

Trial Hearing
Witness: CIV-OTP-P-0442

(Open Session)

ICC-02/11-01/15

1 International Criminal Court

2 Trial Chamber I - Courtroom 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 Olga Herrera Carbuccion and

7 Judge Geoffrey Henderson

8 Trial Hearing

9 Wednesday, 10 February 2016

10 (The hearing starts in open session at 9.33 a.m.)

11 THE COURT USHER: All rise. The international Court is now in session. Please be
12 seated.

13 PRESIDING JUDGE TARFUSSER: Good morning. I would say that the witness is in,
14 so we continue with the witness's testimony. The ruling comes maybe just before the
15 lunch break so that we give to the witness five minutes early and we make the ruling at
16 the lunch break.

17 I would just make two recommendations first to all parties. In order to avoid -- the
18 submission of prior statements or other documents - and I think we have, in any case, a
19 lot of documents which will come in the next month, I would say - I really would really
20 like the parties, when they are referring to something, to prior statements, to the
21 transcripts, they be precise, they quote, and it's beginning of quotation, end of quotation,
22 so that this goes in the record of the case and not just make a quotation from what one
23 thinks to recall, but be precise and go to the relevant statements so this goes into the
24 record of the case.

25 The second recommendation is the following: We have this witness and then we have

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1 witness 190 and 536. These three witnesses have to be finished by next Wednesday
2 because we will not keep a witness here two weeks just for -- so I think I really urge you
3 to be aware of this. We have six full days, and this should be -- should be enough.
4 Now, the floor is to the Prosecutor, and she's the first one who I ask to be very clear,
5 concise and to the point.

6 MS PACK: Thank you, your Honour.

7 QUESTIONED BY MS PACK: (Continuing)

8 Q. Mr Witness, good morning to you. I'm going to ask you some more questions
9 about what you said yesterday. Can you hear me?

10 Mr Witness, can you hear me now with the translation?

11 WITNESS: CIV-OTP-P-0442 (On former oath)

12 (The witness speaks French)

13 A. Yes.

14 Q. Good morning to you.

15 A. Good morning, ma'am.

16 Q. Now I'm going to ask you some more questions today about what happened to
17 you on 25 February 2011.

18 A. 25 February.

19 Q. Thank you for correcting me. Thank you. And I'm going to ask you about what
20 you saw and what you heard on that day. And I will try to ask you questions that are
21 clear, but if you don't I understand at any time what I'm asking, please just say, okay?

22 A. Yes.

23 Q. And please take your time. There's no rush, okay?

24 A. Okay.

25 Q. Now, I'm just going to go back to what you were telling us at the end of yesterday

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1 when you were talking about 25 February. And you said to us that Blé Goudé was
2 having a meeting at the Baron in Yopougon. And my question to you is how did you
3 know that?

4 A. I said that the neighbourhood Yaho Sehi, *and the Doukouré neighbourhood face
5 one another, and initially -- you see, this rally, that's what they said. The rally, Blé
6 Goudé.

7 Q. Just so that I understand you, who told you about a rally?

8 A. The Gbagbo supporters. They went out in a group, and they headed to the rally
9 at Le Baron.

10 Q. And when was that, do you remember?

11 A. In the morning, about 8 in the morning.

12 Q. And is that something that you saw?

13 A. Yes. You see, the two neighbourhoods face one another, and it's the motorway
14 that separates us.

15 Q. Okay. Just wait there, please.

16 Your Honours, I didn't give you the reference from yesterday and I should have done.

17 My mistake. I was talking about the realtime transcript reference. In English it was 97
18 and it was line 1 and following; and in the French it was line -- page 100, line 2 and
19 following.

20 Now, just wait a moment, witnesses.

21 Your Honours, I would ask to go in private session just very briefly to deal with one
22 aspect of the witness's testimony from yesterday, very briefly.

23 PRESIDING JUDGE TARFUSSER: Please, courtroom officer.

24 (Private session at 9.41 a.m.)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
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- 5 (Redacted)
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- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Open session at 9.45 a.m.)
- 12 THE COURT OFFICER: We are in open session, your Honour.
- 13 PRESIDING JUDGE TARFUSSER: Thank you. Please go ahead, Prosecutor.
- 14 MS PACK: Thank you, your Honour.
- 15 Q. Now, you told us yesterday and you just told us again in private session that you
- 16 were told that the pro-Gbagbos were coming, and they came and started shooting stones.
- 17 And then you said this, and I'm going to quote in French. You'll have to excuse my
- 18 accent, it's not very good. So it's page 100 of yesterday's transcript in French, lines 6 to
- 19 8; and in the English it's page 97, lines 12 to 15.
- 20 So I quote: (Interpretation) "They were throwing stones at us. We, too, we called
- 21 our guys in, they came, and they were able to drive them back, back to the 16th."
- 22 (Speaks English) So back to English, let me just ask you about that. When you talk
- 23 about your guys, who are you talking about?
- 24 A. The young people, the youth from the neighbourhood. You see, they were
- 25 coming to burn down our neighbourhood.

- 1 Q. And when you say you were able to drive them back, how did you do that?
- 2 A. We, too, threw stones at them. We came out in massive numbers, yes.
- 3 Q. And where did you drive them back to?
- 4 A. Back to the 16th arrondissement.
- 5 Q. Is that the police station you were talking about yesterday?
- 6 A. Yes. Yes. It's the police station that's referred to as the 16th arrondissement.
- 7 Q. And did you, yourself, go to the police station then?
- 8 A. No. No. What was I to do there? They were there with the policemen.
- 9 Q. So when this was going on and you were pushing them back, you and the guys
- 10 from the neighbourhood, the youth, whereabouts were you, can you say?
- 11 A. We were on the road, the main road, the public road, the paved road.
- 12 Q. And after you pushed the pro-Gbagbos back, what did you, you personally, what
- 13 did you do?
- 14 A. They were at the limits of our neighbourhood.
- 15 Q. And then what did you do?
- 16 A. We didn't do anything. We stopped so that they couldn't get into the
- 17 neighbourhood, but they were there, and they were throwing stones.
- 18 Q. And where did you stop?
- 19 A. At the border, the boundary of our neighbourhood because coming from the 16th,
- 20 well, you have Guantanamo and then you move a bit further and then that's the
- 21 boundary of our neighbourhood.
- 22 Q. So you've mentioned the mosque earlier. Is the boundary somewhere between
- 23 the mosque and the maquis? Can you say where it is between the two?
- 24 A. The mosque is behind. The mosque is behind. We're here, Guantanamo is there,
- 25 and you stop in front of the neighbourhood.

1 Q. So you're pointing that Guantanamo was ahead of you and --

2 A. Yes. Guantanamo is in front.

3 Q. Looking towards the police station, the 16th arrondissement; is that right?

4 A. No. Guantanamo is here and the 16th is in front. Here's Guantanamo to my left,
5 and the 16th is a bit in front, here.

6 Q. And that's on the right side; is that right? Is that where you're pointing?

7 A. Yes. The 16th.

8 Q. And the mosque, then, is behind you at this time?

9 A. Yes. Yes. The mosque is still to the right but behind.

10 Q. Now, let me ask you then. You stopped and they were there and they were
11 throwing stones. Can you describe what you then did?

12 A. We didn't do anything. We wanted the policemen drive them away and then
13 everyone could go home.

14 Q. I'm going to ask you about what you said yesterday at page 97 in the English, lines
15 20 to 25, and I'll find the French in a moment; it's page 100, lines 14 and following. You
16 said that they, the pro-Gbagbos, came back after going to the 16th arrondissement, and
17 you saw the policemen in front and the demonstrators behind.

18 A. Yes.

19 Q. By the demonstrators, who did you mean?

20 A. I said that for Gbagbo. That's what I said. Pro-Gbagbo.

21 Q. You said -- can you tell us what the policemen looked like, what they were
22 wearing?

23 A. Camo, kaki-coloured clothes, trousers. They were wearing camouflage clothing,
24 kaki coloured. That's what I mean by camo, by camouflage trousers.

25 Q. Were they wearing anything on their heads?

1 A. Those policemen? Yeah. Yes, they were wearing something on their heads.
2 But, you see, people were throwing stones. They came, and we thought that they
3 would drive them away and drive us away, but they came with them, and they had
4 something on their heads.

5 Q. What were they wearing on their head?

6 A. They had kind of a helmet.

7 Q. What did it look like, the helmet? You were describing it with your hands, but if
8 you could say?

9 A. The big thing there in front.

10 Q. Now, you told us yesterday that the policemen asked you to retreat.

11 A. Yes. Go back. Go back.

12 Q. This is at the same reference as I mentioned before, page 97, lines 23 to 24 in the
13 English.

14 Now, did you speak to a policeman then?

15 A. No. There were a lot of them and you see, people were throwing stones at us.

16 People were throwing stones at us. More than five minutes they were throwing stones
17 at us. But if you throw stones, they're going to say: "Oh, you're throwing stones at the
18 policemen," so we couldn't.

19 Q. Can you say how many policemen there were approximately, about how many?

20 A. I don't know how many, but there were a lot of them, but I couldn't give you a
21 number.

22 Q. Now, you've told us that the pro-Gbagbo -- they throw stones -- they threw stones.
23 And yesterday you said that the policemen shot tear gas and live bullets and grenades.
24 And this was at page 98 in the English, lines 1 to 10 of the transcript. Now, where were
25 you when the policemen started shooting bullets?

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1 A. On the paved road. I was on the paved road.

2 Q. Did you see what their weapons looked like?

3 A. No. I wasn't paying attention to that. They were --

4 THE INTERPRETER: Inaudible.

5 THE WITNESS: (Interpretation) But I saw one person fall down, another person fall
6 down.

7 MS PACK:

8 Q. Now, you also said that you saw -- that the policemen shot grenades. Can you
9 tell us, please, what you saw and what you heard?

10 A. How am I supposed to describe? There were men with them. They were
11 shooting.

12 Q. So what happened to you? Tell us what you saw and what you experienced.

13 A. We couldn't see anything. They were coming to kill us, that's what we saw. We
14 couldn't see anything really. We had to defend ourselves.

15 Q. You told us yesterday that you were injured. Can you explain --

16 A. Yes.

17 Q. -- explain in your own words, and take your time, what happened?

18 A. The police officers were shooting and people were throwing stones still and then
19 the police officers shot into the crowd, then I saw people starting to fall down. I tried to
20 get out. No. Three times. I couldn't. I looked at my foot, it was broken. I couldn't
21 get up. I was down on the ground.

22 In the meantime, the others were fleeing. Others -- there were injured people, some
23 people were on the paved road, and I said -- and I became very heavy. I couldn't move.

24 Q. And do you know what hit you?

25 * A. Well, apparently it was a grenade. I, I was at the ...Someone who was there came

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1 and found me there. It was as if something threw me aside.

2 (Interpretation).

3 MS PACK:

4 Q. You said apparently it was a grenade. Is that something you saw?

5 A. Well, as you see, people were falling down. All of that -- other people were
6 saying that it was a grenade that had been thrown. I didn't see, but, you see, I fell down.
7 And when I fell down, I couldn't get back up. I tried three times to get back up, and
8 then I realized my leg was broken.

9 Q. And what part of your body was hit?

10 A. My foot and also here.

11 Q. You're pointing to your neck?

12 A. Yes. There was -- there was a trace of something here. There were -- there were
13 traces all over my body and even on my hand there were -- there were marks, you know.
14 I took a photograph. I took a photograph.

15 PRESIDING JUDGE TARFUSSER: Just for the record, can we say that the witness is
16 showing his right part of his chin or neck? No? What can we say?

17 MS PACK: Yes, I think that was where he was pointing to. You were pointing to the
18 right part of your neck, were you?

19 PRESIDING JUDGE TARFUSSER: Yes, yeah.

20 MS PACK: Yes.

21 PRESIDING JUDGE TARFUSSER: Okay.

22 THE WITNESS: Yes. It was hurting me here. Here. Here. You see?

23 PRESIDING JUDGE TARFUSSER: So under -- yeah, under the chin or on the right side
24 of --

25 MS PACK: Yes.

1 PRESIDING JUDGE TARFUSSER: Okay.

2 MS PACK:

3 Q. We'll look at a photo later, and maybe that will help. Now, where were you at the
4 point when you were hit? Where were you?

5 A. I was on the paved road.

6 Q. What -- at the point when you were hit, what were you doing on the road?

7 A. People were throwing stones at each other. You know, they were throwing stones
8 so we couldn't just stay there.

9 Q. Did you see who it was who fired the grenade, you, yourself?

10 A. I noticed that there was a policeman and I thought to myself, well, he's part of it.
11 There were many of them, but I did pick one out, and I saw one of them in the midst and
12 I recognized him.

13 Q. Tell us about the one you saw who you recognized. What did you see him -- why
14 did you recognize him?

15 A. I could see him. He was somebody in the 16th. I knew that he was a policeman
16 and, once again, on that day I saw him. He was present in the demonstration.

17 Q. Did you see this policeman do anything?

18 A. Yes. He was armed and he was firing.

19 Q. Could you see what he was armed with?

20 A. No. I do not know. You know, it was a lengthy weapon, there we are. I do not
21 know anything about these things. But, you know, on such a day, one can't note all the
22 details because it's soul searching that's going on. You have to run hither, thither. I
23 didn't know that I was going to come here. If you knew that you were going to come,
24 then of course you could note down all the details. I couldn't have noted everything,
25 really.

1 Q. Let me just ask you a bit more about this policeman who you recognized. You
2 say you recognized him from the 16th. Can you tell us what he looked like?

3 A. Well, what I do know is that he's tall, tall.

4 Q. Do you know anything else about him?

5 A. Well, when I left -- when I went to the village and I asked about him, you know, I
6 said that there was a tall policeman, I tried to ask around and people said, yes, that he
7 was there, that he was ill after the crisis, that his name was *Seri. Well, and that he is
8 deceased. That's what I was told.

