

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 Tuesday, 7 February 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:32:40] Good morning. Good morning to
15 everybody here in the courtroom, in the public gallery, which is not as full as it was
16 yesterday, with looking us from remote.
17 Good morning also to Mr Blé Goudé. I hope you are well today.
18 And I would like to give the floor because it was requested to the Office of the
19 Prosecutor just for a few minutes, as it was announced. Please, yours the floor.
20 MR GARCIA: [9:33:21] Good morning, Mr President, your Honours. Thank you
21 very much for granting the Prosecution's request at such a late time. Just to start
22 off, Mr MacDonald is not present, will not be present today. Unfortunately, he had
23 a medical appointment which could not be postponed, so he extends his apologies.
24 He will not be here today.
25 Now, the matter that required a small comment on the Prosecution's part this

1 morning is regarding an item on the Defence list of Charles Blé Goudé number 55.

2 It's a video, CIV-OTP-0020-0558. Now, your Honours, this is a video that relates to
3 paragraphs 96 to 105 of Witness 106's statement.

4 PRESIDING JUDGE TARFUSSER: [9:34:12] Which paragraph? Sorry.

5 MR GARCIA: [9:34:14] Paragraphs 96 to 105.

6 PRESIDING JUDGE TARFUSSER: [9:34:18] Okay.

7 MR GARCIA: [9:34:18] Now, in sum, the Prosecution is here to put on the record that
8 it will not be relying on these paragraphs of the witness statement and it does
9 apologise for this. This is the consequence of an oversight by the Prosecution. I'll
10 explain.

11 The video in question that the Defence has indicated, 0020-0558, is a video that -- yes,
12 it's a video that relates to paragraphs 96-105 where the witness explains that he had
13 received the video apparently or purportedly depicting people being burnt in
14 Yopougon during the post-election violence in Côte d'Ivoire.

15 During the interview, the investigators present looked at this video, extracted the
16 video, and afterwards it was analysed here at the headquarters of the ICC.

17 The conclusions of this investigation demonstrate that the video is unrelated to the
18 Côte d'Ivoire post-election violence. It is related -- actually it depicts people being
19 burnt in Kenya and has been uploaded according to the investigator report as far
20 back as 2009 apparently. So this is irrelevant to this present case. The
21 investigator's note had already been disclosed to the Defence I believe on three
22 occasions. This whole matter indicating obviously the whole procedure of the
23 Prosecution, the OTP in this matter, and the results, the whole matter has already
24 been discussed at the confirmation hearing and those are on 25, 26 February 2013,
25 and those are, just for the references, transcript 18, lines 15 to 17, and transcript 19,

1 page 4 and following, where the Prosecution did advice Defence counsel about this
2 problem in the video and the fact that it was not relying on this video.

3 So just to sum up this whole issue, the video was disclosed at Rule 77 and the
4 Prosecution does not intend to rely on this video at all; it is unrelated to this case.

5 It is an oversight of the Prosecution. We do apologise to the Chamber and Defence
6 counsel for that. The Prosecution is not therefore intending on relying on the
7 paragraphs that relate to this video, and those are paragraphs 96 to 105. So before
8 the cross-examination of the Charles Blé Goudé team does start on this matter, we
9 wanted to advise the Chamber because we noticed that, we wanted to give
10 notification. We don't want to use up valuable Court time on a matter that's
11 irrelevant to this case. Thank you, your Honours.

12 PRESIDING JUDGE TARFUSSER: [9:37:04] Thank you very much. I must say
13 not -- quite a concerning matter, I would say, because it's not a light mistake. But
14 anyhow, thank you for this.

15 I don't know if the Defence has to say something on this, but I would really ask to be
16 brief because it could just be a comment. I mean, if they do not rely, they just -- it's
17 kicked out and that's it. I think that some -- an intervention by the Defence is due,
18 of course. Please, Maître Altit.

19 MR ALTIT: [9:37:40] (Interpretation) Thank you, your Honour. Your Honours, no
20 particular comment. We take note of the Prosecution's position in this regard and
21 remind the Prosecution that it was the Defence in 2013 that pointed out that the
22 video in question actually was filmed in Kenya, and thus led to the Prosecution's
23 review of the matter. So not to dwell on the matter, but no comment in particular,
24 your Honour.

25 PRESIDING JUDGE TARFUSSER: [9:38:15] Thank you very much, Maître Altit.

1 Mr Knoops.

2 MR KNOOPS: [9:38:21] Mr President, Mr Gbougnon will conduct the examination of
3 the witness. But for the Defence it's relevant to confront the witness nevertheless
4 with the video in order to test his credibility and why he introduced this video to the
5 Prosecution alleging that this related to events in Yopougon, while it's been
6 established that it's not related to Yopougon.

7 So despite the Prosecution's admission today, we as Defence have the -- we still need
8 the opportunity to confront the witness with this question, and that's why we would
9 rely on this video during the examination by the Defence. Thank you.

10 PRESIDING JUDGE TARFUSSER: [9:39:06] We'll see about this. We will decide on
11 this.

12 Now I think we continue with the questioning of the witness. I would ask the court
13 usher to introduce the witness into the courtroom. Thank you.

14 MR O'SHEA: [9:39:21] Your Honours --

15 PRESIDING JUDGE TARFUSSER: [9:39:23] Yes, Mr O'Shea.

16 MR O'SHEA: [9:39:25] -- I think it's my duty to point out that I will be launching into
17 this credibility issue around the video immediately. So if there is any question of
18 debate around this, maybe the witness should not be brought back in. My first
19 questions are going to relate exactly to this issue.

20 PRESIDING JUDGE TARFUSSER: [9:39:43] Well, another thing I wanted to ask you
21 now in the next couple of minutes, how long do you think, just coming back to what
22 we discussed yesterday at the end of the hearing on how long you expect to question
23 this witness.

24 MR O'SHEA: [9:40:04] I plan to be finished within the first session.

25 PRESIDING JUDGE TARFUSSER: [9:40:08] Okay. Thank you.

1 And the Defence for Mr Blé Goudé?

2 MR GBOUGNON: [9:40:16] (Interpretation) Thank you, your Honour. Your
3 Honour, it will all depend naturally and logically upon the Gbagbo Defence team's
4 questions and responses thereto. In any event, we do not expect to be taking more
5 than two sessions.

6 PRESIDING JUDGE TARFUSSER: [9:40:40] Okay.

7 (The witness enters the courtroom)

8 PRESIDING JUDGE TARFUSSER: [9:41:03] So I give the floor to the Defence of
9 Mr Gbagbo. Mr O'Shea, I think that there is -- obviously, it is relevant, the matter of
10 the video, of course. But I think, and this goes also to the Defence for Mr Gbagbo, I
11 think we should keep it really short. I mean, this is the question. We should not
12 dwell too much into it. But of course, I think it's relevant for what we discussed
13 before. So please go ahead.

14 MR O'SHEA: [9:41:47] That is noted, your Honour.

15 PRESIDING JUDGE TARFUSSER: [9:41:49] Okay. Thank you.

16 MR O'SHEA: [9:41:52] I will see how the answers go.

17 PRESIDING JUDGE TARFUSSER: [9:41:54] Yes, and maybe it's also for the Defence,
18 I mean the Defence of Mr Blé Goudé. If you already talk about this, maybe the
19 Defence for Mr Blé Goudé can also take advantage of this. This is the message to
20 the Defence for Mr Blé Goudé, please, go ahead. Thank you.

21 WITNESS: CIV-OTP-P-0106 (On former oath)

22 (The witness speaks French)

23 QUESTIONED BY MR O'SHEA: (Continuing)

24 Q. [9:42:23] Good morning, Mr Witness. I hope you're well rested.

25 A. [9:42:34] Thank you. Yes, good morning.

1 Q. [9:42:37] I don't plan to be too much longer with you. I would like to begin,
2 if I may, to ask you about a video which you spoke about with the Office of the
3 Prosecutor, you say with persons burnt alive. Now, you speak about a friend, and
4 you say that this friend gave you the contents of this video on a computer, and this is
5 paragraph 97 of your statement.

6 Now, just to be consistent with yesterday, although we believe that these things
7 should be in public, consistent with yesterday's ruling, we perhaps go into private
8 session for the next question.

9 PRESIDING JUDGE TARFUSSER: [9:43:57] For the name of the friend? Okay.

10 Let's go for a minute in private session. Thank you, Mr O'Shea for this.

11 (Private session at 9.44 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)

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Open session at 9.46 a.m.)
- 12 THE COURT OFFICER: [9:46:22] We are in open session.
- 13 PRESIDING JUDGE TARFUSSER: [9:46:30] Thank you.
- 14 Mr O'Shea.
- 15 MR O'SHEA: [9:46:32] Your Honours, thank you.
- 16 Q. [9:46:34] Witness, this friend of yours at the time that he transferred this video
- 17 content to you, what was his occupation?
- 18 A. [9:46:57] He was a student. But after his schooling, well, he was no longer
- 19 going to school, and he was managing to get by *(Redacted) --
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [9:48:51] Where did he normally live?

6 A. [9:48:59] Me or my friend?

7 Q. [9:49:04] Your friend.

8 A. [9:49:08] He was in Yopougon Koweït, but then he moved to Abobo.

9 Q. [9:49:18] When did he move to Abobo?

10 A. [9:49:25] During the crisis in Abobo. During the crisis he moved to Abobo.

11 Q. [9:49:52] Do you know which political party he supported?

12 A. [9:50:03] I haven't understood. Could you repeat your question, please.

13 Q. [9:50:17] Do you know which political party he supported during the crisis?

14 A. [9:50:23] He was one of the LMP people.

15 Q. [9:50:41] And when he transferred this video to you, what did he tell you

16 about the video?

17 A. [9:50:57] Well, he -- I was the one who went to Yopougon, and I saw them
18 burning people. And when I told him, he said, "That's my old neighbourhood *I'm
19 going to go there." When he left, also, he said... he sent me a video, and indeed, I
20 watched it too. They set people on fire, it's on the video.

21 MR O'SHEA: [9:51:24]

22 Q. [9:51:25] When you saw the video, did it show the same images which you
23 had witnessed or were they different images?

24 A. [9:51:45] It was different images. The images were different. *Because what
25 I saw, when I showed it to him... When he left... he saw... it was a video that was

1 more different than my video."

2 Q. [9:52:07] Did you say, "The video was more different than my video"?

3 A. [9:52:24] It was different to my video because he took -- well, *I came to shoot, I
4 shot the video in the middle. But his video is longer than mine, so that was one difference.
5 *I shot maybe 5 seconds. *But when he shot, it was more like 15... well, 1 minute,
6 1 minute that he filmed. *So that's why there was a bit of a difference. There is a man...
7 When you see a man who is being burnt up alive completely *he had the courage to
8 keep on filming right to the end. Me, what I saw, I saw a bit of a difference because
9 he recorded everything. I recorded less.

10 Q. [9:53:22] So was this little difference the only difference?

11 A. [9:53:28] That was the only difference.

12 Q. [9:53:35] So did your individual why and your friend's video relate to the
13 same incident?

14 A. [9:53:43] Yes, the same incident.

15 Q. [9:53:49] And this is an incident that you witnessed personally?

16 A. [9:53:56] *Yes, I saw it with my own eyes. And then some other people came
17 and they filmed everything as well.

18 THE INTERPRETER: [9:54:16] Message from the interpreter: The witness's reply is
19 incomprehensible. Could the question be put again.

20 PRESIDING JUDGE TARFUSSER: [9:54:25] Did you hear this, Mr O'Shea, from the
21 interpreters? Could the question be put again because the answer was not
22 understood by the interpreters.

23 And I again ask you, Mr Witness, to speak clearly and not to mumble into the
24 microphone. Thank you.

25 MR O'SHEA: [9:54:51] Your Honour, yes.

1 Q. [9:54:55] The question, Mr Witness, so that you can repeat your answer, was:

2 And this was an incident that you witnessed personally?

3 A. [9:55:10] Yes, yes.

4 Q. [9:55:18] Now, the video that you took, what did you do with your video?

5 A. [9:55:33] I kept the video to show people that people in Yopougon were really
6 being *set on fire. After, the videos really got people worked up. *People were all
7 worked up. In any case, you see, the women in Abobo who had been shot and then
8 there were these videos. They were being shown to people. The guys always said
9 to erase the videos. So they insisted and they got their way, and some videos had to
10 be erased. *Him too, when I told him, when he left for Yopougon, he kept the
11 footage, and then he came, but he had taken the time to record the video properly,
12 because many men already had the footage in Yopougon -- the footage of set on fire.

13 Q. [9:56:33] So you've said that your video and the video of your friend related to
14 the same incident?

15 A. [9:56:48] Yes.

16 Q. [9:56:49] So when you watched the video of your friend, you recognised the
17 location, did you?

18 A. [9:57:01] Yes, yes, *I recognized the place where it happened. But he
19 recorded a lot longer. *His video was longer. *Frankly, I myself said to him,
20 "Honestly, people have said that the videos have to be erased, because they are
21 getting people all worked up." He said to me that from that day onward, he too
22 had not set foot in Yopougon, not until the end of the crisis.

23 Q. [9:57:26] And you recognised the person who was burnt alive as being the
24 same person who you'd seen being burnt alive; is that right?

25 A. [9:57:41] Repeat.

1 Q. [9:57:47] So when you watched your friend's video, you recognised the person
2 who was in that video as being burnt alive as the same person who you had
3 personally witnessed being burnt alive; is that right?

4 A. [9:58:08] Yes.

5 Q. [9:58:13] Witness, what if I told you that we have a basis for believing that that
6 video, that video footage, was taken in Kenya; what would be your reaction?

7 A. [9:59:06] *Show me the video and I'll watch it. I know that I gave some video
8 footage to the ICC.

9 Q. [9:59:18] Now, you mentioned that the video footage of your friend was
10 transferred from a computer to a memory card and onto your phone?

11 A. [9:59:38] Yes.

12 Q. [9:59:40] What kind of phone did you have at that time?

13 A. [9:59:45] I had an LG, an LG phone, if I recall correctly. I used a lot of phones
14 at that time. It was an LG.

15 Q. [10:00:05] Do you remember the model?

16 A. [10:00:12] Well, I had many different telephones and each one was a different
17 model, so I can't really remember.

18 Q. [10:00:27] How many telephones did you have?

19 A. [10:00:34] Do you mean now?

20 Q. [10:00:38] At that time.

21 A. [10:00:42] Well, often I had three or I had two, but I had many telephones. It was --

22 THE INTERPRETER: [10:01:02] The answer was inaudible.

23 MR O'SHEA: [10:01:09]

24 Q. [10:01:10] Your answer could not be heard, Witness. Would you like to
25 repeat it and try to speak a bit louder and more clearly.

1 A. [10:01:23] I had many different telephones. Sometimes I had two.
2 Sometimes I had three. When a new one came out, I would change*. When a new
3 version came out I would trade in the old one and put some money down, and get a new
4 one. That's what I used to do, and I still do now. Right now I have just one phone.

5 Q. [10:01:46] Would you -- were you at that time using all these telephones?

6 A. [10:01:55] Yes, I used them, yes.

7 Q. [10:02:02] And did you use different telephones for different purposes?

8 A. [10:02:10] Well --

9 THE INTERPRETER: [10:02:35] The interpreter does not understand what the
10 witness just said. I beg your pardon. Please ask him to repeat.

11 PRESIDING JUDGE TARFUSSER: [10:02:40] Mr Witness, again, sometimes I have to
12 step in. Please speak clearly. We have interpreters who do not understand you in
13 French sometimes, so please speak clearly so that we have all the possibility to get
14 your answer in French and in English. Thank you.

15 MR O'SHEA: [10:03:08]

16 Q. [10:03:09] Would you consider that at the time you were an important person
17 in your community?

18 A. [10:03:18] What do you mean by that?

19 PRESIDING JUDGE TARFUSSER: [10:03:32] That's a good question.

20 MR O'SHEA: [10:03:36]

21 Q. [10:03:36] You were the second vice-president of the union of scrap metal
22 dealers; is that right?

23 A. [10:03:50] Yes, I was the third, third vice-president.

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Some would come for a week and then we wouldn't see him again. He might
5 change jobs. So I really can't tell you how many apprentices there were. There
6 might have been four or five or three or six depending on the moment.

