hour, an hour and a half.

21 Q. [9:59:20] Did you talk to Bamba or Ibrahim about how you were going to move
22 the body?

23 A. [9:59:27] Well, I'm the elder brother, so it's up to me to decide, not up to them,
24 so.

25 Q. [9:59:35] Very well. And how did you decide to transport the body?

1 A. [9:59:45] Well, I was there and then I had the idea of taking a pousse-pousse and
2 I was going to take his body home. I used a cart to take his body home.

3 Q. [10:00:01] Where did you find that cart?

4 A. [10:00:10] It was just next door in the Macaci intersection, *under a mango tree.
5 It was not only one. There were many carts there, *so I took one, picked it up and I
6 put the body in it.

7 Q. [10:00:30] And once you used the cart, what did you do with it?

8 A. [10:00:36] I took it and went and returned home.

9 Q. [10:00:41] Very well. And the policemen did not come to help you to move the
10 body at Macaci?

11 A. [10:00:54] There were no police people there at the time.

12 Q. [10:00:58] Very well. But then you went to the police station afterwards; is that correct?

13 A. [10:01:21] Yes.

14 Q. [10:01:22] Did the policemen take your statement?

15 A. [10:01:34] They asked me whether it was -- he was a demonstrator, and I said
16 no.

17 Q. [10:01:46] I wanted to know whether you gave them a statement.

18 A. [10:01:50] Yes.

19 Q. [10:01:51] Did they give you any documents?

20 A. [10:01:55] No.

21 Q. [10:02:01] Did you fill out any documents?

22 A. [10:02:08] They asked his name.

23 Q. [10:02:22] All they did is ask you his name?

24 A. [10:02:25] Yes.

25 Q. [10:02:26] Mr Witness, paragraph 51 of your statement you say, "I gave the

1 address to the police." Is that correct?

2 A. [10:02:40] Yes.

3 Q. [10:02:40] Very well. Once you returned home after the police station, what
4 did you do?

5 A. [10:02:52] Once as I returned I tried to change him, to change his clothes, and
6 think about how to bury him.

7 Q. [10:03:04] Did you call a morgue?

8 A. [10:03:15] I did not. I was surprised to see an ambulance arrive.

9 Q. [10:03:28] But you did not call the morgue, but an ambulance arrived?

10 A. [10:03:51] It is not an ambulance. It's the people who carry the bodies, the
11 people who carry the bodies, that is who are at the morgue.

12 Q. [10:04:08] Can you repeat?

13 A. [10:04:14] It is those who usually take the bodies. I don't know how to put it.

14 Q. [10:04:20] Are you talking about a hearse? Are you talking about a hearse?

15 A. [10:04:26] Yes, yes, a hearse.

16 Q. [10:04:31] Mr Witness, paragraph 51 of your statement you say, "At around 3 or
17 4 o'clock the Anyama ambulance arrived at Doukouré's Aly's house. Maybe the
18 police had called the ambulance, because I or my friends did not call them. I had
19 given the address to the police. It was a Mitsubishi van, white in colour. There
20 were three of them, the driver and two ambulance men, ambulance personnel." End
21 of quote.

22 My question is: Was it an ambulance or a hearse?

23 A. [10:05:38] It was a hearse.

24 Q. [10:05:39] Did you ask them who had sent them?

25 A. [10:05:41] I asked them where they came from, and they came from Anyama,

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 from the Anyama morgue.

2 Q. [10:05:51] Did they tell you who had sent them? We understand that they
3 came from the morgue, but is there someone who told them where to find you? Did
4 they give you that information?

5 A. [10:06:08] No.

6 Q. [10:06:09] When did you go to the morgue for the first time?

7 A. [10:06:29] Two or three days afterwards I went to the morgue.

8 Q. [10:06:34] And did you give them your name, the identity papers of your
9 brother?

10 A. [10:06:55] Yes. I told them his name, first name, they took it down.

11 Q. [10:07:17] But, Mr Witness, you didn't see your brother's body on that day?

12 A. [10:07:22] When I arrived there I didn't see the body, but they certified that the
13 body was there. They gave me a receipt indicating that that body was there, that it
14 was the 53rd body and it was at that time.