9 Q. Now, you tell us that you had recognized him from the 16th. When had you seen
10 him at the 16th, do you remember?

11 A. Well, I saw him. He was somebody in the 16th who was in camouflage and he's a
12 policeman. He would -- I would see him coming in and out, you know, on the same
13 way because we all take the same road. And I knew that he was a policeman, and he
14 was always dressed in camouflage.

15 Q. At the point when you were injured, were there other people injured too?

16 A. There were many people who were wounded. Some people died. They were
17 shooting at people.

18 Q. Can you remember the names of anyone who was injured at the same time that
19 you were?

20 A. As to whether I know names, well, there's one person, a younger brother who's still
21 there. He -- his arm was cut here, and his hand was dangling. There was a bullet that
22 pierced his arm here, and now his hand remains in such a position. That's one of my
23 brothers.

24 Q. Do you remember the name -- the names of anyone else who was hurt or hit at the
25 same time that you were?

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1 A. I do remember a friend. He fell. They came to pick him up, and he died in the
2 hospital.

3 Q. Do you -- can you tell us his name, your friend?

4 A. Yes. (Redacted)

5 THE INTERPRETER: Interpreter is not sure of the name.

6 MS PACK:

7 Q. And did you see how he was hit, what happened to him?

8 A. Madam, as I said, I don't know. You know, everyone -- everyone was looking for
9 each other, and there was gun fire everywhere. So this is something -- this is not
10 something that you can know because things were really difficult. I didn't even know
11 that I had come this far.

12 And if I knew that I was coming to testify here, I would have maybe noticed all these
13 things because there was gun fire in all directions. You can't look for such little details.
14 Maybe amongst you, the whites, you know, you can do such things; but where we are,
15 it's not easy.

16 Q. I understand it's difficult for you to remember, and I must make my questions
17 easier for you to understand. It's my responsibility.

18 Now, just so we can just help the interpreters who have to write down -- translate
19 everything you're saying and also the people who are writing down everything you are
20 saying, if we can just say the name very slowly of the person, your friend who was
21 injured?

22 PRESIDING JUDGE TARFUSSER: But excuse me. Why don't you quote it? You
23 have it there in the statement. Just say it because on an onomatopoeia point of view we
24 have understood, so it's just now to spell it out.

25 MS PACK: (Redacted)

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1 THE WITNESS: (Redacted).

2 MS PACK:

3 Q. Thank you. Is there anyone else you remember by name who you saw being
4 hurt?

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Anyone else you know who died that day as a result of the --

9 A. Yes. Yes. Lots of people died. Ahmed died on that day.

10 Q. What happened to Ahmed?

11 A. Well, we were shot at whilst we were on the paved road, and there were lots of
12 people lying on the ground, many men.

13 Q. Did you see or hear about what happened to Ahmed later?

14 A. Well, as I said, that's what happened. I don't know. They were firing at us
15 willy-nilly.

16 Q. Now, after you were injured, what happened to you then?

17 A. Well, they took me away. They sent me to the neighbourhood over there.

18 Q. Who took you away?

19 A. The young people, those -- those who had been wounded. Some other dead
20 people they took away as well, and there were others who remained there that they were
21 not able to take away.

22 Q. And after that, what happened to you?

23 A. Well, in what way? As I said, they sent me home to the neighbourhood. As my
24 house is not far from the road, as things were really, you know, tough, they said: Send
25 him away. Send him away to somebody else's house. So I went to somebody else's

1 house.

2 Q. Whereabouts was this other house that you went to, which neighbourhood?

3 A. In the same neighbourhood, but it's a little further afield. You know, we are on
4 the perimeter, but you need to go a little further afield in order to give people help.

5 Q. Can you say the name of the district that you went to?

6 A. It's in the same neighbourhood in Doukouré.

7 Q. Did you leave Doukouré after that?

8 A. Yes, I did leave Doukouré afterwards in order to go to Port-Bouët II. But I went to
9 the hospital there on the following day in the morning because we couldn't leave on the
10 25th, as all the roads were blocked.

11 Q. Do you remember the name of the hospital you went to on the following day?

12 A. It was the CHU in Yopougon.

13 Q. We'll come back to that in a moment. Let me just ask you to think back to the
14 road again where you were injured. You've told us about police, you've told us about
15 pro-Gbagbo. Did you see anything else on the road when you were there during all
16 this time?

17 A. Yes, I did see something else. The BAE arrived. They arrived. The BAE came
18 and parked up on the other side there with a tank.

19 Q. Now, you say BAE. How do you know the tank was BAE?

20 A. The BAE, we knew it by virtue of the sticker or label, you know. The camouflage
21 bears or the uniform bears the insignia.

22 Q. What about the tank that you saw that parked up, how did you know that was
23 BAE?

24 A. Well, as I said to you, the initials were on it, you see, and the uniform also bears
25 these initials BAE.

1 Q. What did the tank look like? Apart from these initials, what did it look like?

2 What colour? Let's start with that.

3 A. I am not aware of the colour. But, you know, it's an armoured tank. That's what
4 I saw. I'm not aware of the colour. The colour? Well, it's -- you're not going to notice
5 the colour because you're -- you know, you're soul searching yourself.

6 Q. Did you see a weapon on the tank?

7 A. Yes. There was a lengthy thing on top of it, but that's what we call a tank, you
8 know.

9 Q. Now, you say that the tank, that it parked up on the other side there. Can you
10 be -- can you tell us whereabouts on the road the tank was? What was it near, what
11 buildings?

12 A. It was near the mosque. In fact, opposite the mosque.

13 Q. Do you remember when during all of these events, when you first saw the tank?

14 A. Well, it wasn't the first time that I had seen it, that I had seen a tank. I had seen
15 the tank quite some time before. They had come with it. They parked up with it.

16 Q. When did you first see the tank then?

17 A. A long time ago. It wasn't just during these events that I had seen the tank, I'd
18 seen it before. You know, you see tanks on television.

19 Q. And then on this day, do you remember when you saw the tank first in the events
20 of the day? Was it before you were injured, after you were injured or can't you say?

21 A. No. I wasn't injured initially. As I said, people were throwing stones. They
22 came to park up, and then they started -- well, they had a weapon to fire with, and a
23 flame came out of this weapon and landed on the roof of the mosque.

24 Q. How do you know that happened? Is that something you saw?

25 A. We saw the flame come out, and it was going to fall on the mosque. And then

1 people started fleeing because they knew that they wanted to burn the mosque down.

2 But I didn't flee. I wanted to defend my corner.

3 Q. Do you remember if this was before or after the police were shooting?

4 A. This was at the same time. They came at the same time.

5 Q. You say "they." Were you talking about one tank, or were there more than one
6 tank?

7 A. There was one tank. One tank.

8 Q. Now, I said I'd come back to this, and I'm going to ask you now about your
9 journey when you went to Port-Bouët II.

10 A. Well, that was later when I went to the hospital.

11 Q. Well, that day, on the day you were injured and you went to Port-Bouët II, can you
12 tell us how you traveled? What sort of vehicle were you in?

13 A. It was a taxi. A taxi.

14 Q. And on the journey, did anything happen that you remember?

15 A. Something did happen. There were civilian roadblocks, and if you didn't have
16 any money on you, you weren't going to get through. They would take you out of the
17 car and do what they wanted to do with you. If they wanted to kill you, they would go
18 ahead. They would do precisely what they wanted to do with you. There were
19 civilian roadblocks everywhere and if you come across such -- well, if civilians start
20 setting up roadblocks, well, then you're done for really, and if your president doesn't
21 have a say.

22 Q. Just ask you a few questions about that. You say you saw civilian roadblocks.
23 Are you able to say who --

24 A. Yes, civilian.

25 Q. -- who the civilians were?

1 A. Well, these were people in uniforms, but he's nothing. Well, if they set up a
2 roadblock, these are what we call civilians. He's not from the army himself, but he set
3 up a roadblock.

4 THE INTERPRETER: The witness uses the word, the term "corps habillé."

5 MS PACK:

6 Q. Apart from uniforms, were they carrying weapons?

7 A. They were carrying weapons.

8 Q. What weapons?

9 A. I am not well versed in weapons. There were children who had weapons. I
10 don't know who had given them to them. I don't know where they got them from.
11 You know, there were civilian roadblocks everywhere.

12 Q. Were the weapons guns or knives? Can you say what sort of weapon like that?

13 A. No. Well, some had knives, other had weapons, you know. They had all sorts of
14 things. Everything, everything that could be used to kill a human being.

15 Q. Were you, yourself, stopped at any of these roadblocks?

16 A. Do you mean when I was on foot or when I was in a vehicle?

17 Q. Just now on the journey when you were in the taxi and you were going from --

18 A. Yes. They stopped me on numerous occasions and the taxi, you know, managed
19 to avoid quite a few of these roadblocks, but there are some that you can't avoid. You
20 go there and you pay.

21 Q. Did you have to pay at any of these roadblocks?

22 A. Yes. You have to pay. If you want to survive, you have to pay. You know, you
23 say "Here you go." And if you want to hold a discussion, well, that's your business.

24 Q. Did you talk to them at all at the roadblock?

25 A. At the roadblock? Roadblock?

1 Q. Did you talk to the people when you gave them money?

2 A. Well, everybody in the Côte d'Ivoire knows about this, you know. We're all part
3 of it. We're all involved. We can tell you that there was a civilian roadblock, I can tell
4 you that, but everyone who lives there knows that there was fighting, there was a lot
5 going on and there were roadblocks.

6 Q. Why were the roadblocks there?

7 A. Well, it was the people in charge who -- the supporters, the activists. They would
8 call us the assailants. They called us the assailants.

9 Q. When you're talking about the supporters, whose supporters are you talking
10 about?

11 A. The supporters of Laurent Gbagbo. When I talk about supporters, there are two
12 sides.

13 Q. I want to just ask you if you can tell me if you remember where any of these
14 roadblocks were. So if you just think about that journey, if you can think of the
15 different roadblocks and if you can remember any of the locations. Let's start with the
16 first roadblock, if you can remember that.

17 A. No. Well, I am not in a position to know all these details, but there were
18 roadblocks everywhere. They were everywhere. Civilian roadblocks were
19 everywhere. You can't even get through. They were everywhere, you know. You go
20 this way, it's blocked. You go the other way, it's blocked.

21 Q. Let me ask you, you told us earlier, you said that at these roadblocks if you didn't
22 have money, you weren't going to get through and they'd take you out the car --

23 A. No, you can't get through. You can't get through.

24 Q. Do you know who they were taking out of their cars at the roadblocks?

25 A. Who was trying to get what out of where?

1 Q. The supporters. The supporters. The Gbagbo supporters at the roadblocks, who
2 were they --

3 A. Yes, yes.

4 Q. Who were they stopping at the roadblocks?

5 A. Well, it was those supporters. They wanted to look at your identity card and if
6 you were Dioula, well, that's a question of life or death. It's, you know, it's between the
7 two.

8 Q. And you'll just have to help us because we don't know as much about Côte d'Ivoire
9 as you. So can you tell us what do you mean by Dioula?

10 A. What?

11 Q. Who is Dioula?

12 A. It's our ethnic group.

13 Q. Yesterday, and just -- I'm just reminding you, you mentioned another word,
14 *"Mossi." Can you say what that means?

15 A. And so I said "nordiste," "nordistes." That's what I said.

16 Q. You also used the word "Moussi," and it's my pronunciation probably, so you can't
17 hear.

18 A. Yes, yes, yes. The --

19 THE INTERPRETER: Inaudible.

20 THE WITNESS: (Interpreted) They've already said that Ouattara *was Mossi, well, that
21 we could all be put in the same bag. The * Mossis wanted to take power. There we are.

22 Q. What is *Mossi? What does that mean, Mossi?

23 *A. It is another ethnic group from Burkina Faso. In Burkina Faso, you have the Tamesa.

24 Do you understand? Burkina Faso, that's where the Mossi are located, where

25 Blaise-Blaise.

1 PRESIDING JUDGE TARFUSSER: Mr Witness, can you please slow down a little bit
2 when you reply, when you speak in order for the interpreters to understand you better
3 and for the transcribers to write better, okay? Thank you.

4 THE WITNESS: Very well. Okay. Thank you.

5 MS PACK:

6 Q. You mentioned earlier -- I was asking you about the roadblocks still, and you said
7 that they were -- I think you said they were stopping -- the Gbagbo supporters were
8 stopping at the French word assailants, "assailant." What do you mean by that word?

9 A. There weren't any assailants, but they were the ones who said that we were the
10 assailants. There we are. They said that we were the assailants, but we weren't.

11 Q. And when you talk about "we," who are you talking about, you and who else?

12 A. We, the Ouattara supporters.

13 Q. You mentioned identity cards.

14 A. Yes.

15 Q. Do you know why -- do you know why they were asking for identity cards?

16 A. They were trying to find out who you were. If you were Dioula, they would do
17 something to you, that's why.

18 Q. Did you see anything happen to any Dioula at any of these roadblocks?

19 A. Well, you had to avoid the roadblocks if you were on foot. If you saw someone
20 going in that direction, you had to avoid them, but people were saying things, you know.
21 They would say, oh, well, they caught someone over there, they beat them up. So I was
22 always trying to avoid the roadblocks. I was trying to make my way by foot carefully,
23 quietly. If I saw a roadblock, I would go off in another direction.

