

Trial Hearing
WITNESS: CIV-OTP-P-0297

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing - Courtroom 1
9 Thursday, 14 September 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:46] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:07] Good morning.
15 Good morning.
16 THE WITNESS: [9:33:27] Good morning, sir, bonjour.
17 PRESIDING JUDGE TARFUSSER: [9:33:29] (Interpretation) Witness, good
18 morning.
19 THE WITNESS: [9:33:35] (Interpretation) Good morning.
20 PRESIDING JUDGE TARFUSSER: [9:33:36] Before we start with the questioning by
21 the parties, I would ask you, Mr Witness, to tell us, give us all the information on your
22 identity, name, surname, date and place of birth, nationality, et cetera.
23 THE WITNESS: [9:34:10] (Interpretation) My name is Mamadou Doumbia. I was
24 born 9 December 1973 in Madinani, and I'm a teacher in a secondary school in Côte
25 d'Ivoire.

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1 PRESIDING JUDGE TARFUSSER: [9:34:29] And can you just geographically tell us
2 where Madinani is.

3 THE WITNESS: [9:34:39] (Interpretation) Madinani is located in the north, in
4 Denguélé region, and the name of the town is Odienné.

5 PRESIDING JUDGE TARFUSSER: [9:34:52] Thank you. Now, can you also tell us
6 your ethnicity and your faith.

7 THE WITNESS: [9:35:00] (Interpretation) I am Malinké and Muslim.

8 PRESIDING JUDGE TARFUSSER: [9:35:09] You said that your current occupation is
9 teacher. Can you tell us also what your occupation was during the crisis, end 2010,
10 beginning of 2011.

11 THE WITNESS: [9:35:23] (Interpretation) Yes, I had the same work. I was a
12 teacher.

13 PRESIDING JUDGE TARFUSSER: [9:35:32] And where did you teach?

14 THE WITNESS: [9:35:34] (Interpretation) There was a crisis in 2010 in Abidjan and
15 I was teaching at the modern secondary school in PK18.

16 PRESIDING JUDGE TARFUSSER: [9:35:51] Okay. So first of all, I would like to
17 assure you that if you need something, if you need -- if you are tired, if you need
18 anything you might need, you just address me and I will try to take care of the issues
19 you will raise. Okay.

20 THE WITNESS: [9:36:15] (Interpretation) Of course.

21 PRESIDING JUDGE TARFUSSER: [9:36:22] Now, you will realise that I'm speaking
22 English, you're speaking French. But we do understand each other very well, and
23 this is because we have in booth people who interpret what we are saying and other
24 people who are writing down what we are saying in both languages.

25 So what is absolutely necessary for us is to speak slowly, to help them to make the job

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1 at best, okay? So if I, during your testimony, I give you a sign, it is just to try to slow
2 down for the benefit of the court reporters and the interpreters, okay?

3 Now, you are obviously aware that this Chamber has been established to try the case
4 of the Prosecutor against Mr Gbagbo and Mr Blé Goudé. You as a witness are called
5 to assist us in the search of the truth.

6 You will be asked questions by the lawyers, by the Office of the Prosecutor, the Legal
7 Representative of Victims and by the Defence counsel for Mr Gbagbo and for
8 Mr Blé Goudé.

9 THE WITNESS: [9:37:58] Okay.

10 PRESIDING JUDGE TARFUSSER: [9:37:59] And your obligation is, one, to answer
11 and to answer truthfully.

12 THE WITNESS: [9:38:09] Oui.

13 PRESIDING JUDGE TARFUSSER: [9:38:10] Okay. It this effect I would ask you to
14 make the solemn undertaking and you have the formula, by reading out the formula
15 you have in front of you.

16 THE WITNESS: [9:38:23] (Interpretation) I solemnly declare that I shall tell the
17 truth, the whole truth and nothing but the truth.

18 PRESIDING JUDGE TARFUSSER: [9:38:32] Thank you very much.

19 I must inform you that not telling the truth is an offence against the Court and as such
20 punishable.

21 THE WITNESS: [9:38:51] (Interpretation) I understand.

22 PRESIDING JUDGE TARFUSSER: [9:38:54] Okay. Mr Witness, this Chamber has
23 before it the written statement you gave to the Office of the Prosecutor on 2nd, 3rd
24 March 2013 and on 17 July 2013. Do you remember having given --

25 THE WITNESS: [9:39:23] (Interpretation) Yes, yes, I recall.

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1 PRESIDING JUDGE TARFUSSER: [9:39:26] Okay. For the record I'm referring to
2 the statement CIV-OTP-0041-0412 with the annexes 0041-0425, *0426, 0427, 0428, and
3 0429, as well as to the statement 0046-1236.

4 Mr Doumbia, you have seen, you have reread, these statements in the last few days, I
5 think.

6 THE WITNESS: [9:40:17] (Interpretation) Yes, I did.

7 PRESIDING JUDGE TARFUSSER: [9:40:19] So you confirm that what you read these
8 last days is your statement or is a statement that you gave to the Office of the
9 Prosecutor?

10 THE WITNESS: (Interpretation) Yes.

11 PRESIDING JUDGE TARFUSSER: [9:40:35] The Chamber has decided on 6 June
12 2017 with filing 950 that your written statements can be introduced in the record of
13 the case under rule what we call Rule 68(3) of the Rules of Procedure and Evidence.

14 This means that rather you giving here the entirety of your statement orally once
15 again, the Chamber can use it, can use it, can use your written statements.

16 Nevertheless, you will be asked supplementary questions by the Office of the
17 Prosecutor and you will be examined by the legal representative and by the two
18 Defence teams.

19 So this rule, Rule 68(3) allows for introduction of this statement only if you agree with
20 this and if the parties -- if you are present and the parties have the opportunity to
21 examine you.

22 Therefore, I ask you if you agree that the written statement is introduced in the record
23 of the case.

24 THE WITNESS: [9:42:05] (Interpretation) I do.

25 PRESIDING JUDGE TARFUSSER: [9:42:08] Thank you very much. So in light of

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1 the fact that you are here and available to be examined, the Chamber notes that all the
2 requirements of Rule 68(3) are met, and the statement is, introduction of the statement,
3 of your written statements, is allowed. And I'm referring here to the written
4 statements and annexes, the numbers of which I have just read out. So these items
5 are submitted.

6 Now, Mr Doumbia, we can start the questioning. You are ready, and I give --

7 THE WITNESS: [9:42:50] (Interpretation) Yes, I'm ready.

8 PRESIDING JUDGE TARFUSSER: [9:42:52] And I give the floor to the Office of the
9 Prosecutor.

10 MR LEDDY: [9:42:56] Thank you, your Honour.

11 QUESTIONED BY MR LEDDY:

12 Q. [9:43:05] Good morning, Mr Witness.

13 A. [9:43:08] Good morning, Counsel.

14 Q. [9:43:10] My name is Nick Leddy. I'm an attorney here with the Office of the
15 Prosecutor. You may remember we met yesterday in a courtesy meeting. And
16 today during the proceedings, I'm going to address you as "Mr Witness." That's not
17 a sign of disrespect; rather, it's how we address witnesses here in the Chamber.
18 And if you need a break at any time today, please just raise your hand and let us
19 know, okay?

20 A. [9:43:39] I understand.

21 Q. [9:43:43] I want to ask you about something that's mentioned in your first
22 written statement; that's number 1 on our list of materials, CIV-OTP-0041-0402, at
23 paragraphs 24 and 32.

24 In this statement, Mr Witness, you indicated that your sister died on or about 17
25 March 2011 and you identified her body at the morgue in Anyama. I want to ask

1 you about the timing of that identification. To place ourselves in time, the shelling
2 was on 17 March 2011 and the arrest of Mr Gbagbo was a few weeks later on 11 April
3 2011.

4 Do you remember when in relation to Mr Gbagbo's arrest that you identified the body?
5 Was it before or after Mr Gbagbo's arrest?

6 A. [9:44:54] To be absolutely honest, I'm not -- but I think it was around about one
7 month after 17 March that I was able to make contact with the morgue to identify the
8 body, but I can't situate it vis-à-vis the arrest.

9 Q. [9:45:16] And can you please tell us in more detail what happened at the
10 morgue that day.

11 A. [9:45:26] Yes. Well, first of all, if I could go back a bit. It's my younger brother
12 who took care of the body and ensured that the body was sent to the hospital in
13 Abobo. It was my younger brother who told me that the body was at Abobo
14 Anyama *morgue and that we had to go there. When I first went there, that is the day
15 after, I was told that I couldn't get into contact because there were still procedures to
16 be carried out and that they would contact me, and it was about one month later that I
17 was contacted.

18 So when I arrived there that day, the receptionist at the morgue took the sister's
19 papers, et cetera. We went to verify, to check, and indeed, she was there.

20 Q. [9:46:22] And which documents did you provide to the receptionist that day?

21 A. [9:46:28] My sister's identity card.

22 Q. [9:46:34] Did you also give a copy of your own identity card at that time?

23 A. [9:46:41] Yes, I did. I also provided my own identity card.

24 Q. [9:46:47] And you indicated you identified your sister's body. Can you tell us
25 in more detail what exactly you were shown. What parts of her body were you

1 shown?

2 A. [9:47:03] They pulled the body from a drawer and I saw her face. And the
3 length of her body. I was able to view the length, the full length of her body.

4 Q. [9:47:20] Was the body clothed when you identified it?

5 A. [9:47:36] She was covered by a wrap, a flowery wrap, that my sister had put on
6 her at the place where she fell at the first time. So I saw that she was wearing that
7 wrap or covered in that wrap.

8 Q. [9:47:49] Now I want to turn now to her -- your sister's medical records from
9 INTERFU. That's number 14 on the list of materials. For the record, the ERN is
10 CIV-OTP-0084-2897. And in these records, Mr Witness, you're listed on file number
11 399 as the person responsible for your sister's body. How did that come about?

12 A. [9:48:29] Well, when I went to the morgue the first time, they took my identity
13 card. I introduced myself. And they saw that I was indeed the brother. And my
14 name is the same as the name on my sister's documents.

15 Q. [9:48:59] And, Mr Witness, annexed to your first statement there are a few
16 documents. Those are listed as items 2 through 4 on our list of materials. For the
17 record, CIV-OTP-0041-0425, 0426 and 0427. These are three documents which have
18 names that I'll read in French. The first is certificat de non contagion; the second is
19 the procès verbal de constatation de décès; and the third is the certificat médical de
20 décès.

21 And these documents also appear in the INTERFU file I mentioned earlier. That's on
22 number 14 of the list of materials.

23 And my question, Mr Witness, is when did you obtain these documents from the
24 morgue?

25 MS NAOURI: [9:49:53] Monsieur le Président.

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1 PRESIDING JUDGE TARFUSSER: [9:50:01] Oui.

2 MS NAOURI: [9:50:02] (Interpretation) Just regarding the first document referred

3 to by the Prosecutor, document 14, that is not an annex to the witness statement.

4 The witness has never seen that document. So before he's asked to comment on that

5 document and comment on the information regarding his sister on that document,

6 perhaps the question should be put to him as to whether he's familiar with the

7 document, et cetera, because it is not an annex to his statement.

8 PRESIDING JUDGE TARFUSSER: [9:50:31] You're referring to 0425.

9 MR LEDDY: [9:50:39] Yes, your Honour. I was referring to the three annexes and

10 just noting for the record that they appear in the same document. The same

11 documents appear in item number 14 on the list of materials.

12 PRESIDING JUDGE TARFUSSER: [9:50:50] But I don't understand the number of

13 the document you are referring to, and I'm talking to counsel for the Defence.

14 MS NAOURI: [9:50:59] (Interpretation) To be specific, our learned friend of the

15 Prosecution refers to an INTERFU document, document which is -- a document

16 which is item 14 and is CIV-OTP-0084-2897. And that document is not annexed to

17 the statement; rather, it is a document which the Prosecutor has collected or gathered

18 but is not an annex to the statement.

19 PRESIDING JUDGE TARFUSSER: [9:51:42] Excuse me, I just read the transcript. I

20 read from the transcript. "There are three documents which have names that I'll read

21 in French. The first is" -- here it is written certificate de non. It's the (Speaks French)

22 (Interpretation) Non-contagious certificate. (Speaks English) Then the second is a

23 procès verbal, which I have here. I read it here because it's written the (Speaks French)

24 (Interpretation) report noting death. (Speaks English) And the third is the

25 certificate (Speaks French) (Interpretation) Medical death certificate. (Speaks

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1 English) So, these are the three documents and they're all annexed. I don't know
2 what you are referring to.

3 MS NAOURI: [9:52:39] (Interpretation) Your Honour, I'll specify. The three
4 documents you've just listed are incorporated in the dossier which is item 14; that is
5 the INTERFU dossier. So those three documents are within that dossier, but there
6 are also documents referred to by the Prosecution in this item 14.

7 So item 14 includes a number of documents. So either the three documents that
8 you've listed should be put to the witness -- we need to bear in mind that the witness
9 has never seen document 14, so either --

10 PRESIDING JUDGE TARFUSSER: [9:53:22] Yes. But they've been specified. They
11 are three documents. Is it true, you want to submit these three documents? We are
12 talking about three documents which are attached to the statements and which are in
13 the record of the case according to our decision. Is that right?

14 MR LEDDY: [9:53:41] That's correct, your Honour.

15 PRESIDING JUDGE TARFUSSER: [9:53:42] Okay. Thank you. No. That's it.
16 We are --

17 MS NAOURI: [9:53:45] (Interpretation) Just for the record, we did not submit
18 document 14, which is on the Prosecutor's evidence list.

19 PRESIDING JUDGE TARFUSSER: [9:53:54] But we are not talking about document
20 14. We are talking about these three documents.
21 Please, you have the floor.

22 MR LEDDY: [9:54:00]

23 Q. [9:54:02] Mr Witness, my question is, the three documents that I mentioned that
24 you provided to the Office of the Prosecutor, where and when did you get those
25 documents?

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1 A. [9:54:19] *In the morgue I was told to go to the University hospital of Treichville
2 to visit the woman who had carried out the autopsy and was at the University
3 hospital of Treichville that I collected the three documents.

4 Q. [9:54:34] Do you remember the name of that location?

5 A. [9:54:40] Which place are you referring to?

6 THE INTERPRETER: [9:54:58] Interpreter corrects, it's not south of Treichville but
7 the CHU of Treichville.

8 MR LEDDY: [9:55:06]

9 Q. [9:55:06] And when did you collect these documents from the CHU of
10 Treichville?

11 A. [9:55:17] On the day that I went to the morgue or the day afterwards. I was
12 told at the morgue to go to Treichville to collect the documents and I went to
13 Treichville. I don't recall if it was on the same day or the next day.

14 Q. [9:55:37] And another document which is annexed to your statement -- that's
15 number 5 on the list of materials. For the record, CIV-OTP-0041-0428. I'm going to
16 ask that that document be shown to the witness.

17 I'm going to ask you, Mr Witness, if you recognise your signature on this document?

18 A. [9:56:04] Yes, that's my signature.

19 Q. [9:56:09] And when did you sign that document, do you recall?

20 A. [9:56:15] On the same day, the same day that I was shown my sister's body.

21 Q. [9:56:26] Now I want to switch topics and ask you about whether you remember
22 having your DNA collected during the course of this investigation.

23 A. [9:56:39] Yes, I recall that well.

24 Q. [9:56:43] And do you also recall after that point being informed by OTP staff
25 that there was in fact no DNA match with the sample that you provided?

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1 A. [9:56:55] Yes, indeed, I was informed of that. I was informed.

2 Q. [9:57:08] Now, just a few final questions, Mr Witness. You've applied to be a
3 victim in these proceedings as an individual and also as a member of a group; is that
4 correct?

5 A. [9:57:21] I'm an individual. I'm not a member of a group. I don't know what
6 you mean by member of a group. I don't understand that.

7 Q. [9:57:43] I think my colleague from the legal representatives will get into that,
8 Mr Witness. So I'll leave that for now and just ask you, you indicated -- I'm sorry, I'll
9 withdraw that question.

10 When your sister died, did she have any children?

11 A. [9:58:02] Yes. My sister had four children.

12 Q. [9:58:08] And who has been taking care of those children since her death?

13 A. [9:58:14] Well, let me tell you, her first or eldest son is an adult and works. The
14 second child is a woman or a girl; she's married. And I have been taking care of the
15 younger two since her death.

16 Q. [9:58:38] Okay. My last question, Mr Witness, is, as a victim, can you please
17 describe the impacts of these events on your life up until today?

18 A. [9:58:51] Well, losing a sister in such circumstances necessarily has an impact on
19 a person. Today I'm responsible for two children. Now, when this happened, it's
20 true everybody must die one day, but when it happens in such circumstances, it has
21 an impact for everyone, for the family. So for us, it's an absolute situation of
22 desolation.

23 Q. [9:59:34] Thank you, Mr Witness.

24 I have no further questions, your Honour.

25 PRESIDING JUDGE TARFUSSER: [9:59:37] Thank you very much.

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1 Now, Mr Witness, I give the floor to the Legal Representative of Victims, to Madam

2 Paolina Massidda. Yours, the floor.

3 MS MASSIDDA: [9:59:50] (Microphone not activated)

4 THE INTERPRETER: [9:59:59] Microphone, please.

5 MS MASSIDDA: [10:00:04] Sorry.

6 QUESTIONED BY MS MASSIDDA: (Interpretation)

7 Q. [10:00:12] Good morning, Mr Witness.

8 A. [10:00:14] Good morning, Counsel.

9 Q. [10:00:16] Mr Witness, in your witness statement, which has just been produced
10 into evidence, you stated that before meeting me as your counsel, you had also met
11 with a group of people from the ICC. And I want to quote to jog your memory. I'm
12 referring here for the record to document CIV-OTP-0041-0412 at paragraph 14. And
13 I quote, "Before Paolina" -- that's myself -- "a group from the ICC came to ask us
14 whether we were ready to collaborate with the Court." End of quote.