7 Q. [10:05:21] Let me just read you a passage from your statement that you gave
8 to the Office of the Prosecutor, and I'll read the passage in full and I quote in
9 French --

10 PRESIDING JUDGE TARFUSSER: [10:05:50] Paragraph please.

11 MR O'SHEA: [10:05:53] Yes, madam, paragraph 90.

12 PRESIDING JUDGE TARFUSSER: [10:06:01] Excuse me, can I just -- are you away
13 now from the videos?

14 MR O'SHEA: [10:06:06] I am away from the videos, your Honour. I'm now on
15 another topic --

16 PRESIDING JUDGE TARFUSSER: [10:06:15] Yes.

17 MR O'SHEA: [10:06:15] -- but which is only related because of one aspect.

18 PRESIDING JUDGE TARFUSSER: [10:06:18] Yes. I have only a correction, what is
19 probably a correction in the transcript because at page 13, line 16, when we talked
20 about the video: "The answer was the video I gave some video footage to the ICC."
21 While in French it should be "two video footage," not "some," which is on page 12,
22 line 11 and 12.

23 MR O'SHEA: [10:07:00] Is your Honour is saying that he's saying that he gave two
24 videos?

25 PRESIDING JUDGE TARFUSSER: [10:07:04] Yes. This is what he said in French,

1 while in English it came out "some videos."

2 MR O'SHEA: [10:07:08] Do you mind if, your Honour, I step back for a moment and
3 just clarify that?

4 PRESIDING JUDGE TARFUSSER: [10:07:12] Yes, okay, of course. Thank you.

5 MR O'SHEA: [10:07:14]

6 Q. [10:07:14] Witness, did you say that you'd given --

7 PRESIDING JUDGE TARFUSSER: [10:07:18] How many, how many?

8 THE WITNESS: [10:07:25] (Interpretation) Yes.

9 THE INTERPRETER: [10:07:36] There were overlapping speakers.

10 THE WITNESS: [10:07:39] (Interpretation) Yes, *that's right, I said I gave two videos.

11 *When I came with the two videos and said to the ICC, "Here they are," well, the

12 experts who came, they took... the videos. And if they took them with -- on my

13 phone. Honestly, it was a very long time ago. And since I can't read and write, it's

14 hard to remember these things. It's been more than five years. And given the

15 accident I had, *I lost my mind a little bit, and it's hard to -- *Honestly, you can...

16 someone reads something to me, and between now and Wednesday, and I am

17 supposed to remember some things, honestly, it's kind of tough. It's very tiring. *It was

18 too long ago. I don't have a very good memory so I can't tell you precisely what the titles

19 were. After the crisis, after my injury -- I have problems with my memory. *I end up at

20 the ICC, I can speak in front of the microphone. Before I can't sit down -- to talk.

21 PRESIDING JUDGE TARFUSSER: [10:08:55] Can I intervene.

22 Just asking - the witness asked and I agree with it - that we show these two videos to

23 the witness. We are talking about videos we haven't seen, and I think it's good that

24 we show them to the witness in order for him to comment on it. The Chamber

25 would very much appreciate that the videos are shown.

1 MR O'SHEA: [10:09:23] Since my learned friends for Mr Blé Goudé have planned
2 showing the video, perhaps I should allow them to undertake that exercise.

3 PRESIDING JUDGE TARFUSSER: [10:09:40] Yes, this could be an option. Well, in
4 any case, we show them only once, not twice of course.

5 MR O'SHEA: [10:09:47] Yes, yes.

6 PRESIDING JUDGE TARFUSSER: [10:09:52] I didn't know about this plan.

7 MR O'SHEA: [10:09:54] Well, apparently it's in their list.

8 PRESIDING JUDGE TARFUSSER: [10:09:58] Yes, of course. There is many things in
9 their list they don't use during their questioning, so I didn't know about the plan.

10 MR O'SHEA: [10:10:12] May I ask them if they are going to show it?

11 PRESIDING JUDGE TARFUSSER: [10:10:16] Yes, please.

12 MR GBOUGNON: [10:10:17] (Interpretation) Yes, your Honour, we intend to show it.

13 PRESIDING JUDGE TARFUSSER: [10:10:21] Okay.

14 MR GARCIA: [10:10:38] Your Honour, if I can just take this time, if there is an issue
15 regarding the said videos, then we would have to inform the Chamber and the
16 parties of something obviously regarding this video outside the presence of the
17 witness very briefly. We can do that when the --

18 PRESIDING JUDGE TARFUSSER: [10:10:50] Of course.

19 MR GARCIA: [10:10:51] -- Defence counsel for Charles Blé Goudé will undertake
20 that line of questioning.

21 MR O'SHEA: [10:10:55] Well, if you don't mind, your Honours, I would like to know
22 what it is. Can we do it now?

23 PRESIDING JUDGE TARFUSSER: [10:11:00] No, no, it's outside of the -- without the --

24 MR O'SHEA: [10:11:02] Yes. Can the Prosecution speak outside the presence of the
25 witness now because otherwise --

1 PRESIDING JUDGE TARFUSSER: [10:11:05] No, I would like, I would like -- or we
2 show it now, we look at it now, then we do this or we do it after.

3 MR O'SHEA: [10:11:13] Well, the only thing is --

4 PRESIDING JUDGE TARFUSSER: [10:11:15] No.

5 MR O'SHEA: [10:11:16] The only thing is that I don't want to spend time on the
6 videos, right. But the thing is that if there is something significant that the
7 Prosecution wants to draw to our attention, I may have to deal with it and I would
8 rather deal with it now than have to come back to it later.

9 MR GARCIA: [10:11:34] Your Honour, I don't think it's anything that is going to
10 disrupt the line of questioning that Maître O'Shea has engaged already. I'm pretty
11 sure I think he has exhausted most of his questions on the issue. It's just one
12 clarification regarding the number of videos that the Prosecution does have in its
13 possession from this witness. I believe there is a question of two videos. That's not
14 our information. It's going to take only a couple of seconds to inform the Chamber.

15 PRESIDING JUDGE TARFUSSER: [10:12:03] Well, I wouldn't say it's very much
16 relevant to it, so please go ahead.

17 MR O'SHEA: [10:12:10] In light of what my learned friend has just said, it's not necessary.

18 PRESIDING JUDGE TARFUSSER: [10:12:13] Yes.

19 MR O'SHEA: [10:12:14] We have confidence in what he says.

20 Q. [10:12:32] So just one last point on this, Witness. Whatever you gave to the
21 Prosecution was in relation to events in Yopougon; is that right?

22 A. [10:12:54] Yes.

23 Q. [10:13:00] All right. I finally move away from the videos.

24 Right. Now, what I was about to do, before His Honour, the Judge President
25 pointed out an error on the transcript, was to read you a passage. So I'll come back

1 to that, Witness.

2 And, madam interpreter, I'm quoting in French:

3 (Interpretation) "There were several injured people amongst the people there.

4 Children were also injured. I saw people with light injuries at the market the next

5 day. Some of the injured people in the shelling are still salespeople at the market

6 today. Amongst the people who died there was someone from Guinea whom I

7 knew, someone from Mali, but also some Ivorians who were Moké (phon) and

8 Kayagas ethnic group. I am aware of this information because I was the third

9 vice-president of the union of scrap metal dealers in Côte d'Ivoire. When there was

10 a death or a problem in one of the families of the scrap metal dealers or in the

11 neighbourhoods, the scrap metal dealers informed the committee, including myself."

12 (Speaks English) End of quote.

13 So, Witness, your position as third vice-president of the union of scrap metal dealers

14 puts you in a special position with regard to receiving information about events in

15 Ivory Coast during the crisis; is that right?

16 A. [10:15:37] Well, that wasn't my goal, that wasn't the purpose.

17 Q. [10:16:01] But people used to come to the union and discuss the events which

18 were taking place during the crisis; would that be correct?

19 A. [10:16:15] Yes, yes, that's correct.

20 Q. [10:16:16] And how often did the union meet?

21 A. [10:16:30] We would meet every Friday for quite a long time; and if there was

22 something more urgent, we would have an extra meeting.

23 Q. [10:16:50] How many union members were there of this union for Ivory Coast

24 scrap metal dealers?

25 A. [10:17:07] Well, today there is -- well, at least in the bureau there is at least

1 16 -- 16, 16 in the bureau if I remember correctly.

2 Q. [10:17:37] So those are the members of the bureau. How many members of
3 the union? So those are the members of the bureau of the union, 16, and how many
4 members of the union were there at that time?

5 A. [10:17:59] Well, the others who are not in the bureau, there is a lot of them,
6 very many. But the ones who are in the front line, so to speak, who are making
7 decisions, there were at least 16. Ordinary members, they were very numerous.

8 Q. [10:18:29] In Ivory Coast, is the scrap metal business a lucrative business?

9 A. [10:18:44] What do you mean by the word "lucrative," please?

10 Q. [10:18:58] Is it a business which involves a lot of money, a lot of exchange of
11 money? Is it one of the significant businesses within the country?

12 A. [10:19:13] *We, the union, as scrap metal dealers, we defended only the
13 dealers who sold second-hand spare parts. When there was a problem with the
14 police or the gendarmes, we would go and defend our members, but we didn't ask
15 people to pay us an amount. No. We defended ourselves with our own resources.
16 We didn't hit people up for money, we didn't take money from people.

17 Q. [10:19:52] If you are a scrap metal dealer in Ivory Coast, is it compulsory to be
18 a member of the union?

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

20 Q. [10:20:14] And do you have to pay a fee to the union?

21 A. [10:20:28] *Every Friday we would pay 200, 200. *Sometimes if there was an
22 emergency and the president could not travel, he might say to the secretary, for example,
23 "Go to Yopougon. Here is 1,000 francs for your travel, go and greet so-and-so." Or if
24 there was a death somewhere, the vice president would say, "let's divvy up the work.
25 First vice president, someone has to go and see some people here, here is 1,000 francs for

1 your travel.” Same thing for the second and the third vice-presidents, because the
2 president was not available. *That’s why each person would contribute 200, it was to
3 pay for the travel. We did not give people tickets, we took -- we did not give people tickets,
4 we had our membership cards. We did not give tickets and then people would ask for the
5 money. That’s not how we did it. *Our goal was to defend the mechanics and the scrap
6 metal dealers who were selling spare parts. *After that turned around, the clients could --

7 Q. [10:21:37] Now, this union being one of the big unions in Ivory Coast, did the
8 union engage with the political parties in the country?

9 A. [10:21:55] No.

10 Q. [10:22:02] Really?

11 A. [10:22:08] Yes. No, it was not in politics.

12 Q. [10:22:18] But there are significant business interests in the trading of scrap
13 metal, and if you're a large union, there is no interaction whatsoever with political
14 platforms; is that your evidence?

15 A. [10:22:40] *Yes, in our bylaws and regulations, we put that it's an apolitical
16 organisation. *We are not involved in politics. It was in our bylaws and regulations.
17 *Before you join, that is what you are first shown.

18 Q. [10:23:00] Now, when there is a decision to have a strike, at that time do you
19 and other members of the bureau engage with politicians at the time that there is a
20 strike in the country?

21 A. [10:23:25] Well, scrap metal dealers don't go on strike. There are several unions in
22 Côte d'Ivoire. *There are unions for the gbaka and the wôrô wôrô drivers, as well as the taxi
23 drivers. *They are the ones who go on strike; but scrap metal dealers never go on strike.

24 Q. [10:23:50] Is there a federation of the different big unions in the country?

25 A. [10:24:04] Well, you have the small business owners and transportation; is

1 that what you're talking about?

2 Q. [10:24:18] Well, is there cooperation between the different major unions
3 operating in Côte d'Ivoire?

4 A. [10:24:26] The major unions are the transport unions. But *in our area, we
5 were just dealing with scrap metal. *We aren't in -- you can look, we don't exactly
6 have official government papers or a ministerial order so we could be larger. We
7 operate in a small area, just keeping an eye out for the people who trade in scrap metal.

8 Q. [10:24:56] Now, when a march was organised for the purpose of making
9 change for the people in Ivory Coast, the unions were to some extent involved in the
10 discussions and the organisation; is that not right?

11 A. [10:25:25] Well, I can't really say yes because as a union, we didn't tell anyone
12 to go and march. *Maybe some people were marching behind us.
13 *Otherwise, our association is not political.

14 Q. [10:25:50] Well, when political leaders like Guillaume Soro were planning a
15 march, would they not consult with the big unions?

16 PRESIDING JUDGE TARFUSSER: [10:26:05] But not with the witness, I would suppose.

17 MR O'SHEA: [10:26:08] Well --

18 PRESIDING JUDGE TARFUSSER: [10:26:09] Where are we going with this questioning
19 of -- this is very political. It becomes very political here. It's going outside the scope of the
20 charges and I think it's going -- it's a little bit broad in respect of this witness, I would say.

21 MR O'SHEA: [10:26:24] Well, the Defence may have evidence later.

22 PRESIDING JUDGE TARFUSSER: [10:26:29] Well, may have. But that's what the thing
23 is about that -- or we come up with something in case also without the witness or otherwise.
24 I mean, we can't sit here and ask -- and listen to questions which are completely unrelated to
25 the scope of the charges and have faith in that sometimes something will come up.

1 MR O'SHEA: [10:26:56] Well, your Honour, I understand your Honour's perspective,
2 but the Defence intends to come with evidence which will show the importance of
3 the unions in the marches.

4 I don't want to say too much in front of the witness, but there is -- you know, there is
5 an evidential point here about why this witness is here now, whether this witness is
6 telling the truth. If he's not telling the truth, why is he not telling the truth? Is he
7 being supported from behind? These marches which were taking place in Ivory
8 Coast during the crisis, were they being supported by the very forces that this witness
9 forms part of, i.e., the unions? That is the area which I'm exploring. It may not be
10 entirely clear to the Chamber right now, but to us it's of some importance. But in any
11 event, I've gone through the large part of this discussion, so it will be closing soon.

12 PRESIDING JUDGE TARFUSSER: [10:28:15] Thank you.

13 (Counsel confer)

14 MR O'SHEA: [10:28:44] Your Honour, thank you.

15 Q. [10:28:51] Now, as the third vice-president of this union of scrap metal
16 dealers, which you say had numerous members, you explained that there was a
17 bureau 16, within that bureau, any significant information about the activities of
18 your union would have come to your knowledge; is that right?

19 A. [10:29:34] Well, the union was informed of many things, but there are also
20 many things that I have forgotten since these things happened a long time ago.
21 After the crisis, well, we stopped. Right now we have stopped.

22 Q. [10:30:01] But the point is that any activities undertaken by your union, you
23 personally would have been aware of; that's correct, isn't it?

24 A. [10:30:15] Not all the activities. Some activities.

25 Q. [10:30:24] Can we say any significant activities on the national level?

1 A. [10:30:31] What type of activities?

2 Q. [10:30:44] Now, Mr Witness, I'm going to just move on to another issue now. In
3 your evidence, you described how the fognon put up roadblocks on the road in front of
4 the university. This road in front of the university was the main auto route; is that right?

5 A. [10:31:33] I said that they put up the *roadblocks at Coco Service.

6 Q. [10:31:49] And this was on -- at Coco Service, but this was on the main road?

7 A. [10:32:01] The main road which goes all the way to the university Abobo
8 Adjamé.

9 Q. [10:32:11] And when were these roadblocks erected?

10 A. [10:32:26] What do you mean by "erected"?

11 Q. [10:32:36] Put in place.

12 A. [10:32:46] Yes.

13 Q. [10:32:48] When?

14 A. [10:32:52] During the crisis.

15 Q. [10:32:54] When?

16 A. [10:32:57] After the second round of elections.

17 Q. [10:33:06] How soon after the second round of elections?

18 A. [10:33:11] When tensions began to increase significantly, when people were
19 being killed every day, people were afraid that the forces of law and order could
20 return to create havoc in the population in Abobo, Abobo.

21 Q. [10:33:36] So were these roadblocks put in place before the women's march?

22 A. [10:33:50] Before the women's march, there were no such roadblocks in place
23 if I remember correctly, if I haven't forgotten. Well, I don't think there were any
24 roadblocks by the time of the march. I don't think so. But this might not be
25 correct. I don't remember that part. It's been a long time ago.

1 MR O'SHEA: [10:34:44] Just give me one moment, your Honours, please.

2 (Counsel confer)

3 MR O'SHEA: [10:35:28] Thank you, your Honours.

4 Q. [10:35:42] You -- at some point, you met with an NGO or NGOs to give
5 statements about your -- what had happened to you and what you had witnessed
6 during the crisis. Can you give us the names of the NGOs which you met with?

7 A. [10:36:14] The NGOs I met, well, I don't remember the names, but I gave the
8 business cards of the members of those NGOs to the investigators of the ICC. The
9 small business cards they gave me, I made -- I took photographs of them and I
10 handed them over.