24 Q. Let me ask you please then about the following day. So you told us that you went
25 to hospital the following day.

1 A. Yes. It was the same day, but -- I should have gone the same day, but there were
2 these roadblocks. The first taxi stopped, and they said to him -- that was at 8 in the
3 evening. The people from the UN were taking care of the injured people, treating them.
4 Really. The taxi driver said "My elder brother, please." But, you see, the road was
5 blocked, the whole area. If you were injured, well, you had to say that. And it
6 all -- you see, the taxi drivers told me, so I listened to what he was telling me, his advice.
7 Eventually I was taken.

8 My foot was all swollen, it was broken, it was all swollen up, so -- until the next day.
9 The next day in the morning I called one of my brothers and he's a veterinarian because,
10 you see, the taxi drivers just couldn't get through, so someone had to come and get me.
11 He came at 9. He came at 9 in the morning to get me. And even at the CHU, even
12 there, there was a roadblock.

13 Q. The CHU is -- the CHU is the hospital in Yopougon?

14 A. Yes, the Yopougon hospital, the CHU. Before we got to the CHU, even before
15 there was a roadblock.

16 Q. When you got to the CHU, were you treated for your injury?

17 A. No, no. I was not treated, not until 1 in the -- correction -- 4 in the afternoon.
18 From -- it was not -- from 9 in the morning until 4 in the afternoon.

19 The doctor who was there asked me: Is there someone after you? And I said: What
20 do you mean?

21 And he said: To take care of you, to treat your leg.

22 Q. Go on. If you were in the middle of saying something, please go on.

23 A. You told me to speak slowly and, you know, it hurt so much. I was suffering. I
24 was in pain. We got there. From 9 in the morning until 4 in the afternoon I sat there
25 until finally I called someone and then finally I got a shot. The pain. Someone who's

1 got a broken leg. I had to sleep all night with a broken leg and the next morning and
2 they said: Well, if you don't have money and if you don't -- when I said -- I was told
3 that the RDR said that they would come to the hotel, but the party didn't want to have
4 anything to do with me. They just dropped me. I was in pain. And some other
5 person came. I was -- I wasn't getting treatment. Another person came -- he came, I
6 explained the case, he raised his voice.

7 Q. How long were you in hospital for?

8 A. One week. I spent a week at the hospital.

9 Q. Do you remember receiving any documents from the hospital?

10 A. What documents were they going to give me? The day I went, there they -- they
11 suggest -- they sort of suggested that they would put a plaster on my leg. So
12 these -- there's two kinds. There's an American kind of cast and a French kind of cast.
13 And the French cast was cheaper. I no longer remember the cost, but I remember that
14 the French plaster was cheaper. The American one was too expensive. And with the
15 little money I had, they put -- they put the plaster on me.

16 It wasn't really treatable. It was just the plaster. Even when it hurt, I paid. And the
17 guy who came to see me -- and it really hurt. It was -- I was having lots of pain. And
18 he said give 3,000 for a shot or two. I got some shots and then the pain lessened.
19 Other than that --

20 Q. Did you give a certificate from the hospital to the investigators from the
21 Prosecution?

22 A. Yes.

23 MS PACK: Your Honours, I'd like to show that. It names the witness, so if it's
24 possible to put it, broadcast it on these screens inside the courtroom and not outside the
25 courtroom, we can deal with it that way; otherwise, we would need to go into closed

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1 session just to ensure that the document itself isn't broadcast to the public.

2 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

3 THE COURT OFFICER: (Interpretation) If you don't mind, your Honour, we will
4 show the document within the courtroom and not outside the courtroom. The
5 document will not be broadcast, not shown to the public.

6 Could I remind the parties and participants to turn their screens away from the public
7 gallery. Thank you.

8 PRESIDING JUDGE TARFUSSER: Okay. There is not very much in the public gallery
9 today, so I think we are fine.

10 MS PACK: Thank you. The ERN reference number CIV-OTP-0062-0872. Now, I had
11 asked for the original to be made available in the courtroom because the electronic
12 version isn't actually very clear, so if that is available, I would ask that that be shown to
13 their Honours, the Defence and then the witness.

14 Your Honours, while that's being passed around and before it gets to the witness, I
15 would also just remind your Honours, of course, that he requires reading assistance. I'll
16 lead through, if I may, I'll lead the content, but it may be that he would benefit from the
17 assistance of the usher just in case he wants to try and read some of it himself that he
18 can't read.

19 PRESIDING JUDGE TARFUSSER: Of course.

20 MS PACK: Thank you.

21 Q. And now you can -- you've now got the document in front of you. Do you
22 recognize this certificate, and I'll just --

23 A. Yes. It's the original.

24 Q. Is this the document that you gave to the investigators from the Prosecution?

25 A. Yes.

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1 Q. Now, I'm going to read it, and if you have trouble following, then please ask the
2 Court official to assist you. But I'm just going to read at the top right there's a date, it
3 says "1 March 2011" in handwriting. And then on the left-hand side it has the name in
4 French (Interpretation) Yopougon University Hospital Centre.

5 (Speaks English) And then there's a heading (Interpretation) Hospitalisation Medical
6 Certificate.

7 (Speaks English) And then I'm just going to read about four lines down, there's your
8 name. I'm not going to read that out, but that is your name. And then it says, and I'll
9 read this out in French (Interpretation) Required hospitalisation from
10 (Speaks English) and there is a date, I'll read the date. It's not clear electronically, but I
11 think on the original it says 26 February 2011.

12 Are you able to confirm that, or is it too much for you to read that?

13 A. Yes, I can see that.

14 Q. And then I'll just read the last two lines, they're in handwriting, and again in
15 French let me read it out, it says: (Interpretation) Open fracture of the right leg
16 subsequent to a bullet wound.

17 Your Honours, that's as I understand it submitted. And of course --

18 PRESIDING JUDGE TARFUSSER: Yes, it is.

19 MS PACK: And under seal I would ask or at least confidentially so that it's not read by
20 the public.

21 PRESIDING JUDGE TARFUSSER: Yes.

22 MS PACK: Thank you.

23 Q. Now let me ask you please a little bit more about your injuries. You told us that
24 you were injured in your leg and that you also received other injuries. Did the
25 investigators who came to see you from the Prosecution, did they also take photographs

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1 of you, of where you were injured?

2 Now, I'm going to show you some of these, and they're going to appear on the screen in
3 front of you; and if you have any trouble looking at them, then please say and I'll give
4 you a copy you can hold in your hands.

5 Now, the first one can be -- there's no reason why it shouldn't be publicly shown, and it's
6 CIV-OTP-0062-0880. Now, this photo on the screen, it's a bit difficult to see, but can
7 you recognize this as a photograph of your right leg?

8 A. Yes. Yes, I do recognize this.

9 Q. And you can see a scar on your leg there?

10 A. Yes.

11 Q. Is that scar you received as a result of your injury?

12 A. Yes.

13 Q. Thank you, Mr Witness.

14 And I'd ask again if that's submitted just to look at the next photograph, which again can
15 be shown publicly, and it is of the witness's leg again, and it's CIV-OTP-0062-0881. I
16 think that's come up now on the screen.

17 Can you see that? Is that a photo you recognize as a photo of your right leg that you
18 also gave to the investigators?

19 A. Yes.

20 Q. And then I'm going to ask you to look at another photograph.

21 And this one should not be broadcast, please. This should not be broadcast.

22 It's CIV-OTP-0062-0876. And that is a photograph, is it, that you gave to the
23 investigators, photograph of your neck, the right side?

24 And you showed us earlier that you were injured there. Can you see where you were
25 injured on this? Is it below or above this white ruler? I can't myself see the scar, so I

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1 need you to help me. Is it under the ruler or above or below, can you see?

2 A. Above.

3 Q. Thank you, Mr Witness. And can I move on to another photograph.

4 Again, this one can be shown publicly, the next one.

5 And I'd ask you to look at CIV-OTP-0062-0879. Do you recognize this photo as a

6 photograph that you gave to the investigators from the Prosecution? And can you tell

7 us what that shows?

8 A. What I see here is my back.

9 Q. And there's a scar, it looks like, on the left side of this picture.

10 A. Yes. On both sides, actually.

11 Q. And how did you suffer those scars?

12 A. I don't know.

13 Q. Did you give this photograph to show the injuries you suffered on 25 February?

14 Is that what this is about? Is this injuries you suffered on 25 February?

15 A. 25 February, the wounds I received, the injuries?

16 Q. Yes. Is this an injury you received on 25 February?

17 A. Yes. Yes. Everything that I show, everything I showed, everything I showed is
18 from 25 February.

19 Q. And let me ask you to look at another photograph. It's the same beginning and it
20 ends 0062-0878. And this is a photograph of your right hip. And does it also -- is that
21 also where you were injured on 25 February?

22 A. Yes. Yes.

23 Q. And just two final photographs, 0062-0884, and here again this is a photograph you
24 gave to the investigators, is it, and is it a photograph of your -- is that right?

25 A. That's my arm.

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1 Q. Did you suffer injury to your arm also on 25 February?

2 A. Yes. Yes.

3 Q. And then can you tell us which arm that is, in fact? You pointed to your left
4 hand -- arm.

5 A. Left. Left.

6 Q. And then the final photo is 0062-0877. Can you tell, is that also a photo that you
7 gave to the investigators from the Prosecution?

8 A. Yes.

9 Q. And can you tell what that is showing, which part of your body? Is that your
10 arm?

11 A. I can't see. It's my arm. The other, you see, the other photograph -- he told me to
12 take off my watch. That's my arm.

13 Q. Do you know how it was that you suffered all of these injuries in all of these
14 different places when you were hit on 25 February?

15 A. That's why I said it was a grenade. That's why I said I had been torn everywhere,
16 ripped up. It was a grenade. I was taken to the hospital and the doctor -- no. He
17 said they were tiny, tiny little bits that were inside. And I said "But it hurts." And he
18 said the pain will pass. That's what he said.

19 Even my foot, I thought there was a bullet in the foot, and he said it will pass. You see,
20 it's a -- it was a grenade, so there are these tiny -- I don't know how to say it exactly.

21 Q. Do you suffer any problems now with your injuries?

22 A. Yes. Here, here it hurts. Here it hurts.

23 Q. You're pointing to your neck. Anywhere else?

24 A. Yes. My foot. My foot. It was -- it was it was badly treated. That is why it's
25 hurting, giving pain. One became longer than the other. And all of these things cause

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1 me pain. One is longer than the other, you see, so it hurts.

2 MS PACK: Your Honours, I'm aware of the time, and I know I'm a little beyond my
3 predicted time, it took me longer to go through the photographs than I thought. I will
4 be about ten more minutes with the witness and that's it. There is just one small issue I
5 would like to cover with him. Is now a convenient time to break and perhaps I could
6 resume when we return?

7 PRESIDING JUDGE TARFUSSER: Okay. We break now. You will have ten minutes.
8 After then we go with the Legal Representative of Victims and hopefully the Defence can
9 start before the lunch break. Thank you very much.

10 Please, Mrs Massidda.

11 MS MASSIDDA: Good morning, your Honour.

12 PRESIDING JUDGE TARFUSSER: Good morning.

13 MS MASSIDDA: We have not asked to question this witness.

14 PRESIDING JUDGE TARFUSSER: Even better.

15 MS MASSIDDA: For your information.

16 PRESIDING JUDGE TARFUSSER: Even better. So for sure the Defence will start in
17 the next session.

18 Thank you very much. 11.30.

19 THE COURT USHER: All rise.

20 (Recess taken at 11 a.m.)

21 (Upon resuming in open session at 11.35 a.m.)

22 PRESIDING JUDGE TARFUSSER: Mr Witness, we have some more few questions by
23 the Prosecutor. We have a few more questions by the Office of the Prosecutor. And
24 then this morning we give the floor also to the Defence.

25 It's your floor.

1 MS PACK: Thank you, Mr President.

2 Q. Mr Witness, I've just got a few more questions for you. So when we broke off, I
3 was asking you about your injuries. You told us you were in the hospital, the CHU
4 hospital. After the hospital, where did you go after, after that, when you left the
5 hospital?

6 A. I went back home first.

7 Q. And then after that, where did you go?

8 A. I went back home after the hospital.

9 Q. Did you stay in Abidjan after that?

10 A. No. I went to my village to get some treatment.

11 Q. Now, you mentioned, you told us yesterday, and I'll just remind you, it's at page 92
12 of the English transcript lines, 22 to 24, you said that they -- and you were talking about
13 pro-Gbagbos then -- were setting people on fire. They were burning people. And you
14 said that was also in front of the policemen.

15 Now, I just want to ask you about that. So if you can just think hard and tell me, is that
16 something you yourself saw with your own eyes?

17 A. In front of the policemen, I said that they burnt some people. They burnt the
18 gbakas. And it was said that some people were burnt in that fire.

19 Q. Is this something that you were told or something that you saw with your own
20 eyes?

21 A. Yes. I didn't see that. I didn't actually see that. But I saw, before 25 February,
22 they did put something on someone to burn them.

23 Q. Is that something you saw with your own eyes?

24 THE INTERPRETER: Correction from the interpreters. The witness had said that they
25 put a tire on someone to burn that person.