15 Q. [10:07:57] I will show you a document, CIV-OTP-0084-0131. It is a confidential
16 document.

17 THE COURT OFFICER: (Via video link) Your Honours, we have the document at
18 the location.

19 PRESIDING JUDGE TARFUSSER: [10:08:49] Thank you. So please submit it to the
20 witness.

21 THE COURT OFFICER: (Via video link) [10:08:52] CIV-OTP-0084-0131. I will show
22 it to the witness.

23 MS NAOURI: [10:09:12] (Interpretation) Thank you, Madam Court Officer.

24 Q. [10:09:14] Mr Witness.

25 A. [10:09:16] Yes.

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

- 1 Q. [10:09:17] Do you see this document?
- 2 A. [10:09:18] Yes.
- 3 Q. [10:09:19] Is it the document that you were given on that day?
- 4 A. [10:09:23] Yes.
- 5 Q. [10:09:23] You're not the one who signed that document, right?
- 6 A. [10:09:29] Yes.
- 7 Q. [10:09:43] Were you the one who signed the document?
- 8 A. [10:09:45] No. No, that is it.
- 9 Q. [10:09:51] Was someone there with you on that day to sign the document?
- 10 A. [10:09:56] Yes, my cousin.
- 11 Q. [10:09:57] Thank you, Mr Witness. We are done with that document.
- 12 And when did you go back to the Anyama morgue?
- 13 A. [10:10:24] I went to the Anyama morgue to get some information about my
- 14 brother, and that is at that time that *they gave me the documents, the death certificate.
- 15 Q. [10:10:41] My question is when?
- 16 A. [10:10:46] I'm not able to say.
- 17 Q. [10:10:58] In your statement, paragraph 58, you say, "Later on, a short time
- 18 passed, maybe one month, and then I went back to the morgue for a second time." Is
- 19 that correct?
- 20 A. [10:11:12] Yes.
- 21 Q. [10:11:14] Very well. Mr Witness, the document that was given to you is
- 22 indicated as annex 7A, B and C of your statement. But the documents are dated 23
- 23 May 2011. So are you sure that those documents were given to you on that day
- 24 when you went back to the morgue?
- 25 A. [10:11:42] These are the documents from the morgue.

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 Q. [10:11:52] It is the document from the morgue, that is true. But if you went
2 back to the morgue approximately one month after the incidents as you say in
3 paragraph 58, this would be January 2011. So it is not possible for you to have been
4 given documents dated 23 May 2011. Or maybe there is a problem of dates on the
5 documents. So I'm asking you to explain what happened to us.

6 PRESIDING JUDGE TARFUSSER: [10:12:33] Let him explain maybe.

7 MR MACDONALD: [10:12:36] Your Honours, I think it's argumentative.

8 PRESIDING JUDGE TARFUSSER: [10:12:39] No, no, it's not argumentative. I mean,
9 there is a date on the documents.

10 MR MACDONALD: [10:12:43] Yes.

11 PRESIDING JUDGE TARFUSSER: [10:12:44] And there is a date given by him. I
12 would like, probably there is an easy explanation, but I think the explanation should
13 come from the witness.

14 MR MACDONALD: [10:12:54] Thank you, your Honour.

15 PRESIDING JUDGE TARFUSSER: [10:12:56] Did you understand, Mr Witness?
16 You said that the second time you went to the morgue was about a month later,
17 which means about end of January. The documents you have given to the Office of
18 the Prosecutor are dated May. There is obviously an inconsistency. Can you
19 explain this, why the documents are May, although you went to the morgue at
20 approximately end of January, maybe beginning of February?