11 Q. [10:36:39] Do you remember any of the people that you spoke to?

12 A. [10:37:00] I met with people of the NGO. If I see them again, I could
13 recognise them. I even know where their office is located in Abobo.

14 MR O'SHEA: [10:37:33] One moment, your Honour.

15 (Counsel confer)

16 MR O'SHEA: [10:39:03] Sorry, your Honours, I was just verifying if there were other
17 matters which needed to be dealt with.

18 Q. [10:39:24] So this office, this office at Abobo, where specifically is the office?

19 A. [10:39:39] Behind the 14th.

20 Q. [10:39:50] And these NGOs, were they local NGOs or international NGOs?

21 A. [10:40:13] It was --

22 THE INTERPRETER: [10:40:18] We didn't get the word the witness mentioned.

23 PRESIDING JUDGE TARFUSSER: [10:40:22] Local, local, he said, local.

24 THE WITNESS: [10:40:30] It's local.

25 MR O'SHEA: [10:40:33]

1 Q. [10:40:33] And how did you come to being in contact with the Office of the
2 Prosecutor? Did you approach somebody to say that you had relevant evidence or
3 did someone approach you?

4 A. [10:40:43] After meeting, after the meeting with the ONUCI, and the NGOs
5 that were contacted, I was called up one day to meet or answer to questions from the
6 ICC.

7 PRESIDING JUDGE TARFUSSER: [10:41:27] By whom were you called? Excuse me
8 if I -- you said you were called. The question is: By whom were you called?

9 THE WITNESS: [10:41:44] (Interpretation) Thank you. People from *the victims' unit.
10 *I went to see about the investigations and to see what they set up in Côte d'Ivoire.
11 Currently all the victims go there to explain their problems. I got there, Deux Plateaux,
12 Carrefour 81, which used to be Station 81. *That's where they called me and they
13 showed me my documents. "Here is what you said, do you want to meet with the
14 people from the ICC? *I thought about whether I could meet with them. And I said,
15 yes, I am willing to go and talk to them *because I am the one directly concerned here.

16 PRESIDING JUDGE TARFUSSER: [10:42:30] Excuse me, you said to my question,
17 you said people from victim called you. Who are those people from victim? Is this
18 the NGO you are referring to?

19 THE WITNESS: [10:42:52] (Interpretation) It's another NGO, but that was the first time I
20 was seeing them. *But I don't know how they got my file. They called me. *I went there. *Maybe
21 these people worked with the first NGO, the one I went to. *Maybe the NGOs are kind of
22 working together. I don't know. Otherwise, it's complicated to take -- but to my great
23 surprise, I found my file at Deux Plateaux, at the old Station 81. They were the ones who
24 called me and they said to me, "This is your file. Do you want to meet with the people of
25 the ICC?" I said, "Yes, I want to meet with them because these things concern me directly."

1 PRESIDING JUDGE TARFUSSER: [10:43:27] Mr O'Shea.

2 MR O'SHEA: [10:43:28]

3 Q. [10:43:29] Before you met with the ICC, did you have meetings involving
4 other victims?

5 A. [10:43:52] No.

6 Q. [10:43:52] Were you invited to such meetings?

7 A. [10:43:54] By whom?

8 Q. [10:43:58] By these what you described as the people of victims.

9 A. [10:44:03] I met them once. And they gave me some news, but I haven't seen
10 them again to this day. I never went back again. These are confidential matters
11 dealing with the ICC, so I had to keep all of them to myself alone.

12 MR O'SHEA: [10:45:08] Those are all my questions. Thank you, Mr Witness, for
13 your patience. Thank you, your Honours.

14 PRESIDING JUDGE TARFUSSER: [10:45:15] Thank you, Mr O'Shea. We have 15
15 minutes, and I would ask the Defence for Mr Blé Goudé to start the questioning.
16 Thank you.

17 MR KNOOPS: [10:45:27] Mr President, Mr Gbougnon will conduct the examination
18 of this witness. Thank you very much.

19 PRESIDING JUDGE TARFUSSER: [10:45:31] Thank you very much. You informed
20 me already yesterday. Thank you.
21 Maître Gbougnon.

22 MR O'SHEA: [10:45:53] The ICC has got some more money.

23 PRESIDING JUDGE TARFUSSER: [10:45:56] Yes, for lots of things; for others, not.

24 MR GBOUGNON: [10:46:19] (Interpretation) Good morning, Mr President. Good
25 morning to everyone in the courtroom.

1 QUESTIONED BY MR GBOUGNON:

2 Q. [10:46:33] Good morning, Mr Witness.

3 A. [10:46:44] Good morning.

4 Q. [10:46:48] I am Maître Jean-Serge Gbougnon of the Abidjan bar, member of
5 Mr Charles Blé Goudé's Defence team. Following my learned colleague, I will
6 continue to put some questions to you. As you will notice, I am speaking in French
7 and you are also speaking in French, so there is a risk of overlapping each other
8 when we both speak at the same time. So I will try to speak slowly, very slowly
9 and quite simply, because I understand that your level of language is not very high.
10 So please, when I am speaking wait for me to completely finish asking my question
11 before you answer. Can you understand that? Can we proceed?

12 A. [10:47:54] Yes.

13 Q. [10:47:55] A short while ago reference was made to a video which you gave to
14 the members of the OTP who came to interview you. During that discussion on
15 that matter, my learned colleague suggested to you that this video was not about
16 Yopougon, but then you asked the President that the video be shown to you?

17 A. [10:48:31] Yes.

18 Q. [10:48:31] So to deal with that aspect of the examination, I would like to start
19 by showing you the video.

20 PRESIDING JUDGE TARFUSSER: [10:48:48] Just to know for us, which one?

21 MR GBOUGNON: [10:48:57] (Interpretation) Mr President, I will read out the
22 reference shortly, but in the statement which I have, which is in the case file,
23 reference is made of one video being given to the OTP, that is the reference I'm going
24 to read and that's the video I will be showing the witness.

25 MR GARCIA: [10:49:27] I was kind of hoping, in light of my most recent

1 intervention, that Defence counsel might hold off on his questions regarding the
2 video until after the break, given that I just wanted to provide certain information to
3 the Chamber regarding the video in question, if that's not too much difficulty for
4 Defence counsel. I realise that we have maybe 10 minutes just to hold off on that
5 part, because outside the presence of the witness I just want to inform the Chamber
6 so it can be properly informed on the matter; and then if this doesn't cause undue
7 prejudice to my colleague, we can continue afterwards, after the break, and he can
8 continue on this line of questioning if the Chamber deems it necessary and if
9 Defence counsel also deems it necessary.

10 PRESIDING JUDGE TARFUSSER: [10:50:07] So what we are going to do is to ask the
11 witness to leave the courtroom and to have his break. Then I give the floor to the
12 Office of the Prosecutor for his clarification. Then we go for the break, and then we
13 come back and we continue. I think this is the way forward. So please, court
14 usher, can you accompany the witness out.

15 (The witness stands down)

16 PRESIDING JUDGE TARFUSSER: [10:50:52] And we'll be back at 11.30, just for the
17 witness and the unit to know.

18 Now I think I can give the floor to the Office of the Prosecutor.

19 MR GARCIA: [10:51:12] Thank you, your Honour. And thank you, Defence
20 counsel, for permitting me to make this brief statement.

21 Now, I know it's been a question of a couple of -- two videos that have come out of
22 the testimony of the witness, according to my understanding. I've been re-reading
23 the transcript. What the Prosecution has is only seizure of one video during the
24 interview, so we want that to be particularly clear.

25 We're not sure obviously of what the second video is about. There is an

1 investigator's report on this whole matter, it's CIV-OTP-0021-1004. I have some
2 hard copies for the Chamber. We can have these admitted into the Court record so
3 that this matter can be clear.

4 This is an investigator's report that details the findings of the OTP in their
5 investigation of this video that was provided by the witness. It is a video which
6 contains, depicts people being burnt, my understanding. It is of a graphic nature,
7 so I think that needs to be considered in whether we actually need to go through
8 this, given that the Prosecution is not going to be relying on these paragraphs of the
9 witness statement.

10 One last clarification so the record is clear. This -- sorry. This investigator's report
11 was disclosed to the Defence of Laurent Gbagbo in May 2012. So contrary to what
12 Maître Altit states, it's not the Defence that informs the Prosecution but rather the
13 inverse, just so that be clear on the record.

14 I have these copies for the Chamber and, as I've stated, we have -- actually we think
15 it might be good if they were in the Court record just so that the matter is clear.

16 PRESIDING JUDGE TARFUSSER: [10:52:51] Here it's not a game who is better, if the
17 Defence or the Prosecution.

18 MR GARCIA: [10:52:55] Just so that the -- yes, your Honour, thank you for that. But
19 it's just so that the record is clear. With those comments, I leave it up to the
20 Chamber and, obviously, Defence counsel to determine whether it is indeed
21 necessary to go into this line of questioning.

22 PRESIDING JUDGE TARFUSSER: [10:53:10] Now here I think the problem is that
23 the witness himself spoke about two videos: One taken by himself and one given to
24 him by a friend. So what we have is the one given to him by a friend. This is what
25 I understand from the OTP. Is that right?

1 MR GARCIA: [10:53:32] This is our understanding.

2 PRESIDING JUDGE TARFUSSER: [10:53:33] Okay.

3 MR GARCIA: [10:53:33] The one that we've provided, the one that's been mentioned
4 a couple of times --

5 PRESIDING JUDGE TARFUSSER: [10:53:38] Okay.

6 MR GARCIA: [10:53:38] -- the one that is number 55 on the Defence list is the one
7 that the Prosecution, the OTP, did seize from the witness. We don't have any other
8 video.

9 PRESIDING JUDGE TARFUSSER: [10:53:46] Okay.

10 MR GARCIA: [10:53:47] And this is one that relates to events unrelated to this case.
11 It's Kenya. It's a graphic video.

12 PRESIDING JUDGE TARFUSSER: [10:53:52] Okay. Thank you.

13 Maître Gbougnon, do you want to say something on this?

14 MR GBOUGNON: [10:53:58] (Interpretation) Yes, Mr President. Without getting
15 into any polemics, I believe this is what I was doing when you gave me the floor. I
16 mentioned that in the statement I have here, that statement refers to one video
17 having been handed to the investigators. That is what I said. So I thought maybe
18 the OTP had other information, additional information. So that's what I was saying.
19 Now, as to the relevance, I need to show this video, you've already mentioned it.
20 The witness himself when being questioned by my learned colleague, when he
21 mentioned that the video might come from Kenya, the witness himself asked for the
22 video to be shown. So we cannot now ask us to justify why it is necessary to do so.
23 It is necessary because the witness has to identify whether this is the same video he
24 gave to the OTP.

25 PRESIDING JUDGE TARFUSSER: [10:55:04] The video will be shown in 34 minutes

1 when we come back after the break. Thank you.

2 THE COURT USHER: [10:55:11] All rise.

3 (Recess taken at 10.55 a.m.)

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

5 THE COURT USHER: [11:32:54] All rise.

6 Please be seated.

7 PRESIDING JUDGE TARFUSSER: [11:33:10] Good morning once again.

8 Good morning, Mr Witness.

9 I give immediately the floor to Maître Gbougnon for his questioning. I think we left

10 at the video. Thank you.

11 MR GBOUGNON: [11:33:29] (Interpretation) Thank you, your Honour. Indeed, we

12 would like to have the video played. CIV-OTP-0020-0558. Now, the video does

13 not have timestamps.

14 PRESIDING JUDGE TARFUSSER: [11:33:59] Meaning that's the full video. How

15 long is it, just to have an idea?

16 MR GBOUGNON: [11:34:11] (Interpretation) Two minutes.

17 PRESIDING JUDGE TARFUSSER: [11:34:13] Thank you.

18 THE COURT OFFICER: [11:34:16] If I may, we might have to turn to private session

19 because the video is confidential.

20 PRESIDING JUDGE TARFUSSER: [11:34:21] Is it confidential?

21 MR GARCIA: [11:34:26] Your Honours, I don't believe there is anything confidential

22 on that video. It doesn't relate even to this case.

23 THE COURT OFFICER: [11:34:33] My mistake then. Sorry.

24 MR GARCIA: [11:34:35] Not your mistake. It could be that there was initially some

25 type of confidential attached to it, but I don't see it.

1 PRESIDING JUDGE TARFUSSER: [11:34:41] What's -- Maître Gbougnon, where is
2 the problem?

3 MR GBOUGNON: [11:34:49] (Interpretation) The last comment from the OTP is
4 quite superfluous.

5 PRESIDING JUDGE TARFUSSER: [11:34:55] Well, but innocent. Superfluous but
6 innocent. It didn't influence anything. It just said it could have been confidential
7 sometimes and now there is no reason to be confidential. I don't understand your
8 reaction. Please, so let's play the video.

9 And, Mr Witness, please look at this video because then questions will be put to you
10 in relation to this video.

11 (Viewing of the video excerpt)

12 PRESIDING JUDGE TARFUSSER: [11:36:29] We don't, excuse me, we don't see it.

13 (Viewing of the video excerpt)

14 PRESIDING JUDGE TARFUSSER: [11:38:26] I think we can also -- oh, now it's finish.

15 Okay.

16 Was this the video that you gave to the Office of the Prosecutor?

17 THE WITNESS: [11:38:50] (Interpretation) No. It's not that video. *Before the crisis,
18 we had this video. *The people are speaking a different language. It's not a language
19 that's spoken in Côte d'Ivoire. If there is another video, show me that one again.

20 PRESIDING JUDGE TARFUSSER: [11:39:12] Maître Gbougnon.

21 MR GBOUGNON: [11:39:20] (Interpretation) Your Honour, before we continue, I'd
22 like to point out one thing. Now, a few moments ago right in front of the witness a
23 comment was made when the Prosecution rose, and I didn't want to stress the point
24 but they did already say that the video had nothing to do with this case. So I really
25 don't think that it was appropriate to say such a thing before this witness. Thank

1 you, your Honour.

2 PRESIDING JUDGE TARFUSSER: [11:39:54] Yes, it was not. I agree.

3 MR GBOUGNON: [11:40:04] (Interpretation)

4 Q. [11:40:15] Mr Witness, yesterday you told my learned friend that when the
5 members of the OTP took a statement from you, there were some interpreters; is that
6 correct?

7 A. [11:40:32] Yes.

8 Q. [11:40:35] Now, when the investigators from the OTP came to take a
9 statement from you in Abidjan with them or with all of you, was there someone who
10 did the translation; that is correct?

11 A. [11:40:56] Yes.

12 Q. [11:40:59] Now, in your statement CIV-OTP-0019-0211, we read the following,
13 "Place of statement, Abidjan, Côte d'Ivoire." Names and titles of all those present
14 when the statement was taken --

15 MR GBOUGNON: [11:41:58] (Interpretation) Your Honour, unfortunately I cannot
16 mention the OTP investigators' names, but I would point out that in this particular
17 statement, we do not find any mention of an interpreter. And unfortunately, I
18 cannot give the name of the OTP staff members because we are in public session, but
19 I would point out that we do not see anything about an interpreter being present
20 when this witness was heard by members of the OTP.

21 PRESIDING JUDGE TARFUSSER: [11:42:32] Maître Gbougnon, the statement is in
22 the record of the case, so we see exactly the same. So I think this is clear.

23 MR GBOUGNON: [11:42:49] (Interpretation)

24 Q. [11:42:58] Mr Witness, what year was it that you opened your little shop in
25 Adjamé?

1 A. [11:43:09] I really can't remember. I didn't write it down. I didn't go to school.
2 I kept everything in my head. I didn't put it down on paper. You see, I didn't go to
3 school, so I really didn't jot that down. I don't think it was all that long ago.

4 Q. [11:43:32] Approximately 2001-2002?

5 PRESIDING JUDGE TARFUSSER: [11:43:45] Can we change the question, how old
6 were you approximately when you opened first the shop?

7 THE WITNESS: [11:43:58] (Interpretation) That's a bit difficult, because I can't write.

8 *I do know my age, but the age that I was when I opened my shop I couldn't say.

9 *You know, if it's a proper company, you write everything down; but little guys like
10 us, we don't write things down. *We didn't go to school, we don't have a list at
11 work. We *just start up a little trade or a little shop, but we don't write everything
12 down. *We don't know when you started up your shop.

13 PRESIDING JUDGE TARFUSSER: [11:44:27] But you say you write everything down
14 in your memory. I mean, approximately the age, your age, how old were you when
15 you started to work in the shop, more or less? We don't ask for the date, but for
16 your age when you opened the shop, approximate age.

