

1 International Criminal Court
2 Trial Chamber I - Courtroom 2
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 Monday, 9 May 2016
10 (The hearing starts in open session at 10.32 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Good morning, bonjour. After quite some time
15 that we have stopped this trial, we are resuming it. We're resuming it continuing
16 with one witness to be questioned via video link.
17 I have just two things to say before we start, and one is maybe, I don't know if you
18 have seen it, but it was just filed, and otherwise I notify it to you, but it was just filed,
19 the decision on Prosecutor's request number 465 and 493. It was just filed 10
20 minutes ago, where the Chamber has granted the Prosecutor's request to lift the
21 redactions on information, in particular relating the forthcoming witness number 441,
22 which is about to start to be questioned, and the Prosecutor therefore directed to
23 proceed with relevant disclosures.
24 Second thing I have to say is that we wanted also to issue the schedule for the
25 hearings after the summer recess, but also in light of the observations which were

1 filed by the Defence on Friday, we will give it another thought and just announce it in
2 a few days, after having, as I said, given it another thought.

3 This said, I think we can -- I see the representative of LRV on her feet. Please.

4 MS MASSIDDA: Thank you, your Honour. It's simply to request leave to question
5 the next three upcoming witnesses as instructed by the Chamber. I would like to
6 question all the three upcoming witnesses concerning P-441 and P-369, who will both
7 testify about the extent of victimisation during the events and the harms suffered.
8 Both matters are relevant to the victims' interest, and we intend to question them
9 about these two topics.

10 Concerning Witness P-579, this person is a dual status individual, witness and
11 participating victims, and we'd like to ask clarification to him about his own
12 victimisations and the consequences of events upon his own life.

13 We will of course limit our questioning to the extent that these matters are not
14 covered by the Prosecution.

15 In anticipation for the Chamber, we think that for Witnesses P-441 and 579 we will
16 not require more than 20 minutes, possibly a little bit more for P-369. Thank you.

17 PRESIDING JUDGE TARFUSSER: Thank you very much.

18 Is there -- the parties have to make observations on this? No?

19 No by the Prosecutor.

20 Please, Mr Altit.

21 MR ALTIT: (Interpretation) I thank you, Mr President. Mr President, your
22 Honours, with regard to this request by the LRV, we would like to make a number of
23 observations with your leave, if you were to give us a few moments to do so.
24 With regard to the request as to the examination of P-369, who is not a victim, and
25 quite frankly, we do not see for now what the interest -- where the interest lies in the

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1 matter and how exactly the LRV representative is placing herself when requesting to
2 question this individual. As you know, the testimony of this individual cannot shed
3 any light on the LRV's case.

4 Now, if your Chamber will allow us to respond, we will then put our objections in
5 writing in a filing.

6 PRESIDING JUDGE TARFUSSER: Okay. So we grant the leave for the time being
7 for Witness 441 and we'll see later what we do with the other witnesses.

8 So I would now go shortly in private session in order to introduce the next witness,
9 which is -- no.

10 Did you ask for -- yes, please.

11 MR MACDONALD: Just briefly on your notice that the decision just came out. I
12 just want to inform the parties and the legal representatives that in relation to this
13 next witness, the application in lesser redacted form is being sent by email. As we
14 speak it's probably even already done.

15 PRESIDING JUDGE TARFUSSER: Thank you very much for this.

16 Now I would like to go in private session to introduce the next witness, which is
17 connected through video link to the courtroom. Please, courtroom officer, please.

18 (Private session at 10.40 a.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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11 (Redacted)

12 (Open session at 11.30 a.m.)

13 THE COURT OFFICER: We are in open session, Mr President.

14 PRESIDING JUDGE TARFUSSER: Thank you very much.

15 From this moment on, Mr Witness, you have the protective measures applied to you,

16 so nobody knows who you are, your face is distorted and your voice is distorted.

17 And you will not be called by name by any of us. Have you understood?

18 THE WITNESS: (Interpretation) Yes.

19 PRESIDING JUDGE TARFUSSER: You will answer the questions in French, and we

20 need to ensure that your answers -- that you on the one side understand the questions,

21 which are put in French or in English, and that you will -- that your answers are

22 understood by us in French or in English and, therefore, we need the assistance of the

23 interpreters. So it is important that you speak slowly, like I'm speaking slowly, and

24 that you wait until the question which is posed to you by one of the parties has

25 finished. And don't overlap with the other, with the person who is speaking to you.

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1 Now, have you understood this, to speak slowly and wait the end of the answer, of
2 the question.

3 THE WITNESS: (Interpretation) Yes.

4 PRESIDING JUDGE TARFUSSER: Now, you are for sure aware that this Chamber
5 here has been established to try the case of the Prosecutor against Mr Gbagbo and
6 Mr Blé Goudé.