21 THE WITNESS: [10:13:42] (Via video link) (Interpretation) *That date, well, it
22 might have been a mistake, otherwise, on the paper, consider that these are papers
23 from the morgue. Maybe these are dates that.. I must have been mistaken, otherwise
24 these are the papers from the morgue

25 PRESIDING JUDGE TARFUSSER: [10:14:04] Yes. But when did you receive those

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 documents, on this second visit in January or at another time? Did you go another
2 day as well?

3 THE WITNESS: [10:14:20] (Via video link) (Interpretation) I returned there
4 several times. So it was quite some time ago. So my memory may not be correct,
5 but in any case the documents were given to me in the Anyama morgue.

6 THE INTERPRETER: And earlier on from the interpreter the witness said he might
7 have been mistaken.

8 PRESIDING JUDGE TARFUSSER: [10:14:51] How many times have you been in the
9 morgue?

10 THE WITNESS: [10:14:54] (Via video link) (Interpretation) Several times, I went
11 there several times, your Honour.

12 PRESIDING JUDGE TARFUSSER: [10:15:06] Okay. Thank you very much.
13 Madam Naouri.

14 MS NAOURI: [10:15:10] (Interpretation) Thank you, Mr President.

15 Q. [10:15:16] You have just told the Presiding Judge that you went several times to
16 the morgue, but you did not tell that to the OTP when you met with the investigators;
17 is that correct?

18 A. [10:15:29] What did you say?

19 Q. [10:15:33] In your statement you talk about going to the morgue on two
20 occasions. But today you are telling us several times.

21 A. [10:15:41] Yes.

22 Q. [10:15:42] Very well. Mr Witness, did the morgue contact you after that second visit?

23 A. [10:16:00] I am the one who went there. I went there.

24 Q. [10:16:05] Very well. Did someone from the morgue inform you about the
25 autopsy of your brother carried out on 11 February 2011?

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 A. [10:16:21] Yes, if I'm not mistaken, yes.

2 Q. [10:16:24] And how did they inform you?

3 A. [10:16:28] I went there to see my brother's body. And it is there that they
4 informed me.

5 Q. [10:16:53] But they did not ask for your authorisation to carry out an autopsy; is
6 that correct?

7 A. [10:17:04] The body was there, so that was not done.

8 Q. [10:17:14] Very well. Mr Witness, were you contacted by the morgue for them
9 to give you a bill?

10 A. [10:17:29] Yes. I went there.

11 Q. [10:17:34] And were you given a bill at the morgue when you went there?

12 A. [10:17:43] There is the documents that are with you. It was at the morgue that
13 they gave me.

14 Q. [10:17:52] You were not given anything else?

15 A. [10:17:54] *The death certificate, with the drawer where my brother was to be
16 found, they gave me that at the morgue

17 MS NAOURI: [10:18:10] (Interpretation)

18 Q. [10:18:11] That is clear. Mr Witness, my question is whether you received a bill
19 specifically on 5 June 2011 which informed you about the coffin and the taking out
20 of the body.

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

22 Q. [10:18:31] Do you still have that bill?

23 A. [10:18:32] *It's not in my annex ?

24 Q. [10:18:46] I beg your pardon?

25 A. [10:18:50] That bill is not in my annex?

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 Q. [10:18:57] No, it's not one of the annexes.

2 A. [10:19:09] Regarding the removal of the body, I heard about it on the television
3 that everyone who had a body in Anyama, they gave a date.

4 Q. [10:19:23] Very well. Now, briefly regarding what -- apart from what you saw
5 on the television, who informed you of the exact day of the burial ceremony?

6 A. [10:19:56] I heard it on the television. When I went to Anyama, they said no,
7 we were waiting for the order of the government and then all the bodies would be
8 buried at the same time. So I heard on the TV that they had to be buried together.
9 One day the government gave a date and the people had to meet in the public square
10 at Abobo and that's where the burials took place.