17 THE WITNESS: [11:44:54] (Interpretation) Well, I remember quite well that it was the
18 day that I started to burn the scrap material in the year 2000, and that was when we
19 moved it Abobo.

20 PRESIDING JUDGE TARFUSSER: [11:45:13] You see, it works with a little bit of
21 help.

22 Maître Gbougnon.

23 MR GBOUGNON: [11:45:22] (Interpretation)

24 Q. [11:45:31] And when they burnt the scrap in Abobo in the year 2000, your
25 place was open in Adjamé; isn't that so?

1 A. [11:45:43] No. In Adjamé?

2 THE INTERPRETER: [11:45:48] Could the witness be asked to repeat his reply.

3 PRESIDING JUDGE TARFUSSER: [11:45:53] Can you please repeat in Adjamé and
4 then the interpreters lost you. You said: "No." And then you said: "In
5 Adjamé" --

6 THE WITNESS: [11:46:10] (Interpretation) They burnt store. When they burnt the
7 stores in Adjamé, I had a workshop at the Riviera II, and from Riviera II I went to
8 Abobo and I was very focused on that.

9 MR GBOUGNON: [11:46:40] (Interpretation) I believe the witness had not concluded
10 his response. I think he's still trying to explain something.

11 THE WITNESS: [11:46:49] (Interpretation) *When they torched the scrapyard in
12 Adjamé, I went to Riviera II to run my workshop there. *But the gentleman who
13 gave me that spot where I was working, he ripped someone off by selling *him his
14 car. *So he took off. So the judicial police started to investigate in the garages. So
15 I closed down the place there, and then I had a workshop and I started to work there
16 in Abobo and to -- I managed to make myself -- make a bit of a living for myself there.

17 MR GBOUGNON: [11:47:27] (Interpretation)

18 Q. [11:47:28] So you were in Riviera II area?

19 A. [11:47:31] I was there.

20 Q. [11:47:35] Please let me finish my question. So first you were at Riviera II
21 before you went and set up shop in Adjamé again, correct?

22 A. [11:47:48] Yes.

23 Q. [11:47:48] So this shop in Riviera II was before the year 2000?

24 A. [11:47:58] *After, when they burnt the scrap in 2000, that I left for Riviera II.

25 Q. [11:48:06] So you went to Riviera II in the year 2000; is that correct?

1 A. [11:48:13] *Yes, yes, if I remember correctly.

2 Q. [11:48:16] Now, in Riviera II, where was your workshop located?

3 A. [11:48:26] *Carrefour Alpha, you go past the station, nowadays where they
4 built a station, that's where my workshop was. There is the Protestant church
5 beside it, on the left, as you head up toward Nono.

6 MR GBOUGNON: [11:48:42] (Interpretation)

7 Q. [11:48:43] Thank you, Mr Witness. Now, you said in your statement when
8 my colleague was putting questions to you that you are not a member of a political
9 party; is that correct?

10 A. [11:49:06] Yes.

11 Q. [11:49:09] You never attended any rallies in Abobo; is that correct?

12 A. [11:49:19] Yes.

13 Q. [11:49:22] And then the march of 16 December, you learnt about it on the
14 television; is that correct?

15 A. [11:49:37] Yes.

16 PRESIDING JUDGE TARFUSSER: [11:49:45] The last three or four questions are of
17 the ones who yesterday I said shouldn't be put, because it came out clearly from
18 what he already said.

19 MR GBOUGNON: [11:50:02] (Interpretation) Thank you, your Honour.

20 Q. [11:50:13] You never -- how did you learn about the march of 16 December
21 and that there was supposed to be a gathering at the Abobo town hall? How did
22 you know about that?

23 A. [11:50:42] Well, since I was *there in Abobo, *it was said, there were rumours,
24 we went to set up -- we went to the march. We were told that *the President Soro
25 Guillaume said that the march would be held, a peaceful march for the liberation of

1 the RTI. *So I stayed in Abobo at the same time.

2 Q. [11:51:11] Mr Witness, let me be more specific in my questioning. Now, you see,
3 your Honour, I think this is an important point because we need to lay the foundation
4 here. Now, you said, Witness, that you were not a member of a political party?

5 A. [11:51:34] Yes.

6 Q. [11:51:34] You never went to any meetings, preparing for the march?

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

8 Q. [11:51:39] You only heard the message from Patrick Achi and Guillaume Soro
9 on the television?

10 A. [11:51:48] Yes.

11 Q. [11:51:49] So these two gentlemen did not give the right to gather but since
12 you never went to any preparatory meeting or any kind of rally, how did you know,
13 how did you come to learn that on 16 December in the morning the marchers were
14 supposed to give in front of the Abobo town hall, how did you know that?

15 A. [11:52:19] *Okay, thank you. Since I stayed in Abobo, since I stayed in
16 Abobo, there were some people who were heading out to the march, and they were
17 saying that they would gather in Abobo. But I went to the roundabout in front of
18 the Abobo town hall. If we left from there, maybe, when something was happening
19 in Abobo, at the roundabout, while -- the rising violence, sometimes there were many
20 men there. So we decided to keep on going and to go to, what's the name of that place,
21 the Dokoui pharmacy. We knew that we would meet up with other groups there.

22 Q. [11:53:01] Mr Witness, you keep saying "they," "people," who are you talking
23 about? I'm going to ask you one last time. You heard on the television -- so
24 judging by your statement, no one actually told you. You decided to spend the
25 night in Abobo after watching the television; is that correct?

1 A. [11:53:29] Yes.

2 Q. [11:53:29] And thus, after watching the television, how was it that you knew,
3 how could you have known that people were supposed to gather in front of the
4 Abobo town hall?

5 A. [11:53:46] Thank you. The several marches that I took part in in Côte
6 d'Ivoire, there never were gatherings. There would be five or six people who
7 would come together and then you would join in and off you would go. I didn't go
8 to some -- there was no big rally or anything like that.

9 Q. [11:54:08] Thank you, Mr Witness. So you're telling the Chamber that --

10 PRESIDING JUDGE TARFUSSER: [11:54:15] Wait for the interpreters.

11 MR GBOUGNON: [11:54:35] (Interpretation) I apologise, your Honour.

12 Q. [11:54:45] Mr Witness.

13 A. [11:54:47] Yes.

14 Q. [11:54:48] So you heard the Presiding Judge, and we must strive not to speak
15 at the same time. Please wait until I've finished. So you are telling the Chamber that
16 you found yourself that fine morning or you are saying that apparently there was a
17 gathering in front of the town hall, and it was just sort of random or spontaneous, the
18 marchers just kind of showed up there; is that what you are telling the Chamber?

19 A. [11:55:20] No.

20 Q. [11:55:24] What do you mean then?

21 A. [11:55:29] *Well, what I mean is that any kind of ceremony or anything that
22 people wanted to do, people would organize themselves at the Abobo town hall.
23 The Abobo roundabout is where people would go to get organized. Since there,
24 often, the majority, there was unrest sometimes, when there were things, many men
25 wouldn't get there. That's what I'm saying.

1 Q. [11:55:52] Mr Witness, in December 2010, what situation prevailed? Were
2 things calm?

3 A. [11:56:25] When?

4 Q. [11:56:29] December 2010, in Attecoubé, after the sound round of voting,
5 December 2010 in Attecoubé. Was the situation calm?

6 A. [11:56:44] It was calm inside the area, but along the road, you know the main
7 *roads, it was problematic. *Eventually, it -- as the crisis erupted, things became tough.

8 Q. [11:57:08] I'm not talking about when the crisis unfolded. I'm saying between
9 November and December 2010, between November and December 2010, before the
10 march, in Attecoubé, were things calm?

11 A. [11:57:27] Before the march, Attecoubé was calm, but there were some
12 *strange things going on, there were *strange, strange roundups going on, raids.
13 *We didn't understand what they were all about.

14 Q. [11:57:43] And which neighbourhood was *the calmest, Attecoubé or Abobo?

15 A. [11:57:52] Attecoubé was calmer than Abobo.

16 Q. [11:57:55] So you're saying Attecoubé was calmer than Abobo and yet, and yet
17 just before the march you described - paragraph 20 of your statement - you
18 described the atmosphere, you said it was calmer; but then you decided that you
19 would spend the night in Abobo, but you say it was more dangerous there. And
20 then you say Attecoubé was quieter. Why are you telling us that?

21 A. [11:58:35] Thank you. When there are marches like that, if it's night,
22 nighttime, you stay where you are, because there are raids, roundups.

23 Q. [11:59:00] So on the day of the march you said that your group was at the
24 Dokui pharmacy; is that correct?

25 A. [11:59:06] Yes.

1 Q. [11:59:07] And from the pharmacy where did you go?

2 A. [11:59:20] Towards the RTI.

3 Q. [11:59:22] Let me repeat that question. I asked you from the Dokui
4 pharmacy, where did you go? I didn't ask you toward what place were you going,
5 but where did you go?

6 A. [11:59:37] Well, we couldn't get there.

7 Q. [11:59:39] Witness, you were at the Dokui pharmacy. Were there lots of people there?

8 A. [11:59:59] Yes, 50, 40, something like that.

9 Q. [12:00:05] When you left the Dokui pharmacy, when you left the pharmacy,
10 how far were you able to proceed?

11 A. [12:00:24] We got to around the gendarmerie, to Paillet.

12 Q. [12:00:38] Which gendarmerie do you mean?

13 A. [12:00:40] The Agban gendarmerie.

14 Q. [12:00:54] Agban. I'm going to read out what you have stated in paragraph
15 30 of your statement. This is paragraph 30:

16 "We left toward the RTI taking the Paillet road. Paillet is the road that separates
17 Abobo and Deux Plateaux. It goes from Abobo towards the zoo and it leads all the
18 way to the RTI. At the level of the intersection which is called Kablan Duncan
19 named after a former minister near the intersection that leads to Deux Plateaux, not
20 far from the gendarmerie." End of quote.

21 Did you reach the Kablan Duncan intersection?

22 A. [12:02:21] Well, it's toward the Paillet, we stopped because there were FESCI
23 people who stopped us and the people in uniform.

24 MR GBOUGNON: [12:02:41] (Interpretation) Your Honour, I would like to ask
25 someone to come and help the witness read something, because I'm going to show

1 him a map, because otherwise I'm afraid the Chamber might not be able to follow
2 what I'm trying to explain.

3 PRESIDING JUDGE TARFUSSER: [12:03:03] Can someone help the reading
4 assistance help the witness with a map? Yesterday a gentleman was here. Then of
5 course one was the reading. But I think reading a map is again something else than
6 reading from a document.

7 Now somebody is coming in a minute, he will be here. So we can set up in the
8 meantime, we can set up the map. So tell us which map you want.

9 MR GBOUGNON: [12:04:30] (Interpretation) It is document CIV-D225-0024-0004.

10 THE INTERPRETER: [12:04:53] Correction: It's CIV-D25-0024-004.

11 PRESIDING JUDGE TARFUSSER: [12:05:54] In any case, it would be very helpful if
12 we had a big screen in this courtroom where we permanently have the map of
13 Abidjan over there. I mean, we have everything in this Court but some essential
14 things are missing.

15 Is it displayed? We don't know if it is displayed and on which channel.

16 THE COURT OFFICER: [12:06:58] Mr Gbougnon, could you please correct the ERN
17 number and repeat please for the map. Thank you. Then we can display it on the
18 screen. Thank you.

19 MR GBOUGNON: [12:07:09] (Interpretation) It is CIV-D25-0024-0004.

20 THE COURT OFFICER: [12:07:35] Evidence channel 1 for the map.

21 PRESIDING JUDGE TARFUSSER: [12:07:37] Okay. I would like to have this map of
22 Abidjan on which the parties have agreed always available immediately, otherwise
23 we lose a lot of time just to pick it up and we have to try to find a system where we
24 have it permanently somewhere immediately available. Thank you.

25 Now please, Maître Gbougnon.

1 MR GBOUGNON: [12:08:03] Thank you, your Honour.

2 Q. [12:08:07] Good morning to the interpreter.

3 Would you be so kind as to show to the witness where the Dokui pharmacy is
4 situated, given that he's not able to read, can you show him where it is?

5 A. [12:08:35] I can see it.

6 Q. [12:08:42] So it's from the Dokui pharmacy that you and your group started
7 from at the beginning of the march?

8 A. [12:08:49] Yes.

9 Q. [12:08:50] Please wait until I've finished my question.

10 So it is at the Dokui pharmacy that you and your group started from at the
11 beginning of the march. Perhaps with the help again of the interpreter, can you
12 indicate the Dokui pharmacy.

13 PRESIDING JUDGE TARFUSSER: [12:09:22] How do you want to indicate if it is
14 written? It's written. We can see it all.

15 MR GBOUGNON: [12:09:34] (Interpretation) Thank you, your Honour.

16 PRESIDING JUDGE TARFUSSER: [12:09:41] Because the witness indicates that this
17 authenticates the map. The map authenticates itself.

18 MR GBOUGNON: [12:09:54] (Interpretation) Thank you, your Honour.

19 Q. [12:09:58] Witness, from the Dokui pharmacy, let's try to remember slowly but
20 surely where you went from the pharmacy to the Abidjan zoo.

21 A. [12:10:14] The Abidjan zoo, it was near Paillet. It was in front of it that we
22 stopped.

23 Q. [12:10:28] So you're saying to the Chamber that you did not reach the group of
24 marchers, that is, the group that you were with, you did not reach the Abidjan zoo?

25 A. [12:10:49] *Well, it's an area that I really am not very familiar with. But it

1 was the Paillet area. I'm quite familiar with that area.

2 Q. [12:10:59] The statement that I've just read out to you, in that statement you
3 stated that you reached the zoo and from there you went to Duncan intersection.
4 That's what you stated to the OTP; is that correct?

5 A. [12:11:23] *At the people's request.

6 MS HENDERSON: [12:11:27] Your Honours, if my friend could identify the section --

7 PRESIDING JUDGE TARFUSSER: [12:11:30] Wait, we're overlapping. I would
8 really ask a little more discipline.

9 MS HENDERSON: [12:11:36] I'm sorry, your Honour. I didn't respect the pause.

10 PRESIDING JUDGE TARFUSSER: [12:11:40] Please.

11 MS HENDERSON: [12:11:41] I would just ask my learned friend to identify the
12 portion of the statement where the witness says that he arrived at the zoo and to put
13 that to him specifically.

14 MR GBOUGNON: [12:12:03] (Interpretation) The question? I already read out the
15 statement, but I could refer again to the same paragraph.

16 PRESIDING JUDGE TARFUSSER: [12:12:10] Yes, you read out the statement, but I
17 have no memory that the statement -- what you read out spoke about the zoo.

18 MR GBOUGNON: [12:12:24] (Interpretation) Well, I shall re-read it again.

19 Paragraph 30: "We left toward the RTI taking Paillet road."

20 PRESIDING JUDGE TARFUSSER: [12:12:39] Yes. The zoo, the zoo is there. Okay.

21 MR GBOUGNON: [12:12:47] (Interpretation)

22 Q. [12:12:49] So, Witness, you stated to the OTP investigators that from the
23 Dokui pharmacy you got to the zoo?

24 PRESIDING JUDGE TARFUSSER: [12:13:04] They go towards --

25 THE INTERPRETER: [12:13:05] Microphone, your Honour.

1 PRESIDING JUDGE TARFUSSER: [12:13:07] Yes, sorry. They got towards the zoo,
2 the road goes towards the zoo if I understand well French, and I can read it.

3 (Interpretation) It goes from Abobo to the zoo, (Speaks English) the road, which is a
4 little bit different than they went to the zoo or they arrived to the zoo.

5 MR GBOUGNON: [12:13:38] (Interpretation) Thank you, your Honour. Yes, I was
6 perhaps being a bit too *quick, given that I know the way to that place.

7 Q. [12:13:51] Witness.

8 A. [12:13:54] Yes.

9 Q. [12:13:55] You said that from the Dokui pharmacy you went toward the zoo,
10 and it goes all the way to the RTI. And you continued saying around the Kablan
11 Duncan intersection.

12 Can you confirm to the Chamber that Kaplan Duncan intersection is on Latrille
13 boulevard that's now called the boulevard of the Martyrs?

14 A. [12:14:37] Well, *what I know is that the road that leaves *Dokoui, *it goes
15 through Paillet, then to the zoo, and then to -- *But I don't know whether it is Paillet
16 in front or the zoo in front. I don't know about that. Otherwise, that is where we went
17 by. That means -- you say that we got to the RTI. *I didn't get all the way to the RTI.