1 THE WITNESS: (Interpretation) I saw them beat someone up, up until the point that
2 he -- until he died. They said that he was an attacker.
3 In front of my (Redacted), they caught someone and they sent this person to the 16th
4 saying that he was an attacker, an assailant. At the same time two people from the BAE
5 set upon him. They were in a four-by-four. And I learned that they grabbed the
6 young fellow, and they said to him, "What's going on?"
7 And then they said, "He's an attacker, an attacker."
8 Ma'am, they said, "He's an attacker. You have to do something."
9 And they said -- they continued to accuse him of being an attacker.
10 He denied it. He took out his weapon and in the name of God, he raised his weapon
11 like that (indicating) and he -- this was a soldier from the BAE. And the guy he shot
12 once again, and the fellow fell down, and then he discharged the rest.
13 So what does that mean? What does that mean, "attacker"? That's what happened. I
14 saw that with my own eyes in front of the (Redacted). Someone from the BAE, a BAE
15 officer. And I didn't think he was going to fire. And they wanted to take the young
16 fellow to the 16th. And he fell to the ground.
17 Q. I'm going to ask you a few questions about what you've just said, so bear with me.
18 I'll take it slowly. Now, you said you saw someone beaten up with your own eyes.
19 Can you remember when this was before the 25th of February? About when did this
20 happen?
21 A. Before that, before that. That was already -- huh? It was mixed up. Don't
22 know who what. I don't understand. Huh? He proclaimed himself. But, you see,
23 they had the advantage.
24 Q. Let's take this slowly and just try and figure out when, when this happened.
25 We've talked about the elections, when you voted, and then we've talked about 25

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1 February. Was it somewhere between --

2 A. No, no. It was over.

3 Q. Was this event between those two dates or was it on 25 February?

4 A. I'm coming. I'm coming. We had finished voting, first turn, second turn. And
5 then Côte d'Ivoire was in the hands -- well, there were -- there were no leaders.

6 THE INTERPRETER: Correction: There were two leaders.

7 THE WITNESS: (Interpretation) And then, you see, people were being accused of
8 being attackers.

9 MS PACK:

10 Q. And this event that you saw, that you saw, you say there was a soldier from the
11 BAE. How do you know this was a soldier from the BAE?

12 A. They have arm bands. The uniformed people, you see, they have arm bands.
13 There were two of them in the vehicle, in a four-by-four.

14 Q. You say that they were saying that the man who was attacked himself, that he was
15 an assailant, an attacker?

16 A. Yes, an attacker, an assailant.

17 Q. Do you know why was he identified as an assailant?

18 A. Come again?

19 Q. Why, why was he called an assailant? Do you know why?

20 A. Well, that was according to the explanations. His father came -- eh? He
21 was -- he came. He wasn't in Abidjan. He was in another city, and he came.

22 But still it was a smokescreen. He stayed -- he took the taxi. And the taxi man -- it was
23 around terminus 40 -- until he was caught. And then they caught him at night. They
24 hit during the night. Until it was 7 in the morning, then he was sent to the 16th.

25 Q. Now, when we just started again this afternoon, I asked you about what you said

1 yesterday about seeing people set on fire. And you said this is something you heard.

2 And then I asked you about the gbakas being --

3 A. (Overlapping speakers) that --

4 Q. And then I asked you about the gbakas being burned. And let me ask you this
5 question: Is that something you saw with your own eyes or is it something you heard?

6 A. Yes. I saw that with my own eyes.

7 Ma'am, please, why be -- why -- you see, in front of the 16th, they had a base, and it was
8 called the Parliament. They were there. So they were sitting there. And they were
9 *talking only about politics. Gbagbo's this, Gbagbo's that. It was just a little movement,
10 a little movement. But then they were blocking the road. They were beside, beside the
11 16th. That's why they took some cars as well.

12 Q. Just to finish up on this, when you're talking about "they," who are you talking
13 about now?

14 A. When I say "they," I'm talking about the people from -- Gbagbo supporters.

15 Q. Now I'm going to move to a final topic with you, some final questions. During
16 this period after the elections, do you remember watching any broadcasts on the
17 television?

18 A. I saw on the television that Côte d'Ivoire -- I saw the situation regarding Côte
19 d'Ivoire.

20 Q. Did you watch any speeches on television?

21 A. Yes, speeches on the TV. I saw Blé Goudé talking, I saw him.

22 Q. Do you remember any particular speeches that you remember seeing on the
23 television?

24 A. I didn't like his speech. I was afraid. It scared me that day. I don't remember
25 the date. Either Blé Goudé says or everyone would find themselves at the headquarters.

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1 So that scares people, civilians at the headquarters. I don't know what happened there.

2 Q. Let me just -- let me just ask you about this speech, the one you say scared you.

3 You said, you said that something about civilians at the headquarters. Can you
4 remember what was said?

5 A. At the headquarters, everyone was there, all those guys.

6 Q. And with the speech you're talking about, can you remember more about what
7 was said?

8 A. Well, that wasn't my business. I wasn't involved in that. It really wasn't my
9 business.

10 Q. Do you remember what Blé Goudé said?

11 A. That's what I said. I remember that.

12 Q. Do you remember which channel you watched the speech on?

13 A. Yes, ATE -- ATI.

14 THE INTERPRETER: Correction: RTI.

15 MS PACK:

16 Q. And do you remember, you say you don't remember the date, but do you
17 remember roughly when it was?

18 A. No. No, no. All that.

19 Q. Do you remember what he said about civilians going to the headquarters?

20 A. Yes. He said that we would be there at the headquarters. And I know that the
21 soldiers were there. But if civilians, no doubt, that's to take weapons.

22 Q. Do you know which civilians he was talking about? Did you hear him say
23 anything about which civilians?

24 A. His supporters, his supporters, he wanted them to go there.

25 Q. And I know you're having trouble with the date, but perhaps you can tell us

1 whether it was towards the end, or was it after 25 February or before 25 February?

2 A. That was before 25 February, before 25 February. After the first round, second
3 round, during -- one won, the other one didn't win. Everyone knows about that.

4 Q. Now, Witness, those were all the questions that I wanted to ask you. There will
5 be more questions for you. Thank you very much. There will be questions now
6 coming from the Defence.

7 A. Okay.

8 PRESIDING JUDGE TARFUSSER: Thank you.

9 Now the floor is to the Defence of Mr Gbagbo, Maître Altit.

10 MR ALTIT: (Interpretation) Thank you, your Honour. We have agreed with the Blé
11 Goudé Defence to have them start the cross-examination.

12 PRESIDING JUDGE TARFUSSER: That is okay. So Mr Knoops.

13 MR KNOOPS: Mr President, with your indulgence, I would seek leave from the Court
14 to have approximately half an hour to receive instructions, because the witness evidence
15 is definitely different from his statement and certainly the last part. So I beg the Court's
16 indulgence to briefly confer with the defendant and my colleague who is also conducting
17 the examination by the non-calling party, just to briefly digest the last portion of the
18 witness evidence and prepare our questions thoroughly and efficiently for the Court's
19 convenience.

20 PRESIDING JUDGE TARFUSSER: Well, I must say I'm not at all happy with this. But
21 I will talk with my colleagues.

22 (Trial Chamber confers)

23 PRESIDING JUDGE TARFUSSER: 12.15, we resume at 12.15.

24 MR KNOOPS: Thank you very much, Mr President.

25 PRESIDING JUDGE TARFUSSER: But we are still not very happy with this.

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- 1 MR KNOOPS: I understand. But I can assure the Court that our examination will be
2 then more efficient. I hope that we will finish today with the witness.
- 3 PRESIDING JUDGE TARFUSSER: We'll see. 11.15.
- 4 MR KNOOPS: Yes. Thank you.
- 5 THE COURT USHER: All rise.
- 6 (Recess taken at 11.53 a.m.)
- 7 (Upon resuming in open session at 12.16 p.m.)
- 8 PRESIDING JUDGE TARFUSSER: Mr Knoops.
- 9 MR KNOOPS: Thank you very much, Mr President. And thank you for giving us this
10 extra time to prepare our examination. Thank you.
- 11 QUESTIONED BY MR KNOOPS:
- 12 Q. Good afternoon, Mr Witness.
- 13 A. Good morning.
- 14 Q. I'm Mr Knoops. I'm one of the counsel of Mr Blé Goudé. Thank you for joining
15 us in this courtroom.
- 16 Mr Witness, can you recall how many times you have spoken to the Office of the
17 Prosecution before coming to this Court?
- 18 A. I didn't yet speak.
- 19 Q. My question is, before coming to this Court, you remember giving a statement to
20 the Prosecution?
- 21 A. Can you repeat?
- 22 Q. Before you came to this Court, can you remember giving a statement to the Office
23 of the Prosecution?
- 24 A. Yes.
- 25 Q. Can you remember approximately how much time ago you gave that statement?

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1 A. I know I gave them a statement one day.

2 Q. This is the only time you gave a statement to the Prosecution as you can
3 remember?

4 A. Are you talking about the OTP here or in Côte d'Ivoire?

5 Q. I'm speaking about the Office of the Prosecution of this Court, not Côte d'Ivoire.

6 A. No. It is my first time.

7 PRESIDING JUDGE TARFUSSER: Now, Mr Knoops, I think he misunderstood. I did
8 understand it differently. He thinks -- he is asking you if you consider the OTP here in
9 The Hague or when the OTP was questioning him in Côte d'Ivoire, not the Prosecution
10 in Côte d'Ivoire or whatever. The OTP or based here or in Côte d'Ivoire, the
11 investigator, this is what I think he understood, what I would have understood in any
12 case.

13 MR KNOOPS: Yes, Mr President, I think that's a correct assumption.

14 MS PACK: And, your Honours, I would just say that perhaps the formal language isn't
15 really helping the witness. "Office of the Prosecutor," perhaps my friend could just say
16 "Prosecution investigators" or something like that that might be easier for him to
17 understand. Thank you.

18 MR KNOOPS: Thank you for the suggestion. Thank you.

19 Q. Mr Witness, do you remember that you spoke with the investigators of the
20 Prosecution in Côte d'Ivoire?

21 A. Yes, I spoke with them.

22 Q. Can you remember how many times you spoke to them?

23 A. I no longer remember. But what is certain is that I did speak with them.

24 Q. Mr Witness, can you remember what you told the investigators of the Prosecution
25 back in Côte d'Ivoire about Mr Blé Goudé?

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1 A. I never -- I said that I never saw Blé Goudé face to face. But I saw him on
2 television. They asked me whether I knew Blé Goudé, and I said yes. And they asked
3 me whether I had ever seen him. I said no, I never met him face to face, but I saw him
4 on television. That is what I told the OTP.

5 Q. Mr Witness, can you remember whether, when you spoke to the investigators of
6 the Prosecution, you mentioned your evidence which you gave yesterday, namely, that
7 you were aware about a rally whereby Mr Blé Goudé spoke at the Baron Bar?

8 A. Yes, I said that. That is what I said.

9 Q. You're sure about this?

10 A. Are you talking about the rally? Yes.

11 Q. My question is are you absolutely sure that you mentioned this rally when you
12 spoke to the investigators of the Prosecution in Côte d'Ivoire?

13 A. No, no, I didn't speak about that. No, it didn't come to my mind. Well, I
14 remembered it because the day that the rally took place, I heard about it. But I didn't
15 speak about it to the investigators.

16 Q. Now, why is that, Mr Witness? Why didn't you speak about this rally to the
17 investigators of the Prosecution back in Côte d'Ivoire?

18 A. I did not think about it. It didn't come to my mind, no.

19 Q. And yet you're telling this Court that you remember 25 February 2011 --

20 A. Oui.

21 Q. -- because you were injured, isn't it?

22 A. Yes, yes.

23 Q. So you would agree with me that 25 February was for you an important day?

24 A. Yes.

25 Q. And you were not able to tell the Prosecution in your interview in Côte d'Ivoire

1 about the rally at the Baron Bar; is that correct?

2 A. Yes, you're correct. But what I'm certain of is that it did not come to my mind.

3 Q. So let me ask you, Mr Witness, when was it the first time that it came to your mind
4 that --

5 A. That is what I was going to tell you. I know that I did not know that I would
6 come here. I thought I was simply explaining something. If I knew that I was going to
7 come here, I would try to remember everything, because I know there are lawyers here.
8 So people were going to the Baron Bar to have a rally with Blé Goudé, and that I
9 remembered -- I would have remembered if I had been told that I would come here. In
10 fact, if I had been given some time to reflect and think about what had really happened, I
11 would have said the same thing.

12 I have a broken leg.

13 Q. Mr Witness, Mr Witness, I'm going to interrupt you. I'm sorry. Please answer
14 my questions as concise as possible. And I'm sorry if I'm not sometimes clear in my
15 questions, but I'll try to be as clear as possible. Thank you for your cooperation.

16 Now, my next to you is, Mr Witness, when was it that you heard that you were going to
17 testify before this Court?

18 A. It was at the very last moment that they told me, barely one month before. They
19 asked me whether I can speak in public, whether I can go to the ICC, and I said yes, I can.
20 Why wouldn't I say that? What happened to me is what I'm telling you. Even if you
21 stay here till tomorrow morning, I will keep telling you what happened to me.

22 Q. Mr Witness, so are you telling this Court that a month ago you were informed that
23 you would testify here, is that correct?

24 A. I was asked, you're going to testify, can you speak in public about what happened
25 to me? And I said yes. So preparations were made to come.

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1 Q. And, Mr Witness, if I tell you that your statement in Côte d'Ivoire was given in last
2 year -- no, sorry, 2014 --

3 A. I'm not aware of the dates.

4 Q. I understand. But my question --

5 A. I was called and then a few months later I was called once again, but I do not
6 remember the dates.

7 Q. I understand. That's not a problem, Mr Witness.

8 My question is just to you, did it never -- no. My following question will be: At a
9 certain point in time you say that you remembered about the rally --

10 A. Yes.

11 Q. -- at the Baron Bar --

12 A. Yes.

13 Q. -- on 25 February?

14 A. Yes.

15 Q. Can you tell us, Mr Witness, how much time after your statement you gave to the
16 investigators of the Prosecution? You remember this? Was it one day, a few days, a
17 week, a month, a year?

18 A. No. Several days. We were not talking about that. They were simply asking
19 me what happens to me. And that is what I told them. But if they had asked me to tell
20 them everything I remembered about 25 February, that would have been different.

21 Q. You're saying --

22 A. I did not even think I was going to come here.

23 Q. So you're now suggesting that they didn't ask you everything, Mr Witness, the
24 investigators didn't ask you anything -- everything? Is that your evidence today?