11 Q. [10:20:32] Mr Witness, on the day of the ceremony, 100 bodies were selected
12 from amongst the victims. Did someone inform you that your brother's body had
13 been selected and why?

14 A. [10:20:55] We had already been informed, so I went to the public square. The
15 bodies were there. *And after the ceremony was conducted by the government, we
16 were told, "everybody can take their bodies", and that's when I saw my brother's
17 coffin, which was amongst the 100 that had been selected.

18 Q. [10:21:22] Very well. Did you know the representatives of the families of the
19 victims present on that day, the representative?

20 A. [10:21:34] The representative of the families of the victims? I myself was a
21 victim. So it was my brother's body that ...

22 Q. [10:21:57] Mr Witness, annex 9 to your statement gives the programme for the
23 ceremony. Were you present throughout the entire ceremony?

24 A. [10:22:14] Yes.

25 Q. [10:22:17] On page 3 it is written, "From 11.05 to 11.10, speech of the

1 representative of the families of the victims."

2 Do you remember his name, that gentleman's name?

3 A. [10:22:45] No.

4 Q. [10:22:48] And if I tell you Yeo Sibiri, does that jog your memory?

5 A. [10:23:05] Yeo Sibiri? Well, that paper was distributed to us on the day that
6 they were supposed to be buried. It was on that day that that paper was distributed.

7 Q. [10:23:21] On that very day?

8 A. [10:23:24] Yes.

9 Q. [10:23:25] Very well. Did you pay for the cost of the burial of your brother?

10 A. [10:23:36] No, I did not.

11 Q. [10:23:37] Who paid?

12 A. [10:23:38] Either it was the government or the representative of the victims.

13 *One thing is for sure, the holes had already been dug, the bodies were there and all
14 we had do was to take them and go and bury.

15 Q. [10:23:57] Very well, Mr Witness.

16 Thank you. I have no further questions for you.

17 And I would like to tell the Presiding Judge that this is the end of the questioning for
18 the Defence team of Laurent Gbagbo.

19 PRESIDING JUDGE TARFUSSER: [10:24:17] Thank you very much, Madam Naouri.

20 Now I go to Mr Knoops for the Defence team for Mr Blé Goudé, and I ask him, give
21 him the floor for the questioning.

22 MR KNOOPS: [10:24:28] Good morning, Mr President.

23 PRESIDING JUDGE TARFUSSER: [10:24:30] Good morning.

24 MR KNOOPS: [10:24:30] The Defence team of Mr Blé Goudé has no questions for
25 this witness. Thank you very much.

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [10:24:35] Thank you very much, Mr Blé

2 Goudé -- Mr Knoops, sorry.

3 The Defence team for Mr Blé Goudé, Mr Witness, has no questions for you.

4 So I ask the Office of the Prosecutor if they need to re-question the witness.

5 MS HUCK: [10:25:00] (Interpretation) Mr President, no, we don't have any further

6 questions. But given the questions of the Defence on the documents of the morgue

7 in Anyama, the OTP would like to tender document CIV-OTP-0084-3866. This

8 document was seized by the investigators of the Office of the Prosecutor directly from

9 the Anyama morgue on 5 June 2015. And it is the register of the morgue of the

10 entries 2009, 2010, and it relates directly to the witness's testimony.

11 PRESIDING JUDGE TARFUSSER: [10:25:55] Are you talking about the document

12 which was shown to the witness?

13 MS HUCK: [10:25:59] (Interpretation) Yes.

14 PRESIDING JUDGE TARFUSSER: [10:26:01] Yes, no?

15 MS HUCK: [10:26:04] (Interpretation) No, no.

16 THE INTERPRETER: [10:26:06] Correction: No.

17 PRESIDING JUDGE TARFUSSER: [10:26:08] Because I heard in the ear a "no" and

18 then a "yes," so I didn't know which one. Okay.