18 Q. [12:14:52] I'm not trying to say that you reached the RTI. Let's take it step by
19 step. I'm not trying to say that you got to the RTI. We want the Chamber to
20 understand exactly how far you got. I am merely reading the statement you gave to
21 the investigators of the OTP. You mentioned when you spoke to the investigators,
22 you mentioned the Kaplan Duncan intersection, and that's why I would like to know
23 whether it is true that that intersection, Kaplan Duncan, you even stated that it was
24 the name of a former minister. Is that intersection on the boulevard of the Martyrs
25 or the former name Boulevard Latrille?

1 A. [12:15:54] *Boulevard Latrille, Boulevard des Martyrs? I'm not familiar with the
2 names of the boulevards. But I do know that when you leave the Dokoui pharmacy and
3 head ... you go down as far as -- you go down a road that takes you to the zoo. What's it
4 called, there is -- there is Paillet, then there is the intersection that people call Kablan
5 Duncan, there are the woro-woro's in front, then there is the gendarmerie, and then there
6 is, what's the name of that place, Williamsville, which goes up -- to your right, the lane
7 that goes straight ahead, the left it goes to Yopougon, straight ahead, it goes to the 220.

8 Q. [12:16:33] Witness, let's take it slowly. My question was as follows: What I
9 read out a moment ago, is that what you stated to the investigators? Let me finish.
10 What I've just stated, is that what you said to the OTP?

11 A. [12:17:13] Yes, that's what I've just said.

12 MR GBOUGNON: [12:17:18] (Interpretation) Your Honour, I'm afraid I have to
13 re-read the statement once again to be sure that the witness understands.

14 Paragraph 30: "We left toward the RTI taking the Paillet road. Paillet is the road
15 that separates Abobo and Deux Plateaux. It goes from Abobo toward the zoo and
16 leads all the way to the RTI. At the level of the intersection called Kablan Duncan
17 by the name of a former minister, close to the intersection that leads to Deux
18 Plateaux, not far from the gendarmerie." End of quote.

19 Q. [12:18:14] That is what you stated to the OTP investigators. Do you
20 remember making that statement?

21 A. [12:18:25] I made a statement to explain that we stopped toward Paillet. And
22 now they asked me "Where is Paillet?" I said, "Well, it's not far from Duncan
23 intersection," to give them an idea of where it was. And I explained where Duncan
24 intersection was just to give them an idea of where along Paillet road we stopped.

25 PRESIDING JUDGE TARFUSSER: [12:19:07] Mr Witness, the question was completely

1 different. The question was: Do you remember having said to the Office of the
2 Prosecutor, to the investigators, what Maître Gbougnon has read out to you; yes or no?

3 THE WITNESS: [12:19:29] (Interpretation) *What did he say? His French is a bit
4 complicated for me. *Could he try to speak more simply? I will give him an answer
5 right away. I will answer his question. He just has to speak -- I will answer him.

6 PRESIDING JUDGE TARFUSSER: [12:19:43] I do read it. So I read in a strange
7 French also, not in a real one.

8 (Interpretation) "We left, we left toward the RTI taking Paillet road. Paillet is the
9 road that separates Abobo and Deux Plateaux. It goes from Abobo toward the zoo
10 and leads to the RTI at the level of the intersection that we call Kablan Duncan, by
11 the name of a foreign minister, near the intersection that leads to Deux Plateaux, not
12 far from the gendarmerie." (Speaks English) End of quote.

13 Did you say this to the investigators? Did you give this explanation, of how you
14 proceeded, to the investigators of the OTP?

15 THE WITNESS: [12:21:00] (Interpretation) Yes.

16 PRESIDING JUDGE TARFUSSER: [12:21:09] Thank you. Maître Gbougnon.

17 MR GBOUGNON: [12:21:15] (Interpretation)

18 Q. [12:21:18] So you yourself and your group, you got as far as Kablan Duncan
19 intersection; is that correct?

20 A. [12:21:32] Toward the Paillet.

21 PRESIDING JUDGE TARFUSSER: [12:21:37] Maître Gbougnon, now I don't know
22 where you want to go. What do you want to achieve? That they went in the other
23 direction or what? I don't understand.

24 MR GBOUGNON: [12:21:54] (Interpretation) I don't know how I can explain it. Let me try.

25 PRESIDING JUDGE TARFUSSER: [12:22:01] And I must say something else. This

1 map is not one the parties have agreed upon. It's a map which is misleading in any
2 case. It's prepared by probably you where things are -- indications are given only
3 the one -- not by you, by the team of course -- where indications are written. I think
4 it's misleading to have these maps. If we have agreed on one map, this map should
5 also be the one we use in the courtroom. Now please explain.

6 MR GBOUGNON: [12:22:45] (Interpretation) Your Honour, the first comment I
7 would like to make is as follows. I am insisting here, because I don't think the map
8 is creating any confusion for the witness, that has nothing to do with it. There
9 is -- indeed the Chamber is not familiar with Abidjan.

10 When the witness refers to Paillet and to Kablan Duncan, those are two separate
11 places that are distant from each other, and that's what I'm trying to understand, to
12 understand what was said to the investigators and what he is telling us, exactly how
13 far he got. So my question is: Did he actually say these words to the investigators?
14 That's my first question.

15 Maybe he will tell us he doesn't recognise this description and he has insisted that
16 they stopped at Paillet, and then we can move forward.

17 You asked him the question, and he said, yes, he recognised it. So according to
18 what's in the statement, he got to Kablan Duncan; and when I asked him the
19 question, he said he got to Paillet. It's not a question of the map.

20 Paillet and Kablan Duncan are two separate things. Either they got to Paillet or
21 they got to the Duncan intersection, and that's what I'm trying to establish.

22 PRESIDING JUDGE TARFUSSER: [12:24:21] As I don't want to interfere, I would
23 have something to say but I don't want to interfere in your questioning. Just I think
24 that -- I do understand that those are two different things, but I think one is a road
25 which is called Paillet and then while going on this road you come to this

1 intersection. This is how I understand it.

2 MR GBOUGNON: [12:24:51] (Interpretation) Unfortunately, that's not exactly how
3 things are.

4 Q. [12:25:00] Mr Witness, let me try once again. You and the group you were
5 with, where exactly did you get to? In other words, what precise place did you
6 reach before the incidents took place?

7 A. [12:25:21] We got to the Paillet. *Now if you don't believe me, if someone wants
8 to go to Abidjan right now, I will show him where the Paillet is, where the incident
9 happened. I can see the images in my mind. I know the place where I had that
10 problem. If someone wants to go, we can go together, and I will show him the place.

11 Q. [12:25:39] Thank you, Witness. So, contrary to what's in your statement, you
12 did not reach the Kablan Duncan intersection; is that correct?

13 A. [12:25:50] *Yes, Sir. We stopped at the Paillet. *That's where we got to.
14 Now, I have been asked where the Paillet is located. I am telling you that you see the
15 Paillet, ok, there is an intersection, also called Duncan, because... civilian, whereas...
16 the gendarmerie camp here... things are over on that side, everything called. But me,
17 where I was injured, the place where I had the things, the place, if you like we can go
18 and I will show you. We can even go right this very minute, and I will show you.

19 Q. [12:26:19] Thank you. So the names that are indicated, the places in your statement,
20 did someone suggest those to you? Did someone help you indicate those names?

21 A. [12:26:37] Help? What do you mean exactly?

22 Q. [12:26:43] When the question was put to you by the investigators in order to
23 indicate the various places where you were, to indicate where you went, along
24 which road, et cetera, *did one of the ones asking you questions -- did someone help
25 you? *Did someone tell you that such-and-such a place was called Duncan

1 intersection, or that such-and-such a place was called Agban?

2 A. [12:27:20] Well, after I was injured, *I was trying to find out. Here, there, this
3 place is Kablan Duncan intersection, and that way was the zoo, et cetera. *But
4 when I was injured, up until now, I'm familiar with the area. *We can go on site
5 and I can show it to you, if you want.

6 Q. [12:27:43] Thank you, Witness. So it was at Paillet that you were injured; is
7 that correct?

8 A. [12:28:04] Yes.

9 Q. [12:28:08] Do you remember approximately what time it was?

10 A. [12:28:17] No.

11 Q. [12:28:21] How do you know about the zoo?

12 A. [12:28:41] *From Riviera II.

13 Q. [12:28:47] My question was: *How do you know, not where?

14 A. [12:28:55] *If I see him, I recognize him, I would recognize him. When I saw
15 him, I recognized him.

16 Q. [12:29:02] Let me explain what I mean. You stated that --

17 THE INTERPRETER: [12:29:18] The interpreter did not catch the name referred to by
18 Mr Gbougnon.

19 PRESIDING JUDGE TARFUSSER: [12:29:24] The interpreter didn't catch the name
20 you referred to.

21 MR GBOUGNON: [12:29:35] (Interpretation) Roujo, Roujo, R-O-U-J-O, Roujo.

22 Q. So the question was: How did you know Roujo?

23 A. Yeah, so I knew Roujo because I saw him with the FESCI people.

24 Q. [12:30:13] So you mentioned that when you had your workshop in 2002 in Riviera II?

25 A. [12:30:18] Yes.

1 Q. [12:30:19] When you say that you used to see him with FESCI, how did you
2 know the students who were members of FESCI?

3 A. [12:30:40] *Thank you. The students would gather at the FESCI, around the Shawarma
4 place that leads towards Alpha. Sometimes the guys would take the tables, block the road,
5 break the windows of the cars – they would take people's mobile phones away from them, they
6 would take their money too. The police or the armed forces would come, the gendarmes would
7 come to talk with them. Every day I would see – I would see Roujo with the group from the
8 FESCI. That's why I knew that it was – that is how I became familiar with the FESCI at first.

9 Q. [12:31:19] Mr Witness, you didn't answer my question. I'll put it to you
10 again. How did you know that the youth whom you saw at the Shawarma as
11 you've indicated, how did you come to know that those students as you referred to
12 them, how did you know that those students whom you saw at Shawarma, how did
13 you come to know that they belonged to the FESCI?

14 A. [12:31:49] I knew that they were members of the FESCI *because we... I was
15 victimized, one day by the people from the mayor's office. The guys went to see them
16 because the people from the mayor's office had come to collect our gas bottles and our
17 tools. So we *wanted to negotiate with the mayor's office, but they refused. So we called
18 on the FESCI to come and assist. *That evening, we called the FESCI. And when the
19 FESCI showed up, *they solved the problem. They gave us back all our stuff. *The FESCI
20 told them not to come back and take our stuff again. So the FESCI did that on our behalf
21 and we gave them whatever we could, *and that's how I knew who the FESCI was.

22 Q. [12:32:32] Mr Witness, when you were injured, when did you regain
23 consciousness, at what time?

24 A. [12:33:09] I regained consciousness, I came to quite --

25 Q. [12:33:15] Yes. When did you regain consciousness?

1 A. [12:33:19] *It was when they came and told me -- I regained consciousness
2 twice. *If you don't mind, let me speak. *When the doctor said he was going to
3 cut off my arm, I found myself -- I found myself -- When they came to -- take me to
4 an unknown place, I was already healed.

5 Q. [12:33:43] So that was at what time?

6 A. [12:33:49] *I partly regained consciousness, because I was trying to be a tough
7 guy, but then right away I lost consciousness.

8 Q. [12:33:58] Witness, when you were injured, you say that you lost consciousness. At
9 what time was it -- at what time did you gain consciousness, was it at the CHU or after?

10 A. [12:34:31] Well, it was at the CHU that I became fully conscious, but it was
11 gradually over time.

12 Q. [12:34:36] As you became conscious gradually, at what time and at what time
13 did this happen?

14 A. [12:34:40] I don't know the time. I don't know what time it happened.

15 Q. [12:34:45] Where were you?

16 A. [12:34:55] We were leaving.

17 Q. [12:34:56] Where were you specifically?

18 A. [12:35:01] I really don't know what to tell you. It was gradually. It was
19 gradually that I came to. And it is when we got to the CHU, C-H-U, that I heard the
20 bad news and then I became a little more conscious.

21 Q. [12:35:29] So you don't remember anything prior to you getting to the CHU?

22 A. [12:35:35] *Well, the part I remember a bit was when my friends told me that I
23 was being sent to the ONUCI, but when the Republican Guard was shooting, I -- that
24 part, those parts, I remember very well.

25 Q. [12:35:57] So you don't remember anything at ONUCI?

1 A. [12:36:03] Yes, indeed, I don't.

2 Q. [12:36:07] How did you get to the Yopougon CHU?

3 A. [12:36:36] I don't know how I got there. I just found myself at the CHU.

4 Q. [12:36:42] Do you remember talking with a white doctor who was referred to
5 yesterday by the Prosecutor? Do you remember that?

6 PRESIDING JUDGE TARFUSSER: [12:37:11] He said already yesterday yes, so that's
7 one of these questions which should not be put.

8 MR GBOUGNON: [12:37:21] (Interpretation)

9 Q. [12:37:32] I'm going to read out to you what you said to that doctor. The
10 document I'm referring to is CIV-OTP-0059-0367, page 0370. "He was taken on a
11 motorcycle to the hospital." That is what you said to the doctor, that you were
12 taken on a motorcycle to the hospital. Is that what you told him?

13 A. [12:38:20] If I remember well -- well, this happened a long time ago, a very
14 long time ago.

15 Q. [12:38:26] Today you have told the Court that you were unconscious before
16 then that time?

17 A. [12:38:33] Well, sometimes I have moments of consciousness, and it is at the
18 CHU that I regained consciousness.

19 Q. [12:38:46] When did you leave the CHU, at what time?

20 A. [12:39:03] I don't know.

21 Q. [12:39:06] The nurse who attended to you at home, at what time did she come?

22 A. [12:39:34] I don't know at what time she came.

23 Q. [12:39:49] At page 0371 of the same document, you say that she came to your
24 house at 2 p.m.; is that correct?

25 A. [12:39:58] This happened a very long time ago. I have no clear recollection.

1 PRESIDING JUDGE TARFUSSER: [12:40:07] It might have happened a long time ago
2 that you went the way you went to the hospital and when the time when the nurse
3 came to see you, but it's not so -- not such a long time ago that you said this, that you
4 made these declarations. What is the date of the declaration? Do you want some glasses?

5 MR GBOUGNON: [12:41:00] (Interpretation) Mr President, the date mentioned here
6 is the date on which it was drafted, but the date on which it was received is redacted,
7 Mr President, at page 0368, I believe, it's redacted.

8 PRESIDING JUDGE TARFUSSER: [12:41:34] When was it, the document drafted?
9 When was the document drafted?

10 MR GBOUGNON: [12:41:43] (Interpretation) 8 June 2014.

11 MS HENDERSON: [12:41:49] Your Honours, I can assist.

12 PRESIDING JUDGE TARFUSSER: [12:41:51] Yes, please.

13 MS HENDERSON: [12:41:52] At page 0369 it's stated as 22 October 2013, the same
14 date as the consent form was signed. And I'd just ask that because this is not the
15 statement that has been signed by the witness, if the formula could be followed of
16 putting to him first that he in fact did say the words that were attributed to him,
17 otherwise it becomes --

18 PRESIDING JUDGE TARFUSSER: [12:42:16] Yes, of course. I didn't know that it
19 was not signed.

20 So just to say it's not such a long time, a little bit quite some time after the injuries.
21 So I just want to ask you to think good about what you say, because here you
22 are -- you have said that you will say the truth, and that should be. So please, we
23 are not joking here. Maître Gbougnon.

24 MR GBOUGNON: [12:42:55] (Interpretation) Thank you, Mr President.

25 Q. [12:43:03] Mr Witness, I was saying the following: Did you know the nurse before?

1 A. [12:43:11] No.

2 Q. [12:43:15] What did you offer that nurse for them to leave the CHU to come
3 and give you treatment at home?

4 A. [12:43:31] He made some suggestions and I do remember that some friends
5 and family said that with that proposal they had no difficulty.

6 Q. [12:43:46] What type of proposal did he make?

7 A. [12:43:55] That if resources were available, he could come and provide
8 treatment for my arm at home. We asked for his number, but he didn't want to give
9 his number. He took our number. And we didn't believe that he was going to
10 show up, but then at some point the telephone rang and it was the gentleman who
11 was calling and I was very happy on that day.

12 Q. [12:44:19] Mr Witness, this is my question: What did or how much did you
13 give the nurse for him to come provide treatment for you at home?