25 A. No, no. They asked me everything. If I was asked a question about 25 February,

1 "What happened to you?"

2 I said this date, 25 February, and that's when the people from the BAE attacked us.

3 That's a public.

4 How did it happen? You've got to say everything, you've got to say everything.

5 That's what I said. There were going to be lawyers, so I had to think what happened,
6 how -- I was going to be asked questions, okay.

7 But you're laughing, but I am not happy. Someone who -- who has a bad leg, who it
8 hasn't healed, who can't walk right, and you're asking someone who's handicapped. I
9 can't even walk right.

10 Q. Mr Witness, with all due respect, first of all, I'm not laughing at you. I'm not
11 laughing at you. Please listen to me. I'm not laughing at you. It's a serious case.
12 I'm putting questions to you, and we're just trying to establish what happened,
13 Mr Witness.

14 So my next question to you is, Mr Witness, if you say that some days after your
15 interview with the investigators of the Prosecution you remembered about the rally at
16 the Baron Bar, why didn't you went to the same investigators whom you know to tell
17 them about the rally at the Baron Bar? Why was it that you didn't went to the
18 investigators to tell them about your remembrance after a few days of the Baron Bar?

19 A. Okay. I didn't have their number. All their numbers, they just showed as
20 private on my phone. I didn't have the numbers. The numbers didn't show. All I
21 saw on the phone was private.

22 They were the ones, when they needed me, they called me. But on my phone it just
23 showed private. So that's why. I didn't see their numbers, not a single day. The
24 numbers were hidden.

25 Q. But, Mr Witness, were you aware about their office in Abidjan of the Prosecution?

1 Do you know where it is?

2 A. No. They didn't have an office. It was in (Redacted). They said we're in a
3 particular (Redacted) this day, and you can -- you can -- and we'll call. So it
4 was the ICC, and that's how they worked.

5 And I said -- well, they were trying to find me. They're trying to find me because they
6 wanted to have a meal. And I said no, they're looking for me. And we talked a lot.

7 And it's not because, it's not because of money, not because of money. They just gave
8 me some money for the transportation, that's all, to get there and to go back, that's all,
9 2,000; otherwise people might think that I was taking money. I wasn't given money.

10 They said -- you see, they were investigators. And I didn't know I was coming here.
11 Someone who was like that would be -- well, you see, the people had been wounded.
12 That's what I thought it was going to be. But since it was --

13 Q. Mr Witness, your goal was to tell the truth about what happened to you on 25
14 February. Do you agree with that?

15 A. Yes.

16 Q. And yet, and yet you didn't tell the Prosecution about this very important day, 25
17 February, as to the rally in the Baron Bar and your suggestion that after this rally people
18 came to you. Do you agree with that? Now please answer my question, do you agree
19 with this?

20 A. You say, you say -- you have to repeat. I don't -- I don't get it.

21 Q. You would agree with me that 25 February was for you a very important day in
22 your life, yes?

23 A. Yes.

24 Q. And you were very much insistent to tell the Prosecution's investigators about
25 what happened on 25 February 2011, you would agree with me?

1 A. Yes.

2 Q. And yet you didn't tell them during your interview about this rally at the Baron
3 Bar and people coming to your corner after this rally. Do you agree with me, yes or no?

4 A. I agree with you. But I say -- I said I didn't tell them that. But I didn't know that
5 I would be coming here. I thought that it was something that was just in Côte d'Ivoire,
6 and they would have this list, and they would take some people. I said because I know
7 that there are lawyers, so I had to remember everything, I had to think, keep -- and they
8 were going to talk about Blé Goudé, about Gbagbo, that's why -- but it's Blé Goudé, he
9 was the one who organised the rally at Le Baron Bar. But you can -- and they'll --

10 Q. Mr Witness --

11 A. -- find another witness, and they can -- they have witnesses, they have lawyers.
12 And you're the lawyers. And that's why I'm telling you.

13 Q. Mr Witness, you're now telling us that Mr Blé Goudé organised this rally. How
14 did you know?

15 A. He was -- I said that -- you see, there were the two sides. And there was the road
16 separating us. There was a crowd that came out to go, and if they -- they were going to
17 the rally. And Blé Goudé, he was -- rally at Le Baron. And what are you going to say?
18 After that they came back.

19 Q. My question is still out there, Mr Witness. How did you know that it was
20 Mr Blé Goudé who organised this rally you mentioned only yesterday? Why? How
21 did you know?

22 A. Blé Goudé needed them. He's their leader. He was the one who was calling
23 them for the demonstration. He's the one. He's the one who called on the young
24 people.

25 Q. Well, Mr Witness, Mr Witness, sorry to interrupt you.

1 What makes you say that he was the one calling for the youth? What makes you say
2 this? In other words, how do you know?

3 A. But why, why do they call him "The General"? Why do they call him "The
4 General"? He's a soldier? Is he a soldier? Mister, you're doing your work. I'm too
5 angry at Blé Goudé. He has to foot --

6 Q. Mr Witness, Mr Witness --

7 PRESIDING JUDGE TARFUSSER: Mr Witness, excuse me.

8 Excuse me, counsel.

9 Mr Witness, Mr Witness, look at me. Mr Witness, look at me. Okay.

10 THE WITNESS: (Interpretation) Yes, yes.

11 PRESIDING JUDGE TARFUSSER: Here, here you are a witness. You don't have to be
12 angry at anybody. You have just to tell the truth and to answer questions and not be
13 angry. There is no need to be angry. You should not be angry, okay?

14 THE WITNESS: (Interpretation) Yes, your Honour.

15 MR KNOOPS:

16 Q. Mr Witness, how many times did you see Mr Blé Goudé on the television?

17 A. Several times.

18 Q. Well, can you give us an indication what is for you many times -- several times?

19 MR KNOOPS: Excuse me, Mr President.

20 THE WITNESS: (Interpretation) Several times. That means a lot.

21 MR KNOOPS:

22 Q. But you just testified that you never saw him in person, is that correct?

23 A. Never.

24 Q. And you just say that he was called "The General." How do you know this?

25 A. He's called "The General." He's the one called "The General." I don't know why.

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1 I'm surprised, but he's called "The General."

2 But I know that he's the one -- he's, he's the one. "The general has arrived. The general
3 has said." He's called "The General."

4 Q. Is it correct, Mr Witness, that you heard this through the television?

5 A. Yes, several times.

6 Q. And you only say this because you heard or saw this on the television, is that
7 correct?

8 A. Yes.

9 Q. Mr Witness, now, you just were telling this Court that you didn't tell the
10 investigators of the Prosecution in Côte d'Ivoire about the Baron Bar speech on 25
11 February 2011 because at that time you were not aware to become a potential witness
12 before this Court; is that correct? Is that a fair summary of your evidence today, is it?

13 A. Yes, yes, yes.

14 Q. Mr Witness, can you remember that you signed your declaration when you spoke
15 to the investigators of the Prosecution?

16 A. Yes.

17 Q. And you can remember, do you, that you were able to read this statement before
18 you signed it; is that correct?

19 A. Um.

20 Q. What is "um"? Is it yes or no?

21 A. Yes, yes, yes.

22 Q. Thank you very much.

23 MR KNOOPS: Now I take your Honours to the statement of the witness. That's
24 CIV-OTP-0062-0862, paragraph 8.

25 Q. Mr Witness, I will read a portion of your declaration back in 2014, which you as

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1 you just testified read and signed. And this paragraph, which you approved,
2 Mr Witness, reads as follows: (Interpretation) "It has been explained to me that a copy
3 of my statement will be disclosed to the accused person and his counsel and that
4 whether or not I am called to give testimony before the Court, I was informed that the
5 Court could order measures to protect my identity under such circumstances."

6 So, Mr Witness, I put to you that back in 2014 you were made aware that you had
7 potentially to appear before this Court? It was told to you, wasn't it?

8 A. Yes.

9 Q. So at the time of this testimony -- of this statement, I'm sorry, at the time of this
10 statement, Mr Witness, you knew that you could be called as a witness before this Court;
11 yes or no?

12 A. Yes.

13 Q. So what you're telling this Court today, I'm putting it to you, is not correct, you're
14 now telling this Court?

15 A. When I said that -- they said to me -- hey, hey, wait. I need to talk.

16 Q. Mr Witness --

17 A. Something that, that --

18 MR KNOOPS: The witness is not going to give me orders in this court, what I should
19 do.

20 PRESIDING JUDGE TARFUSSER: No, the witness is not giving orders in the court, of
21 course.

22 THE WITNESS: (Interpretation) No, no, it's not orders. I'm telling you something
23 that, that days for two, three years, how do you think that you're going to end up here?
24 I wasn't thinking of that.

25 MR KNOOPS:

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1 Q. Mr Witness, if you --

2 A. Three years. They call you one day. It might be six months. I didn't even
3 want -- I was tired.

4 Q. Mr Witness, Mr Witness, I didn't even put my question to you. Could you please,
5 we have respect --

6 A. No. You said that I lied. That's what you said to me. You said that I lied.
7 And I'm not happy. I did not lie.

8 Q. I put to you, Mr Witness --

9 A. What happened --

10 PRESIDING JUDGE TARFUSSER: Mr Witness, please, just be calm. If you have to,
11 you can say everything you want to say. Let --

12 THE WITNESS: He's saying that I, he -- he's --

13 PRESIDING JUDGE TARFUSSER: Please, Mr Witness, Mr Witness --

14 THE WITNESS: Yes, I'm listening, your Honour.

15 PRESIDING JUDGE TARFUSSER: You can say whatever you want, but let first the
16 person questioning you, the counsel questioning you finish the question and then you
17 can say what you want, okay?

18 THE WITNESS: (Interpretation) Yes, your Honour.

19 MR KNOOPS: Thank you, Mr President.

20 Q. Let me stress, Mr President and Mr Witness, that I'm not implying here that you
21 are lying, Mr Witness, because a lie is something different than saying that what you just
22 said to this Court is different from what your statement indicates.

23 So my question to you is, Mr Witness --

24 A. If you had said that right at the beginning, there wouldn't have been a problem, if
25 you had told me that. That's why I'm not happy, you see.

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1 Q. Well, I think there are more people in this courtroom who are not happy, but that's
2 not the point, Mr Witness.

3 My question to you is simply the following -- please listen to the question and answer
4 my question, please. Thank you.

5 My question is the following: You just told this Court, and you are under oath, that you
6 didn't tell --

7 A. Yes, yes, I'm under oath.

8 Q. That you didn't tell the investigators of the Prosecution in 2014 about the Baron Bar
9 speech, because at that time you were not aware that it could be important, because you
10 did not know whether or not to become a witness before this Court. Yes, we are in
11 agreement with that? Now --

12 A. I agree.

13 Q. Thank you. Now, in your statement which you gave to the same investigators in
14 2014, you say in paragraph 8, and I just read out the portion of this paragraph, is being
15 said that you were informed in 2014 already that you could become a witness before this
16 Court, and you signed that statement after reading it.

17 So my question to you is, your statement you gave today under oath is the statement you
18 are still supporting?

19 A. Yes, yes. Huh? What?

20 MS PACK: Your Honour, I must say I found that question quite difficult to understand.
21 And just perhaps if it could be broken down a bit?

22 MR KNOOPS: Okay.

23 PRESIDING JUDGE TARFUSSER: I find the whole argument a little bit not really
24 focused on anything. But if the question is broken down a bit, it would be better.

25 MR KNOOPS: Thank you. I'll do my best, Mr President.

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1 Q. Mr Witness, you just gave a version of your explanation, you just explained to the
2 Court why you didn't mention the Baron Bar speech in 2014 in your statement.

3 A. Mm-mm.

4 Q. You say: I had no idea that this could be of importance because I had no
5 knowledge at that time to become a witness. I think that's the first step we have to take.
6 Yes?

7 A. Yes.

8 Q. Now, the second step is simply this one, in the statement you gave in 2014, it does
9 mention that you could become a witness, because we just read out this paragraph. Do
10 you remember this? Now, which version of the two is according to you now the truth,
11 the first one or the second one?

12 A. The second one. I didn't think I would be coming here. It was something like
13 that. You don't necessarily -- so that's why I cut cut. But, Mister, can I say something?
14 Can I say something?

15 Q. Mr Witness, that's up to the President. I'm just here to ask you questions and I
16 would like --

17 PRESIDING JUDGE TARFUSSER: Yes, please say something. Say something.

18 THE WITNESS: (Interpretation) Yes, like that, since I forgot to say about the Baron.
19 And what's more in my statement too, a human being who was burnt, I didn't say that,
20 that wasn't said. But the people who were burnt -- I sent my taxi to the garage. They
21 went to burn. My house, everything was looted, everything. So you shouldn't say
22 that I didn't say that. This is why I'm repeating myself.

23 MR KNOOPS:

24 Q. Thank you, Mr Witness.

25 Mr President, could I ask the witness to take off his earphones? I have just a remark to

1 make for the Court.

2 PRESIDING JUDGE TARFUSSER: Mr Witness, can you take off the earphones just for
3 a few minutes. Thank you.

4 (Witness complying)

5 MR KNOOPS: Mr President, with all due respect, I know that this Court has control of
6 the proceedings, but I think it's not correct that in front of the witness the Bench makes
7 remarks about the relevance of the questions of the Defence that could influence the
8 witness; and, secondly, the Bench has no idea about the arguments we are going to raise
9 in this case.

10 PRESIDING JUDGE TARFUSSER: Well, I would say that "the Bench has no idea" is
11 also a little bit strong. But please, go ahead.

12 MR KNOOPS: Thank you, Mr President.

13 Q. Mr Witness, I put to you that it was not the only time you spoke with the
14 investigators of the Prosecution in 2014, I put to you that you had another interview,
15 conversation with them several weeks before the interview was conducted of which we
16 speak today. Can you remember that meeting?