15 Who are you referring to when you say "a group from the ICC"?

16 A. [10:01:22] Yes. Well, let me hop back a little bit to the background so that you
17 can understand this. When my sister fell, it's my elder sister, Naminaza, who called
18 me. *I was coming back from Azaguié. And I did not have access to the location
19 because on that day shells were falling from all over. So I called my cousin, Fanny
20 Adama. My cousin, brother, he's the one who took care of that body and took it all
21 the way to the Abobo hospital. In doing so, an NGO had taken their contacts. And
22 when the ICC team arrived, it is through that NGO that they were able to get my
23 brother's contact. He then called me to say that a team from the ICC had expressed a
24 desire to meet with me, and that is how I got to meet with them.

25 Q. [10:02:31] All right. Let's try to clarify that somewhat. You must remember

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1 more or less the date or the year in which you met that group of persons from the ICC,
2 do you?

3 A. [10:02:46] Quite honestly, I don't recall an exact date.

4 Q. [10:02:51] Can you approximate?

5 A. [10:02:54] No. I don't want to lie.

6 Q. [10:02:57] Could it have been in 2012? That is one year after the death of your
7 sister, more or less a year after that incident.

8 A. [10:03:07] Quite sincerely, I don't recall.

9 Q. [10:03:10] Well, we have a document with a date, and that's not a very serious
10 problem. I just wanted to find out if you do recollect. Where did you meet the
11 people from the ICC?

12 A. [10:03:24] At the mayor's office in Abobo.

13 Q. [10:03:28] If I understand you correctly, you went to the mayor's office in Abobo
14 because someone called you; is that correct?

15 A. [10:03:39] I said that my younger brother Adama called me to say that there was
16 a meeting at the mayor's office with a team from the ICC.

17 Q. [10:03:53] When you say that it is your brother Fanny Adama who called you, is
18 Mr Fanny Adama indeed your brother from the same father and the same mother?

19 A. [10:04:07] No. Fanny Adama is a brother, an adopted brother, so to speak,
20 because when his father, who hails from Muloblaso (phon) came to Madinani, he
21 was sponsored by my father. We grew up together. We did everything together.
22 When our father acquired some new land, he got a piece of land for Fanny Ladji.
23 That is the father of Fanny Adama. So his children and us, we grew up together, and
24 we are like brothers.

25 Q. [10:04:43] So I understand that Mr Fanny Adama was in contact with an

1 organisation; is that correct?

2 A. [10:04:49] Yes, that is correct.

3 Q. [10:04:52] Do you know the name of that organisation?

4 A. [10:04:55] I think it is CV, CV or something like that. I know the name of the
5 president, Tioté, and his deputy was Karamoko. And I worked closely with both of
6 them. Something to do with youth and something around that.

7 Q. [10:05:14] If I said association Voix de la jeunesse active, would that ring a bell?

8 A. [10:05:22] Yes, yes, it would.

9 Q. [10:05:24] Have you been a member or are you a member of that organisation
10 today?

11 A. [10:05:29] I have never been a member of that organisation.

12 Q. [10:05:43] When you filled out the application to participate as a victim in these
13 proceedings, who was present?

14 A. [10:05:52] It happened on the same day at the mayor's office. Karamoko was
15 there. Tioté was there as well. Now, from the ICC, there was a lady whose name is
16 Caroline, I think, from the ICC.

17 Q. [10:06:12] When you filled out your form, were there any people from the
18 Registry of the Court, from the Registry of the ICC?

19 A. [10:06:20] Yes.

20 Q. [10:06:22] Were there any other persons at the Abobo mayor's office on that day?

21 A. [10:06:27] Yes. When we arrived there, we were told that there was a team
22 from the MIDH, and we also met with that team, introduced ourselves. They asked
23 us to -- they told us that they had come there for the same reasons and that if we
24 wanted to lodge any complaints, we should do so. And that's what we did.

25 Q. [10:06:57] I will get to the MIDH in a moment. But for now, Mr Witness, please

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1 focus on the time, the time at which you filled out the application to participate in the
2 proceedings as a victim, with the help of the Registry of the ICC. Can you do that?

3 A. [10:07:22] Okay.

4 Q. [10:07:22] Now, on that day when you yourself filled out the form, were there
5 any other people at the Abobo mayor's office who also filled out forms to participate
6 as victims?

7 A. [10:07:37] No. Apart from the people who came from the ICC, I didn't see
8 anyone else.

9 Q. [10:07:47] You have just mentioned the MIDH. And I understand that apart
10 from the persons from the Court and myself, you spoke about the events of 17 March
11 2011 with that organisation as well; that is, namely, the MIDH. Is that correct?

12 A. [10:08:19] Yes, that is correct.

13 Q. [10:08:20] Do you remember when or approximately when you met that
14 organisation or the members of that organisation?

15 A. [10:08:32] Well, maybe I am mixing things up, but my impression is that it was
16 probably on the same day. In any event, so many things happened at that time, so I
17 cannot be very specific. What I know is that we were met by -- the NGO called us to
18 the mayor's office in Abobo. But I am no longer able to say whether it was on the
19 same day that we met with the people from the ICC or on another day.

20 Q. [10:09:01] Do you remember the names of the people from the MIDH with
21 whom you met?

22 A. [10:09:16] No. I didn't ask for their names. It was two ladies who were sitting
23 at a table. They asked me questions, but I didn't ask for their names.

24 Q. [10:09:27] Mr Witness, if I have understood your testimony, it was not at your
25 behest that the MIDH was contacted. You did not contact the MIDH?

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1 A. [10:09:42] Not at all, not at all.

2 Q. [10:09:44] Is it the same organisation which had contacted you to meet with the
3 people from the Court?

4 A. [10:09:48] Yes. The NGO youth for something.

5 THE INTERPRETER: [10:09:53] Overlapping speakers.

6 PRESIDING JUDGE TARFUSSER: [10:09:55] Please.

7 MS MASSIDDA: [10:09:57] (Interpretation)

8 Q. [10:10:02] Let me repeat my question. Please break, pause, for a moment
9 before you answer; is that fine?

10 Were you contacted by the same organisation that contacted you to meet with people
11 from the Registry of the Court? Is it the same organisation that contacted you to
12 meet with the members of the MIDH?

13 A. [10:10:25] Yes.

14 Q. [10:10:28] When you met with the members of the MIDH, did you sign any
15 document or did you just have a discussion with them? How did that meeting
16 unfold?

17 A. [10:10:44] They asked me about the circumstances and other details. And yes,
18 we filled out a form with the information pertaining to the name of my sister. That's
19 it.

20 Q. [10:11:02] After that discussion with the members of the MIDH on that day, did
21 you subsequently have any other meetings with the MIDH or did you receive any
22 news from that organisation in relation to your case?

23 A. [10:11:20] No.

24 Q. [10:11:21] From that time to this day?

25 A. [10:11:23] Yes, from that time to this day.

1 Q. [10:11:28] Mr Witness, apart from your sister, do you know any other victims
2 from the 17 March 2011?

3 A. [10:11:54] Yes, I know many of them. First of all, in my testimony, when I say I
4 came from Azaguié, it is that I had just gone to extend my sympathy to the family of a
5 neighbour, the junior brother of my direct neighbour.

6 Q. [10:12:09] Mr Witness, I'm sorry to interrupt you. My question was different.
7 You're talking about something else which happened before 17 March. My question
8 was the following: Do you know any other victims of the events of 17 March 2011?
9 Please, focus on that question.

10 A. [10:12:32] Yes. Okay. Very well. Indeed, when we had the first contact with
11 the members of the office of the Court, on that day, the young man who was
12 supposed to interpret for victims, other victims, who did not understand French had
13 trouble doing so. And so I offered my services to provide interpretation. And from
14 that day we came into contact with that group of the victims of 17 March. And I
15 know a few of them.

16 Q. [10:13:11] Very well. So, Mr Witness, let me refresh your memory.
17 Mr President, if I'm allowed to do so, I would like to read paragraph 45 of his
18 statement.

19 THE COURT OFFICER: [10:13:26] For the record, it's ERN page 419.

20 MS MASSIDDA: [10:13:33] (Interpretation) Thank you, court officer.

21 Q. [10:13:39] Mr Witness, I'm going to read part of your statement. And I quote, "I
22 know an old man who's called Fofana whose two daughters were killed by a shell
23 which perforated the wall of his house. I don't know the exact date of that incident,
24 but it was during the same period. I also know a girl whose eye was injured by a
25 shell which dropped near the SOS village when she was going by that area."

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- 1 Another young person says that they still have shrapnel in their body, but I don't
2 know that person's name." End of quote.
3 Witness, does that jog your memory?
4 A. [10:14:28] Yes, I do, I do remember that.
5 PRESIDING JUDGE TARFUSSER: [10:14:30] It's paragraphs 45, 46, 47, not only 45.
6 MS MASSIDDA: [10:14:34] Yes, your Honour. My apologies.
7 Q. [10:14:38] (Interpretation) Did you know these victims in person?
8 A. [10:14:49] Yes.
9 Q. [10:14:50] Can you tell us -- are you able to tell us the ethnicities of those people?
10 A. [10:14:55] All those people are of Malinké ethnicity.
11 Q. [10:15:02] Mr Witness, my last question is in relation to a question you answered
12 when being examined by the OTP. You said that following the death of your sister,
13 two of her children, the two youngest children, are now under your responsibility?
14 A. [10:15:26] Yes.
15 Q. [10:15:27] How old are those children now?
16 A. [10:15:31] (Redacted) is 22 or 23 years old and (Redacted) has just passed his
17 GCE A levels or bac, so he's around 17 or 18 years old.
18 Q. [10:15:46] These two children continue to live with your family; is that correct?
19 A. [10:15:50] Yes.
20 Q. [10:15:51] Thank you, Mr Witness.
21 PRESIDING JUDGE TARFUSSER: [10:15:55] Thank you, Madam Massidda.
22 Mr Witness, it is now time, it is now time for the --
23 THE WITNESS: [10:16:11] (Interpretation) I can't hear you, your Honour.
24 PRESIDING JUDGE TARFUSSER: [10:16:14] Can you hear me now?
25 THE WITNESS: [10:16:16] (Interpretation) Oui, oui.

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1 PRESIDING JUDGE TARFUSSER: [10:16:18] Okay. Mr Doumbia, it's now time for
2 the Defence counsel to ask you questions, first, I think the Defence counsel for
3 Mr Gbagbo. And, therefore, I give the floor to Maître Altit.

4 MR ALTIT: [10:16:34] (Interpretation) Thank you, Mr President. The examination
5 of this team on behalf of Mr Gbagbo's Defence team shall be conducted by Ms Naouri.

6 PRESIDING JUDGE TARFUSSER: [10:16:50] Okay. Now it's Madam Naouri to put
7 questions to you.

8 Please, yours, the floor.

9 MS NAOURI: [10:17:16] (Interpretation) Thank you, Mr President.

10 QUESTIONED BY MS NAOURI: (Interpretation)

11 Q. [10:17:20] Good morning, Witness.

12 A. [10:17:22] Good morning, Counsel.

13 Q. [10:17:23] My name is Jennifer Naouri, and I'll be putting questions to you today
14 on behalf of Laurent Gbagbo's Defence team.

15 A. [10:17:29] With pleasure.

16 Q. [10:17:34] Mr Witness, this morning, when you answered questions from the
17 Presiding Judge at page 2 of the transcript, lines 8 to 9, you said that you came from
18 Madinani.

19 A. [10:17:56] Madinani.

20 Q. [10:17:58] I am sorry, Madinani. So my question is the following. So can you
21 tell us which com-zone was active in Madinani?

22 A. [10:18:14] I am not in a position to tell you, because I was not in Odienné at that
23 time.

24 Q. [10:18:19] Very well. In 2002 you were in Katiola, correct?

25 A. [10:18:28] In 2002 I was in Tafire. Well, no. In 2002 before 19 September, yes.

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1 Q. [10:18:35] Very well. Can you tell us why you left in 2002 for Abidjan?

2 A. [10:18:46] Yes. In 2002 I left the area because our officials at the time had asked
3 us to return to Abidjan because if we did not return to Abidjan, we will be considered
4 to be rebels and we would be considered as having abandoned our positions or
5 resigned from our positions.

6 Q. [10:19:17] When you were in the region in 2002, there were active com-zones in
7 that area. Do you know them?

8 A. [10:19:25] I'm not able to know them because I wasn't interested in that.

9 Q. [10:19:30] Very well. Now, Mr Witness, let us now deal with the 2010 elections.
10 During the elections you worked or you collaborated with the RER?

11 A. [10:19:52] Yes, I collaborated with the RER.

12 Q. [10:19:55] Can you tell us who was the leader of the RER?

13 A. [10:20:01] The president of the RER in Abobo was Koulo Kioma (phon). He
14 was the president of the RER.

15 Q. [10:20:14] He was part of the RER; is that correct?

16 A. [10:20:23] Yes. The RER is the association of republican educators or teachers,
17 yes.

18 Q. [10:20:31] What was the mission of the RER? Was it to build awareness in the
19 members of the population?

20 A. [10:20:53] During elections, the RER provided training to its supporters and the
21 population, telling them how *to vote, in order to avoid invalid ballots and so on and
22 so forth. That was its role, the role of the RER.

23 Q. [10:21:10] Very well. How did you get recruited to the RER? Did you have to
24 become a member of the RER?

25 A. [10:21:20] I was not recruited. I joined them because I had a desire to train my

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1 brothers in how to vote better, so to speak.

2 Q. [10:21:40] Very well. But RER was involved in mobilising the people during
3 the election campaigns; is that correct?

4 A. [10:22:01] Yes. That is only normal, because that was part of its objectives, the
5 objectives of the RER.

6 Q. [10:22:11] Did the RER provide training at the polling stations?

7 A. [10:22:17] No, that cannot happen. Training takes place well before the polling
8 stations. Voter education is done in order to prepare the electorate, so that cannot be
9 done at the polling station.

10 Q. [10:22:38] So, very well. That training, was it before the first round or between
11 the two rounds of elections?

12 A. [10:22:47] It was before the first round.

13 PRESIDING JUDGE TARFUSSER: [10:22:50] Please, could you, both of you, please,
14 when the question is finished, wait a moment, breathe, and then respond. And the
15 same, but she should be aware, but I say it once again, is for counsel. Just breathe,
16 okay.

17 (Counsel confer)

18 PRESIDING JUDGE TARFUSSER: [10:23:30] I said breathe, not stop.

19 MS NAOURI: [10:23:33] (Interpretation) I am sorry, Mr President. Thank you.

20 Q. [10:23:35] Now, Witness, where did you provide training for people, if it was
21 not in the polling station. Please, tell us.

22 A. [10:23:43] There are places where people can be trained. The RER had a
23 headquarters. It had representatives in various neighbourhoods. It had sections.
24 And training could even take place at home. So there was no specific location for
25 training.

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1 Q. [10:24:02] Very well. Can you be more specific then. Where were the
2 headquarters of the RER located where you provided training, and where was
3 training provided in which homes? Please explain.

4 A. [10:24:19] Well, training could have been provided at home or at various schools,
5 at such locations.

6 Q. [10:24:26] Very well. Now, Mr Witness, can you tell us who you provided
7 training to?

8 A. [10:24:43] The people, the population. Anyone who wanted training would
9 come for training to know how to vote. You see, our relatives do not know how to
10 read or write, so they don't know how to vote properly. And so we provided voter
11 education for them, how to vote properly.

12 Q. [10:25:06] Very well. So what did you train them in?

13 A. [10:25:17] Well, we had ballot papers. We did some dry runs, and we showed
14 them, we told them about the various candidates, about how to vote.
15 We had ballot cards that had been produced before the elections. So we used those
16 models to tell them about the candidates and to tell them how to vote upon choosing
17 which candidate they had decided to vote for. That's what we did.

18 Q. [10:25:53] Those ballot papers, were they provided by the -- who provided them
19 to you?

20 A. [10:26:00] The party.

21 Q. [10:26:03] The RDR?

22 A. [10:26:04] Yes, the RDR.

23 PRESIDING JUDGE TARFUSSER: [10:26:08] Excuse me. So you did also teach
24 who to learn, not only how to learn -- who to vote, not only how to vote?

25 THE WITNESS: [10:26:25] (Interpretation) Yes. This was a campaign period, and

1 we were running a campaign as well. So the people we were training were those
2 who actually already supported our candidate. So we told them that the ballot is
3 secret on the day of the election, so they are not bound to do what we have told them.
4 But they go in there and they do what they choose to do.

5 PRESIDING JUDGE TARFUSSER: [10:26:52] Yes. Yours, the floor.

6 MS NAOURI: [10:26:54] (Interpretation) Thank you, Mr President.

7 Q. [10:27:00] Did you explain to people that they had to own a voter's card and be
8 registered on the voter's registry?

9 A. [10:27:13] Yes.

10 Q. [10:27:14] Did you cross-check whether people were registered?

11 A. [10:27:17] We could not cross-check because we did not have the list. You
12 needed to have the list to be able to do so.

13 Q. [10:27:24] Very well. Did you explain to them that they could not come to vote
14 wearing any clothing *or carrying items that bore an effigy of any candidate?

15 A. [10:27:44] Yes. We provided that explanation to them during the training.

16 Q. [10:27:50] Very well. What did you tell them about representatives who had to
17 be present at various voting stations?

18 A. [10:27:55] We told the representatives at various polling stations to be vigilant,
19 to follow very closely how the voting was unfolding, and that if there were any
20 abnormalities, they should notify their supervisors as need be.

21 Q. [10:28:17] Well very. Did you inform them about the specific representative
22 who was to be present at each polling station?