14 A. [12:44:38] We gave him some money, but I don't remember the amount.

15 Q. [12:44:47] Thank you, Mr Witness. You've forgotten the amount; is that correct?

16 A. [12:44:51] Yes, I have forgotten. *Honestly, it was a very long time ago. And what
17 you are forgetting is that when I had the accident after three or four years, my head wasn't
18 working. I was crazy. I had all types of issues. I was angry. I would faint. I would lose
19 consciousness. *I always had problems with my nerves. I told you that even my head
20 was affected. But thanks to the Court, very recently, when they started to treat me, there
21 are some hospitals where the guys sent me to for some treatment. Now I am back on
22 track. Now I can express myself. At one point I couldn't sit quietly for two or three
23 minutes without getting edgy or losing consciousness. So all of that really had an effect on
24 me because I had already had surgery and I had stitches on my forehead, here. Sometimes
25 when it got itchy I would get nervous. So, all these problems really affected my head.

1 So now I can be very thankful to God because right now I'm able to express myself.

2 *But to remember something, a memory in my head from five years ago, honestly,

3 that is very difficult for me. But I am really the guilty party, guilty of being injured.

4 My injury is real, everything is there, as far as I know, it's there. All of those details,

5 it was too long ago. Maybe somebody can tell a lie to you about what I said or may

6 have not said -- all those details, well, I don't know. And this is not really very good.

7 Q. [12:46:08] So when you got to ONUCI, were you unconscious? Were you

8 able to see anything?

9 A. [12:46:54] Well, I could hear people speak, but my vision wasn't very clear. I

10 wasn't in a good state, and that's the truth.

11 Q. [12:47:09] So you did not see the Republican Guard?

12 A. [12:47:15] *The ones who carried me told me they had seen the Republican Guard

13 firing there. So not possible. When you are unconscious you might hear a little bit of

14 what people are saying, but then it is after you are healed that things might be explained

15 to you that this is what happened on the day we were taking you and then you can say

16 thank you. So you thank them for providing the information, maybe not every detail.

17 Q. [12:47:42] Mr Witness, very specific question. So you did not see the

18 Republican Guard with your own eyes; is that correct?

19 A. [12:47:52] Well, a man who is not very conscious, what do you expect?

20 Q. [12:48:02] Mr Witness, did you see, yes or no, the Republican Guard with your

21 own eyes? Did you see the Republican Guard?

22 A. [12:48:11] *Indeed, there was firing, and they said to me, "It's the Republican

23 Guard that is firing". *Now, when I say that I saw -- Whether I saw them or not, I

24 was unconscious. I might have seen some things in a blur, or I might not have seen

25 things clearly. *People were saying -- I saw people -- I saw some strange, strange people.

1 Q. [12:48:44] At page 63 of the transcript, Mr Witness, you say at lines 18 to 19,
2 you said "I was conscious." Is that what you said?

3 A. [12:49:27] Yes, I've told you that, and I said these things happened a long time
4 ago, a very long time ago. When I now speak it might be contrary to what was
5 written. Whatever I remember, this is what I can tell you now.

6 (Counsel confer)

7 MR GBOUGNON: [12:50:15] (Interpretation)

8 Q. [12:50:20] Mr Witness, did you see with your own eyes or hear with your ears
9 a call by Mr Charles Blé Goudé relating to enrolment in the army?

10 A. [12:50:51] What enrolment? What call?

11 Q. [12:50:57] Let me read paragraph 53 of your statement. "One day" -- and I'm
12 quoting, paragraph 53.

13 "One day Charles Blé Goudé was on RTI and called on the youths to go to the
14 headquarters to take up arms and defend the country." End of quote.

15 Is that what you said? Let me finish my question. Is that what you said to the
16 investigators of the OTP?

17 A. [12:51:33] Yes.

18 Q. [12:51:37] What you said, is that what you heard or is that what you were told?

19 A. [12:51:53] I heard that on TV.

20 Q. [12:52:01] So what I have just read out *is indeed what you heard when you
21 were watching TV and listening to Charles Blé Goudé?

22 A. [12:52:15] Yes. Charles Blé Goudé himself was on TV. I heard him. I saw
23 it. And it was broadcast several times.

24 MR GBOUGNON: [12:52:37] (Interpretation) Mr President, we will now show video
25 CIV-D25-0002-00033. There is a transcript CIV-D25-0024-0001 (sic).

1 PRESIDING JUDGE TARFUSSER: [12:53:20] Channel, which channel? 2.

2 THE WITNESS: [12:53:30] (Interpretation) No, it's not that video. No. It's not that
3 video. That's not the video.

4 PRESIDING JUDGE TARFUSSER: [12:53:48] I think, I see you laughing, but I think
5 that one can identify this. I don't know why you're laughing, but I can imagine, please.

6 MR GBOUGNON: [12:54:10] (Interpretation) Mr President, I was laughing because I
7 hadn't put any question to the witness yet.

8 PRESIDING JUDGE TARFUSSER: [12:54:19] Okay.

9 MR GBOUGNON: [12:54:28] (Interpretation) We don't hear anything, Mr President.

10 PRESIDING JUDGE TARFUSSER: [12:54:36] Let's start then the video and then pose
11 the question. We don't hear the signal. I don't hear as well.

12 (Viewing of the video excerpt)

13 THE INTERPRETER: [12:55:07] "Charles Blé Goudé issued several calls during the
14 second round of the presidential elections. What is the particularity of this call?

15 What has changed? I would like to tell you that we are making a difference between
16 the methods of those opposite and ours. If you have a weapon, you must be entitled
17 to have that weapon. That means that you are either a policeman or gendarme or a
18 soldier. You cannot in a country that you want to lead distribute weapons to
19 civilians who put them under their clothes and then fire everywhere in the country
20 and slaughter people in the country. That's not how things are going -- Côte d'Ivoire
21 is going to be led. We the Young Patriots and those who are burning -- who wish to
22 free the country, that is the proper way to join the army of the Côte d'Ivoire."

23 The sound is not clear for the interpreters, Mr President.

24 "Well, that is the rule of law. Otherwise those who want to transform Côte d'Ivoire,
25 well, we say we don't want civil war here. We don't want civil war in this country.

1 You will not find a country where there are only pro-Ouattara people and where the
2 pro-Gbagbo would disappear. You cannot find a country either where there are
3 only pro-Gbagbo where the pro-Ouattara have disappeared. Madam, I'm
4 convinced, and this is very important, that the Ivorian crisis, the solution to it will be
5 found by political actors in Côte d'Ivoire. I am convinced that some day
6 Mr Gbagbo, Mr Ouattara, and Mr Bédié will end up sitting together and that is what
7 I am calling for. I call for an inter-Ivorian dialogue. That is what I call for."

8 THE WITNESS: [12:57:15] That is not the video. They know very well, that it not
9 the video that was screened on channel 1. That is not what I was talking about.

10 This was done -- at what time was this done? When was this done?

11 PRESIDING JUDGE TARFUSSER: [12:57:26] Mr Witness, we have learned from you
12 that this is not the video you are referring to in your statement, but please listen to
13 the question by Maître Gbougnon.

14 MR GBOUGNON: [12:57:48] (Interpretation)

15 Q. [12:57:58] Witness, I will now put my question to you. Have you ever seen
16 this video that you have just been shown; did you ever see it on RTI?

17 A. [12:58:14] The video that I saw has nothing in common with this one.

18 PRESIDING JUDGE TARFUSSER: [12:58:19] No. But this was not the question.

19 You have to answer the question. The question was -- let alone the other video you
20 are referring to in your statement, the question was: Have you ever seen this video?

21 THE WITNESS: [12:58:37] (Interpretation) I will answer the question*, but something
22 happened first. He appeared several times. Sometimes he spoke well, other times
23 he did not speak well. *And then at one point, he spoke of violence. We have seen
24 all of these videos. I saw these videos, step by step, as the crisis broke out. And as
25 the crisis deepened, he spoke more violently than that.

1 PRESIDING JUDGE TARFUSSER: [12:59:03] This is not the response to the question.

2 Have you ever seen this video on television; yes or no?

3 THE WITNESS: [12:59:12] (Interpretation) Yes. Yes, I've seen it on television.

4 PRESIDING JUDGE TARFUSSER: [12:59:17] Thank you.

5 Maître Gbougnon.

6 So if you just reply or answer to the questions, we are going ahead more easily and quicker.

7 Maître Gbougnon.

8 MR GBOUGNON: [12:59:30] (Interpretation) I thank you very much, Mr President.

9 Q. [12:59:42] Mr Witness, that video, yes, you have already seen it, which video
10 are you then talking about? Which video are you talking about?

11 A. [13:00:03] What does "talking about" mean? The word in French used is
12 "allusion."

13 Q. [13:00:12] A short while ago while the video was being played, you said
14 several times that this is not the video you are talking about. You are talking about
15 a particular video. Which one is it?

16 A. [13:00:26] I am talking about the video in which he had a microphone in hand.
17 *He said "Young people I'm telling you, tomorrow go to the headquarters, take up
18 arms and defend your father land." *That is the part I will watch. *Not that other
19 part. Otherwise, at the beginning of the crisis, he was a good speaker. *Afterwards,
20 when the crisis got worse that is when the violence set in.

21 But we thought at the beginning that he was *the kind of person who brought
22 people together. But when the crisis became more serious, *he called on people to
23 use violence. "Go and take up arms and defend the fatherland!" Every day, on the
24 television they showed us this footage. And that's not the part I want to watch.

25 Q. [13:01:01] Mr Witness, the video which you are referring to where was

1 Mr Charles Blé Goudé and when was it?

2 A. [13:01:28] I don't know the date, but it was on TV and he issued a number of calls.

3 Q. [13:01:37] What I mean, and I hope we can be calm about all this, let us calm

4 down. I am sure we will come to an understanding, so that all parties can

5 understand what's going on here. Now, what I'm asking you is the following: On

6 what occasion -- you see, you say that when the crisis deepened, when you say that

7 the crisis had deepened -- you see, because I had not even given you the date of this

8 video, but you see, when the crisis had become more serious, what are you referring to?

9 A. [13:02:25] As tensions increased, because it was being said in Abidjan that the
10 pro-Ouattaras would enter Abidjan, so I don't know what the occasion was, but one
11 night *I saw it on the television. And indeed, when he said that, the youth went and
12 collected weapons and started to terrorise the country.

13 Q. [13:02:57] So you are talking about a video that you saw on TV but you don't
14 know what the occasion was on which the video was taken; is that your testimony?

15 A. [13:03:05] Yes.

16 Q. [13:03:10] Nor did you know the date on which or at least the period of time
17 during which the video was shot; is that what you are telling us?

18 A. [13:03:21] But that Blé Goudé, he was having relays -- correction, rallies.

19 Q. [13:03:30] Let me repeat my question. You said that you did not know the
20 place, you did not know the occasion. I'm now asking you the period of time. You
21 don't know --

22 A. [13:03:42] During the crisis.

23 MR GBOUGNON: [13:03:51] (Interpretation) It is 5 minutes after 1 now
24 your Honour.

25 PRESIDING JUDGE TARFUSSER: [13:03:54] We go to 9 minutes after 1.

1 MR GBOUGNON: [13:03:57] (Interpretation) Thank you, your Honour.

2 Q. [13:04:09] Mr Witness, now, the crisis lasted from at least November until
3 April, from November until April, November 2010 to April 2011. Now, during the
4 crisis it was not possible if you did not have any reference point, so to speak?

5 A. [13:04:35] Thank you. I never went to school. If I had gone to school, I
6 would have under -- I didn't go to school. What I saw on the television is what I'm
7 telling you. But, you know, if I had gone to school I could have -- but I never went
8 to school, so I can't --

9 Q. [13:04:55] Thank you, Mr Witness. Now, in 2010-2011, do you know who the
10 secretary general responsible for the FESCI was?

11 A. [13:05:14] 20 when?

12 Q. [13:05:17] 2010-2011, did you know the name of the person in charge of the
13 FESCI?

14 A. [13:05:28] I no longer recall that. I would say no. I no longer recall. The
15 secretary of FESCI, I don't -- I don't know. I don't know about their programme and
16 their president or their secretary or any of that.

17 Q. [13:05:47] You don't know how the FESCI was operating, so you were not
18 familiar with that organisation?

19 A. [13:05:59] *I don't know the organisation -- *well, except I saw when people
20 were engaging in violence, that's right, at that time I saw that FESCI was there.

21 Q. [13:06:09] You never met a single official from FESCI?

22 A. [13:06:15] An official? For me, it's Blé Goudé. He's the --

23 Q. [13:06:21] So for you, ever since -- in your opinion, up until 2011, the person in
24 charge of FESCI was Blé Goudé; is that what you are telling us?

25 A. [13:06:39] That's what I'm telling you.

1 Q. [13:06:43] Are you familiar with the COJEP?

2 A. [13:06:55] No.

3 PRESIDING JUDGE TARFUSSER: [13:07:06] Okay. We go for lunch and we resume
4 at 2.45 sharp, and we have another one hour and a half and hopefully we finish in
5 this hour and a half. Is the OTP asking for re-questioning?

6 MS HENDERSON: [13:07:33] Not at this point, your Honour. We'll confer, but we think not.

7 PRESIDING JUDGE TARFUSSER: [13:07:36] Okay. Thank you very much.

8 MR O'SHEA: [13:07:38] I should point out, your Honours, that I will be applying for
9 leave to address an issue which arose out of Mr Gbougnon's questions, but I will
10 address that at the appropriate time.

11 PRESIDING JUDGE TARFUSSER: [13:07:52] Okay. We'll see. Thank you very
12 much. 2.45. The hearing is adjourned.

13 THE COURT USHER: [13:07:58] All rise.

14 (Recess taken at 1.08 p.m.)

15 (Upon resuming in open session at 2.50 p.m.)

16 THE COURT USHER: [14:50:33] All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: [14:50:58] Good afternoon. We are again 6
19 minutes late. Just before giving the floor to Maître Gbougnon, I just want to ask the
20 OTP. A filing came in today, application on Rule 68, to file the public redacted
21 version by Monday, because there is no time limit, it said only it will be filed. So I
22 would say we have a deadline by Monday only to the benefit of the Defence.
23 Now I give the floor to Maître Gbougnon for his questioning. And as I said
24 yesterday, we would really like to have the questioning of this witness finished by
25 today.

1 Maître Gbougnon.

2 MR GBOUGNON: [14:52:04] (Interpretation) Thank you, your Honour. We shall
3 finish today.

4 Before we continue I'd like to make a correction to a reference number. I misspoke.
5 It was D25-0024-0007, 0024-0007.

6 Q. [14:52:39] Mr Witness --

7 PRESIDING JUDGE TARFUSSER: [14:52:40] In relation to what, the correction?
8 Otherwise, we have to find the wrong number.

9 MR GBOUGNON: [14:52:55] The video that was played and the transcript thereto. I
10 said "0001" rather than "0007." It should be 7 at the end.

11 Q. [14:53:08] Witness, before we continue I'd like us to revisit one little point.
12 Now, you said that *you met Roujo in the year 2000, when you had your shop in the
13 Riviera II neighbourhood; is that correct?

14 A. [14:53:30] Yes.

15 Q. [14:53:30] *And it was the same person, Roujo, whom you saw again *in 2010,
16 ten years later, *still a member of the FESCI?

17 A. [14:53:45] It was the same person, Roujo; I recognised him.

18 Q. [14:54:02] Thank you, Mr Witness.

19 Now, Mr Witness, after Mr Charles Blé Goudé's call to enlist, did you
20 personally -- were you personally present when weapons were handed out?

21 A. [14:54:40] On the television -- well, I saw the footage on the television.

22 PRESIDING JUDGE TARFUSSER: [14:54:48] The answer is you were not personally
23 present? Is that what we have to understand?

24 THE WITNESS: [14:54:56] (Interpretation) Yes.

25 MR GBOUGNON: [14:55:02] (Interpretation) Thank you, your Honour.

1 Q. [14:55:40] When and at what occasion did you hear Mr Charles Blé Goudé say
2 that each person should go out and get his own white person?

3 PRESIDING JUDGE TARFUSSER: [14:55:56] After the question, wait for the second,
4 for the interpreters. Now you can go.

5 THE WITNESS: [14:56:06] (Interpretation) Thank you. *I just know three spots in
6 Yopougon: Palais, Sable and Siporex. One day, I left for Palais, I was on my way. There
7 was heavy, there were many traffic jams that day, I remember that. *Even the gbaka's
8 could not get through. And that day, it was the first time I had seen him and a lot of
9 people were carrying signs, signs with his face on them. And there were a lot of gbakas
10 on the streets. *He would come with many groups. When he came, he would gesture,
11 like this, he would gesture, like this, and he would say, "Young people, resist. Côte
12 d'Ivoire is not for white people. Each person should go out and get a white person."
13 *I just wanted to see him. When he said that, honestly, I watched, and then I left for a
14 rally. I just wanted to see him with my own eyes, because I had never seen him. I
15 had seen him on the television, but I had never seen him for real. It was the first time
16 I saw *him.