17 A. No, I don't remember. They called me several times. That's what I said. And
18 I -- and I was tired even. Every day I need to -- even if he was there. But now, he
19 didn't get angry.
20 But my uncle died, you see. I wasn't in my village. I was -- my uncle had died. I was
21 in the village and -- but, you know, if it was us, well, okay.

22 Q. I'm sorry to hear this, but I understand.

23 My question simply to you is: So it's indeed possible that you spoke several times to
24 the investigators. Now, if I say to you, if I say to you, Mr Witness, that the first contact
25 or interview with the investigators of the Prosecution was several weeks before your

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1 official declaration, is that a fair assessment? Can you remember this or you have no
2 remembrance in time? You can just say it honestly.

3 THE INTERPRETER: Inaudible.

4 THE WITNESS: (Interpretation) It's two, it's maybe two years. I too wasn't -- I can't
5 remember.

6 MR KNOOPS:

7 Q. But can you remember that before you gave your official statement which you
8 signed and we just spoke about is your statement, can you remember that you, before
9 this statement, you spoke to the investigators of the Prosecution, irrespective of the time?

10 A. When we finished talking they said "You have to sign here" every day.

11 Q. Yes, indeed. But I mean before you signed your statement, can you remember a
12 meeting with the investigators prior to giving the statement which you signed?

13 A. No.

14 PRESIDING JUDGE TARFUSSER: Excuse me, Mr Knoops. But I do agree with you
15 that we should not. But now it's the third or the fourth time that he says he doesn't
16 remember. What can we say? Do you want to push him until he says "Yes, I know."

17 MR KNOOPS: No, no.

18 PRESIDING JUDGE TARFUSSER: I don't know.

19 MR KNOOPS: No. I was just trying to lay a foundation for a document which I
20 would like to introduce.

21 PRESIDING JUDGE TARFUSSER: Yes, yes. I'm okay. But once you ask, then you
22 introduce the document, of course.

23 MR KNOOPS: Thank you. Yes.

24 PRESIDING JUDGE TARFUSSER: I don't think, by the way, that he understands
25 English.

1 MR KNOOPS: Possible, yes.

2 MS PACK: In addition, your Honours, just to say if my friend has a date in mind or a
3 month in mind, then perhaps he might -- of course, it's not for me to say how he should
4 ask questions, but it may be that would help.

5 PRESIDING JUDGE TARFUSSER: No, that is what I understand under contestation, I
6 mean, you contest something, you ask, then you contest, you confront him with
7 something you know. We don't know.

8 MR KNOOPS: Maybe I can rephrase the question from a different perspective.

9 PRESIDING JUDGE TARFUSSER: No.

10 MR KNOOPS: No?

11 PRESIDING JUDGE TARFUSSER: No, I think the question was quite clear.

12 MR KNOOPS: Okay.

13 PRESIDING JUDGE TARFUSSER: And the answer was quite clear.

14 MR KNOOPS: I understand, but I still need my foundation.

15 Q. Mr Witness, you just told this Court that you spoke with the investigators several
16 times; that's correct?

17 A. Yes.

18 Q. By any estimation, how many times, one, two, three, four, five?

19 A. Many times. But it was two years ago. I was called --

20 Q. Of course, that's fair. I understand. That's not a problem, Mr Witness.

21 Now, my question to you is simply this: Can you remember whether during the other
22 meetings with the Prosecution you spoke about the Baron Bar, the speech at the Baron
23 Bar, which in your view was organised by Mr Blé Goudé?

24 A. No, no. No. That didn't come to my mind. I said that. It didn't come to my
25 mind. What came to my mind, how -- what I was thinking about was how I had been

1 injured, about the people -- about my stuff being burnt.

2 Q. So you would agree with me that at none of the occasions you spoke with the
3 investigators of the Prosecution you spoke about the Baron bar; is it a fair conclusion?

4 A. No. I do agree with you it is possible to forget.

5 Q. Thank you.

6 MR KNOOPS: Mr President, I can move on if the Court wishes. I can also pause here.

7 PRESIDING JUDGE TARFUSSER: No. I think we should break now. We have the
8 lunch-break. But before this, I would just read out the oral ruling on the protective
9 measures so we can break and resume after lunch.

10 This is the Chamber's oral ruling on the two Prosecution applications on exceptional
11 measures during the familiarisation of Witnesses P-0190, and I'm referring to filing 415,
12 and Witness P-0536, referring to filing 422.

13 The Chamber also rules on the additional special measures requested by the VWU for
14 both witnesses as well as on the one in-court protective measure for Witness 536.

15 Before doing so the Chamber emphasises that any deviation from the familiarisation
16 protocol should remain exceptional, meaning that we do not expect such requests on a
17 rolling basis.

18 Moreover, such an application shall in any case be filed in advance, well in advance to
19 the commencement of the familiarisation process, if granted.

20 This said, in general, and as noted by this Chamber, and I'm referring to transcript 12 of
21 2 February 2016, in relation to the request for protective measures and special measures,
22 the assessment carried out by the VWU in relation to the safety, physical and
23 psychological well-being of witnesses and victims are, by definition, professional, case
24 specific and neutral and it is only in very limited and exceptional scenarios, if any, that
25 the Chamber will diverge from the case-specific recommendations made by the VWU

1 and overrule it.

2 In weighing the request, the requested measures with the recommendations of the VWU
3 and the rights of the accused and taking into account the observations by the Defence
4 teams, the Chamber determines that the requested measures are not justified especially
5 in light of the VWU's recommendations which make the implementation of these
6 measures unnecessary to safeguard the well-being of the witnesses for the following
7 reasons:

8 As regards Witness P-190, the Chamber notes that the VWU in its assessment has clearly
9 stated that the witness should not be shown the entire video footage as it would cause
10 re-traumatisation. Requested by the Prosecutor if it could be acceptable to show to the
11 witness, instead of the entire footage, only the first part of 3 minutes and 30 seconds, the
12 VWU declared in its agreement subject to the consent expressed by the witness as this
13 would void the exposure of the witness to the traumatising images. The Chamber
14 considers, in light of this assessment and these recommendations by the VWU, that the
15 video -- that viewing a video in the courtroom during her testimony without the
16 potentially traumatising part no longer falls within the meaning of "exceptional
17 measures" envisaged by the Chamber in its decision on the amendment of the
18 familiarisation protocol. Furthermore, the images which will be shown to the witness,
19 assisted by a VWU psychologist as a special in-court measure, sufficiently address any
20 potential risk of re-traumatisation. Therefore, the Chamber rejects the Prosecutor's
21 application and in light of the special measures recommended by the VWU, the
22 Chamber authorises the presence of a VWU psychologist in the courtroom during the
23 testimony of the witness.

24 As regards Witness P-536, the Chamber notes that the VWU's recommendation is in the
25 sense that VWU would seek the witness's permission for presenting, in the absence of an

1 OTP representative, two images to her after providing a verbal description of the content,
2 the first being an image of higher quality than the one provided by the witness herself to
3 the Prosecution and attached to her witness statement, the second image being a
4 screenshot from a video with potentially traumatising images. Should the witness
5 agree, the VWU psychologist will be present during the screening of the two images and
6 will provide the necessary psychological support and crisis intervention would that be
7 required.

8 The Chamber considers that in any event the showing of one or both images is
9 contingent on the witness's consent. This can be done in the courtroom during the
10 testimony and together with the in-court special measures renders the requested
11 exceptional measure unnecessary. Therefore, the Chamber rejects the Prosecutor's
12 application in light of the consent in any case requested from the witness and authorises
13 the presence of a VWU psychologist in the courtroom during the testimony of the
14 witness to safeguard her well-being where -- courtroom, where she will be asked for the
15 consent to view the images.

16 As regard Witness P-536, the Chamber further notes the outstanding request for in-court
17 protective measures which, according to the VWU assessment, are granted as follows:

18 Use of a pseudonym, face and voice distortion and use of all other means during the
19 testimony to protect the identity of the witness.

20 Both as regards Witness 190 and 536, and for any future vulnerable witness, the parties
21 are strongly encouraged to seriously discuss with a view to find agreements on facts that
22 may prevent showing traumatic videos or photos or other exhibits to vulnerable
23 witnesses.

24 So this was the oral ruling on the two witnesses.

25 Now we do suspend for lunch-time. We resume at quarter to 3. The hearing is

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1 adjourned.

2 THE COURT USHER: All rise.

3 (Recess taken at 1.09 p.m.)

4 (Upon resuming in open session at 2.48 p.m.)

5 THE COURT USHER: All rise.

6 PRESIDING JUDGE TARFUSSER: Good afternoon.

7 THE COURT USHER: Please be seated.

8 PRESIDING JUDGE TARFUSSER: Good afternoon to all, to Mr Witness. Good
9 afternoon, Mr Witness. We go --

10 THE WITNESS: Good afternoon.

11 PRESIDING JUDGE TARFUSSER: Good afternoon. We go now until 4 o'clock. Then
12 the witness has to pray. Then we have a short private session requested by the Office of
13 the Prosecutor, which must finish before 4.30 because we have a Plenary of judges, so
14 this is how the afternoon goes. So one hour and ten minutes for you, Mr Knoops, or
15 less if possible.

16 MR KNOOPS: Thank you, Mr President.

17 Q. Mr Witness, good afternoon.

18 A. Good afternoon.

19 Q. Let me briefly take you back to the moment where you were at your establishment,
20 your firm, and people started throwing stones. You remember you testified about this?
21 Now, you told the Court that you were afraid, and yet you were willing to defend your
22 firm, your establishment. Can you explain to the Court how you were defending your
23 firm, your establishment?

24 A. We were defending our (Redacted) using stones because we were civilians. That is
25 what we were doing. It was them against us, and we could not just let ourselves be

1 beaten like that. That's why we defended ourselves using stones also.

2 Q. Mr Witness, thank you very much. Can you by any estimation indicate with how
3 many people you were defending your (Redacted)?

4 A. No. That is too much. There were too many of them. There were many of
5 them, and there were many of us too. There were civilians. Didn't you see them on
6 television? We couldn't just allow ourselves to be treated like that. Amongst us we
7 had to defend ourselves. We didn't have a chance. I cannot know the number. There
8 were many of them, and there were many of us also.

9 Q. Did you yourself ask people to help you to defend your (Redacted)?

10 A. No. Each person was defending the path where they were, and there were (Redacted)
11 (Redacted) everywhere. They couldn't just sit around, because this is where they got
12 their livelihood from. They were defending themselves with their relatives.

13 Q. Mr Witness, can you remember any other objects apart from (Redacted) where you
14 defended yourself or that object? So you just testified that you were defending your
15 (Redacted). Were there any other objects which you had to defend?

16 A. No, *I was defending my (Redacted). When they burned down the mosque,
17 I did not go there. We did not go there. Some people stayed put and others went to
18 put out the fire in the mosque. Others went to defend the mosque. But those of us
19 who had (Redacted), we did not go there. We needed to defend ourselves
20 there.

21 Q. When in your recollection was the mosque burned down? Was it before the
22 incident with the stones or after?

23 A. Stones were being thrown. Then there was a tank parked and it was firing.
24 Then the mosque caught fire. Part of the mosque was burning. They threw stones at
25 us and we threw stones at them, but they were acting in complicity with the uniformed

1 officers, so that was a problem. That was a problem for us.

2 If it were among civilians, it would not be a problem. But the uniformed persons were
3 defending them. If you call anyone in Côte d'Ivoire, they will tell you the same thing.
4 They will tell you that these people were assisted by the uniformed persons. So the
5 orders came from above, and those uniformed officers had to come.

6 Q. Mr Witness, do you know who went to the mosque to defend the mosque? Who
7 were the persons who went to the mosque?

8 A. Many people in the neighbourhood went there. Many men in the neighbourhood
9 went there.

10 When I'm speaking like this, we had to do what had to be done. Fires were burning
11 everywhere, there were stones being thrown, and there was gunfire and everybody was
12 defending themselves. There were many people from the neighbourhood. It is not
13 possible to know all the people in the neighbourhood.

14 Q. The people who went to the mosque to defend the mosque you say were a lot of
15 people. Were they --

16 A. There were many of them, and they were going to fight. They can't just -- we
17 don't just allow ourselves to be treated that way.

18 Q. I'm not trying to put the question too general, but did you see people of your
19 neighbourhood going to the mosque to defend the mosque?

20 A. Yes, they went. Some people went to defend the mosque, because if they did not
21 go, everything would have been burnt down. Others stayed put while the others went
22 to defend the mosque.

23 Q. Do you have any idea how they were intending to defend the mosque, in which
24 way they were intending to defend the mosque?

25 A. What did you say? I didn't quite catch it.

1 MS PACK: Your Honours, I'm not sure that the question as put in terms of what other
2 people's intentions were is necessarily very clear or something the witness can speak to.

3 PRESIDING JUDGE TARFUSSER: I agree that it's not a fact. I mean, you can't --

4 MR KNOOPS: No.

5 PRESIDING JUDGE TARFUSSER: -- say what the intention of other people is.

6 MR KNOOPS: It's fair. It's fair. Yes.

7 Q. Mr Witness, did you see yourself how the mosque was defended by the people?

8 A. They went there. I don't know how they were defending the mosque there. We
9 were still defending ourselves, because if the mosque had been burnt down completely,
10 there would be no one to rebuild it. So if you went to defend the mosque, there would
11 be nobody left. So the rest of us stayed put.

12 Q. Mr Witness, can you recall at that time whether there was an appeal made to the
13 people in your neighbourhood to defend (Redacted) and/or the mosque by anyone?