23 A. [10:28:30] I have not understood your question.

24 Q. [10:28:33] Let me rephrase. Did you tell them, the people you were training,
25 about the number of representatives who were to be present at each polling station

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1 and which party they would be representing?

2 A. [10:28:53] Well, during the training we taught them about what conduct to
3 adopt. But when it came to dispatching representatives to the polling stations, that
4 was something different. You could be trained and still not be a representative. So
5 I really don't have an answer to your question. I can't say anything about that.

6 Q. [10:29:20] You were not aware that, pursuant to the electoral *code of 1st August
7 2000, the requirement was that each candidate should be represented by two
8 representatives in each polling station?

9 A. [10:29:39] That is not how I understood your question. But what you have now
10 mentioned is something that is clear to me.

11 Q. [10:29:46] Did you tell the people you were training this information?

12 A. [10:29:50] Yes. We provided them with that information.

13 Q. [10:29:55] And, Mr Witness, did you train representatives or tellers?

14 A. [10:30:07] No. Our education programme was limited to the activities of the
15 party, the RDR.

16 Q. [10:30:15] Very well. And who was the representative or representatives of the
17 RDR in your polling station; do you recall?

18 A. [10:30:33] Well, I was a representative at the polling station at the first round. I didn't vote because
19 I was a polling station *president, as a teacher. I didn't go to vote on that day. I couldn't, and I had no
20 interest in finding out who was RDR and who wasn't... That means I was neutral on that day. I wasn't
21 working for the party on that day. If you see, I was working for the State. So I was the president of a
22 polling station in a primary school, and I concentrated or focused my activities on that task.

23 Q. [10:31:09] You said that you were president of a polling station; is that right?

24 A. [10:31:19] Yes, yes.

25 Q. [10:31:20] Which polling station?

1 A. [10:31:24] Konaté Fréné, that was a primary school. That was at the first round
2 of voting, and at the second round I was at a different polling station.

3 Q. [10:31:35] And as the president of the polling station, do you not recall who
4 were the representatives of the candidates on the day?

5 A. [10:31:44] No. I really don't recall.

6 Q. [10:32:10] D'accord.

7 Alors, dans le cadre de votre travail de mobilisation, est-ce que vous avez participé à
8 des réunions du RDR ?

9 A. [10:32:11] Oui.

10 Q. [10:32:13] D'accord.

11 Où ça, Monsieur le témoin ?

12 A. [10:32:14] C'était au QG, au QG à Abobo, à côté des Trois Chatons — l'école
13 Trois Chatons.

14 PRESIDING JUDGE TARFUSSER: [10:32:20] Excuse me. There is no interpretation
15 because you have the -- yes.

16 THE INTERPRETER: [10:32:26] Apologies from the booth. Could you ask for the
17 last exchange to be repeated, please.

18 PRESIDING JUDGE TARFUSSER: [10:32:33] We can also go further and we just
19 insert it in the edited version.

20 THE INTERPRETER: [10:32:42] Thank you, your Honour.

21 PRESIDING JUDGE TARFUSSER: [10:32:47] Just if you repeat the last questions so
22 that we have a follow-up. Thank you.

23 MS NAOURI: [10:32:53] (Interpretation) Of course, your Honour. I'll repeat that
24 question.

25 Q. [10:32:58] My question was, "As regarding your work of mobilisation, did you attend

1 RDR meetings?" Answer: "Yes." And I said, "Very well. And where was that, Mr Witness?"

2 A. [10:33:16] *I said it was at the head office at a neighbourhood called aux Trois
3 Chatons. If you take a taxi, you would get to the neighbourhood called BC, you
4 would ask to stop at Trois Chatons, which is not far from Commando Camp.

5 Q. [10:33:32] And can you tell us who was present at those meetings?

6 A. [10:33:38] A lot of men were present. I can't say who exactly, but a lot of men
7 were present.

8 Q. [10:33:44] No women?

9 A. [10:33:47] Yes, also women. I meant mankind.

10 Q. [10:33:55] And you, Witness, did you attend RDR meetings?

11 A. [10:34:00] No. I did not attend any rallies.

12 Q. [10:34:09] Did you attend any rallies?

13 A. [10:34:15] No. As regards the rallies in Abobo, *I did not attend. I told you that
14 I was not a major activist, but I did participate and notably by providing the education
15 programmes because I wanted to help those around me to make the right choice.

16 Q. [10:34:41] And what was the right choice?

17 A. [10:34:43] Well, the current president.

18 Q. [10:34:48] Who is that?

19 A. [10:34:52] That is President Alassane Ouattara.

20 MR LEDDY: [10:34:55] I'm going to object to the relevance of that question and the
21 way it was phrased by counsel, "the right choice".

22 PRESIDING JUDGE TARFUSSER: [10:35:02] Well --

23 MS NAOURI: I simply repeated the words of the witness. The witness said that he
24 wanted the people to make the right choice. And, therefore, I asked him what, in his
25 eyes, was the right choice, quite simply.

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1 PRESIDING JUDGE TARFUSSER: [10:35:17] But it's on the record, so no problem.

2 Thank you.

3 MS NAOURI: [10:35:20] (Interpretation) Thank you, your Honour.

4 Q. [10:35:25] Mr Witness, so you could finish what you were saying.

5 A. [10:35:32] I said, yes, the right or the best choice was the current president,

6 President Alassane Ouattara, who was in post.

7 Q. [10:35:41] Was your sister, or did Makaridia, your sister, take part in the

8 campaign in 2010?

9 A. [10:35:49] Makaridia was not a member of the RDR. *I think she might have belonged
10 to her husband's party, because her husband is a (Redacted). (Redacted), you see. I

11 don't know what her political preference was. She never told me exactly what her
12 political preference was, although from time to time there were political conversations.

13 Q. [10:36:14] That's fine. That's why we put our questions, to hear your reply.

14 Now, do you know whether your sister Makaridia knew Sirah Dramé, the minister
15 council in Abobo?

16 A. [10:36:38] That, I don't know.

17 Q. [10:36:39] And you, Mr Witness, do you know her?

18 A. [10:36:45] No. This is the first time I'm hearing that name, in fact.

19 Q. [10:36:51] And your sister Naminazan, does she assist you with your education
20 work, educating the people?

21 A. [10:36:57] No. Naminazan is a seller, a trader. She wasn't involved in
22 anything like that. She, in fact, can't read, so she's not in a position to be educating
23 others. She is more focused on her own work, buying and selling.

24 Q. [10:37:19] Mr Witness, how many brothers and sisters do you have?

25 A. [10:37:23] My family, my own? You're talking about my family now; is that

1 right?

2 Q. [10:37:36] Yes. Your family, your own family.

3 A. [10:37:38] It's a large family. We're about 20 persons. I think following the
4 deaths, we are now about 15, 16 people.

5 Q. [10:37:47] Well, let's return to that. How many brothers and sisters do you
6 have that share the same mother and father as you?

7 A. [10:37:56] I have one brother and three sisters. My mother had five children all
8 together, three girls and two boys.

9 Q. [10:38:20] And did they have the same father?

10 A. [10:38:22] Yes, they did.

11 Q. [10:38:25] And Makaridia, she was your sister by the same father; is that correct?

12 A. [10:38:31] Yes. She's the daughter of my father's first wife.

13 Q. [10:38:36] And Naminazan?

14 A. [10:38:40] Naminazan is my full sister, same father, same mother.

15 Q. [10:38:44] Very well. And Makaridia, did she live with you or with
16 Naminazan?

17 A. [10:38:54] Makaridia lived elsewhere. She was married to (Redacted)
18 (Redacted) and they lived in Abobo behind Pétro Ivoire.

19 Q. [10:39:28] Now, Mr Witness, you've told us a lot about your family. How
20 many brothers and sisters do you have?

21 A. [10:39:32] Well, I'd have to do a quick count. Some people are deceased. My
22 father had four wives in total. The first, he had five children by her, only one of
23 whom survives.

24 As regards the children of the first wife, that is to say, by the same mother as
25 Makaridia, that surviving child is in Abidjan.

1 Now, the second wife had four children. My mother had five children. And when
2 my mother passed, I think my little brother was three or four years old at the time.
3 At that point in time my father remarried and had five children with his last wife.
4 That's it.

5 Q. [10:40:34] And who is the head of the family, Mr Witness?

6 A. [10:40:42] Currently? Do you mean now?

7 Q. [10:40:48] Yes, I mean now. Who is the head of the family currently?

8 A. [10:40:55] My elder brother Bakary is the head of the family. But he
9 doesn't -- he lives in Abidjan. We all lived in Abidjan, and not in our village. There
10 are two members of the family back in the village.

11 Q. [10:41:15] And are they the ones who take the decisions of the family?

12 A. [10:41:20] No. The decisions are made in Abidjan. It is my elder brother who
13 is involved there. But he doesn't take a decision alone. When there is a situation,
14 we call a meeting. The older members of the family are present. The extended
15 family is present. And there are uncles, and their older sons, for instance, are
16 involved in the decision making.

17 Q. [10:41:49] Very good. And who takes the most important decisions in your
18 family?

19 A. [10:42:01] As I said, we consult, we talk with one another. Various people
20 make various proposals and we decide on the best one.

21 Q. [10:42:13] Very well, Mr Witness. Mr Witness, now Mariam, your sister's
22 friend, was a supporter of the RDR; is that right?

23 A. [10:42:40] I really don't know what to answer because I've never asked her.

24 Q. [10:42:46] To your knowledge, was she at the Golf during the post-electoral
25 crisis?

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1 A. [10:43:01] I don't know.

2 Q. [10:43:01] But do you know her well?

3 A. [10:43:02] Yes, I know her well because we're from the same village. She lives
4 quite peacefully in Abobo in the same neighbourhood as my elder sister Makaridia, in
5 fact. And that's all.

6 Q. [10:43:18] Just one moment. Makaridia and Mariam live in the same
7 neighbourhood; is that right?

8 A. [10:43:27] Yes, that's right. Not immediately adjacent but in the same
9 neighbourhood. They're separated by the railway track.

10 Q. [10:43:35] Fine. Did your sister Makaridia take part in the women's march on 3
11 March 2011?

12 A. [10:43:48] No, not at all.

13 Q. [10:43:51] All right. Now, Mr Witness, during the post-electoral period, you
14 were involved in setting up roadblocks in your neighbourhood; is that right?

15 A. [10:44:01] No. I'm not sure what you mean by the setting up of roadblocks.

16 But what I can explain to you is that during the post-electoral crisis, and perhaps this
17 is what you are referring to, there were attempts, because the law enforcement people
18 at the time were trying to enter the neighbourhood. So just that you know, people
19 and those who had our political affiliation, we received SMSs telling us that we
20 should leave PK18 because the military were coming to attack.

21 Q. [10:44:40] Let's go through that one more time. I'm going to put questions to
22 you. Is your neighbourhood PK18?

23 A. [10:44:52] Yes. The neighbourhood is referred to some by the PK, as PK18.
24 Some call it the old gendarmerie, and some call it Anyama Belleville.

25 Q. [10:45:07] Okay. Have you heard of the Invisible Commando?

- 1 A. [10:45:15] Yes, I've heard of it.
- 2 Q. [10:45:16] They were active in PK18, weren't they?
- 3 A. [10:45:19] Yes.
- 4 Q. [10:45:20] What did they do?
- 5 A. [10:45:26] Well, as far as I see it and what I saw was that they defended the local
6 population in PK18.
- 7 Q. [10:45:37] Defended the population with weapons, Mr Witness?
- 8 A. [10:45:43] Yes. They defended them with weapons.
- 9 Q. [10:45:49] How long had they been there?
- 10 A. [10:45:53] I was aware of them from the time of the march on the RTI, to liberate
11 the RTI. It was from that point onwards that the Invisible Commando was in place.
- 12 Q. [10:46:08] And did the Invisible Commando take part in that march?
- 13 A. [10:46:13] No.
- 14 Q. [10:46:15] Who was their leader?
- 15 A. [10:46:20] I don't know. There were members. I don't know who was the leader
16 in each neighbourhood. There were young people who had been trained. *You can't
17 tell me that the person who was at Abobo AGRIPAC was the same as the person or the
18 people who were defending Abobo near Anyama. I don't know how they were
19 organised. But I know there was a Commando Invisible. There were people I knew
20 who had come voluntarily, because their intention was to defend the population of PK18.
- 21 Q. [10:46:58] Well, we'll go through that again. Who was the head of the Invisible
22 Commando in your neighbourhood?
- 23 A. [10:47:14] My neighbourhood is called Adja. And the neighbouring
24 neighbourhood is called Bois-Sec. Now, in my neighbourhood it was Konaté who
25 was in charge or who was there.

1 Q. [10:47:39] Very well.

2 A. And for your information, Konaté was a young person from the neighbourhood.
3 I knew him. And we had even organised the distribution of voting cards to new
4 voters in a local school together.

5 Q. [10:48:01] So you and Konaté together distributed voting cards in the
6 neighbourhood; is that right?

7 A. [10:48:13] No. We went to get our voting cards. Konaté went to get his voting
8 card, as did I. There was some trouble in the office because there were young people
9 passing by. People were queueing. But others were passing by and wanting their cards.
10 And those who were queueing couldn't get their cards. *And for that reason, there is a
11 gentleman who currently lives in the neighbourhood who owns a hotel called Secreto.
12 He's an older gentleman, and he said, look, let's organise this distribution of cards so that
13 we can get the job done. And he called on Konaté and others who volunteered to
14 organise people into queues so that the cards could be distributed in an orderly fashion.
15 So on that day, I saw Konaté organising things. Now as regards whether I know
16 him as a member of the Commando Invisible, now, I have a brother who's called
17 Fofana who is a police officer, and he came to me and said there is a commander
18 Fognon who wants to charge his mobile phone and wants to do it at your place.
19 I said who is this commander?
20 He said you are going to see.
21 I went to Adja school and I saw that it was the young man who had been organising
22 the queues when the voting cards were being distributed.
23 I said: Oh, you're Fognon? You're the Invisible Commando?
24 So I was really surprised to see it was him, because when I heard about the Invisible
25 Commando, I thought it was other people. But I saw him. I smiled at him. He

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1 smiled at me.

2 So he's a young person from the neighbourhood.

3 PRESIDING JUDGE TARFUSSER: [10:50:15] If you speak so quickly with your
4 pupils as a teacher, I fear that they don't get everything you are saying. So, please,
5 slow down. I know you are passionate, but slow down. Thank you.

6 THE WITNESS: [10:50:30] Okay. Okay. (Interpretation) Yes. Thank you.
7 Thank you, your Honour.

8 So, I was saying I was surprised to see that it was the young man that I had seen on
9 the day that the voting cards were being handed out who was one of the Invisible
10 Commando.

11 MS NAOURI: [10:51:07] (Interpretation)

12 Q. [10:51:08] If I understand correctly, you went to see him at the place he was
13 posted; is that right?

14 A. [10:51:12] No. I was at home. Fofana knows me very well. The police officer,
15 he knows me very well. I had a Nokia mobile phone. He had the same type of
16 phone. And because his battery was low, he said: Oh, I know somebody in the
17 neighbourhood who has the same mobile phone as you. So I can go to him to get his
18 charger to help you out. And that's how it is that Fofana came to me. He didn't
19 come with the Invisible Commando. *He was in Adja, at the Adja College.
20 I took my charger but I was curious to know who was the Invisible Commando. So I
21 went there and I saw that Konaté was there, and that's how I learned that he was the
22 Commando Invisible.

23 Q. [10:51:57] So it was a police officer who was the link there to the Invisible
24 Commando?

25 A. [10:52:08] Well, the police officer, he's in the neighbourhood too. And in fact,

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1 his compound is adjacent to the Adja college, and the Invisible Commando was at
2 Adja college, and that's where I also saw Konaté.

3 Q. [10:52:28] Did the Invisible Commando also have a base in your
4 neighbourhood?

5 A. [10:52:32] No, no. The base was lower. It was in PK18, but it was near a
6 particular intersection. I don't recall the name. Is it Jean? Anyway, close to the
7 tarred road, close to the main road. Oh, it's the Koffi Jean intersection; that's the
8 name of the intersection.

9 Q. [10:53:06] And that was the Invisible Commando base?

10 A. [10:53:10] *Now there is an infirmary downstairs. It's not far from the nouveau
11 SICOGI building, at Abobo-PK18. So it was very close to there. They were located
12 in the ground floor of that building.

13 Q. [10:53:33] In hotel Harmonie in PK18?

14 A. [10:53:37] No, no, no. It's a building where people live. It's a residential
15 building. And there is a health centre just adjacent.

16 Q. [10:53:47] And that was their base?

17 A. [10:53:49] Yes. In my neighbourhood, yes, indeed.

18 Q. [10:53:55] And what happened to Konaté?

19 A. [10:54:04] Konaté I believe was demobilised. I often see him in the
20 neighbourhood. I think he might have set up a security company, but I'm not quite
21 sure what he's doing.

22 Q. [10:54:19] And were the Dozos with the Invisible Commando in your
23 neighbourhood?

24 A. [10:54:27] I didn't see any.

25 Q. [10:54:31] Very well. You said that Konaté was demobilised?

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1 A. [10:54:37] Yes.

2 Q. [10:54:38] So he was a member of the DDR; is that correct?

3 A. [10:54:43] Yes.

4 Q. [10:54:45] Thank you. So the Invisible Commando also had roadblocks in your
5 neighbourhood; is that not right?

6 A. [10:55:03] Yes, it's true that the Invisible Commando had roadblocks, but the
7 local people themselves also -- or the local people made roadblocks.