19 MS HUCK: [10:26:12] (Interpretation) No. It is the register of the morgue dealing

20 with December, 16 December 2010, and it relates to the death of the witness's brother,

21 and it corroborates his testimony. It is a reliable document because it was seized

22 directly from the Anyama morgue. Thank you.

23 PRESIDING JUDGE TARFUSSER: [10:26:48] Thank you.

24 Madam Naouri. Let us first --

25 MS NAOURI: [10:26:52] Oui.

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [10:26:54] Because otherwise, I
2 mean -- Mr Witness, I can tell you that your testimony has finished. There are no
3 further questions from us, from anybody here in the Court. So I would thank you
4 for having been here, having answered the questions and wish you all the best for the
5 future.

6 THE WITNESS: [10:27:24] (Via video link) (Interpretation) Thank you, Mr
7 President.

8 PRESIDING JUDGE TARFUSSER: [10:27:26] I ask also the court officer to
9 accompany the witness out and then we can also disconnect from the remote location.

10 THE COURT OFFICER: (Via video link) [10:27:46] Yes, your Honour. Thank you.
11 (The witness is excused)

12 PRESIDING JUDGE TARFUSSER: [10:27:56] Thank you very much.
13 Now we are disconnected and I give the floor to Madam Naouri.

14 MR MACDONALD: [10:28:02] Just, your Honour --

15 PRESIDING JUDGE TARFUSSER: [10:28:04] yes.

16 MR MACDONALD: [10:28:08] -- before giving the floor to the Defence, just to add
17 one thing, we understood your decision prior to the witness, when we tried to
18 introduce them in examination by my colleague, we understand the decision also on
19 paragraph 43. The reason here is that during the examination by the Defence, they
20 challenged documents on the question of the date and so on. And here we have an
21 official document, a registry. We can file a motion pursuant to paragraph 43 of your
22 directives. But we feel that since it's a live issue raised by the Defence in their
23 questioning, that the Chamber should accept now this document in order to be more
24 expeditious, that's why. But we can do a paragraph 43. That's not a problem. It's
25 just that they're challenging documents received the witness would have had and so

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 on. But we have the registry morgue with a given date and it's an official document.

2 Thank you.

3 PRESIDING JUDGE TARFUSSER: [10:29:27] Madam Naouri.

4 MS NAOURI: [10:29:38] (Interpretation) Thank you, Mr President. The first thing

5 is that a morgue register does not establish the death. And the second thing is that

6 the Prosecution is going to call witnesses from the morgue, so to speak, who will talk

7 about this. And, thirdly, it is a private morgue. So this is not an official document.

8 So it is up to us to investigate for our part. But more especially we would like the

9 Prosecutor under paragraph 43 to submit their arguments in writing and we will

10 respond.

11 The Defence challenges this document, so we need to have the submissions of the

12 Prosecutor and they have to be serious, not just expeditious.

13 So if they file a para 43 submission, then we'll be able to respond. Thank you, your

14 Honour.

15 PRESIDING JUDGE TARFUSSER: [10:30:57] We're not challenging here the seriousness

16 of the OTP, right? Because you said they had to be serious. This was the

17 translation at least, so I don't know.

18 I would ask the Office of the Prosecutor to file it in writing so that the Defence can

19 make their submissions. But I would like also to say that in my view it could also

20 already be submitted because this document came up also in context of the formal

21 Witness 588 still. I think it should be a written filing so that things are clear.

22 Mr Knoops, sorry.

23 MR KNOOPS: [10:31:46] No problem, Mr President. Just an additional observation

24 on behalf of our Defence team, Mr President. Ms Marion, one of our case managers

25 here, just alerted me to the observation that in the metadata of the Office of the

1 Prosecution, it seems that the document according to this metadata was retrieved on 1
2 January 2010, which amounts to a discrepancy of one year.