17 PRESIDING JUDGE TARFUSSER: [14:57:12] But once again, there is a confusion.
18 Have you seen it with your own eyes directly or on the television?

19 THE WITNESS: [14:57:20] (Interpretation) With my own eyes.

20 PRESIDING JUDGE TARFUSSER: [14:57:30] So you were present, personally present?

21 THE WITNESS: [14:57:35] (Interpretation) I was there personally, myself.

22 PRESIDING JUDGE TARFUSSER: [14:57:42] Maître Gbougnon.

23 MR GBOUGNON: [14:57:51] (Interpretation) Thank you, your Honour.

24 Q. [14:57:55] Where was that? Where did that happen? What was the occasion?

25 A. [14:57:57] I remember that it was a few weeks after Gbagbo went to

- 1 Marcoussis. That is what I remember.
- 2 PRESIDING JUDGE TARFUSSER: [14:58:13] You mean Mr Gbagbo?
- 3 THE WITNESS: [14:58:17] (Interpretation) Yes.
- 4 MR GBOUGNON: [14:58:22] (Interpretation)
- 5 Q. [14:58:23] Now, before Marcoussis, so we're talking about the year 2002-2003
- 6 or are we talking about 2010?
- 7 A. [14:58:34] It was at that time because -- may I continue?
- 8 Q. [14:58:40] In actual fact, my question is not a long one and is quite specific.
- 9 So we're not talking about 2010. We're not in 2010. You mentioned Marcoussis.
- 10 So we're talking about the period between 2002 and 2003?
- 11 A. [14:58:58] Yes. I don't have the exact date, but it was before.
- 12 Q. [14:59:06] Go ahead.
- 13 PRESIDING JUDGE TARFUSSER: [14:59:19] Before?
- 14 THE WITNESS: [14:59:20] (Interpretation) Before what?
- 15 PRESIDING JUDGE TARFUSSER: [14:59:22] You said: "I have not an exact date,
- 16 but it was before." Before what?
- 17 THE WITNESS: [14:59:30] (Interpretation) Before the first Marcoussis.
- 18 PRESIDING JUDGE TARFUSSER: [14:59:35] And which year?
- 19 THE WITNESS: [14:59:41] (Interpretation) Truly, I don't know which year. But the
- 20 first time that Gbagbo was supposed to go to Marcoussis, it was at that time. But
- 21 the exact date -- well, I could try to check, but I don't know the exact date. It was a
- 22 long time ago. It was actually before the crisis.
- 23 PRESIDING JUDGE TARFUSSER: [15:00:01] Okay.
- 24 MR GBOUGNON: [15:00:14] (Interpretation)
- 25 Q. [15:00:15] To your knowledge in the year 2010, after the second round, were

1 there any times during which people living in Abobo fled or tried to leave the
2 neighbourhood of Abobo?

3 A. [15:00:38] What year?

4 Q. [15:00:46] After the second turn, the second round of voting in 2010. During
5 the beginning of the crisis, 2010, did some people flee Abobo?

6 A. [15:01:03] Yes.

7 Q. [15:01:06] Now, if you know, if you know, to your knowledge, why were
8 these people fleeing Abobo?

9 A. [15:01:21] They fled Abobo because there was -- well, I think *there was a
10 commander by the name of Guiai Bi Poin who... at one point, he had said that he was
11 going to clean up Abobo. So when people heard that, everyone started to flee Abobo.

12 Q. [15:01:57] I think we may have a problem with the date, but I will try to do
13 better. Now, when you are talking about Guiai Bi Poin, what period of time did he
14 allegedly say what you have just told us?

15 A. [15:02:15] I am -- I never went to school. I've said that before. But if you can -- maybe
16 if you can show me, I think it was on the television on channel 1. Everyone saw.

17 Q. [15:02:41] In actual fact, I know this may be difficult, but let's try, let's try to
18 situate ourselves, because you have told us about the time -- well, you've said when
19 the crisis began, when the crisis deepened. I'm not asking you for the exact day or
20 the exact month, but what you have just told us was that approximately during what
21 period, December, January, February, what period of time, March, end of the crisis,
22 April; in approximate terms, when was it?

23 A. [15:03:37] After the second round of voting.

24 Q. [15:03:50] After the second round of voting -- let me finish, please. In
25 December, at the beginning of the crisis then?

1 A. [15:04:03] *Second round of voting finished when? *You should know. You
2 went to school for a long time, you know how to write.

3 Q. [15:04:27] On 28 November, that is when the second round of voting ended.
4 Does that help you?

5 A. [15:04:34] That is helpful. After the second round of voting, about two -- one
6 or two weeks, people started to flee Abobo.

7 Q. [15:04:55] So about mid-December, that is when the people began to flee
8 Abobo; is that correct?

9 A. [15:05:05] Mid-December, what does that mean?

10 PRESIDING JUDGE TARFUSSER: [15:05:10] It means about two weeks after the
11 elections. If the elections are on the 28th of November, two weeks later about is
12 mid-December, in the middle of December.

13 THE WITNESS: [15:05:23] (Interpretation) Very well. About something like that.
14 People started to flee Abobo.

15 PRESIDING JUDGE TARFUSSER: [15:05:31] Excuse me, how do you know that
16 people fled from Abobo? Did you see? Did you speak with people? What
17 happened that you can make this statement? What did you see? What did you
18 learn? What did you find out on this and how?

19 THE WITNESS: [15:05:54] (Interpretation) Thank you. We saw people, many even,
20 and even people were in their cars, they had their baggage. I saw that with my own
21 eyes.

22 PRESIDING JUDGE TARFUSSER: [15:06:13] Just one clarification. You said before
23 that -- now I find it. "They fled Abobo because there was a commander who
24 said -- who had said that he was going to kill people at Abobo and this commander"
25 you continue to say "was Guiai Bi Poin."

1 Right? So my question is: Where did you see -- where did you learn this? Did
2 somebody tell you? Did you see it? Did you hear it, that the commander said
3 these words?

4 THE WITNESS: [15:07:04] (Interpretation) Yes, on the television. He gave that call
5 or issued that call.

6 PRESIDING JUDGE TARFUSSER: [15:07:16] He said these words on television, and
7 you saw it on television personally?

8 THE WITNESS: [15:07:24] (Interpretation) Yes, I saw it myself. *He said that he was
9 going to clean up Abobo.

10 PRESIDING JUDGE TARFUSSER: [15:07:29] Thank you. Maître Gbougnon.

11 MR GBOUGNON: [15:07:33] (Interpretation) Thank you, your Honour. I shall now
12 continue.

13 Q. [15:07:39] Now, a few moments ago, sir, you said it was two weeks after the
14 second round of voting, mid-December, about the 15th of December, that was when
15 people began to pack up their belongings and leave Abobo. I would like to read out
16 to you something. Now, this is about Guiai Bi Poin, and I'm going to read out what
17 you said to the investigators from the OTP. Now, paragraph 78, and I shall quote:
18 "The threat was about three weeks after the women's march." End of quote.

19 And so you told the OTP investigators that Guiai Bi Poin allegedly made a threat,
20 and in your statement you referred to it as cleaning up Abobo. He said that three
21 weeks after the women's march. And so if people began to flee Abobo in
22 mid-December, it's not because of Guiai Bi Poin. Why were they fleeing Abobo in
23 mid-December?

24 A. [15:09:19] Thank you. *What I've always told you is that if you want me to
25 give a specific date, honestly, I will get it wrong. *I can give you a particular date,

1 which is not what I said. *Otherwise, what Guiai Bi Poin said, indeed, he said that,
2 which is why the people fled. *That is what I have told you, right from the
3 beginning, this morning. I have told you that if I give specific dates, I will get it
4 wrong. I will make a mistake. *I was clear, I told you that this morning.

5 THE INTERPRETER: [15:09:44] Message from the interpreter: The interpreter
6 believes we are quoting from paragraph 70 of the statement, paragraph 70.

7 PRESIDING JUDGE TARFUSSER: [15:09:53] That's what I was going to say, because
8 it's not 78, but it's 70, I would say. Thank you.

9 MR GBOUGNON: [15:10:04] (Interpretation) There may be a problem with the
10 interpretation or transcription. I did indeed say "paragraph 70."

11 PRESIDING JUDGE TARFUSSER: [15:10:18] Okay. Thank you.

12 MR GBOUGNON: [15:10:25] (Interpretation)

13 Q. [15:10:26] Mr Witness, you say that people began to flee Abobo two weeks
14 after the end of the elections. That was the first thing. And you have said in your
15 statement - and I was quoting from paragraph 70 - that they fled subsequent to the
16 statement made by Bi Poin. But you date that statement, you situate it, as three
17 weeks after the women's march. And thus, this is why I'm asking you: In
18 mid-December, two weeks after the election, before -- before General Bi Poin made
19 his call, why was it that people were fleeing Abobo in mid-December?

20 A. [15:11:32] *What I am telling you, the statement that was made caused people
21 to become frightened at first and they began to flee Abobo. And I told you, I didn't
22 go to school. If I give you specific dates or specific days -- and I can't remember
23 everything. It happened a long time ago. I can't remember everything.

24 Q. [15:12:03] So what we see in your statement is a mistake, Mr Witness?

25 A. [15:12:09] I didn't say it was a mistake. It might be because the days that I

1 gave -- well, how long ago was it that I gave the statement? I might have forgotten.

2 Q. [15:12:28] To your knowledge, to your knowledge, other than the neighbourhood
3 of Abobo, did the rebels, were the rebels elsewhere in other neighbourhoods in Abidjan?

4 A. [15:13:17] Thank you. *Honestly, if you could let me speak, if I could
5 continue speaking? *When police stations were broken into, some young people
6 got some weapons. *After the elections, the rebels were in Abobo, but the young
7 *people I don't know if they were volunteers or rebels or what.

8 Q. [15:14:04] Now, these young people you have just mentioned, were they in
9 Abobo? Were they in other communes of Abidjan as well?

10 A. [15:14:20] The rebels or the young people who broke into the police stations.

11 Q. [15:14:41] To your knowledge, to your knowledge, who was it? Who broke
12 into these police stations?

13 A. [15:14:48] *Some young people got together. They went out and they attacked
14 some police stations in Attécoubé. I don't know how the police and the military
15 managed. They ... they torched the Attécoubé market. I saw the fire and the smoke.
16 You see, my wife is a trader there. They went and they torched the market. I don't
17 know what happened. So these young people gathered together and they went and
18 broke into some police stations. They took the weapons. And in some neighbourhoods
19 now, even Abobo too, there was the 14th arrondissement that was also attacked. The
20 young people went there and caused damage and took weapons as well. So it was at the
21 police stations where many of the youths got weapons. For themselves or because the
22 Young Patriots, all of them, they already were armed. They did it to protect themselves.
23 Q. [15:15:32] Mr Witness, who are these young people who broke into the police
24 station, if you know? If you don't know, say so. If you saw something, if you
25 know, can you tell us who these young people were who broke into the police station?

1 A. [15:15:57] *Thank you. If you are talking about the 10th, I saw it with my own
2 eyes. A policeman actually shot and killed a young man, a gentleman, in a bakery,
3 above a bakery. There is a neighbourhood called Warriors located higher up from the
4 bakery. There is a spot, a bit up from where the bakery is. It was a bakery. The police
5 actually came and killed a man. They shot a man in the bakery, thinking that he was a
6 young fellow who had run away and was hiding there. Afterwards, people said that it
7 was a baker who had been killed. It was some young people from the neighbourhood
8 who had got together and had gone out and broken into some police stations. Maybe
9 because the partisans -- the Patriots already had weapons and were carrying them so that
10 they could shoot at people. They were young people from the neighbourhood.

11 THE INTERPRETER: [15:16:47] The interpreter would like to point out that there
12 may be details in that response that were not understood fully.

13 MR GBOUGNON: [15:17:10] (Interpretation)

14 Q. [15:17:11] So other than Abobo, were rebels in other neighbourhoods of
15 Abidjan? Is that the case?

16 A. [15:17:22] *When people said 'rebels' they were young people from the
17 neighbourhood. *I saw, all of them, they were carrying weapons. *But the rebels
18 were located in Abobo. *Because they too would say, depending on which side
19 they were on, that Alassane's supporters -- or Gbagbo's supporters were the rebels.

20 Q. [15:17:45] On page 52 in the realtime transcript from yesterday when my
21 colleague Mr O'Shea asked you some questions on page 52, starting line 28, you said
22 the following, and I'm quoting:

23 "Well, when the crisis broke out and then we would see men, women, and people we
24 considered as fognon."

25 So for it to be perfectly clear I'm going to start with the question. The question was,

1 I'm quoting:

2 "So when you saw people wearing civilian clothes carrying weapons, did you think
3 that they were members of the Commando Invisible but you weren't 100 per cent sure?"

4 And the answer was:

5 "Well, when the crisis broke out, we would see some people with weapons. We
6 considered them as fognon."

7 Witness, that's the answer you gave yesterday to my colleague. You said when the
8 crisis broke out and you saw civilians with weapons, you considered them as
9 fognon, in other words, the Commando Invisible; is that correct?

10 A. [15:20:23] That was in the commune in the town of Abobo.

11 Q. [15:20:28] Well, here is my question: Other than in Abobo, that is, elsewhere
12 other than in Abobo, were there any individuals, rebels who were bearing weapons
13 other than in Abobo?

14 A. [15:21:01] Yes. There were young people who went and *did damage *at the
15 police stations. *They took weapons, but they had nothing to do with the Fognon.
16 When people said "the Fognon" they meant something you might not necessarily
17 see. They had gris-gris, you see, amulets. But here we're talking about the young
18 people *from the neighbourhood who were doing damage, breaking into buildings
19 *and then taking weapons. *They had nothing to do with the fognon. *They
20 weren't the same thing as the Fognon. The fognon were *in PK18, not in Abobo.
21 *Otherwise, Attécoubé, there were no Fognon in Attécoubé. It was the young
22 neighbours who went and broke into the police stations and took weapons and then
23 carried them because -- the patriots already had weapons. They did this to protect
24 themselves. That day I went to the market to save my wife's stuff. She was selling
25 things there. That is why I saw it with my very own eyes -- people breaking into the

1 police stations and all that. The police -- each time there was fighting -- people came
2 to get the police or the military. They were taken from the 10th, they left with them.
3 PRESIDING JUDGE TARFUSSER: [15:22:08] Maître Gbougnon can I just intervene for a
4 correction, I would say. In the transcript, in the French transcript at page 75, line 18, in
5 response to your question the witness said -- used the word "nettoyer Abobo," which was
6 translated "kill people in Abobo," which I don't think is the right translation. "To clean
7 up Abobo" I would say, because -- so just for the record. And then on my question,
8 obviously, I repeated "kill," because I repeated the English version, which should also be
9 "clean up Abobo," whatever that then means. Agree? Okay. Thank you very much.

10 MR GBOUGNON: [15:23:16] (Interpretation) Thank you very much, your Honour.

11 Q. [15:23:44] On several occasions you talked about roadblocks that the people in
12 Abobo, the Commando Invisible, the fognon as you call them, set up on the roads.
13 To your knowledge, did you hear or see anyone ask those people to set up those roadblocks?

14 A. [15:24:24] Thank you. No, I didn't hear anyone say that roadblocks should be built.

15 PRESIDING JUDGE TARFUSSER: [15:24:44] But did you see the roadblocks
16 personally? Have you seen the roadblocks?

17 THE WITNESS: [15:24:52] (Interpretation) Yes.

18 PRESIDING JUDGE TARFUSSER: [15:24:56] Often? How many? Just to have -- or just once?

19 THE WITNESS: [15:25:04] (Interpretation) Well, the roadblocks were there until the
20 end of the crisis. The roadblocks were removed at the end of the crisis. President
21 Gbagbo ordered them to remove the roadblock.

22 PRESIDING JUDGE TARFUSSER: [15:25:32] How can you say that President Gbagbo
23 ordered it? Did you hear that? Did you see that? Or do you guess this?

24 THE WITNESS: [15:25:47] (Interpretation) No, I didn't say he ordered it. *The
25 roadblocks were there. After, when they arrested Gbagbo, now, people realized that there

1 was no longer -- Gbagbo 's forces could go back to Abobo, and the roadblocks were taken
2 up. Otherwise, I did not say that Gbagbo gave the order to set up roadblocks, no.

3 THE INTERPRETER: [15:26:06] Indeed the interpreter mentions that it was a
4 misunderstanding on the part of the interpreter. The witness said that the
5 roadblocks were removed after Gbagbo was arrested.