8 Q. [10:55:14] Can you tell us where those roadblocks were?

9 A. [10:55:17] Yes. They were on the main roads at the entry points at the
10 junctions.

11 Q. [10:55:24] Were there many of them?

12 A. [10:55:26] Well, each neighbourhood organised matters as they saw fit.

13 Q. [10:55:33] But at Invisible Commando roadblocks, people were armed, were
14 they not?

15 A. [10:55:39] The Invisible Commando roadblocks were not inside the
16 neighbourhoods. They were at the entry/exit points of PK18. So for instance, on
17 the border between PK18 and Abobo in fact.

18 Q. [10:55:56] Did they ask for money at those roadblocks?

19 A. [10:56:01] I have no knowledge of that.

20 Q. [10:56:05] And you were posted beside certain command -- Invisible Commando
21 roadblocks?

22 A. [10:56:19] No. I was never posted. But I took care of our own security and *defence,
23 our own, at our own home, for instance. We knew that we could be attacked at any time.
24 But if we heard suspects or something suspicious at night, we would hit, hit boxes, bang on
25 boxes *so that law enforcement forces do not dare come into the neighbourhood.

1 Q. [10:56:40] At paragraph 57 of your statement, "Once the Invisible Commando
2 had been set up and began to post or station their soldiers at the roadblocks, we
3 remained adjacent." So did the Invisible Commando take over your roadblocks?

4 A. [10:57:05] No. At the beginning there was no Invisible Commando. It was
5 just the local people who took care of their own security. However, when there was
6 the march, I think it was on 16 December, that march degenerated into violence.

7 And I recall that there was a four-wheel drive vehicle, a military vehicle belonging to
8 the Akouédo battalion. And it entered the neighbourhood and the next morning we
9 found blood everywhere, and basically they had *been killed.

10 Now I don't know by who; I don't know if it was by the young invisible commando or
11 by who.

12 But in any case, the information which I heard was that they took, they retrieved, the
13 Kalashnikovs that that battalion had had. Now, I don't know if it's true, but that's
14 what I heard.

15 Q. [10:58:02] Witness, have you heard of Amara le Gros?

16 A. [10:58:15] Amara le Gros, no, I haven't heard of him.

17 Q. [10:58:19] And Gros Ouinzin?

18 A. [10:58:22] No, I don't know. I really don't know that circle, so, no, I don't know
19 those names.

20 Q. [10:58:27] At paragraph 56 of your statement you say that, "From that day
21 onwards the young people began to get organised, and that's how the Invisible
22 Commando came about. They began to recruit young people in the neighbourhood,
23 and they began to call themselves 'Fognon,' which means 'wind' in Malinké."

24 Now, how did they go about recruiting those young people?

25 A. [10:59:03] Yes. Well, you know, everybody was scared because there was a

1 threat in the air. It was said that tanks would enter the neighbourhood. It was even
2 said that people from 16 to 70 years old would be killed; all the men between the age
3 of 16 and 70 would be killed if they didn't leave the PK18 neighbourhood.

4 And it was around that point in time we saw indeed that some of our neighbours
5 began to leave the neighbourhood. Some of them even told me that they were
6 leaving the neighbourhood because if they didn't leave the neighbourhood, it
7 wouldn't be good for the young people who would follow.

8 But I thought, well, where would I go *with my children? I prefer to die in my own
9 home. So I stayed in PK18.

10 So everybody tried to take care themselves, protect themselves.

11 Q. [10:59:55] I'm afraid you are not answering my question exactly.

12 A. [11:00:00] Perhaps you'd like to rephrase your question.

13 Q. [11:00:01] I was asking you about recruitment. But actually, you just said that
14 your neighbours were afraid of the Invisible Commando; is that right?

15 A. [11:00:11] No. Not the Invisible Commando, but the law enforcement people
16 who would attack the population. So the young people were sympathised with the
17 Invisible Commando.

18 Q. [11:00:27] Very good. But these young people who were recruited by the
19 Invisible Commando did anybody -- were they promised money?

20 A. [11:00:34] Well, everybody wanted to defend themselves. People volunteered.
21 People even offered to sleep in other people's houses to protect them. There is no
22 need for money. You don't have to be paid to protect your own life.

23 Q. [11:00:49] The members of the Commando Invisible, were they the same as the
24 Môgôba?

25 A. [11:00:54] I don't know what that word Môgôba means. We used to call them

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- 1 Fognon and Commando Invisible.
- 2 MS NAOURI: [11:01:08] (Interpretation) Mr President, I'm looking at the time, and
3 I stop there.
- 4 PRESIDING JUDGE TARFUSSER: [11:01:13] (Interpretation) I was too.
- 5 So, monsieur le témoin, we are going to stop now for a half an hour so you can rest,
6 and then we come back at 11.30 and we can continue with the questioning.
- 7 Thank you very much. We are adjourned until 11.30.
- 8 THE COURT USHER: [11:01:33] All rise.
- 9 (Recess taken at 11.01 a.m.)
- 10 (Upon resuming in open session at 11.31 a.m.)
- 11 THE COURT USHER: [11:31:57] All rise.
- 12 Please be seated.
- 13 PRESIDING JUDGE TARFUSSER: [11:32:17] (Interpretation) Good morning,
14 Mr Witness. (Speaks English) I give back immediately the floor to Madam Naouri
15 for her questioning.
- 16 And I would really ask you to think about the persons who are working in the booth,
17 and they have to have hard times with you speaking so quickly. So please think
18 about that.
- 19 THE WITNESS: [11:32:53] (Interpretation) I understand.
- 20 PRESIDING JUDGE TARFUSSER: [11:32:55] Okay. Yours the floor.
- 21 MS NAOURI: [11:32:58] (Interpretation) Thank you, Mr President.
- 22 Q. [11:33:05] Now, Witness, let us return to the 17 March 2011.
- 23 A. [11:33:11] Okay.
- 24 Q. [11:33:13] You did not see your sister yourself on that day?
- 25 A. [11:33:17] No, I did not.

1 Q. [11:33:20] You were not in Abobo on that day; is that correct?

2 A. [11:33:23] I was in Azaguié; I was coming from Azaguié.

3 Q. [11:33:28] How far is Azaguié from Abobo Derrière-Rails?

4 A. [11:33:35] I'm not able to tell you the exact distance, but Azaguié is some 20
5 kilometres from Anyama. But now to Abobo Derrière-Rails, I have never estimated
6 the distance, so I don't want to lie.

7 Q. [11:33:50] Very well. What were you doing in Azaguié?

8 A. [11:33:53] I had gone to Azaguié to extend my sympathy to the family of a
9 neighbour who had lost their younger brother who had been beaten to death by some
10 young students at the Williamsville university campus.

11 Q. [11:34:17] At what time did you leave Azaguié?

12 A. [11:34:21] Around 10, 9, 10, thereabouts.

13 Q. [11:34:24] Very well. How did you travel from Azaguié to Anyama, to begin
14 with? What means of transport did you use?

15 A. [11:34:40] My neighbour Panglissa (phon) had a vehicle, and he's the one who
16 had lost his brother. We travelled together to his family, and his mother and the rest
17 of his family lives in Azaguié. So we travelled there together and we came back
18 together.

19 Q. [11:35:01] Very well. You yourself did not hear any explosion of shells on that
20 day?

21 A. [11:35:08] From that distance I could not hear. One could not hear and I did
22 not hear.

23 Q. [11:35:14] Very well. Where were you when your elder sister called you?

24 A. [11:35:25] We were at the entrance to Anyama around the bridge. When she
25 called me, I was in the vehicle when she called me.

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1 Q. [11:35:35] What time was it?

2 A. [11:35:40] Around 10 or 11 a.m.

3 Q. [11:35:44] What's the distance between the place you were at in Anyama and
4 Derrière-Rails approximately?

5 A. [11:35:54] I have never assessed it and I cannot provide you with any answer in
6 that regard.

7 Q. [11:36:02] But on that day, at some point you attempted to go to Derrière-Rails;
8 is that correct?

9 A. [11:36:10] Yes.

10 Q. [11:36:10] Do you know how much time it would have taken you by car to cover
11 that distance?

12 A. [11:36:18] Some 20 minutes or so.

13 Q. [11:36:22] Very well. How much time did you spend on the phone with your
14 sister?

15 A. [11:36:30] My sister?

16 Q. [11:36:31] Mm-mm.

17 A. [11:36:32] Communication lasted two or three minutes at the very most.

18 Q. [11:36:36] Very well. What did she tell you exactly?

19 A. [11:36:45] She told me that she had just been -- she had just received a call and
20 was told that our sister had been hit by a bomb. Those are her words, and that she
21 fell and never got up again.

22 Q. [11:37:02] Did she tell you the place at which your sister was? And when she
23 says your sister, it is your sister we have been talking about, not Naminazan; is that
24 correct?

25 A. [11:37:18] No, she didn't tell me.

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1 Q. [11:37:19] She didn't tell you?

2 A. [11:37:21] Yes.

3 Q. [11:37:22] Okay. How then did you know where to go in order to locate your
4 sister Makaridia?

5 A. [11:37:37] When we got to town -- we were at the entrance to Anyama -- I called
6 my sister again to ask her where the body was located. And she told me that it was
7 around Solibre, just behind the white mosque.

8 Q. [11:38:05] Who told your sister Naminazan that your sister Makaridia was at
9 that location?

10 A. [11:38:13] Let me explain to you what my sister told me when we met up later
11 on, when she provided me with more details. When my sister fell, there was a
12 gentleman on the spot who collected my sister's mobile phone. And the first number
13 he saw he dialed. And it is our sister, the first daughter of our father who was in
14 Madinani who answered. She answered the call and she was surprised, and said,
15 "No, sir, who are you?"
16 Then the man explained to her that he was in front of her sister's corpse, and that is
17 how the information went out. And then my elder sister called Naminazan and
18 explained things to her.

19 Q. [11:39:14] Very well. Who was that gentleman?

20 A. [11:39:20] I don't know him. I tried to meet him, but I never got to see him.

21 Q. [11:39:27] Do you have his name, Mr Witness?

22 A. [11:39:29] No. I don't know him. And if I don't know him, I cannot know his
23 name.

24 Q. [11:39:36] He may have given his name to your sister who was in Madinani
25 when he called. So you can just say that you don't know.

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1 A. [11:39:45] I don't know.

2 PRESIDING JUDGE TARFUSSER: [11:39:48] Yes, he said he didn't know. You
3 insisted. He said he did not know. Okay, please, go ahead.

4 MS NAOURI: [11:39:51] (Interpretation)

5 Q. [11:39:58] Witness, did Naminazan your sister tell you that she intend to go to
6 the spot?

7 A. [11:40:04] Yes. When she called me, she didn't provide the information. She
8 simply said that our sister -- and she was crying by the way. She said our sister has
9 just fallen. Bombs were dropped. And you see, on that day, shells -- it was not
10 only at one location. Shells were dropping at various places such as SOS village and
11 at the market. And so she wasn't able to tell us the exact location. I am the one
12 who called her back. And when she arrived at that location, that is when she told
13 me that this is what had happened. And it's only after I called her back that I was
14 able to get that information.

15 Q. [11:40:41] Very well. Mr Witness, now, let us go step by step.

16 A. [11:40:46] Yes.

17 Q. [11:40:46] My question to you is to find out the following. When you
18 personally found out that your sister Naminazan was going to the spot where
19 Makaridia your sisters had fallen, when did you find out?

20 A. [11:41:08] My sister provided me with the information that our sister -- or that
21 she had been called and informed that our sister had fallen and hadn't gotten up
22 again. She stops right there with the information. That's the information she
23 provides. And I know that, naturally, she's in Abobo, but I'm not able to know the
24 exact spot. And so in order to find out, I had to call my sister back to ask her, and it
25 is at that time that she provided me with the information. And between the two

1 calls, there had been a lapse of time, time to get home and to pick up something and
2 then to get out again.

3 Q. [11:41:47] You went back to your home that day before stepping out again?

4 A. [11:41:56] Yes, yes. You see, I was telling you that I was in my neighbour's
5 vehicle, and he dropped me off at home. And I picked up a thing or two, a little bit
6 of money, before going out towards the place. So there is information which I may
7 have not included in my statement. In fact, I even went to see one of my cousins
8 known as Konaté Fatigue who used to work in Abidjan in the Mercedes company as a
9 mechanic. I told him, my sister has just called me and informed me that our sister
10 has fallen. So I would like you to accompany me to the spot.

11 Then he asked me: Where?

12 I said, well, we will go to a telephone booth which was near the former market known
13 as ancien marché at PK18. There was a young man there who had a telephone booth.
14 It is from that booth that I called my sister, and then she told me that she had *just
15 been informed that it was Abobo Derrière-Rails near *Solibra.

16 Q. [11:43:17] Very well. Who provided that information to your sister?

17 A. [11:43:20] Maybe she called somebody. You see, my sister Mariam whom you
18 talked about is a childhood friend of Naminazan. My sister Makaridia and
19 Naminazan were born in the same year, by the way. Both of them went to the same
20 school together and Mariam was also one of their classmates of the same generation.
21 They knew each other. So she definitely must have called her, her classmate, to
22 provide her with the information.

23 Q. [11:43:59] Very well. When you say definitely, your sister Naminazan did not
24 confirm that to you; she didn't tell you that?

25 A. [11:44:06] No. Well, at the time she was telling me, well, she might have

1 already contacted her classmate probably.

2 Q. [11:44:13] Yes. At that time, are you referring to the day of the incident? You
3 talked to your sister Naminazan on that day or subsequently? Did she explain to
4 you how she came by the information as to the location of your sister's body?

5 A. [11:44:28] What I was telling you is that -- now, let me step back a little bit.
6 Maybe you'll understand what I am trying to tell you.

7 Q. [11:44:34] Mr Witness, I am the one putting questions to you, very clear
8 questions, and I expect very clear answers from you. Please, you said that she must
9 have been informed. That is your elder sister, Naminazan. My question to you is
10 who would have told her? If you don't know, then you say so.

11 PRESIDING JUDGE TARFUSSER: [11:44:51] Please, please, please, please, please.

12 THE WITNESS: [11:44:52] (Interpretation) You asked me the question several times
13 and I've been answering your question.

14 PRESIDING JUDGE TARFUSSER: [11:44:56] We're making confusion. Let the
15 witness make a step back and explain better. Please do so.

16 I know that it's the counsel who puts the questions, but if the witness thinks that you
17 have not understood and he wants to explain better, let him explain better.
18 Please do so.

19 THE WITNESS: [11:45:16] (Interpretation) Let me step back a little bit and explain,
20 if you don't mind. Okay. This is what I said. When I came back from Azaguié, I
21 received a phone call as I entered Anyama.

22 My sister, weeping, told me or announced to me that our sister Makaridia had fallen.
23 Struck by a bomb. Now, she was crying. The information was shocking to me to
24 begin with. So we hung up the phones. Then I informed all those who were with
25 me in the car, my neighbour, and I told him that we also had been struck by a tragedy

1 because one of our sisters had fallen, because at that time I didn't even know that my
2 sister was dead. She was not able to tell me the location of the incident either.

3 So I told him, let us speed up. I'll pick up something from home and then go out to
4 the location.

5 So when I got home, I took some money and I went directly to my cousin Konaté
6 Fétégué and I explained to him that I had been called when I was at the entrance to
7 Anyama. And I was told that my sister had fallen in Abobo.

8 And I asked him to accompany, to kindly accompany me to the site, to the location.

9 Then he asked me: Where?

10 And I said to him, for now, I don't know. Let's go to the phone booth and call my
11 sister and find out where this thing had happened.

12 So we walked. You see, from my home, I live at the ancien gendarmerie. Now
13 from the ancien gendarmerie to the market at PK18, the distance is less significant.

14 So we walked that distance to get to the market and place this call.

15 And it is then that my sister confirmed to me at what location this had happened.

16 MS NAOURI: [11:47:27] (Interpretation)

17 Q. [11:47:28] Very well. Thank you. And now I ask you, who notified your sister
18 Naminazan about where Makaridia was?

19 A. [11:47:46] I am not in a position to tell you exactly who told her.

20 Q. [11:47:52] That's fine. That was my question. Thank you for your answer.

21 Now, are you able to tell us who told you what Makaridia was doing on that day
22 before she was struck? Who told you that?

23 A. [11:48:16] When we gathered together as a family, each of the family members
24 talked about the circumstances of the incident. The day before, Makaridia,
25 according to our sister, had dreamt that one of our sisters-in-law had asked her for

1 money. You see, in our culture there is always an interpretation to dreams.
2 So when she went to see an interpreter to interpret her dream to her, the interpreter
3 asked her to offer some fresh milk as an offering in relation to the dream. So that's
4 what she was going to do at the market. She went there, and did it, and she had
5 made the offering in the market and was on her way back home.
6 That is how, when she got to her classmate's courtyard, Mariam, she went to say hello
7 to her. And it was at Mariam's place that the shelling and the firing began.
8 So she said that when this firing begins, it doesn't stop.
9 So my sister said: I would like to go back home so that I am home when this firing is
10 going on.
11 And so Mariam accompanied her on her way out. And then got to a point where she
12 said goodbye to her, and shortly thereafter the shells began to drop.
13 It was a young man or maybe a child who then ran back to Mariam's place and told
14 her: Oh, you were with a lady a short while ago. She has just fallen and has not
15 gotten up again.
16 Mariam did not believe this young person, and the young person insisted that, yes,
17 indeed, she had fallen.
18 Then Mariam got up and went to the spot and effectively found out that it was her
19 classmate who had been struck. That's the story.
20 PRESIDING JUDGE TARFUSSER: [11:50:50] Now counsel will ask you, counsel for
21 the Defence will ask you to respond to her question, which was: Are you able to tell
22 us who told you what Makaridia was doing on that day before she was struck? Who
23 told you that?
24 THE WITNESS: [11:51:13] (Interpretation) What I have just narrated to the Court
25 was narrated to me by my sister Naminazan.