14 A. You can't defend the (Redacted) if you leave, because if (Redacted), it is
15 my (Redacted). Everyone was defending this area because it was our neighbourhood.
16 We all live there, and if it was burnt down, it would be all of us who would have lost
17 everything. It was not that this person was defending here or there. We were
18 compelled, we had to do that, and they had to go there because the uniformed
19 officer -- officers were helping them.

20 They broke into (Redacted) and burnt down almost everything. That was not a good
21 thing. And they, themselves, they know how this happened on 25 February.

22 Q. Mr Witness, do you know whether anyone of your neighbourhood asked the
23 people to come to the mosque to defend the mosque?

24 A. Yes. Some people said, "Let's go. They are setting fire to the mosque. Let's go."
25 They went there to defend it.

1 Q. Was there anyone in particular, if there is -- if there was anyone, was there any
2 specific person amongst you who asked to go there?

3 A. No, I'm not aware of that. Some of them said, "Come on, let's go. They are
4 burning down the mosque." You know, there were lots of us. We were all looking for
5 each other on that day.

6 Q. Mr Witness, do you consider yourself as a supporter of Mr Ouattara?

7 A. Yes.

8 Q. And the individuals who were defending the (Redacted) as far as you know them?

9 A. I said there wasn't any specific person who was defending the (Redacted). Everyone
10 was defending their own interests, you know. We were -- (Redacted) were
11 just behind, so everyone was defending. I was defending my (Redacted), and if it was
12 burnt down, you know, it affected me, didn't it? Otherwise we were defending the
13 neighbourhood.

14 Q. So you're not able to tell this Court whether these people were supporters of
15 Mr Gbagbo or Mr Ouattara; is that correct?

16 A. Those who were defending the mosque, those who were defending the mosque, do
17 you want to know what their ideas were?

18 Q. No, because I'm just told by the Court that you cannot answer that question, that's
19 too general.

20 So my question to you is, you are not able to tell -- you are not able to tell the Court
21 whether the people who were implicated in the fights were either supporters of
22 Mr Gbagbo or Mr Ouattara; is that correct?

23 PRESIDING JUDGE TARFUSSER: Excuse me. But if you say "in the fights," the fight
24 is two factions, like one against another.

25 MR KNOOPS: No. It's the word of the witness. The witness used the word "fight."

1 I can also use another word, the incident, the incidents that day.

2 Q. So, Mr Witness, you are not able to tell this Court whether the people who were
3 implicated in this incident were either supporters of Mr Gbagbo or Mr Ouattara; is that
4 correct?

5 A. I said that they were the supporters of both Mr Laurent Gbagbo and Mr Ouattara,
6 and I said that they were the two neighbourhoods, the neighbourhood of the supporters
7 of Gbagbo and the neighbourhood of the supporters of Mr Ouattara. They were facing
8 each other, these two neighbourhoods.

9 Q. But, Mr Witness, with all due respect, how can you tell this Court, unless you say
10 to this Court that you have spoken to all the individuals which were implicated in the
11 incident, how can you tell this Court that these were people supporting
12 pro -- Mr Gbagbo and Mr Ouattara? You cannot tell this Court, can you?

13 A. Yes. Well, they were on the other side and they were throwing stones at us. So
14 they were the ones throwing stones at us.

15 Q. So it was your conclusion by the fact that they were throwing stones that these
16 people were supporters of Mr Gbagbo; is that correct?

17 A. Yes.

18 Q. And it's fair to say that you didn't speak to those individuals to ask them whether
19 they were supporters of Mr Gbagbo; is that correct?

20 A. Well, how are you going to put that question to people who are throwing stones at
21 you? Because, well, you know, this is your client, you are very well aware of the
22 situation, you're a counsel and that's why.

23 With regard to what I saw and what I experienced, you know, you can't speak when you
24 want to lie. When you want to lie, you don't quite know which way to go. I know
25 what happened, and that's what I'm saying.

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1 Q. I'm just -- I'm just asking, Mr Witness, if you agree with me that you are not able to
2 tell this Court whether the people throwing stones at you were supporters of Gbagbo?

3 A. Yes. I said that they were Gbagbo supporters, and we were Ouattara supporters.
4 That's what I said.

5 Q. And your deduction is from the throwing of the stones that these people were
6 supporters of Mr Gbagbo; is that correct?

7 A. No, no. We know each other. You know who belongs to which party.

8 Q. So you're now telling us -- so you're now telling this Court that you knew every
9 one of the group who was throwing stones at you, is that now your evidence?

10 A. Yes. Well, if you're on that side, they know which side you're on.

11 Q. So are you able to give this Court the names of those persons?

12 PRESIDING JUDGE TARFUSSER: No, but I think --

13 THE WITNESS: (Interpretation) No, I do not know any names. I do not know any
14 names.

15 MR KNOOPS:

16 Q. Thank you. All right.

17 PRESIDING JUDGE TARFUSSER: Mr Knoops, I think we are going a little bit too far
18 because how can a person give the name of everybody in there? I mean, I think --

19 THE WITNESS: (No translation)

20 PRESIDING JUDGE TARFUSSER: I think -- without translating, please -- I think
21 everybody here has understood perfectly well. I think you are forcing, you are forcing
22 the witness to try to contradict him himself, although to my understanding he was quite,
23 quite clear. I understood what he was saying, so --

24 MR KNOOPS: Mr President, could the witness please take off his earphones?

25 PRESIDING JUDGE TARFUSSER: But I said that they should not translate to him.

1 MR KNOOPS: Oh, right. Thank you.

2 PRESIDING JUDGE TARFUSSER: Yes.

3 MR KNOOPS: Well, Mr President, I will not dwell on this point further. But my point
4 was simply to show the Court that the witness is not able to say that everyone he saw
5 there was either pro-Gbagbo or pro-Ouattara. I fully understand that he cannot give
6 names, that it was of course an exaggeration with the question, but this was the point we
7 would like to make. But anyway, I think it's clarified by the witness. Thank you.

8 PRESIDING JUDGE TARFUSSER: Thank you.

9 MR KNOOPS:

10 Q. My last point, Mr Witness, relates to the barricades you mentioned. You told the
11 Chamber that you had to pay for passing through the barricades.

12 A. Yes. Yes.

13 Q. Can you recall whether you were forced to show your identity card at one of the
14 barricades you mentioned?

15 A. I was not obliged to show my identity card. The people, you know, they're
16 standing there, and there are other people who are lying on the ground. There are two
17 people lying on the ground, and I am an injured person. So if I get out of the taxi and
18 they say, "Oh, what happened to you?" You know, we had to go this way and that.

19 Q. Can you recall whether you were asked for your identity card at one of the
20 barricades you mentioned earlier in your evidence?

21 A. No, no. I gave it to them -- well, I couldn't get hold of what was on my person.
22 So we had to get through there quickly. You give the money to the driver and then,
23 you know, you give the money and then you get yourself through, a thousand, 2,000.

24 Q. Right. And, therefore, you were able to get through without showing your
25 identity card?

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1 A. Yes, we did get through. If you -- well, if you show your identity card, it's a
2 serious matter, you know. If a civilian -- if a civilian says to you, "Give me your identity
3 card," is it not with a view to killing you if he is not a uniformed person? But if a
4 civilian says to you -- you're a counsel, it's for -- it's for the purpose of killing, and if you
5 don't give it to them, then --

6 Q. Well, Mr Witness, that's your conclusion. My question to you is: You were able
7 to get through without showing an identity card?

8 A. Yes, we did get through.

9 THE INTERPRETER: Request from the English booth: Could the witness please be
10 requested to observe a pause and the same for counsel. Thank you.

11 THE WITNESS: (Interpretation) They said: If you do not have an identity card, then
12 this, you know, it's a serious matter, you must be an assailant, an attacker.

13 If you have your identity card on you, you know, you have to then avoid those
14 roadblocks. It's serious if, you know, if you don't have your identity card on you then.

15 PRESIDING JUDGE TARFUSSER: Mr Witness, could you please wait a little bit after
16 the question for a couple of seconds for the translation, because otherwise they can't
17 follow and can't interpret you well, okay? Just slowly.

18 Okay. Thank you.

19 THE WITNESS: Yes. Thank you, Mr President.

20 MR KNOOPS:

21 Q. So, Mr Witness, in your evidence you described that you I think went through four
22 or five barrages, is that correct, that very day?

23 A. Yes, yes.

24 Q. And this was all in one district? Or what other districts did you have to pass?

25 A. Yes.

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1 Q. Other districts as well?

2 A. No. That was in Yopougon --

3 Q. Okay.

4 A. -- on the one side of the Sideci up to Port-Bouët II.

5 Q. And at none of these barrages you were asked to show your identity card; is that
6 correct?

7 A. That's what I said. I said that I did not accept that. I know what the reality is.

8 Are you going to expose yourself in such a manner? You are saying that I said. You're
9 saying that I said.

10 Q. So in your situation, it was about money? They wanted money from you; is that
11 correct?

12 A. Yes, they wanted money, not just from me. They wanted it from everybody, not
13 only me. But there are other people lying on the ground. And what do you think
14 they're going to do to them?

15 Q. Mr Witness, were you familiar with any barricades before the elections?

16 A. It was after the second round that roadblocks were set up everywhere. I've
17 always said that. I said that there were two presidents. There was one in the Hotel du
18 Golf. Everyone said that they were president at the time. There were two people who
19 were self-proclaiming themselves as leaders. The others -- one was in power and the
20 others were holed up in the hotel. So Laurent Gbagbo had the army at the time.

21 Q. I assume that you lived your whole life in Côte d'Ivoire?

22 A. Yes, yes.

23 Q. It's your evidence that you didn't see the barricades until after the second election?
24 Is that your evidence today?

25 A. I said after the second round of the elections, that's when everything kicked off.

1 Q. I repeat again my question, Mr Witness. So it is your evidence today that while
2 living your whole life in Côte d'Ivoire, you've never seen a barricade before until after
3 the second round of elections; is that your evidence?

4 A. Yes. I said after, when the second round was finished.

5 Q. My final question, Mr Witness, and after which Mr Gbougnon will take over, my
6 colleague on my left side, when I --

7 A. Yes. There's no problem. I'm waiting for him.

8 Q. Thank you. Mr Witness, you'll recall that when I examined you this morning and
9 we talked about your statement you gave to the investigators of the Prosecution, you
10 told me without any question I asked you that you weren't paid to come here. Can you
11 remember that?

12 A. Never. Yes. I wasn't paid. I swear. I wasn't paid.

13 Q. No, no.

14 A. Well, you know, I'm putting my hand up, as you're coming back to it. I wasn't
15 paid, because if I'm -- if I don't tell the truth before the Prosecution, then I don't know
16 where I'm going to go and tell the truth. And everything you're saying here --

17 Q. Mr Witness, Mr Witness, I'm sorry. My point was, I didn't raise the subject, I
18 didn't ask you any questions on the subject. It was you who mentioned it. Why did
19 you mention it to me? Why did you mention that you were just paid for transportation?
20 Why?

21 A. Well, you came back to it. You wanted to talk about it again and I needed to
22 refresh your memory, you know, because you're coming back to it. You are counsel,
23 after all. And I'm also here. I'm never going to lie. Everything -- I'm not a child. I
24 saw everything that happened before me. No.

25 Q. You are still a supporter of Mr Ouattara, aren't you?

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1 A. I am still a Ouattara supporter.

2 Q. Now, you're telling this Court based on the photographs which were shown by the
3 Prosecution this morning about your injuries, and you remember that these photos were
4 shown and you told the Court this morning that you also informed the doctor of those
5 injuries in your body, as you say, coming from grenade. Do you remember telling this
6 to the Chamber?

7 A. Yes, I do recall, I do remember, but I didn't know that it was a grenade. It was the
8 doctor who said that it was a grenade because I was torn up all over. I said that they
9 had shot at my foot, but I didn't know that it was a grenade. I'm not aware of weapons.
10 But by virtue of the fact that I was torn up here, there, and everywhere, they told me that
11 it was a grenade.

12 Q. Mr Witness, are you sure that you -- when you went to the hospital in Yopougon
13 that you told the doctor about all these injuries, including those?

14 A. No, no. I didn't talk about that. I talked about two injuries, the foot and here.
15 And the others --

16 THE INTERPRETER: The witness indicates on his body.

17 THE WITNESS: -- but it was the foot and here.

18 PRESIDING JUDGE TARFUSSER: Just for the record, when the witness says, "here," he
19 always indicates under the chin, under the mouth, the chin on his right side.

20 MR KNOOPS:

21 Q. What do you mean by with your foot?

22 A. The fractured foot. My foot was fractured. It was broken. I said everything
23 about that. The foot was broken.

24 Q. But you are sure that you showed the doctor the other injury you say in your neck,
25 you're sure about that?

1 A. They saw. This was -- there was a tear here. They saw it themselves. But I
2 asked to see them to have a look at it, and they could see that it -- there was a fissure.

3 Q. Can you recall, Mr Witness, whether the doctor took notes of what he saw?

4 A. Well, what he was seeing was the foot. And on that day I said -- well, there were
5 so many injured people arriving at the hospital, there were too many of them on that day,
6 and they were even calling reinforcement doctors, you know. They were -- the room
7 was as big as this room, and there were wounded people everywhere. But they did put
8 a plaster on my foot, and that was good for me.

9 Q. Mr Witness, you -- you were given a medical certificate I think a few days after
10 your discharge from hospital. You can remember that?

11 A. Well, I know that I was there eight or seven days, for eight or seven days, but when
12 I wanted to go home. The doctor said: No, you can't go home. They're firing left,
13 right and centre, so you can't. You can't leave the hospital.

14 Q. Was that the document you gave to the investigator of the Prosecution?

15 A. Yes, yes.

16 Q. Were you able to read it at that time, or did someone read it before you, speaking
17 about this medical document?

18 A. How is somebody going to read that? What is written there, that was what the
19 doctor wrote about my right fractured leg, and that's why I came to show that to the
20 office of the Prosecutor. Well, the doctor wrote down that the right leg was fractured,
21 and that is sufficient for me. I was not the person who wrote that down.