3 PRESIDING JUDGE TARFUSSER: [10:32:28] Yes, I think.

4 MR KNOOPS: [10:32:37] Well, it's the day mentioned in the metadata without any
5 precision. So that would probably support that the Prosecution submits a written
6 application so the Defence can respond to it.

7 PRESIDING JUDGE TARFUSSER: [10:32:49] Yes, all this I think it's --

8 MR MACDONALD: [10:32:51] It's fine, your Honour. We'll file a request.

9 PRESIDING JUDGE TARFUSSER: [10:32:54] Yes.

10 MR MACDONALD: [10:32:54] We're just happy that it was debated on the record so
11 everybody is on notice. Thank you very much.

12 PRESIDING JUDGE TARFUSSER: [10:32:59] Yes, okay. Thank you.

13 I think that this concludes this year of hearings, I would say. I thank all of you for
14 your contribution, and we see each other next year.

15 The length of this suspension is a consequence of the budgetary discussions we had
16 whereby the states didn't give the money for three parallel trials, so we had to deal
17 with the other two Presiding Judges trying to find a way how to accommodate two
18 trials at a time. So for reasons, internal reasons we decided it this way, and that's it.

19 The other thing I want to say, there are two days, two weekends where the Friday
20 is -- the day before the Friday is a holiday on two occasions, I think in March and in
21 April. I say it now out of my head. I think it's clear that this Friday is not a sitting
22 day, these two Fridays where we have a Thursday before a holiday.

23 Yes, Mr MacDonald.

24 MR MACDONALD: [10:34:40] Before I miss the Chamber with these next two
25 months.

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [10:34:45] You don't miss us. Don't worry, we're
2 working. There is a lot of work to do in any case.

3 MR MACDONALD: [10:34:51] I know. That's why I'd like to -- you may recall,
4 your Honour, that two days ago I referred to your decision 771. I just want to raise
5 one issue which can be debated in early next year if we have to or eventually in
6 writing, but I just want to maybe announce it now, an oral request to have access to
7 some documents. And since the issue -- it's 770, sorry, decision 770, if I'm not
8 mistaken.

9 PRESIDING JUDGE TARFUSSER: [10:35:33] No. 771 is right.

10 MR MACDONALD: [10:35:37] All right. It's confidential now, so unfortunately it
11 has to be dealt with in private session.

12 PRESIDING JUDGE TARFUSSER: [10:35:42] Probably, yes, private.

13 MR MACDONALD: [10:35:44] What I would like to say, because it goes to the
14 content of --

15 PRESIDING JUDGE TARFUSSER: [10:35:54] Well, I have it. Excuse me. I have it
16 now in front of me. And it says public.

17 MR MACDONALD: [10:36:07] It's 770, your Honour. It's the decision you issued
18 in light of the --

19 PRESIDING JUDGE TARFUSSER: [10:36:14] Okay. You are right. You are right.
20 No, I'm looking -- I know. I know what you are referring to. I looked at the wrong
21 decision.

22 MR MACDONALD: [10:36:25] So in order to speak freely, your Honour, I would
23 have to -- it would be better to do it in private session.

24 PRESIDING JUDGE TARFUSSER: [10:36:33] Okay.

25 MR MACDONALD: [10:36:33] So we can say goodbye to the public for this year and

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Private Session)

ICC-02/11-01/15

1 come back on it.

2 PRESIDING JUDGE TARFUSSER: [10:36:38] Yes. I don't need to say goodbye to
3 the public. But I think we should go in private session now.

4 (Private session at 10.36 a.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0589

(Private Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Open session at 10.39 a.m.)

20 THE COURT OFFICER: [10:39:51] We are back in open session, Mr President.

21 PRESIDING JUDGE TARFUSSER: [10:39:56] Yes, this just to announce that the

22 hearing is adjourned and we will be back on 6 February 2017. I hope you have all

23 the time you wish to have. Thank you.

24 THE COURT USHER: [10:40:15] All rise.

25 (The hearing ends in open session at 10.40 a.m.)