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1 PRESIDING JUDGE TARFUSSER: [11:51:26] Okay. So you heard it from your
2 sister Naminazan within your family after --

3 THE WITNESS: [11:51:32] (Interpretation) Yes.

4 PRESIDING JUDGE TARFUSSER: [11:51:32] Okay. This is the question.
5 Prosecutor.

6 MR LEDDY: [11:51:34] Your Honour, if I can just clarify something on the record a
7 moment ago. I believe it's page 53 of the English realtime transcript, when the
8 witness was answering a question and explaining about his cousin Konaté Fétégué
9 who worked as a mechanic in the Mercedes company in Abidjan, it was translated in
10 English as "mercenaries company."

11 PRESIDING JUDGE TARFUSSER: [11:51:58] Mercenaries, yeah, yeah, mercenaries,
12 yeah.

13 MR LEDDY: [11:51:59] I just want to be clear on the record it was "Mercedes," not
14 "mercenaries."

15 PRESIDING JUDGE TARFUSSER: It should be "Mercedes," because this is quite an
16 important clarification, I would say, in the context of this trial, "Mercedes" and not
17 "mercenaries." Thank you.

18 Madam Naouri.

19 MS NAOURI: [11:52:13] (Interpretation) Thank you, Mr President.

20 PRESIDING JUDGE TARFUSSER: Thank you also to the OTP.

21 MS NAOURI: (Interpretation)

22 Q. [11:52:26] Very well. Witness, who told Naminazan what Makaridia was
23 doing?

24 A. [11:52:35] Makaridia was living at the time with her children, Bintou was with
25 her. And you see, generally, when one has this kind of dream, the dream is told to

1 the neighbours. So I don't know, I cannot tell you who told Naminazan about this,
2 but it was Naminazan who told us.

3 Q. [11:53:10] When you left your home, how did you travel? What route did you
4 use?

5 A. [11:53:24] Well, from my place to Konaté Fétégué, I went by the road which goes
6 through the cité des agents de FILTISAC. There is a route there which goes by an
7 antenna, which is not very far from the base of the Invisible Commando which I
8 talked about a short while ago. And shortly -- and just behind that is Konaté
9 Fétégué's courtyard. That is the road that I took to get to Konaté Fétégué's place to
10 see him.

11 Now, when he asked me where things had happened, I told him let us go to the
12 phone booth and then we'll be able to ask for the location specifically. And that's
13 how Konaté Fétégué and myself got to the telephone booth and placed the call.

14 Q. [11:54:17] Very well. After you placed the call, how much time thereafter were
15 you stopped by the Commando Invisible?

16 A. [11:54:38] Not at all. On that day I didn't meet any persons of the Commando
17 Invisible. However, let me -- okay.

18 PRESIDING JUDGE TARFUSSER: [11:55:01] Mr Witness, if you want to say
19 something spontaneously, you may.

20 THE WITNESS: [11:55:06] Voila.

21 PRESIDING JUDGE TARFUSSER: [11:55:08] Voila.

22 THE WITNESS: [11:55:10] (Interpretation) From my house to the phone booth at
23 the ancien marché, I did not see any Commando Invisible. But when we had
24 confirmation that things had happened at such a location, then we wanted to go to
25 Abobo.

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1 Now, when we got to the AGRIPAC intersection, there was a roadblock set up by the
2 Commando Invisible, and that is where we were told not to go further because it was
3 dangerous as shells were dropping all over the place.

4 That's what I wanted to add.

5 PRESIDING JUDGE TARFUSSER: [11:55:47] Thank you.

6 Madam Naouri.

7 MS NAOURI: [11:55:55] (Interpretation)

8 Q. [11:55:59] If I understand you, you stopped at the Commando Invisible
9 roadblock at AGRIPAC?

10 A. [11:56:09] At AGRIPAC.

11 Q. [11:56:11] How much time had lapsed between the call at the phone booth and
12 the time when you stopped at the AGRIPAC Commando Invisible roadblock?

13 A. [11:56:23] Quite honestly, I didn't check the time and I'm not able to tell you
14 how much time.

15 Q. [11:56:30] Very well. How much time did you spend at that roadblock?

16 A. [11:56:39] When we were ordered to turn around and go back because it was
17 dangerous, we simply went back home.

18 Q. [11:56:48] Who gave you the orders to go back? Do you know the person?

19 A. [11:56:53] No, I don't know them. It is the young men who were manning the
20 roadblocks who were members of the Commando Invisible who said so. But that
21 specific individual, I really cannot mention, say anything about him.

22 Q. [11:57:09] How many people were there at the roadblock?

23 A. [11:57:12] I did not count.

24 Q. [11:57:15] Approximately how many, 10, 20?

25 A. [11:57:17] I can't give you a number.

1 Q. [11:57:20] Very well. Now, when you leave that roadblock and return to your
2 home, where do you go to?

3 A. [11:57:29] I went back home, quite naturally.

4 Q. [11:57:34] Okay. Now, at what time or when do you call your friend Fanny
5 Adama?

6 A. [11:57:43] Well, since I could not have access to the location, it occurred to me as
7 I thought through things that Fanny Adama was not far from the location that had
8 been mentioned. So I called him to tell him that this is what had happened and that
9 only my sisters were in that area.
10 So I asked him to go and assist them.

11 Q. [11:58:13] Very well. How much time after you had reached home did you call
12 Fanny Adama to tell him what you have just told us?

13 A. [11:58:26] Well, you know, the phone booth was on my way back home and it is
14 at that very phone booth that I called Fanny Adama.

15 Q. [11:58:34] Very well. Did you tell Fanny Adama to wait for your other sister
16 who would also be going to the spot?

17 A. [11:58:45] No, I didn't ask him to do that. I simply asked him to go there and
18 take care, and take care, yes.

19 Q. [11:58:56] Did Fanny Adama know Makaridia very well?

20 A. [11:59:00] Yes, very well.

21 Q. [11:59:02] Okay. Did Fanny Adama call you when he got to the spot?

22 A. [11:59:10] When he finished, when they conveyed the body to the Abobo
23 hospital, it is after that that he called me to inform me that Makaridia's body had been
24 taken to the Abobo hospital. And the staff at the hospital had told us that the body
25 will be taken to the Anyama mortuary, and so you can go to Anyama yourself and

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1 check on the body.

2 Q. [11:59:43] Very well, Mr Witness. But he did not call you when he was on the
3 spot. Now, did he tell you subsequently how he had found or managed to find your
4 sister on the spot?

5 A. [11:59:58] Well, I didn't think there was any problem finding the corpse, because
6 she was alone next to the rails on that day.

7 Q. [12:00:08] Now, did Fanny Adama and your sister Naminazan, did they meet at
8 the spot on that day?

9 A. [12:00:18] I haven't understood your question.

10 Q. [12:00:20] Let me rephrase. Your friend Fanny Adama and your sister
11 Naminazan, they went to the location where your sister was?

12 A. [12:00:32] Yes.

13 Q. [12:00:32] Now, did these two people, Fanny Adama and Naminazan, meet at
14 that location on that day?

15 A. [12:00:45] Yes, they met each other.

16 Q. [12:00:47] Very well. Did your sister Naminazan assist in the transportation to
17 the hospital of your sister Makaridia?

18 A. [12:01:01] No.

19 Q. [12:01:04] So what did your sister Naminazan do?

20 A. [12:01:09] When she arrived, she had a flowery wrap, wrapper that she used to
21 cover the body. That is what she told me.

22 Q. [12:01:26] Very well. Did your friend Fanny Adama stay by the body of your
23 sister until it was taken to the Anyama mortuary?

24 A. [12:01:50] Frankly, I do not have those details, so I cannot say anything about
25 that.

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1 Q. [12:01:57] Very well. Did your friend Fanny Adama go to the morgue on that
2 day?

3 A. [12:02:10] He could not go to the morgue because the Commando Invisible was
4 at AGRIPAC. He was in Abobo. And so Abobo was on the other side of the
5 roadblock. So I'm the one who went to the morgue the following morning.

6 Q. [12:02:32] Very well. And when your friend Fanny Adama took the body of
7 your sister to the hospital, did anyone ask him to identify himself? Because he was
8 not a relative.

9 A. [12:02:50] Yes. He's the one who took the body there and he left his phone
10 number there.

11 Q. [12:02:57] Very well. So you went to the morgue the following morning?

12 A. [12:03:01] Yes.

13 Q. [12:03:03] With whom?

14 A. [12:03:05] I went alone.

15 Q. [12:03:08] Very well. And were there any other families of victims there on that
16 day?

17 A. [12:03:17] I no longer remember.

18 Q. [12:03:19] Very well. Now, were you asked to identify yourself at the mortuary
19 on that day?

20 A. [12:03:29] On that day, that is the first day that I went to the mortuary, we were
21 told that we could not be received because the body was being examined. There was
22 a procedure going on that we should leave our contact details and we will be called
23 and informed in due course.

24 Q. [12:03:57] A short while ago in response to the question of the OTP, page 7, lines
25 10 to 28, "Yes, to backtrack a little bit, when my young brother took care of the body

1 and the body was taken to the Abobo hospital, my younger one called me to tell me
2 that the body was in the Anyama hospital and that is where we had to go.

3 When I went there the following morning, they told us that we could not identify the
4 bodies, that they were going to call us.

5 When I arrived on that day, the receptionist of the morgue took the documents of my
6 sister. We went and crosschecked and we ascertained that it was her." End of
7 quotes.

8 So that first day when you went to the morgue, did you give them any papers, and if
9 yes, which ones?

10 A. [12:05:16] No.

11 Q. [12:05:19] Mr Witness, how long after that did you return to the morgue?

12 A. [12:05:37] One month later.

13 Q. [12:05:42] And when you returned to the morgue did you present any
14 documents?

15 A. [12:05:49] Yes. On that day I gave them the identity card of my sister as well as
16 mine.

17 Q. [12:05:57] How come you had the identity card of your sister?

18 A. [12:06:02] My elder sister, Naminazan, who had taken Makaridia's belongings to
19 take home, she is the one who gave me the document.

20 Q. [12:06:20] Did he give you the original or a copy?

21 A. [12:06:23] I have the original of the document up till now.

22 Q. [12:06:29] You handed over a copy of that identity to the OTP. Did you give a
23 copy to anyone else?

24 A. [12:06:37] So many things happened, I no longer remember.

25 Q. [12:06:42] Very well. Now, which other document was given to you on that

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1 day?

2 A. [12:06:53] It was a receipt for the transfer of the body that was given to me. I
3 do not know exactly what it was called, but it indicates that the body was in the
4 morgue. And I was told to take that receipt to the south of Treichville to meet with
5 the doctor who had carried out the autopsy so that he should issue me the medical,
6 the death certificates and others.

7 Q. [12:07:34] Mr Witness, the next day you went to CHU Treichville?

8 A. [12:07:44] I do not remember whether it was --

9 THE INTERPRETER: [12:07:48] Overlapping. Overlapping.

10 PRESIDING JUDGE TARFUSSER: [12:07:51] Overlapping.

11 THE WITNESS: Okay.

12 MS NAOURI: [12:08:11] (Interpretation)

13 Q. [12:08:12] Mr Witness, you were given a document in the morgue to go to
14 Treichville?

15 A. [12:08:16] I have said that it was a receipt. I saw that document a short while
16 ago on the screen. I do not know how it is called. But it certifies that my sister is in
17 the Anyama mortuary.

18 Q. [12:08:37] Very well. So it is the INTERFU file?

19 A. [12:08:44] Yes.

20 Q. [12:08:44] That was given to you in the morgue?

21 A. [12:08:49] Yes, it was given to me in the morgue.

22 Q. [12:08:51] Let me come back to the documents that were given to you at the
23 Treichville CHU.

24 A. [12:09:15] Yes.

25 Q. [12:09:17] You said the documents were given to you on the same day or the

1 following day. Do you agree?

2 A. [12:09:26] Yes. But excuse me, what incident are you talking about?

3 Q. [12:09:32] The day your sister fell.

4 A. [12:09:36] One month later I went to the morgue. I was given a receipt. That
5 is why I said I do not remember whether it was the same day or the next day that I
6 went to Treichville to recover or retrieve the other papers relating to my sister.

7 Q. [12:09:56] Very well. That is very clear.

8 So you went to the CHU Treichville one month after your sister died?

9 A. [12:10:06] Yes.

10 Q. [12:10:08] Mr Witness, the documents are dated 9 June 2011. That is three
11 months after your visit to the mortuary. So they could not have been given to you
12 one month afterwards. So either there is a problem with the dates on the documents
13 or there is another problem. Why are the documents dated 9 June 2011?

14 A. [12:10:41] I do not know. Maybe they made a mistake on the dates, I do not
15 know.

16 Q. [12:10:48] Did you return to the morgue afterwards?

17 A. [12:10:52] I returned to the morgue when my sister had to be buried.

18 Q. [12:10:57] Very well. It is very clear.

19 Now, Mr Witness, when you went to the CHU in Treichville, did you meet anyone
20 called Hélène Yapo Etté?

21 A. [12:11:34] Yes. When I went to the mortuary and I asked where I could meet
22 Hélène, I was shown an office, and it was in that office that the documents were given
23 to me. I didn't ask whether she was Hélène or not. But she signed the papers and
24 gave them to me. But I cannot be certain whether it was Hélène or her secretary or
25 someone else. But it was in that office that the documents were given to us.

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1 Q. [12:12:14] They were given in Hélène's office. Did Hélène give you the
2 documents?

3 A. [12:12:19] I have told you that I cannot be certain, because I did not ask whether
4 she was Hélène or not.

5 Q. [12:12:28] Very well. I understand. It is clear.

6 Now, the person who gave you the documents, Hélène or her secretary, did you tell
7 her what happened to your sister Makaridia?

8 A. [12:12:42] No, I did not go into details.

9 Q. [12:12:47] Very well. Mr Witness, I would like to show you a document. It is
10 a document of the external examination of the body. It is CIV-OTP-0073-1095, page
11 1095. And that document will be displayed on your screen.

12 Mr Witness, can you see the document?

13 A. [12:13:47] Yes.

14 Q. [12:13:49] Have you ever seen this document before?

15 A. [12:13:52] Never.

16 Q. [12:13:55] Very well. On this document it is written "Commémoratif,
17 circumstances of the death, according to her younger brother, she was hit by a shell
18 on the street."

19 Now, does that refresh your memory? Did you tell someone what happened to your
20 sister?

21 A. [12:14:20] I no longer remember.

22 Q. [12:14:24] Well, no problem.

23 And you are the younger brother of Makaridia?

24 A. [12:14:33] That is the reason why I am here. I am her younger brother.

25 Q. [12:14:45] Very well.

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1 PRESIDING JUDGE TARFUSSER: [12:14:46] Has she other younger brothers? Has
2 she other younger brothers?

3 THE WITNESS: [12:14:51] (Interpretation) Are you referring to Makaridia?

4 PRESIDING JUDGE TARFUSSER: [12:14:55] Yes.

5 THE WITNESS: [12:14:56] (Interpretation) Yes. She has other sisters and other
6 brothers who are younger than her.

7 PRESIDING JUDGE TARFUSSER: [12:15:06] Thank you.

8 MS NAOURI: [12:15:08] (Interpretation) Thank you, Mr President.

9 Q. [12:15:18] Did anyone in the morgue tell you that a first autopsy of your sister
10 was done on 20 May 2011?

11 A. [12:15:37] I am not aware of that.

12 Q. [12:15:41] Very well. But you received the death certificate before 20 May 2011;
13 is that correct?

14 A. [12:15:50] I cannot tell you anything about that.

15 Q. [12:15:54] Very well. Do you remember whether at any point you authorised
16 the morgue to carry out an autopsy?

17 A. [12:16:04] No.

18 Q. [12:16:06] You do not remember or you did not give an authorisation?

19 A. [12:16:11] No, I never gave them an authorisation.

20 Q. [12:16:17] And if I understand you correctly, no one ever informed you of the
21 results of an autopsy?

22 A. [12:16:24] I told you that initially when I went to the morgue, it was to retrieve
23 my sister's body to go and bury it. And so it was at the morgue that we were told
24 that since these were cases involving shells, there was a procedure to be followed, and
25 we could not be allowed to see the bodies. I hope you understand.

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1 Q. [12:16:54] It is very clear, Mr Witness. Thank you.

2 Now, concerning the burial of your sister, when were you informed about the burial
3 of your sister?

4 A. [12:17:09] I was called by Mr Dosso, an employee of the town hall, who
5 informed us that the body of our sister was amongst the 100 or so bodies that had to
6 be buried. That is how I was informed.

7 Q. [12:17:35] Very well. Did Mr Dosso call you personally?

8 A. [12:17:38] *Yes, because from the initial meetings with the Office, with those who
9 came there, the representatives of that body, I had -- they had my contact details.

10 Q. [12:17:58] Very well. When did Mr Dosso, when did he contact you?

11 A. [12:18:03] I do not know.

12 Q. [12:18:06] Approximately how many days or weeks before the burial of your
13 sister?

14 A. [12:18:13] In any case one week or more, I do not know precisely.

15 Q. [12:18:20] Very well. Do you know what Mr Dosso's position is at the Abobo
16 town hall?

17 A. [12:18:36] No, I do not know.

18 Q. [12:18:40] Did you later go to the Abobo town hall to obtain an invitation card,
19 for example?

20 A. [12:18:49] When we went to the Abobo town hall, and there were many of us,
21 we were given authorisation for the burial of our sister. And the invitation card, I
22 really do not remember when it was given, but what is certain is that I received an
23 invitation card.

24 Q. [12:19:13] Very well. And when did you go to the town hall of Abobo to
25 receive the authorisation for burial?

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1 A. [12:19:22] I really have a problem with dates and so I no longer remember.