22 Q. And so you were able to read it at that time? You knew what the doctor was
23 writing there, didn't you?

24 A. You know, I'm not illiterate. I can read a little bit. I can read. People might not
25 understand, but why not?

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1 Q. Mr Witness, are you able to tell this Chamber why the doctor didn't mention any of
2 the other injuries you allegedly sustained during that day?

3 A. No, no. The problem that I had was my foot. There we are. It was my foot that
4 was causing me problems. It was broken and there was blood coming out everywhere.
5 I didn't see the other things. They could see those other things, but I wasn't
6 concentrating on it. I couldn't see what was going on here --

7 THE INTERPRETER: Says the witness indicating his neck.

8 THE WITNESS: -- because this still hurts me now, this area.

9 MR KNOOPS: Mr President, we have no further questions at this moment, speaking
10 for myself, of course.

11 I thank you for your indulgence with myself; and if the Court allows, Mr Gbournon will
12 do the second part of the examination by the Defence addressing differing topics.

13 PRESIDING JUDGE TARFUSSER: Is this the second and last, or is there somebody
14 else?

15 MR KNOOPS: No. This is the very last person, Mr President. Thank you.

16 PRESIDING JUDGE TARFUSSER: All right. And could we make an estimate? Is 35
17 minutes, could that be enough just to have an estimation?

18 MR KNOOPS: If the Court would allow us maybe just half an hour tomorrow morning
19 to finish the examination of Mr Gbournon.

20 PRESIDING JUDGE TARFUSSER: Yeah.

21 MR KNOOPS: And I understood from Mr Altit but I cannot speak for himself that
22 we --

23 PRESIDING JUDGE TARFUSSER: That's what I was going to ask him.

24 MR KNOOPS: -- would be able to finish maybe tomorrow. Thank you.

25 MR ALTIT: (Interpretation) It will be brief.

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1 PRESIDING JUDGE TARFUSSER: It will be brief, of course, because it's -- of course. I
2 thought something like this. I would even say very brief.

3 Okay. So tomorrow we can start with witness -- with the next witness, so say in the
4 second session of the morning. Okay.

5 This just for the court officer to take hold of this, so -- okay. Yours is the floor for half
6 an hour, and tomorrow morning another half an hour, and then we'll see how long Mr
7 Altit goes on, and then we can turn to the third witness.

8 Yours the floor.

9 MR GBOUGNON: (Interpretation) Good afternoon, Mr President.

10 QUESTIONED BY MR GBOUGNON: (Interpretation)

11 Q. Good afternoon, witness.

12 A. Good afternoon.

13 Q. My name is Jean Serge Gbougnon, and I am counsel with the Abidjan bar. Before
14 moving on to those -- the salient points, I would like to come back to a certain issue. I
15 would like to put a question to you again. Who was it who burnt down the mosque?

16 A. It was Laurent Gbagbo's supporters.

17 Q. So you say that it was Laurent Gbagbo supporters who burnt down the mosque?

18 A. Well, they parked up a tank initially and they -- they've shot up, they've fired a
19 flame that then landed on the roof of the mosque, and that was where the fire started, on
20 the top, on the roof.

21 But when we were fighting, they couldn't come and burn things down in front of us.

22 Once they had fought with us and then they had -- they had finished with us, then they
23 moved on to burning down the mosque.

24 If you were in Abidjan -- well, you are counsel from Abidjan. You're going to tell the
25 truth. Because this happened before, all and sundry. And I'm very glad that you,

1 yourself, say that you come from Abidjan because you know very well what happened
2 in Abidjan.

3 Q. Please, I'm putting questions to you, and I'd like you to answer them, please.

4 THE INTERPRETER: Message from the English interpreter. Overlapping speakers.
5 Impossible to interpret when people are overlapping and speaking at such speed.
6 Apologies.

7 MR GBOUGNON: (Interpretation)

8 Q. You have talked about a number of things. That's why my question is specific
9 here. Who was it who burnt down the mosque?

10 A. It was Laurent Gbagbo supporters.

11 PRESIDING JUDGE TARFUSSER: Wait. Wait a minute. We are -- I hear from the
12 interpreters overlapping speakers. You should not overlap while you're speaking,
13 otherwise the translation, the interpretation becomes impossible. I think both should
14 slow down and wait until one has finished and the other one starts. This is the first
15 thing.

16 The second thing is, Mr Witness, I ask you to answer the question and don't go into a
17 debate. This is not a political debate here. Here is the counsel asking questions and
18 you answering the questions. And then to the counsel, now you've posed the second
19 time the same question, who were -- who has put on fire. He has already answered,
20 and there is no point to ask it again because you are posing the same -- exactly the same
21 question for the second time. So please observe, all of you, these directives. Thank
22 you.

23 MR GBOUGNON: (Interpretation) Thank you, Mr President.

24 Q. Mr Witness, I'm going to read out your transcript of this morning, page 18, line 18
25 of the French transcript of this morning: "I was not injured. We were throwing stones

1 at each other. Since they came -- since I did not go there, that is why I did not speak.
2 They parked, they fired a weapon. There was a flame that went and fell on the roof of
3 the mosque. They parked. They had a weapon. They fired and there was a flame
4 that fell on the roof of the mosque." Mr Witness, this is what you said this morning.
5 The people who fired that flame, are they what you refer to as Gbagbo supporters?

6 A. I said it was the BAE.

7 Q. So it is the BAE that you are describing as Gbagbo supporters?

8 A. All of them. They are Gbagbo supporters.

9 Q. Mr Witness, please wait for me to complete the question before you answer.

10 Now, when you say "all of them," you have to be very precise. Who are you referring
11 to?

12 A. The uniformed men and women. The uniformed people who were present there
13 today -- on that day with Laurent Gbagbo's demonstrators.

14 Q. Very well. Thank you.

15 Mr Witness, since yesterday you have been saying that you had a (Redacted) in your
16 neighbourhood. When did you open in the morning?

17 A. Whenever I wanted.

18 MS PACK: I hesitate to interrupt, but I wonder if we could just move very briefly into
19 private session for reasons that I can elaborate in provided session.

20 PRESIDING JUDGE TARFUSSER: Let's go in private session.

21 (Private session at 3.33 p.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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Witness: CIV-OTP-P-0442

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- 11 (Open session at 3.36 p.m.)
- 12 THE COURT OFFICER: (Interpretation) Your Honour, we are in open session.
- 13 PRESIDING JUDGE TARFUSSER: Maître Gbougnon.
- 14 MR GBOUGNON: (Interpretation) Much obliged, your Honour.
- 15 Q. Mr Witness, let me go back to my question. At what time did you open your
- 16 shop?
- 17 A. I had no precise time. It belongs to me. From 6 a.m. up to even 8.30 a.m. There
- 18 was no problem for me.
- 19 THE INTERPRETER: Counsel, overlapping.
- 20 THE WITNESS: (Interpretation) I didn't open at 6 or 7. I had to sleep in a little bit
- 21 and open at 8 o'clock, 8.30, sometimes even 9. Some people would tell me you didn't
- 22 come early enough.
- 23 MR GBOUGNON: (Interpretation)
- 24 Q. Thank you. Generally at what time did you close?
- 25 A. In the morning, if I no longer had any customers, *12:00, 12:30 pm, noon, I would close.

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1 Q. You opened every day of the week?

2 A. Yes.

3 Q. Where was your shop located?

4 A. In the (Redacted).

5 PRESIDING JUDGE TARFUSSER: No. Now this is -- no. I stop here. I override it.

6 I mean, this is a question you shouldn't have put.

7 MR GBOUGNON: (Interpretation) Mr President, I will ask for a private session,

8 because I'm going to put questions to the witness relating to the location of the shop.

9 PRESIDING JUDGE TARFUSSER: But don't we know already where it's located? I
10 mean, he's here since yesterday. I would -- if I go to Abidjan, I would find it
11 immediately, I would say. Well, maybe.

12 So let's go in closed session -- in private session, and then we'll --

13 (Private session at 3.39 p.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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4 (Open session at 3.47 p.m.)

5 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.

6 PRESIDING JUDGE TARFUSSER: Maître Gbougnon, yours the floor.

7 MS PACK: Your Honour, just while my friend is finding his place, I didn't find on the
8 transcript reference to sport yesterday, and I just wanted to check where that was. I
9 know there was --

10 PRESIDING JUDGE TARFUSSER: I remember exactly.

11 MS PACK: -- there was about training.

12 PRESIDING JUDGE TARFUSSER: I remember exactly where they talked about
13 training and sports and running.

14 MS PACK: Okay.

15 PRESIDING JUDGE TARFUSSER: So he talked about this yesterday, so I don't know
16 exactly where, but he spoke about it.

17 MS PACK: It was d'entraînement. That's right.

18 PRESIDING JUDGE TARFUSSER: Yes.

19 MR GBOUGNON: (Interpretation) Transcript page 96 of the 9th of February, line 20:
20 "When did you see this training for the first time?" Line 22, the witness: "They did it
21 every day. I do not know how to say it. Every morning they were running. They
22 were training there."

23 Q. Mr Witness, as you have just said, you saw uniformed persons doing sports in the
24 town. How would you distinguish between the young people -- the Presiding Judge,
25 they have all told you to allow me to ask the question before you answer.

1 So now how do you distinguish about between uniformed persons making or doing
2 sports and civilians doing sports?

3 A. Thank you. There are two uniformed persons in front and two behind, because
4 the young people are in the middle, and that is how they run every morning. I know
5 the uniformed persons. You can investigate if you go there and they will tell you that
6 the young people were running there.

7 Q. So the only way you distinguished between them was that the others were young
8 people?

9 A. They were young people that were known from Yaho Sehi who were there. There
10 were young people from Yaho Sehi, other young people that we knew. They were
11 amongst them training, that is the uniformed persons with the civilians. I knew those
12 other people who were being trained in that way.

13 Q. So the only distinction you make is that they were living in Yaho Sehi?
14 Please, please, please, we have to pay attention to the record. You allow me finish my
15 question and then you can answer.

16 A. So ask your question.

17 Q. It is not up to you to tell me to ask the question.

18 A. Ask your question. I cannot just sit there.

19 Q. Let me repeat: The only criterion that you identify is that you recognized one or
20 two people who were living in Yaho Sehi.

21 A. It was not one or two people. There were many of them, and even from other
22 neighbourhoods. I knew them.

23 Q. Can you be more specific?

24 A. In what way?

25 Q. You say that you knew young people from Yaho Sehi and other neighbourhoods.

1 A. There were people from Sideci who were also there. I knew those young people
2 and others.

3 Q. So are we to understand -- please allow me to speak.

4 Are you telling this Court that the grounds on which you based yourself to say that the
5 people you saw running were not uniformed persons is because you knew them, that
6 they were living in the Yaho Sehi, Sideci and other neighbourhoods; is that correct?

7 A. Yes.

8 Q. Thank you. Can you describe to the Chamber what is opposite the 16th
9 arrondissement?

10 A. There are shops. Now I think they have a bank in front there right now. That's
11 what I think.

12 Q. And behind the 16th arrondissement, what is there?

13 A. There are women selling there.

14 Q. Women selling things behind the 16th arrondissement?

15 A. Yes.

16 Q. You have just said that there are women selling things behind the 16th
17 arrondissement. And yesterday you stated, and I will read page 98, line 10, the
18 Prosecutor asked you: "And when you say that they were training behind the 16th
19 arrondissement, how do you know that?

20 Answer: We could see them. We could see them. They were doing this in broad
21 daylight. They were not hiding. It was in front of everyone."

22 A. I have understood. I know where you are getting at.

23 Q. On page 5 of your statement, paragraph 18, CIV-OTP-0082-0864, at the end of the
24 paragraph you say: "In fact, after they finished running, they taught them how to shoot
25 behind the 16th arrondissement police station."

1 Are you telling this Court that they were training people how to shoot at the same
2 location where the women were selling things?

3 A. Are you finished? You have the 16th arrondissement. There is a yard. The
4 women are selling here, and they were training on the other side, like where the
5 Presiding Judge is. They didn't come to drive away the women. It is a square, so they
6 were training behind, and both of those locations were behind. They were not going to
7 chase away the women to come and take their place.

8 MR GBOUGNON: (Interpretation) Your Honour, it is 4 p.m. I do not know whether
9 we should continue tomorrow and allow the witness to go for his prayers?

10 PRESIDING JUDGE TARFUSSER: Yes, that's what I was going to suggest. I think we
11 close here the witness testimony for today, adjourn it tomorrow morning at 9.30.

12 And I ask the court usher to bring the witness out of the courtroom.

13 I see you on your feet, Maître Gbougnon. You're just on your feet, not because you
14 want to talk to me? No? No, no. It's just to know.

15 MR GBOUGNON: (Interpretation) No, no, Mr President.

16 PRESIDING JUDGE TARFUSSER: You might stay. I just wanted to know this.

17 And then we go in closed session or in private session in order to allow the Prosecutor in
18 closed, in closed session, in order to allow the Prosecutor to address the Court.

19 MR MACDONALD: And can we confirm that we cannot hear from the gallery,
20 because we want confirmation before I speak and stand up. I'm serious, your Honour.

21 PRESIDING JUDGE TARFUSSER: Yes, yes, I know that you're serious, but okay. We
22 are all serious. We try to do our best. And I don't think that what happened last week
23 happens again, so we don't need always to refer to it.

24 When we are assured that we are in closed session, when the court officer assures me
25 that we're in closed session, I'll give you the floor.

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- 10 (The hearing ends in closed session at 4.22 p.m.)