6 PRESIDING JUDGE TARFUSSER: [15:26:15] Thank you.

7 MR GBOUGNON: [15:26:24] (Interpretation)

8 Q. [15:26:24] Are you familiar with Cité Rouge?

9 A. [15:26:29] Yes.

10 Q. [15:26:30] How many times did you go there?

11 A. [15:26:40] Many times I would pass through.

12 Q. [15:26:43] Let me be more precise. I didn't mean how many times you went
13 by there --

14 THE INTERPRETER: [15:26:59] Overlapping speakers.

15 MR GBOUGNON: [15:27:02] (Interpretation)

16 Q. [15:27:03] Please wait until I have finished to avoid that we speak at the same
17 time. Let me put it very simply. Did you know anyone who lived at Cité Rouge?

18 A. [15:27:24] Any direct -- anyone I knew, no.

19 Q. [15:27:30] In order for the Chamber to understand perfectly well, could you
20 tell us what Cité Rouge is exactly?

21 A. [15:27:37] It's the university, it's where the students are, if I remember correctly.

22 Q. [15:27:50] You said it's a university residence where the students are; is that
23 when you meant?

24 A. [15:28:04] Yes, that's what I meant. Thank you for your help.

25 Q. [15:28:15] So you would often go by, but you never actually went inside?

1 A. [15:28:29] No. After the crisis I was there and I was -- I went in.

2 Q. [15:28:40] You mean after the crisis you *passed by, you passed in front of the
3 Cité Rouge?

4 A. [15:28:49] No. *I even had the time to look at the place carefully after the crisis.
5 *Otherwise -- people were talking about the Cité Rouge, I was too afraid of that side
6 of the Cité Rouge.

7 Q. [15:29:00] So before and during the crisis, you didn't go there?

8 A. [15:29:06] Well, I would pass by in a car.

9 Q. [15:29:17] So you passed by frequently in a vehicle; is that correct?

10 A. [15:29:25] Yes.

11 Q. [15:29:28] So before the end of the crisis, you never actually went inside the cité?

12 A. [15:29:42] During the crisis, no.

13 Q. [15:29:45] So what you know about the Cité Rouge, is what people have told
14 you; is that correct?

15 A. [15:29:56] Yes.

16 Q. [15:30:00] Earlier you said that you were not aware of who was in charge of
17 FESCI; is that correct?

18 A. [15:30:30] Yes.

19 Q. [15:30:32] Yet the person that you saw at Riviera II, how did you know that he
20 was a former -- a person who formerly was in charge of FESCI?

21 THE INTERPRETER: [15:31:11] Inaudible.

22 PRESIDING JUDGE TARFUSSER: [15:31:13] We did not hear your answer.

23 THE WITNESS: [15:31:19] It was a person apparently. Which person? Which person?

24 MR GBOUGNON: [15:31:31] (Interpretation)

25 Q. [15:31:33] Well, I'll be more precise. In paragraph 64 of your statement, you

1 say after Ouattara took power, and I'm quoting:

2 "After Ouattara took over power, I was at Riviera II near a restaurant called
3 Shawarma and I heard a former member of FESCI say to a wôrô-wôrô chauffeur that
4 while Gbagbo had been in power Charles Blé Goudé didn't need to ask to be heard
5 in order to meet with Laurent Gbagbo or his wife Simone Gbagbo." So this person
6 you're referring to, how did you know that this was a former member of FESCI?

7 A. [15:32:36] Thank you, because I asked about it. And I was told that he was a
8 member of FESCI.

9 Q. [15:32:52] You asked who? When?

10 A. [15:32:59] Well, at Shawarma, since I don't go there very often, I asked where I
11 could sit down and rest for a while.

12 Q. [15:33:15] We're talking about a period after the crisis when Outtara had taken
13 over, when your workshop was in Abobo on the road near the scrap yard. We're
14 talking about Riviera II. And you when you want to rest, you leave your shop in
15 Abobo at the scrap yard to go all the way to Riviera II to take a rest; is that what you
16 are telling the Court?

17 A. [15:33:57] No.

18 Q. [15:34:07] Well, could you answer my question. That particular day after the
19 crisis, this is 2011, shortly after the crisis when you heard this person speaking and
20 you say that you asked around, and you found out that he was a former member of
21 FESCI. So who did you ask about this person and when did you ask about him?

22 A. [15:34:44] I don't remember when it was. I don't remember the date. This is
23 more than five years ago. How do you expect me to remember the date? I mean, I
24 can't read and write, so how can I remember a date like that?

25 Q. [15:35:08] Thank you, Witness. In paragraph 25 of your statement, you stated:

1 "Charles Blé Goudé finished the FESCI -- financed the FESCI. Once during the crisis
2 there was a misunderstanding as regards the sharing of money between the
3 members of the FESCI and it was mentioned on television, and that's how we
4 learned that Charles Blé Goudé gave money to members of the FESCI" --

5 THE INTERPRETER: [15:35:53] The interpreter points out that it was not paragraph 25.

6 PRESIDING JUDGE TARFUSSER: [15:36:09] Yes.

7 THE INTERPRETER: [15:36:11] Your Honour, the interpreters would like to point
8 out that it was not paragraph 25.

9 PRESIDING JUDGE TARFUSSER: [15:36:16] The interpreters point out that it was not
10 paragraph 25. And in any case, please slow down; otherwise, I get shouting in my ear.

11 MR GBOUGNON: [15:36:43] (Interpretation) Apparently it was paragraph 65.

12 Q. [15:36:52] Witness, did you hear of the passage that I just read out?

13 A. [15:36:59] Could you repeat it, please?

14 Q. [15:37:19] Since the witness has made the request, I will read it again, I insist,
15 because the witness asked me to do so. This is paragraph 65 and here I go:

16 "Charles Blé Goudé is the person who financed FESCI. Once and still during the
17 period of the crisis there had been a misunderstanding as regards the sharing of
18 money amongst the members of FESCI and this was reported on the television.
19 That is how we learned that Charles Blé Goudé gave money to the members of
20 FESCI." End of quote. Is that okay? Did you understand that?

21 A. [15:38:21] Yes.

22 Q. [15:38:23] Witness, if you remember, can you describe the scene that you
23 actually saw on the television? Can you tell us what you actually saw on the
24 television and the person you saw that led you to believe that that individual was
25 from FESCI and that there had been a misunderstanding regarding money?

1 A. [15:39:19] What do you mean by the word "personnages" in French.

2 Q. [15:39:23] What you saw on TV, what is it that made you believe that there
3 was a misunderstanding about money? What exactly did you see on TV that led
4 you to describe what I have just read out to you?

5 A. [15:39:35] Thank you. *Well, one day we were watching television, and we
6 saw the FESCI guys. *Sometimes they would hurt one another with knives or
7 machetes. We were told that there had been an argument about money. That's why
8 they had hurt one other, because some money had been divided amongst them. *So
9 ever since that day -- it was Charles Blé Goudé who gave the money to fund the
10 FESCI. *I didn't see anyone giving money directly to the FESCI to pay for people so
11 that people could -- since he was the one providing the funding. I didn't see him
12 taking money directly and giving it to people, but I did watch it on television.

13 Q. [15:41:14] Mr Witness, your workshop in Abobo, is it on the highway, the
14 autoroute, or is it far from the highway?

15 A. [15:41:36] No, it's not far from the highway.

16 Q. [15:41:39] So from your shop, from your workshop, can you see the highway?

17 A. [15:41:49] No. Well, when you go out you can see the highway, it's not far,
18 but not from inside.

19 Q. [15:42:00] When you're inside or in front of your workshop, you can't see it?

20 A. [15:42:05] No, you don't see it directly.

21 Q. [15:42:08] *The announcement of Mr. Guiai Bi Poin that you spoke about --
22 did you see it on the RTI or on the TCI?

23 A. [15:42:26] It was on RTI.

24 Q. [15:42:32] Witness, thank you very much for having answered my questions.

25 MR GBOUGNON: [15:42:35] (Interpretation) Your Honour --

1 PRESIDING JUDGE TARFUSSER: [15:42:48] There is always a souffleur, right, in
2 both teams we have souffleurs.

3 MR GBOUGNON: [15:42:59] (Interpretation) Your Honour, Mr Blé Goudé's team has
4 finished its cross-examination for this afternoon. Thank you.

5 PRESIDING JUDGE TARFUSSER: [15:43:06] Thank you very much. Now --

6 MR O'SHEA: [15:43:10] Your Honours, I have --

7 PRESIDING JUDGE TARFUSSER: [15:43:11] Yes, the floor is to you.

8 MR O'SHEA: [15:43:13] Yes. I have an application to ask further questions. I can make it
9 now or I can make it after the Prosecution has finished, whichever the Chamber prefers.

10 PRESIDING JUDGE TARFUSSER: [15:43:24] No, no, granted because it's the time of
11 the Defence.

12 MR O'SHEA: [15:43:27] Thank you very much.

13 PRESIDING JUDGE TARFUSSER: [15:43:28] But it should be really very short --

14 MR O'SHEA: [15:43:30] Short.

15 PRESIDING JUDGE TARFUSSER: [15:43:31] -- limited to --

16 MR O'SHEA: [15:43:34] Very limited, yes.

17 PRESIDING JUDGE TARFUSSER: [15:43:38] Okay.

18 MR O'SHEA: [15:43:40] Very limited.

19 QUESTIONED BY MR O'SHEA:

20 Q. [15:43:44] Now, Witness, when you met with the investigators of the Prosecutor,
21 you provided them with a memory card which contained a video or two videos?

22 A. [15:44:27] *Well, these things happened a long time ago. *Honestly I don't
23 remember whether it was two -- or how many things I gave them. *I had cell
24 phones, I had a lot of cards, I had at least three cell phones. *I gave him the cards,
25 the video cards that I showed, but the video that was shown, that's not the video. I

1 can confirm that. *I don't know if there was an error or what --

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [15:45:57] Yes, I remember giving videos to some people, but maybe some
7 mistakes were made with the video.

8 PRESIDING JUDGE TARFUSSER: [15:46:15] You didn't give videos. You gave a
9 memory card; is that right?

10 THE WITNESS: [15:46:20] (Interpretation) Yes, yes.

11 MR O'SHEA: [15:46:24]

12 Q. [15:46:24] Now, on that day when you gave this memory card, did you show
13 the investigators for the Prosecution the video that you were talking about?

14 A. [15:46:41] I gave the memory card, but I don't remember what happened
15 specifically at that time. It was a long time ago, so I don't exactly remember how
16 things happened. I'm being honest. Today it will be very difficult for me to tell
17 you exactly what happened. You know, after my injury, I was not a normal person.
18 Then it happens that every now and then I remember a number of things and every
19 now and then I forget some things too.

20 PRESIDING JUDGE TARFUSSER: [15:47:16] You said that already. The question, if
21 I interpret correctly, is: Did you only give the memory card, which was then given
22 back to you, or did you watch what was on the memory card together with the
23 investigators and then gave the memory card?

24 THE WITNESS: [15:47:43] (Interpretation) I don't think we viewed it together before
25 I gave them. Well, again, if I remember properly. But I don't know. I have

1 memory problems and I really don't remember exactly how things happened at that
2 time and how I handed these things over to them. I don't really quite remember.

3 MR O'SHEA: [15:48:06]

4 Q. [15:48:06] You have memory problems. This video that you saw in Court
5 today that you said, "That's not the video," did you see it for the first time in court
6 today or have you seen it before?

7 A. [15:48:27] Well, that video was also shown in Côte d'Ivoire a long time ago,
8 and people knew that it was a video of images from elsewhere.

9 Q. [15:48:44] Is that a video, the Kenyan video, the video that is not your video, is
10 that a video which you had ever saved on your phone?

11 A. [15:49:11] What does "sauvegardé," the French word which is saved, what
12 does it mean?

13 PRESIDING JUDGE TARFUSSER: [15:49:17] Have you ever had this video on your
14 telephone in the memory card of your telephone?

15 THE WITNESS: [15:49:35] (Interpretation) Well, I had several video, but that video -- but
16 that's not a video from Côte d'Ivoire. The people are speaking a strange language.

17 PRESIDING JUDGE TARFUSSER: [15:49:43] But you're not answering the question.
18 The question is as follows, it's an easy one: Have you ever had yourself on your
19 telephone that video memorised?

20 THE WITNESS: [15:50:07] (Interpretation) On my phone, yes, I had that video on my
21 phone. Yes.

22 PRESIDING JUDGE TARFUSSER: [15:50:11] Maître O'Shea.

23 MR O'SHEA: [15:50:14] Thank you, your Honour.

24 Q. [15:50:15] Earlier in your evidence you stated that the images from the crisis
25 which you had before, you had deleted them because they were unpleasant. Why

1 did you keep this image from Kenya?

2 A. [15:50:44] Well, it was a new video which we had just received. I saw it and I
3 watched it, and then we would delete it. But I think the idea was simply to view it
4 and then delete it. That was it.

5 Q. [15:51:18] So that video about Kenya was a new video that you had recently
6 put on your phone when you met the Office of the Prosecutor; is that right?

7 A. [15:51:33] *Yes, I don't know if it's the same video, the same as the video I gave.
8 *Otherwise, I know that I gave a video, but to be perfectly honest, the video that was
9 shown to me this morning is not video from Côte d'Ivoire that is there. I am
10 absolutely sure that the video I had, I had the same video. *But I got that recently. But
11 I got it and after I erased it. I didn't receive it in order to give it to the people from the
12 Court. Otherwise, I had the video, but I erased the video, to be perfectly honest.

13 Q. [15:52:11] Why did you choose to save the video of people being burnt in
14 Kenya? Why did you choose to save it onto your phone shortly before you met the
15 Prosecutor?

16 A. [15:52:26] Well, these are mistakes or errors and things that can happen.
17 Often you can have on your memory card a number of films and delete some, some
18 will remain. I had three telephones. I had videos, and they were all there. So
19 maybe I forgot to delete that video, but I had been looking at that video for some
20 time. I thought I had probably deleted it. I had several videos on my telephones.
21 Maybe that's my mistake, not to have deleted that particular video.

22 Q. [15:53:09] But my question was: Why did you download that video dealing
23 with the burning people in Kenya?

24 A. [15:53:27] I just wanted to watch it and then delete it.

25 Q. [15:53:35] Are you aware that the same video was circulating on YouTube

1 purporting to be an incident in Ivory Coast? Is that something you're aware of?

2 A. [15:53:55] No, I was never told that this happened in Côte d'Ivoire. People
3 kept saying that it was from another country. Some said it was Liberia, some said
4 Somalia, but not Côte d'Ivoire. We were very aware of that.

5 MR O'SHEA: [15:54:21] Those are my questions. Thank you.

6 PRESIDING JUDGE TARFUSSER: [15:54:24] Thank you very much.

7 Re-questioning by the Prosecutor, I got body language that there is no
8 re-questioning.

9 MS HENDERSON: [15:54:38] I'll confirm there is no re-questioning, your Honour.

10 PRESIDING JUDGE TARFUSSER: [15:54:41] Thank you. So there is also no
11 re-questioning by -- obviously no re-re-questioning by the Defence.

12 Therefore, I can tell you, Mr Witness, that your testimony is over, is finished. You
13 can go back to your country and to your occupation.

14 THE WITNESS: [15:54:57] (Interpretation) Thank you.

15 PRESIDING JUDGE TARFUSSER: [15:55:00] Thank you for being here. I would ask
16 now the court usher to bring the witness out.

17 (The witness is excused)

18 PRESIDING JUDGE TARFUSSER: [15:55:26] As we would have other 20 minutes, we
19 will not use them with Witness 45 simply because - this is a message from VWU - the
20 witness was scheduled to testify tomorrow, and I don't know why, he's not currently
21 in the ICC premises but in the hotel and it would take a couple of hours to bring him
22 here. So this is why we go to tomorrow morning for this witness.

23 Mr O'Shea, you wanted the floor.

24 MR O'SHEA: [15:55:59] Yes. It's a very short oral application following today's
25 events, which is that we are applying that the investigators who were present on the

- 1 day that this memory card was handed over be called before the Chamber for
2 questioning.
- 3 PRESIDING JUDGE TARFUSSER: [15:56:23] That would have been probably also
4 Chamber's decision in any case. So we'll take, obviously we will take care of this
5 and decide in the next days in due course, as we say. And so today's hearing is
6 over and is adjourned to tomorrow morning, 9.30, with Witness 45. Thank you
7 very much.
- 8 THE COURT USHER: [15:56:53] All rise.
- 9 (The hearing ends in open session at 3.56 p.m.)