2 Q. [12:19:32] Very well. But approximately 2011, 2012, 2013?

3 A. [12:19:41] I really cannot say.

4 Q. [12:19:46] Very well. Now, concerning the authorisation for burial and the
5 expenditures for burial, do you remember having been contacted by the morgue in
6 May 2011, in the spring of 2011?

7 A. [12:20:06] Yes, indeed. I was contacted by the morgue, but so many things
8 were happening, so I cannot tell you precisely when I was contacted.

9 Q. [12:20:16] Very well. Mr Witness, I'll show you a document,
10 CIV-OTP-0084-2897, page 2899. This document is confidential, but we think we can
11 show it publicly because it is an invoice.

12 PRESIDING JUDGE TARFUSSER: [12:21:00] What is the concern of the OTP on
13 showing publicly an invoice?

14 MR LEDDY: [12:21:09] Your Honour, it can be broadcast publicly. That's fine.

15 PRESIDING JUDGE TARFUSSER: [12:21:12] Good. Thank you.

16 MS NAOURI: [12:21:13] (Interpretation) Thank you, Mr President.

17 Madam court officer, I'm sorry, I indicated the wrong page -- or, rather, actually it is
18 the correct page. It is 2899. Thank you, madam court officer.

19 Q. [12:22:05] Can you see that document, Mr Witness?

20 A. [12:22:08] Yes, I can see the document.

21 Q. [12:22:10] Very well. It is an invoice amounting to *2,258 euros, that is
22 *1 481 490 CFA for the burial of your sister.

23 Did you ever see that document?

24 A. [12:22:39] No.

25 Q. [12:22:39] Did the director of the morgue contact you at any one point

1 concerning the expenses for the burial?

2 A. [12:22:48] Never. We were told that the expenditures would be borne by the
3 government, by the state of Côte d'Ivoire.

4 Q. [12:22:57] The state of Côte d'Ivoire?

5 A. [12:22:59] Yes.

6 Q. [12:23:01] This means who?

7 A. [12:23:05] I cannot tell you a name. When they say it is the state, it is the state.

8 Q. [12:23:12] Very well. Mr Witness, I would like to come back to this burial
9 ceremony.

10 A. [12:23:38] Yes.

11 Q. [12:23:39] Who were those present on that day?

12 A. [12:23:43] The other authorities, the president of the republic, the imams, pastors,
13 in any case the state authorities, the current state authorities.

14 Q. [12:24:00] Very well. You told us that only 100 bodies had been selected
15 including your sister's body. Were you told why your sister's body was selected?

16 A. [12:24:13] I really do not know.

17 Q. [12:24:17] And were there victims of the women's march who were buried on
18 that day?

19 A. [12:24:23] I do not know.

20 Q. [12:24:27] Very well. Now, Mr Witness, there is an office for the registration of
21 victims which was opened. Do you remember?

22 A. [12:24:46] Yes. There were several of them in any case.

23 Q. [12:24:50] Which ones?

24 A. [12:24:53] There was a certain Sylla who had his office. There was a youth
25 organisation with Tioté. I do not know their correct name. So there were so many

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1 organisations including NGOs.

2 Q. [12:25:16] To be very precise on paragraph 42 of your statement, you say that on
3 the day of the ceremony of the burial, there was a spokesperson of the victims. His
4 name is Yéo Sibiri. He opened the office to register the victims and provide you
5 information; is that correct?

6 A. [12:25:42] Yes.

7 Q. [12:25:43] Where is that office?

8 A. [12:25:45] To my knowledge, there was no office as such. It was in
9 Abobo-Avocatier near an intersection. I can't remember the name now. There is a
10 church there. There was a maquis there, and it was in that maquis area that I came
11 to register the children.

12 Q. [12:26:23] Very well. So you had the children registered?

13 A. [12:26:29] Yes.

14 Q. [12:26:29] I will show you a document, and it is CIV-D15-0004-2637, and it is
15 redacted version of document CIV-OTP-0076-1498.

16 Can you see the document, Mr Witness?

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

18 Q. [12:27:10] It's a receipt of the identification of victims of war. Do you have such
19 documents for the children that you had registered?

20 A. [12:27:24] No. I'm not aware of that document.

21 Q. [12:27:28] Very well. Now, which children did you have registered?

22 A. [12:27:36] At that time there was the social affairs unit at the Presidency led by
23 madam Jeanne Peuhmond, who had asked Yéo Sibiri to have the children of the
24 victims registered so that they could be sponsored in school. So that was the context.

25 Q. [12:28:05] Very well. So this was not your children. These were children --

1 A. [12:28:09] Yes. The children of the victims, the orphans. My sister's children
2 were part of that group, not my own children.

3 Q. [12:28:27] Very well. And which role did you play in that registration?

4 A. [12:28:32] I contacted Yéo myself after the speech and I told him that I would
5 assist him in organising that. I assisted him for some time, but given my duties, I
6 stopped.

7 Q. [12:28:55] How did you assist him?

8 A. [12:28:58] In receiving the files, the old man Fofana, for example, who lost two
9 of his children, I told him that this was an old man, he's wise, he could give some
10 advice. And so that old man was integrated into that service that was led by Yéo.

11 Q. [12:29:38] Very well, Mr Witness.

12 Now, Mr Witness, the people that you were helping while assisting Yéo Sibiri, are
13 those the same people that you assisted to become victims here at the ICC?

14 A. [12:30:15] No, it's different. After the burial ceremony, those of us victims
15 related to the 100 bodies, we had become a group. So I went to him and told him
16 that since he was going to circulate a message for us to give our contact details so that
17 he should be able to provide information to us, it was within that context that I
18 contacted Yéo.

19 But for 17 March, it was when the members, I don't know whether it was the OTP, but
20 at least it was the people from the ICC, when they came, it was because I volunteered
21 to translate to the Malinké brothers who do not understand French very well, so they
22 appreciated my interpretation and then they asked me to represent them. So that is
23 different.

24 Q. [12:31:37] Let us now talk about the brothers who decided that you should
25 represent them. Did you help them to fill out the participation forms?

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1 A. [12:31:50] No. I only served as an interpreter.

2 Q. [12:31:56] Do you know if some of those brothers and sisters belonged to the
3 MIDH?

4 A. [12:32:04] Never. I don't know.

5 Q. [12:32:08] How many people did you represent?

6 A. [12:32:12] I don't know the exact number.

7 PRESIDING JUDGE TARFUSSER: [12:32:15] "Did you represent" is not the right
8 way. "Did you translate for" --

9 MS NAOURI: Alors ...

10 PRESIDING JUDGE TARFUSSER: No, because, otherwise, I mean --

11 MS NAOURI: [12:32:22] Monsieur le Président.

12 PRESIDING JUDGE TARFUSSER: [12:32:24] No, no. We are talking about the
13 translation, okay.

14 MS NAOURI: [12:32:27] No.

15 PRESIDING JUDGE TARFUSSER: [12:32:28] We are talking about translation, who
16 did you translate for, not represent, please.

17 MS NAOURI: [12:32:35] (Interpretation)

18 Q. [12:32:36] *Mr Witness, do you remember filling out forms for groups of victims
19 to participate in ICC proceedings?

20 A. [12:32:46] No, not myself. Each person filled out their form individually.

21 Q. [12:32:51] Now, Witness, I want to show you a form, a document, rather,
22 CIV-OTP-0091-0631_R02.

23 THE COURT OFFICER: [12:33:16] We only have R01 version.

24 MS NAOURI: [12:33:27] (Interpretation) R01 will be fine, court officer. And I
25 want us to go to the following page, CIV-OTP-0091-0637.

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1 Q. [12:34:08] Now, Witness, do you see that document?

2 A. [12:34:10] Yes, I can see the document.

3 Q. [12:34:12] But now we have a problem. When I agreed with R01, well, it is
4 redacted, and what I was interested in was the witness's signature. So we have a
5 problem.

6 We have a hard copy. Maybe we could show this to the witness. That might be
7 easier. I have been told that the only hard copy I have is the one in my hand. I
8 have circled the signature.

9 Mr President, would that be a problem?

10 PRESIDING JUDGE TARFUSSER: [12:35:07] No, for the record.

11 THE WITNESS: [12:35:23] (Interpretation) Very well. This document, as I told
12 you, when I served as an interpreter, and the victims of 17 March, those whom I
13 referred to as brothers in the room, first of all, it is a member of the NGO who initially
14 was providing the interpretation but wasn't doing a good job, and that's how they
15 called on someone else to assist, someone who could provide proper interpretation.
16 I volunteered my services. And when I did so, the other members requested that I
17 be the one to henceforth, they expressed the desire that I should do this subsequently.
18 And yes, now I recognize this and I do recall properly.

19 PRESIDING JUDGE TARFUSSER: [12:36:14] So you signed, you signed this? You
20 signed this paper?

21 THE WITNESS: [12:36:18] (Interpretation) Yes. That's my signature.

22 PRESIDING JUDGE TARFUSSER: [12:36:22] In which capacity?

23 THE WITNESS: [12:36:25] (Interpretation) I'm sorry, I've not understood the
24 question.

25 PRESIDING JUDGE TARFUSSER: [12:36:32] Why did you sign it?

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1 THE WITNESS: [12:36:37] (Interpretation) It's written here "Signature of the
2 person to be contacted when submitting the application." What does that mean?
3 This means that henceforth when there will be any information relating to the victims
4 of that day, I would be the person to be contacted for information so that I can inform
5 the others as well. That is why I signed.

6 PRESIDING JUDGE TARFUSSER: [12:37:04] Okay. Thank you.

7 Can I see the document? No, no. Give it to the court usher. Please, can you bring
8 it to me, the document. Thank you.

9 Madam Naouri, go ahead.

10 MS NAOURI: [12:37:25] (Interpretation) Thank you, Mr President.

11 Q. [12:37:27] Those on whose behalf you signed that form, there were 16 of them in
12 the group?

13 A. [12:37:39] Yes.

14 Q. [12:37:40] Were they all struck by shells at the same location as your sister or
15 elsewhere?

16 A. [12:37:46] No. I know one of them called Sanogo Ami who, well, she lost her
17 eye, but now she has an eye, and she had told me that it was at SOS Abobo village
18 that she was struck.

19 Then there is the Sidibi family, and that was in the Siaka Koné market that things
20 happened for that family. So these events did not happen or these people were not
21 involved in events taking place at the same place.

22 Q. [12:38:15] Have you been in contact with all the 16 persons of the group?

23 A. [12:38:19] Yes. We maintained contact with each other, but whenever meetings
24 were held, they would be convened by the NGO. Those who were supposed to
25 provide us with information always went through the NGO to contact us. So it is

1 the NGO which had delegated one of its members known as Karamoko, member of
2 that NGO, and myself as a representative of the victims on that day, whenever there
3 was information to be provided, both of us would go together and then pass on the
4 information to our members.

5 Q. [12:39:07] Very well. That NGO, what's the name of that NGO?

6 A. [12:39:11] It's the one I've always referred to which was headed up by Tioté.

7 Q. [12:39:19] La Voix de la jeunesse active?

8 A. [12:39:21] Yes, correct, La Voix de la jeunesse active.

9 Q. [12:39:22] Thank you, Mr Witness.

10 Now, I want to now go to talk about the exhumation of your sister's body. Who
11 informed you that the Ivorian authorities were going to bury bodies at the Abobo
12 Baoulé cemetery?

13 A. [12:39:48] I have never provided that information.

14 Q. [12:39:50] But who informed you of that?

15 A. [12:39:56] Members of the OTP came to ask us in relation to the case before the
16 ICC that there will be a number of bodies that need to be exhumed for the purposes
17 of -- is it autopsy or the DNA tests? I don't know whether that's what you are
18 talking about. Or maybe I haven't understood your question.

19 Q. [12:40:23] Mr Witness, we will deal with the issues one by one.

20 You did undergo a DNA test, of course, yes, we'll get back to that, but my first issue is
21 in relation to the exhumation of your sister's body. Were you aware of that?

22 A. [12:40:43] No, I wasn't aware of that.

23 Q. [12:40:45] That's clear.

24 Do you remember meeting with the investigation unit in Abidjan?

25 A. [12:40:50] Yes, I do remember.

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1 Q. [12:40:52] Where did that meeting take place?

2 A. [12:40:54] In Abidjan.

3 Q. [12:40:55] Where in Abidjan?

4 A. [12:40:57] In a hotel in Abidjan.

5 Q. [12:41:02] Do you know around what time the meeting or what date the meeting
6 took place?

7 A. [12:41:11] I know that -- well, there were so many meetings, so I'm not sure, I'm
8 not sure which meeting you're actually talking about.

9 Q. [12:41:17] Now, Witness, I'll show you a document, number
10 CIV-OTP-0083-0242_R01. I'll show you that document. It will be displayed for
11 your attention soon.

12 Do you see the document?

13 A. [12:42:00] Yes, I do.

14 MS NAOURI: [12:42:02] (Interpretation) Court officer, please, could you please
15 kindly scroll down to page 246, please.

16 Q. [12:42:28] Mr Witness, are you the one who signed this document? Is that your
17 signature?

18 A. [12:42:31] Yes, that's my signature.

19 Q. [12:42:33] Very well. So you recall having met on 14 January *2015 people from
20 the investigation unit, because that's the date on the document?

21 A. [12:42:49] Let me specify. You said a short while ago that it was the
22 government of Côte d'Ivoire that gave the order to exhume the bodies. And I'm
23 saying that I never heard that. But I know that when it comes to the investigation
24 procedures with the ICC, I know that there was some exhumations.

25 Q. [12:43:12] I said authorities. It might be judicial or police authorities, that's

1 clear.

2 A. [12:43:17] That's why I said no, because of that lack of clarity; otherwise things
3 happened.

4 Q. [12:43:27] This form, did you fill it out on the day of the exhumation?

5 A. [12:43:31] I no longer recall, sincerely.

6 Q. [12:43:37] Very well. Mr Witness, did you know what the investigation unit
7 did with the exhumed bodies?

8 A. [12:43:52] Yes, I know.

9 Q. [12:43:54] All right. Now I want to show you an autopsy report. I'll read it
10 out to you in English. It will be interpreted for you. Number CIV-OTP-0077-0002
11 at page 0003. This is what is stated in the report, I'll be reading the report in English:
12 "The final grave site ABO 03 was close by and consisted of a single grave, ABO
13 03-01-01. Both the metal grave marker on the surface and the coffin plaque inside
14 the grave had a similar name, Doumbia Makaridi grave marker and Doumbia
15 Makarittine coffin plaque."

16 (Interpretation) The report goes on to say in English as follows:

17 (Speaks English) "The individuals all appeared to be male and were all adults."

18 (Interpretation) In the individual autopsy report for ABO 03-01-01, which is the
19 number corresponding to your sister's grave, it is indicated in document
20 CIV-OTP-0077-0045 at page 0046 as follows in English:

21 (Speaks English) "Sex: Male, according to features of the skull and pelvis."

22 Alors, Monsieur le témoin, ma question, c'est : est ce qu'on vous a informé, après
23 l'autopsie, que la personne qui se trouvait dans la tombe de votre sœur était, en réalité,
24 un homme?

25 A. [12:46:15] Yes, I was indeed provided with that information subsequently by

1 those who had conducted the autopsy. And I actually pointed this out. I was
2 shocked, because on the eve of the burials at the Anyama, when we went to the
3 mortuary on the eve of the burials, I had gone there myself with my elder sister. But,
4 you know, the body had been there for a very long time, and the man who had been
5 taking care of the bodies said, "This is what remains of your sister."

6 And I saw the multicolour wrap. And so we all said that she must have been the
7 one.

8 In any event, we were not the ones who put the bodies into the coffins. On that day
9 there were a hundred bodies. And after the autopsy or when the DNA tests were
10 conducted, I was told of the results, I was informed, and I was in a state of shock
11 because I didn't understand what had transpired. And I really cannot say anything
12 about it.

13 Q. [12:47:27] Very well, Mr Witness.

14 Now, let me go back to the DNA tests. Do you remember approximately when the
15 DNA tests took place?

16 A. [12:47:51] No. I no longer remember.

17 Q. [12:47:56] Very well. So a short while ago you told us, and I'm quoting from
18 the transcripts, page 12, line 23, to page 13, line 3, the representative of the OTP said:
19 "I will now move to something else and put a question to you on the following point.
20 Do you remember that your DNA was taken during the investigations?

21 Answer: Yes, I do remember clearly.

22 Question: Do you remember that thereafter you were informed by the OTP that the
23 sample that you provided did not match the DNA?

24 Answer: Yes, I was indeed informed. I was indeed informed."

25 Now, you have told us that you were informed. Now I want to show you -- I don't

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1 want to show you, I want to submit to you document *CIV-OTP-0081-0506 at page
2 0510.

3 I hope that document will be displayed and then I'll put a question to you.

4 Please, court usher, could you please zoom in more so that we can see the two last
5 lines of the table.

6 Can you see the table, Mr Witness?

7 A. [12:49:42] Yes, I can see it.

8 Q. [12:49:46] You see on the table at page 0512 as well of this document, being the
9 identification report in relation to the DNA tests, I quote as follows at point 5.1 in
10 English: (Speaks English) "The DNA profiles from the human remains of the
11 unidentified persons were compared with the DNA profiles from the relatives
12 mentioned in table 2 and likelihood ratios were calculated. No strong evidence in
13 favour of a possible identity of any of the unidentified individuals was obtained."
14 (Interpretation) So were you informed that the DNA tests relating to your sister had
15 failed?

16 A. [12:50:52] Yes. I was told that and I've already said it.

17 Q. [12:50:56] So you are aware that it was not conclusive?

18 A. [12:51:00] What do you mean?

19 Q. [12:51:03] That's fine, Mr Witness. That's fine by me.

20 PRESIDING JUDGE TARFUSSER: [12:51:06] But where are you going? He said
21 this already. We are re-mixing the whole thing. It's clear. He said exactly what
22 you are saying. And I don't know why you confronted him with something the OTP
23 requested from him this morning when he already said that he doesn't know, he can't
24 remember the date; and then you confront him with a declaration he made where no
25 mention of this date was done. So I don't understand where you want to go.

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1 MS NAOURI: [12:51:32] (Interpretation) Mr President, he said that he remembered,
2 but now we have shown him the results and he has confirmed that that is indeed the
3 information that had been provided to him. So thank you.

4 PRESIDING JUDGE TARFUSSER: [12:51:50] Yes, yes, of course, you're right, but it
5 was not necessary because it was clear also before, all this. Okay.

6 MS NAOURI: [12:51:58] (Interpretation) Very well. Thank you, Mr President.

7 Q. [12:52:05] Now, Witness, I want to revisit the VJA, Tioté Yacouba, the president.
8 How do you know him?

9 A. [12:52:22] I got to know him when the members of the office came to meet us for
10 the first time in relation to participating in the proceedings. It is on that day that I
11 saw him for the first time.

12 Q. [12:52:40] Very well. Did you become a member of the VJA?

13 A. [12:52:45] No, never.

14 Q. [12:52:49] Very well. MIDH, did you become a member of the MIDH?

15 A. [12:52:55] No, not at all.

16 Q. [12:52:59] Do you remember meeting any man known as Souleymane
17 Grambouté?

18 A. [12:53:05] That name doesn't ring a bell.

19 Q. [12:53:08] Very well. Do you remember meeting the former president of the
20 MIDH, Mr Epiphane Zoro Bi Ballo?

21 A. [12:53:21] I never met Mr Epiphane Bi Ballo in his capacity as member of the
22 MIDH. But I met him within the context of these proceedings, *because I think he
23 was counsel for the counsel here.

24 Q. [12:53:43] What do you mean by counsel representing the counsel from here?

25 A. [12:53:54] Well, what is clear is when Counsel Paolina came, she introduced

1 Epiphane as her representative who would be providing us information.

2 Q. [12:54:04] Very well. Did you get to see him often?

3 A. [12:54:12] Whenever necessary and when there was information, he would call
4 us up and we will meet up.

5 Q. [12:54:19] Did you meet at the Abobo mayor's office?

6 A. [12:54:23] No. We never met at the Abobo mayor's office. We always had
7 appointments at the offices of the NGO.

8 Q. [12:54:33] At the VJA office?

9 A. [12:54:35] Yes, because it was through the VJA that we were contacted.

10 Q. [12:54:38] So you met at the VJA headquarters; is that correct?

11 PRESIDING JUDGE TARFUSSER: [12:54:57] Yes, yes, that's correct. That's what
12 we understood.

13 MS NAOURI: [12:54:58] (Interpretation) Thank you, Mr President.

14 Q. [12:55:01] Do you know that he is today a member of parliament for the RDR,
15 Mr Epiphane Bi Ballo?

16 A. [12:55:14] Well, he is free to do whatever he chooses to do. I'm not aware of
17 that.

18 Q. [12:55:18] Now, when it comes to the MIDH, if I understood what you said this
19 morning at page 15, lines 2 to 16, Adama Fanny was a contact person at the MIDH?

20 A. [12:55:35] Adama Fanny never had any contact with the MIDH.

21 Q. [12:55:39] With the VJA?

22 A. [12:55:41] Adama Fanny was the intermediary between myself and the VJA
23 when Adama went to drop off the body at the hospital in Anyama -- rather, at Abobo,
24 that is when he contacted -- that's when the NGO got his contact, because he's the one
25 who brought in the body, and it is thereafter that Adama called me to tell me of a

1 meeting at which I would be answerable. That's how it happened.

2 Q. [12:56:12] Very well. Did they give Adama Fanny any document when he
3 went to the mortuary?

4 A. [12:56:25] Adam didn't go to the mortuary.

5 Q. [12:56:29] I'm sorry, to the hospital.

6 A. [12:56:31] I have told you Adama took my sister's body to the Abobo hospital.

7 And that is how he came into contact with members of the VJA. And when we were
8 to meet for the first time, they called Adama Fanny, naturally. And then request was
9 made for a blood relative of the person to come, and that's how I was called up to
10 attend the meeting.

11 Q. [12:56:59] Very well, Mr Witness.

12 My question is much more simple than that. When he dropped off the body at the
13 hospital, did they issue a document to him?

14 A. [12:57:11] No. I have no information on that point.

15 Q. [12:57:16] Very well. Thank you, Mr Witness.

16 A. [12:57:27] Thank you, madam.

17 MR ALTIT: [12:57:28] (Interpretation) Mr President, your Honours, this brings to an
18 end our examination of the witness on behalf of Mr Laurent Gbagbo's Defence team.

19 PRESIDING JUDGE TARFUSSER: [12:57:39] Thank you very much.

20 Now I would revert to Mr Knoops just to ask him how we are proceeding.

21 MR KNOOPS: [12:57:52] Mr President, I will probably need 30, 35 minutes for this
22 witness.

23 PRESIDING JUDGE TARFUSSER: [12:57:56] Okay. Is there at this stage necessity
24 for the Prosecutor for re-questioning?

25 MR LEDDY: [12:58:01] I think one very brief issue, your Honour.

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1 PRESIDING JUDGE TARFUSSER: [12:58:05] So okay, so we'll suspend now. We
2 will resume for the lunch, we will resume at 2.30. And it will not last very long and
3 then you then are free to go home again, okay? Thank you very much.
4 THE WITNESS: [12:58:23] (Interpretation) Thank you, your Honour.
5 PRESIDING JUDGE TARFUSSER: [12:58:27] The hearing is adjourned to 2.30.
6 Thank you.
7 THE COURT USHER: [12:58:30] All rise.
8 (Recess taken at 12.58 p.m.)
9 (Upon resuming in open session at 2.30 p.m.)
10 THE COURT USHER: [14:31:01] All rise.
11 Please be seated.
12 PRESIDING JUDGE TARFUSSER: [14:31:27] Good afternoon.
13 THE WITNESS: [14:31:31] Good afternoon.
14 PRESIDING JUDGE TARFUSSER: [14:31:33] Good afternoon, Mr Witness.
15 Now it's the turn for the Defence for Mr Blé Goudé, and I revert to Mr Knoops, the
16 lead counsel for Mr Blé Goudé.
17 Yes, please.
18 THE WITNESS: [14:31:48] (Interpretation) Your Honour, I would like to make a
19 clarification relating to a question that was put to me that may have been ambiguous.
20 I just wanted leave to make that clarification, if you allow.
21 PRESIDING JUDGE TARFUSSER: [14:32:13] Please do so.
22 THE WITNESS: [14:32:16] (Interpretation) I was asked whether I had periodic
23 meetings with Zoro Bi Epiphane. In fact, I have to specify the nature of these
24 meetings, Epiphane has always been an intermediary, and I would even say spectator,
25 because each time he met with me, it was while meeting with the people from the

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1 OTP. There was never any specific meetings just between me and him. I wanted it
2 clarify that.

3 PRESIDING JUDGE TARFUSSER: [14:33:02] Thank you very much.

4 MS MASSIDDA: [14:33:07] I'm sorry, your Honour, but in the transcript, the
5 message is saying "the Office of the Prosecutor." Now, I am not sure if the
6 witness -- I suspect that the witness is referring to the legal representative team and
7 not the Prosecution team, I suspect.

8 PRESIDING JUDGE TARFUSSER: [14:33:25] Well, yes.

9 Did you hear this? When you say, when you say, "When meeting with the people
10 from the OTP I would be ... because each time he met with me it was, it was while
11 meeting with the people from the OTP."

12 The OTP is the Prosecution office of the ICC, the Office of the Prosecutor of the ICC.

13 THE WITNESS: [14:34:15] (Interpretation) I apologise. How is it called again?

14 PRESIDING JUDGE TARFUSSER: [14:34:18] Yes. Do you mean, you called her Ms
15 Paolina?

16 THE WITNESS: [14:34:21] (Interpretation) Yes, Ms Paolina.

17 PRESIDING JUDGE TARFUSSER: [14:34:24] So the LRV, the office of the OTP
18 which deals with the victims.

19 THE WITNESS: [14:34:32] (Interpretation) I'm sorry about that.

20 PRESIDING JUDGE TARFUSSER: [14:34:36] Okay. Thank you.

21 Now I give the floor to the Defence for Mr Blé Goudé. Mr Knoops, please, yours the
22 floor.

23 QUESTIONED BY MR KNOOPS:

24 Q. [14:34:58] Good afternoon, Mr Witness.

25 A. [14:35:02] Good afternoon, counsel.

1 Q. [14:35:04] My name is Alexander Knoops. I'm admitted to the bar of The
2 Kingdom of the Netherlands, I'm a lawyer in The Netherlands and I'm counsel for
3 Mr Blé Goudé.

4 My first question relates to your evidence given today, that is for the Court transcript
5 page 43, lines 18 till 19, where you say that it's true that the Commando Invisible had
6 roadblocks, but the local population themselves also or the local population made
7 roadblocks. That's cited from the transcript.

8 The local population made roadblocks, Mr Witness, were these roadblocks set up
9 spontaneously by those civilians or was there anyone who gave them instructions to
10 do so?

11 A. [14:36:15] I think it was spontaneous, because the general security situation had
12 degraded. Every time there was shooting, people will be beating pots or boxes to
13 alert people and prevent those who were trying to enter the neighbourhood.

14 Q. [14:36:43] Thank you, Mr Witness.

15 My second question relates to the same transcript, page 43 of the English transcripts,
16 lines 24 till 25, where you were asked about where those roadblocks were set up.
17 Your answer was, "Well, each neighbourhood organised matters as they saw fit."
18 End of quotation from the English transcript.

19 My question to you is, Mr Witness, this type of organisation within the various
20 neighbourhoods, was that organisation induced by an official body or a formal
21 organisation?

22 A. [14:37:37] We found ourselves in a general situation of war. I would like to talk
23 about the circumstances. When the post-election conflict was ongoing, there is Blé
24 Goudé, who wanted to go to Avocatier at the place where a group of young people,
25 called the Sorbonne, held meetings to provide information to their militants. He

1 wanted to come there to provide information about the litigation relating to the
2 elections.

3 And prior to that, the security forces had been sent to the various neighbourhoods to
4 carry out searches. And it was during those searches that there were skirmishes
5 between the young people of the neighbourhood and the security forces.

6 And ever since then the security forces at that time were making attempts to attack
7 the inhabitants of PK18. So for purposes of their security, the people in this area did
8 not -- *came out of their houses and make noises; they set up roadblocks to prevent
9 people from infiltrating the areas.

10 Q. [14:39:28] I'll come to the person of Mr Blé Goudé later in my questions,
11 Mr Witness. But my question was simply, the way the various neighbourhoods
12 organised matters such as roadblocks, was this induced by an official body, yes or no;
13 or was it also done, this --

14 A. [14:39:56] No.

15 Q. [14:39:59] Right. As to this element of spontaneousness, you did say in your
16 evidence today, transcript page 46, line 22 of the English transcript, when you were
17 asked about the recruitment by the Commando Invisible of young people within their
18 ranks or within the Commando Invisible, you say, "People volunteered. There was
19 no need to promise them money because it concerned your life."

20 Now, projected on the barrages, who exactly decided to set them up in those
21 neighbourhoods? Who made that decision? Do you know?

22 A. [14:41:13] I do not know.

23 Q. [14:41:15] Do you know how they were set up? How were these barrages
24 built?

25 A. [14:41:26] I really do not know.

1 Q. [14:41:34] In your statement given to the Office of the Prosecution, that is
2 CIV-OTP-0041-0412, page 0421, paragraph 57, you say, Mr Witness: (Interpretation)
3 "In order to defend themselves, people set up roadblocks with bricks, benches and
4 tables at the entrances into the neighbourhoods."
5 (Speaks English) You can recall giving that statement? You acknowledge giving this
6 statement?

7 A. [14:42:30] Yes.

8 Q. [14:42:33] So the people who did set up those barrages, they used their own
9 materials to establish those barrages for self-defence; is that correct?

10 A. [14:42:56] To fabricate materials, I really do not understand, if you could
11 rephrase, please?

12 Q. [14:43:08] Did the civilians in those neighbourhoods use their own materials
13 from their houses, from the street, to erect barricades?

14 A. [14:43:21] Yes.

15 Q. [14:43:24] Who did man those roadblocks? You told us this morning there
16 were many of them. Have you any knowledge who were at those roadblocks, which
17 individuals?

18 A. [14:43:47] The PK18 neighbourhood is quite large. In each sector in each
19 intersection, the inhabitants there would set up their own roadblock. That is why I
20 say that everyone organised themselves to ensure security in their own way.

21 Q. [14:44:11] Did the Commando Invisible or members of the Commando Invisible
22 mix with the local population in PK18 at those roadblocks?

23 A. [14:44:30] I never observed that.

24 Q. [14:44:36] I'll cite from your statement given to the Office of the Prosecution, it's
25 paragraph 57 on page 0421, the same reference I gave just a moment ago. The last

1 sentence of paragraph 57 of your statement, you say (Interpretation) "But once the
2 Commando Invisible had been created and started positioning their elements at those
3 roadblocks, we stayed away."

4 (Speaks English) Did the local population coordinate this protection at the roadblocks
5 with the Commando Invisible as far as you know?

6 A. [14:45:50] Well, there is some confusion at that level. On the day of the march
7 of 16 December, I was talking about this in that statement, when the young people
8 came and they had to go and free the RTI, and they were blocked at AGRIPAC by the
9 CRS policemen, there were infiltrators and snipers shooting at people.

10 I believe that this lasted for quite a while. And according to *Silué Gbombaly, there
11 was a four-by-four that arrived and confronted them directly. They asked the
12 members of the population to go back home and they would take responsibility.

13 *But that does not mean that they mixed and mingled in the neighbourhoods.

14 In the beginning there was no talk of Commando Invisible. But the populations took
15 care of their own security. But when it was said return home, this was done on the
16 day of the march itself. This is what I wanted to clarify.

17 Q. [14:47:25] Mr Witness, can we understand your evidence just given that initially
18 the Commando Invisible did set up those barrages -- sorry. That first the local
19 population set up those barrages and that the Commando Invisible took over the
20 positions the civilians earlier had at those barrages?

21 A. [14:47:54] Well, what I said in my statement and what I said this morning in my
22 testimony is that the roadblocks of the Commando Invisible were at the borders.
23 AGRIPAC separates the Abobo neighbourhood from PK18. N'Dotre separates
24 Yopougon and Derrière Pont. *So it was in these parts of the road where there were
25 clashes between the forces there that the Commando Invisible positioned themselves.

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1 But those of us right inside the neighbourhoods initially, we were the ones
2 responsible for their own security.

3 Q. [14:48:48] Now, with respect to these individuals, these young people you saw
4 at those roadblocks, how were they dressed?

5 A. [14:49:06] Well, some of them were wearing uniforms. They could be wearing
6 the fatigues, trousers, and the top could be a T-shirt, so it was mixed. And I'm
7 talking about the commandos who were at the area separating the various
8 neighbourhoods.

9 Q. [14:49:38] Can you recall, Mr Witness, whether those commandos as you
10 mentioned who were at those roadblocks wearing fatigues had fatigues of the FDS?

11 A. [14:49:54] Yes. That is what I just said. Generally speaking, when the FDS
12 dress up, they dress in complete uniforms, top and bottom. But those ones had
13 either the top or the bottom that were fatigues. That is what I've just said.

14 Q. [14:50:22] So some of those individuals, those commandos used FDS attires at
15 the roadblocks?

16 PRESIDING JUDGE TARFUSSER: [14:50:33] Yes. That's what I think he's saying
17 since a while.

18 MR KNOOPS: [14:50:39] Yes, okay.

19 Q. [14:50:40] Now, do you know, Mr Witness, how they retrieved or received those
20 FDS fatigues? How did they become in possession of --

21 A. [14:50:53] I'm not in a position to tell you anything about that. I do not know.

22 Q. [14:50:57] Right. In this regard you told the Court this morning, transcript
23 page 45, line 6, that the Commando Invisible took Kalashnikovs from a military
24 vehicle belonging to the Akouédo battalion after killing the people inside the vehicle.
25 Now, my question to you is, apart from this method applied by the Commando

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1 Invisible to receive or retrieve weapons, are you familiar with any other methods the
2 Commando Invisible applied to receive weapons?

3 PRESIDING JUDGE TARFUSSER: [14:51:48] Yes, please.

4 MR LEDDY: [14:51:49] If I can just make a clarification, your Honour. There is in
5 the portion that counsel cited, I believe the witness indicated on page 45, lines 3
6 through 4, that he actually doesn't know who killed the individuals from that vehicle.

7 PRESIDING JUDGE TARFUSSER: [14:52:03] And in any case he heard about it, he
8 heard. "But in any case the information which I heard was that they took, they
9 retrieved the Kalashnikov that the battalion had had," which is different than he
10 knows.

11 MR KNOOPS: [14:52:28] Yes, but then to be fully complete, I should then first refer
12 the witness to his statement in paragraph 55.

13 Q. [14:52:39] Mr Witness, before I come to my question, you said to the Prosecution
14 in your statement in paragraph 55, the fourth and fifth sentence, (Interpretation) "But
15 the young people of the Commando Invisible killed all those who were in the
16 four-by-four."

17 (Speaks English) You can remember having said this to the Prosecution?

18 A. [14:53:20] Yes.

19 Q. [14:53:22] So you confirm that the people of the Commando Invisible killed the
20 individuals in that vehicle and retrieved subsequently the Kalashnikovs which were
21 in that vehicle, yes?

22 A. [14:53:43] I would like to clarify that on that particular day, that is the day of the
23 march, the Commando Invisible did not yet exist as far as I'm concerned based on the
24 information I have, that is, when the Commando Invisible was created, there were
25 attempts to disperse the march and attempts to enter the neighbourhood.

1 So this four-by-four came to repress the march. So I cannot say whether it was the
2 Commando Invisible or not. It was after this incident that people started recruiting
3 members into what was to become known as the Commando Invisible.

4 Q. [14:54:39] So just for us to know, Mr Witness, do you dispute having said so to
5 the Prosecution the phrase I just mentioned, I just read out from your statement,
6 paragraph 55 that you said a few years ago that (Interpretation) "The young people of
7 the Commando Invisible killed all those who were in the four-by-four."
8 (Speaks English) You say today that you have no knowledge on this?

9 A. [14:55:07] I have the statement in front of me. That is what I was saying, that
10 the young people who carried out that act, at that time there was no Commando
11 Invisible. It was afterwards that they constituted themselves into the Commando
12 Invisible.
13 The interview took place a long time ago and a long time afterwards, and that is when
14 I had known that it was the Commando Invisible.

15 Q. [14:55:44] Okay. We'll come to this later.
16 My question to you now is: Do you know, apart from this example, how the
17 commandos of the Commando Invisible received or retrieved their weaponry?

18 A. [14:56:04] Frankly, I do not know anything about that.

19 Q. [14:56:11] Did you hear, Mr Witness, or witness yourself that those individuals
20 belonging to the Commando Invisible took weapons from the gendarmes and the
21 commissariat?

22 A. [14:56:34] No.

23 Q. [14:56:37] My next question relates to your evidence given on page 46 of the
24 English transcript, line 8. You say, "Everybody tried to take care themselves, protect
25 themselves."

1 Mr Witness, this type of protection, was this done in an organised manner through an
2 official organisation or was it done spontaneously by the various neighbourhoods as
3 well? We're not speaking now about the roadblocks, but the general protection you
4 spoke about with respect to civilians.

5 A. [14:57:35] I do not quite understand that question.

6 Q. [14:57:38] Was there anyone who told the people how to protect themselves?

7 A. [14:57:46] I do not know. I have no information on that.

8 Q. [14:57:54] The Commando Invisible, Mr Witness, was organised, wasn't it? It
9 was an organised organisation?

10 A. [14:58:06] I do not know what you mean by "organised."

11 Q. [14:58:10] Well, these are your words in paragraph 56 of your statement given to
12 the Office of the Prosecution. You say, I quote, (Interpretation) "As from that day"
13 (Speaks English) that's the march you refer to to liberate the RTI, what you say,
14 (Interpretation) "As from that day, the young people started organising themselves
15 and that is how the commando invisible was born."

16 A. [14:58:55] Yes, I said the same thing a short while ago.

17 Q. [14:58:58] My question to you is: What do you mean with the word
18 "organisation," they started to organise themselves?

19 A. [14:59:09] To start organising themselves means formulating, starting to
20 formulate strategies to provide security in the neighbourhoods.

21 Q. [14:59:25] You mean with strategy, military strategy, how to use force to protect
22 the neighbourhoods?

23 A. [14:59:39] I do not know. I cannot give you any details on that.

24 Q. [14:59:48] You do know, Mr Witness, don't you, that those people who were
25 recruited by the Commando Invisible were trained, they were trained to fight?

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1 A. [15:00:14] This morning during my testimony I mentioned the case of Mr Konaté,
2 that is someone that I know. I do not know whether he was a soldier or whether he
3 was trained or not. It was during the crisis.

4 When Fofana said the Fognon wanted to charge his phone, I saw that he was a young
5 man in the neighbourhood and he was a member of the commando. Whether he
6 was trained or not or whether he was a soldier, I cannot tell you anything about that.

7 Q. [15:00:51] This morning you gave evidence on this point, Mr Witness, it's
8 transcript page 39, line 15, of the English transcript, where you say, referring to the
9 Commando Invisible, "There were young people who had been trained."

10 A. [15:01:13] I'd like to see that part. There is a lot in the statement, and I'd like to
11 see that part before I comment on it.

12 Q. [15:01:25] Mr Witness, this is not in your statement. This is in your evidence
13 under oath this morning.

14 PRESIDING JUDGE TARFUSSER: [15:01:31] Can you read it out in French, please?

15 THE WITNESS: [15:01:34] Mm-mm.

16 MR KNOOPS: [15:01:36] I just have here the English transcript, line 39, paragraph
17 15.

18 PRESIDING JUDGE TARFUSSER: [15:01:41] Well --

19 MR KNOOPS: [15:01:44] Okay.

20 Q. [15:01:46] "Who was their leader?"

21 I start for the booth at line 12 of page 39 of the English transcript.

22 "Who was their leader?"

23 Answer: I don't know. There was members I don't know who was the leader in
24 each neighbourhood. There were young people who had been trained."

25 That was given into evidence this morning by you, Mr Witness.

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1 A. [15:02:20] "Trained," well, I don't know what definition you attach to "trained."
2 I think I've talked quite a lot about the way in which the young people in the
3 neighbourhoods got organised. They spontaneously set up the roadblocks.
4 As regards being trained, I don't know about that. It all took place spontaneously.
5 They weren't trained as such. If I said trained, I think that that was just a slip of the
6 tongue on my part.

7 Q. [15:02:53] A slip of the tongue, you say? It was a slip of the tongue this
8 morning?

9 PRESIDING JUDGE TARFUSSER: [15:02:58] Yes, that's what he said.

10 MR KNOOPS: [15:03:01]

11 Q. [15:03:01] Mr Witness, do you know whether these people who were recruited
12 by the Commando Invisible had a background in the army?

13 A. [15:03:24] I don't know.

14 Q. [15:03:27] All right.

15 PRESIDING JUDGE TARFUSSER: [15:03:28] You know, I don't know why you want
16 to make him say something what he doesn't want to say. You're forcing him to say
17 things which you'd like to hear but he doesn't say, I mean, the witness does not say.

18 MR KNOOPS: [15:03:39] Well, I'm not aware that I use force here.

19 MR DEMIRDJIAN: [15:03:45] Mr President, on the last question --

20 PRESIDING JUDGE TARFUSSER: [15:03:47] Yes.

21 MR DEMIRDJIAN: [15:03:50] -- if I could read a clarification, I'm reading the French
22 version of what Mr Knoops just read, and nowhere does it appear the fact that they
23 were trained.

24 PRESIDING JUDGE TARFUSSER: [15:03:56] I know. That's the wrong -- "Je ne
25 sais pas."

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1 MR DEMIRDJIAN: [15:03:57] Yes. (Interpretation) "I don't know. I can't say
2 who was a leader, who wasn't a leader. Everybody was in the neighbourhood.
3 There were young volunteers."

4 (Speaks English) There is nothing about them being trained in the French version.
5 That's what I wanted to put on the record.

6 PRESIDING JUDGE TARFUSSER: Yes.

7 MR DEMIRDJIAN: So it's a mistranslation in the English version.

8 MR KNOOPS: [15:04:12] Okay.

9 Q. [15:04:22] Mr Witness, can you tell the Court how PK18 became into the power
10 of the Commando Invisible? How did it become into the hands of the Commando
11 Invisible?

12 A. [15:04:42] I don't understand.

13 Q. [15:04:43] You don't understand this question?

14 A. [15:04:44] No.

15 Q. [15:04:46] Can you recall that you said to the Prosecution a few years ago what
16 the Commando Invisible did to attain power in PK18, what did they do to have
17 leadership in their hands?

18 A. [15:05:13] I don't know. Fall into the hands of the power of the PK18? I don't
19 know about that.

20 What I've always said is that the person who I know who became a member of the
21 Commando Invisible was Konaté. Now that's a young man that I knew.

22 Now, as to whether there were other young people who were Commando Invisible
23 and who were soldiers, I don't know. All I can share with you is what I do know
24 and how they took control or took power. What I can tell you is these were young
25 people. The local people were under threat of death and, therefore, the young

1 people stepped up to provide security in the area. I think I've always said the same
2 thing.

3 Q. [15:06:06] Well, let me confront you then with paragraph 49 of your statement to
4 the Office of the Prosecution, that is CIV-OTP-0041-0412, page 0420, paragraph 49.

5 (Interpretation) "I know it was the Commando Invisible because at the time the FDS
6 couldn't enter PK18. PK18 was in the hands of the Commando Invisible. And
7 given that there was a conflict between those forces loyal to Gbagbo and the
8 Commando Invisible, it could only have been the Commando Invisible."

9 (Speaks English) How long, Mr Witness, did this fighting against the army take place
10 before the Commando Invisible took over power in PK18? How much time it took
11 them?

12 A. [15:07:29] I will restate what I've said before. I said that the Commando
13 Invisible was formed following the 16 December march. And when I refer to the
14 Commando Invisible, I'm referring to the young people who I knew and who had
15 decided to fight to ensure our security.

16 Now, each time I refer to the Commando Invisible, you need to bear in mind that I'm
17 referring to the young people like Konaté who got organised.

18 Q. [15:08:14] But my question is very simple, Mr Witness, how long as far as you
19 know took this fight of the Commando Invisible to retain power in PK18? You
20 speak about (Interpretation) "You said we're in the hands of the Commando Invisible,
21 and given that there was a conflict between the forces loyal to Gbagbo and the
22 Commando Invisible" --

23 A. [15:08:45] I would say that the Commando Invisible didn't need to take PK18,
24 because they were already in PK18. Rather, it was Gbagbo's forces that were
25 attempting to attack the local people. And the young people in the neighbourhood

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1 got organised to try and hold that attack back. I think that's pretty clear.

2 Q. [15:09:09] Mr Witness, my final question relates to the mentioning earlier by you
3 to Mr Blé Goudé, you refer to an intended visit of Mr Blé Goudé for a meeting at a
4 parliament in Abobo. Do you know whether this visit took place? Did he actually,
5 Mr Blé Goudé, come to this parliament?

6 A. [15:09:50] No. He wasn't able to come.

7 Q. [15:09:52] Do you know why he wasn't able to come to that parliament?

8 A. [15:09:59] Yes. Quite simply, because the young people in PK18 in the area felt
9 that that was bullshit, if you don't mind me using that language.

10 Q. [15:10:18] Did you hear, Mr Witness, that the Commando Invisible tried to
11 assassinate Mr Blé Goudé once he entered PK18?

12 A. [15:10:29] Well, I have no information on that. But what I do know is that the
13 law enforcement came to carry out searches in PK18 in order to make it possible for
14 Blé Goudé to hold his rally there.

15 Regarding a threat of assassination, I know nothing of that.

16 Q. Thank you.

17 MR KNOOPS: Those were our questions, Mr President. Thank you.

18 PRESIDING JUDGE TARFUSSER: [15:10:58] Thank you very much, Mr Knoops.

19 Now I revert again to the Office of the Prosecutor asking if there is need or there is a
20 request for re-questioning.

21 MR LEDDY: [15:11:09] Yes, your Honour. We have a brief line of questioning.

22 PRESIDING JUDGE TARFUSSER: [15:11:12] Thank you. You have the floor.

23 MR LEDDY: [15:11:15] Thank you, your Honour.

24 QUESTIONED BY MR LEDDY:

25 Q. [15:11:22] So, Mr Witness, I just want to clarify some of your testimony from

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1 cross-examination with respect to the documents that you provided the Office of the
2 Prosecutor during your interview. Those documents are annexed to your statement,
3 I'm going to ask for the series of documents to be shown to the witness starting with
4 number 5 on the list of materials, that's CIV-OTP-0041-0428.

5 Now, Mr Witness, you testified on direct that you signed this document on the same
6 day that you were shown your sister's body at the morgue. That was about a month
7 or so after her death.

8 Now, I want you to take a look at this document and confirm that there is no date on
9 this document other than the date that the body was admitted to the morgue, that's --

10 PRESIDING JUDGE TARFUSSER: [15:12:20] Yes, but why he should confirm
11 something which is evident, that there is no other date on that? Excuse me, if he
12 now would say "no, there is another date," we should -- we see it.

13 MR LEDDY: [15:12:31] I'm trying to clarify a line of questioning that was brought up
14 by Defence counsel earlier.

15 PRESIDING JUDGE TARFUSSER: [15:12:35] Yes, but not with a question if he
16 confirms there is only one date. I mean, we can see it.

17 MR LEDDY: [15:12:40] I'm happy to move to the next document, your Honour,
18 which is number 2 on the list of materials.

19 Q. [15:12:52] I'm going to ask you, and that's for the record CIV-OTP-0041-0425, in
20 French the title is "Certificat de non-contagion" (Interpretation) Certificate of
21 non-contagion (Speaks English) That's number 2 on the list of materials.

22 And you heard, Mr Witness, on cross-examination and then you can see in front of
23 you this document is dated 9 June 2011.

24 So can you tell us when it was that you received this document and from whom you
25 received it?

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1 A. [15:13:31] You know, I qualified the date. I said approximately one month. I
2 qualified it because it was these events took place quite some time ago. But it was
3 some time later at the morgue. And that was because I wasn't allowed to enter the
4 morgue the first time. But when I did succeed in contacting the morgue, it was on
5 that day that I was given that document.

6 Or no, rather, it was then that I was given the sheet to take to the morgue. Now, this
7 certificate of non-contagion that I see here, it was the pathologist who gave that to me.

8 Q. [15:14:16] And do you recall approximately how many times you went to this
9 morgue yourself?

10 A. [15:14:27] Roughly three times or all in, three times.

11 Q. [15:14:37] And if you remember, can you give us more detail on the timeline of
12 those three visits in relation to your sister's death?

13 A. [15:14:52] When the body was removed to the morgue, the day after my friend
14 and brother Fanny confirmed to me that the body was at the morgue. So I went to
15 the morgue that day, that same day, but I wasn't given access.

16 The second time was some time after, when authorisation was given that we could
17 come and view the body, that was the second time. And the third time was when
18 we were to bury my sister. Then again we were invited to come and view the body.

19 Q. [15:15:34] And do you recall on which of those three occasions -- I'm sorry, I
20 withdraw that question.

21 I have no further questions for this witness, your Honour.

22 Thank you, Mr Witness.

23 PRESIDING JUDGE TARFUSSER: [15:15:57] Thank you very much.

24 The Defence for Mr Gbagbo?

25 MS NAOURI: [15:16:00] Oui, très brièvement.

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1 PRESIDING JUDGE TARFUSSER: [15:16:07] Legal representatives. Sorry. The
2 legal representatives. Sorry.

3 MS MASSIDDA: [15:16:10] Thank you for asking, your Honour. I did not stand up,
4 so I have no further questions. Thank you very much.

5 PRESIDING JUDGE TARFUSSER: [15:16:14] Okay. I know that you would have
6 protested very hard. But the form has to be saved.

7 The Defence for Mr Gbagbo.

8 MS NAOURI: [15:16:32] (Interpretation) Very well.

9 QUESTIONED BY MR NAOURI: (Interpretation)

10 Q. [15:16:39] Mr Witness, I'd just like to return to a couple of the questions put to
11 you by representatives of the Prosecution.

12 When you went back to the morgue on the third occasion, was that the day before the
13 burial of your sister? The burial was at the official ceremony, wasn't it?

14 A. [15:16:58] Yes.

15 Q. [15:17:01] Thank you very much, Mr Witness.

16 MR KNOOPS: [15:17:02] We have no further questions. Thank you, Mr President.

17 PRESIDING JUDGE TARFUSSER: [15:17:04] Thank you.

18 Can we take it that after six years one cannot possibly remember the exact dates of
19 when he did what. So just I think this should be in our mind, that six years later it's
20 not so easy to tell exactly the dates a person did certain things, okay.

21 So, Mr Doumbia, I can tell you --

22 THE WITNESS: [15:17:38] (Interpretation) Yes, your Honour.

23 PRESIDING JUDGE TARFUSSER: [15:17:39] I can tell you that your testimony is
24 over, that you can leave the courtroom, you can go back to your -- yes, please, you
25 want to say something?

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- 1 THE WITNESS: [15:17:50] (Interpretation) Yes. I'd like to make an appeal.
- 2 PRESIDING JUDGE TARFUSSER: [15:17:57] Excuse me. Yes. I would like also
- 3 before you make the appeal, I would like to ask you, this appeal, what you will have
- 4 in mind to do, should not be a political statement, okay.
- 5 THE WITNESS: [15:18:14] (Interpretation) No, no, no, it's not a political statement.
- 6 PRESIDING JUDGE TARFUSSER: Okay. Please.
- 7 THE WITNESS: (Interpretation) Here we are together to see justice done and truth
- 8 revealed. The objective of justice is to ensure that the same errors are not repeated.
- 9 What I'm saying is not political.
- 10 And in saying that, I'd like to paraphrase an English speaker, writer, Ayn Rand, who
- 11 said in one of her articles about the virtue of selfishness, "Man is free to choose not to
- 12 be conscious of what he does, but is not free to escape from the results or the
- 13 consequences of refusing to be conscious."
- 14 PRESIDING JUDGE TARFUSSER: [15:19:10] Thank you very much. We take very
- 15 much note of what you said. Thank you once again. Thank you for having been
- 16 here. And you can leave the courtroom with the help of the court usher and have a
- 17 safe trip back home.
- 18 THE WITNESS: [15:19:31] (Interpretation) Thank you, your Honour.
- 19 (The witness is excused)
- 20 PRESIDING JUDGE TARFUSSER: [15:19:43] The only thing now what I have to do
- 21 is to adjourn the hearing to Monday, 25 September, at 9.30 with the next witness.
- 22 Thank you very much. The hearing is adjourned.
- 23 THE COURT OFFICER: [15:19:59] All rise.
- 24 (The hearing ends in open session at 3.20 p.m.)