7 You are called to assist the Chamber in the search of the truth. So you will be asked
8 questions by the lawyers in the courtroom, and I -- in saying so, I mean the Office of
9 the Prosecutor, the representative of victims and the Defence teams of Mr Gbagbo and
10 Mr Blé Goudé.

11 If at any point you have concerns, you would like a short break, or you have anything
12 to ask, just ask me and I will try to provide you with what you are asking.

13 So you are a witness, as a witness you have the obligation in front of the law to tell the
14 truth. So before we ask the questioning, first by the Office of the Prosecutor, you are
15 requested by law to make a solemn undertaking. So I ask you to repeat with me the
16 following words: I solemnly declare that I will speak the truth --

17 THE WITNESS: (Interpretation) I solemnly declare -- I solemnly declare that I shall
18 speak the truth --

19 PRESIDING JUDGE TARFUSSER: -- the whole truth and nothing but the truth.

20 THE WITNESS: (Interpretation) -- the whole truth and nothing but the truth.

21 PRESIDING JUDGE TARFUSSER: Thank you.

22 At this point I just have to inform you that if you do not say the truth this is an
23 offence against the Court and you can be charged -- you can be punished for not
24 saying the truth; you have understood?

25 THE WITNESS: (Interpretation) Yes.

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1 PRESIDING JUDGE TARFUSSER: So now before giving the floor to the Prosecutor,
2 I just remind you that if at any point of the testimony you don't feel well, you feel not
3 at ease, just tell me and we will try to solve the problem.

4 So I think we can now start the questioning by the Office of the Prosecutor. I just
5 recall you also that we have sessions of one hour and a half, one hour is already gone.
6 So now we have half an hour, then we have a break, then again one hour and a half of
7 questioning.

8 So, please, Mr Prosecutor, you have the floor.

9 MR MACDONALD: Thank you, your Honour.

10 QUESTIONED BY MR MACDONALD: (Interpretation)

11 Q. Good morning, sir.

12 A. Good morning.

13 Q. As the Presiding Judge just mentioned, your identity is protected. So I will not
14 be calling you by your name. During your testimony I will be calling you
15 "Mr Witness."

16 You will also note that I am speaking to you slowly, I would say even very slowly so
17 that the interpreters and the court reporters are in a position to be able to retransmit
18 the message correctly.

19 And I would also note that I believe that there is a problem with the French transcript
20 as we speak, but I shall keep going with the leave of the Chamber and my colleagues,
21 and I'm going to be putting questions to you in French. However, when I speak to
22 the Chamber, as you already will have noted, I will be addressing them in English,
23 okay?

24 A. Yes.

25 Q. Also, Mr Witness, I'm going to ask you to listen to my questions carefully before

1 answering.

2 A. Okay.

3 Q. Wait until I have finished. You are at a certain distance from us, of course.

4 You are testifying via video link, and there is a lag of a few seconds between the two
5 of us.

6 If you do not understand the question that I have put to you, tell us and I will
7 rephrase. All right?

8 So if you can see me -- if you see me doing this, notably raising my hand, I am
9 attempting to intercede with a view to interrupting you, all right?

10 Very well. So before going any further, I'm going to request that we move into
11 private session. I believe that there will only be two such private sessions during
12 this examination-in-chief so that we can cover certain subject matter, but then we will
13 move back into public session.

14 (Speaks English) So, your Honours, I would kindly ask to go in private session.

15 PRESIDING JUDGE TARFUSSER: Can you please call, court officer, the private
16 session. Thank you.

17 (Private session at 11.39 a.m.)

18 (Redacted)

19 (Redacted)

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- 13 (Redacted)
- 14 (Open session at 11.54 a.m.)
- 15 THE COURT OFFICER: We are in open session, Mr President.
- 16 PRESIDING JUDGE TARFUSSER: Thank you very much.
- 17 Now, Mr Witness, we are now in open session. What you are saying is disclosed to
- 18 the public, but without you being seen or heard with your voice, okay?
- 19 So now the floor is to the Prosecutor.
- 20 MR MACDONALD: (Interpretation)
- 21 Q. Mr Witness, I would like for you to describe to us the location and the area of
- 22 the mosquée de l'antenne. But before doing so, I will be putting a first question to
- 23 you. This mosquée de l'antenne, was it known in any other name in addition?
- 24 A. Yes.
- 25 Q. And what is that name?

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1 A. The mosquée de l'antenne, Mr Prosecutor, was called mosquée Lem, mosquée
2 Lem, because there is an area or neighbourhood called Lem, Lem 1 and Lem 2. They
3 bear this name.

4 Q. So the mosquée de Lem or the Lem mosque, L-E-M?

5 A. Yes.

6 Q. So you say that this mosque bore the name of the neighbourhood, Lem 1 and
7 Lem 2?

8 A. Yes.

9 Q. And this neighbourhood, did it formerly bear another name in addition?

10 A. Doukouré as well as Yao Séhi, Yao Séhi, Doukouré, Yao Séhi.

11 Q. We shall come back to Yao Séhi at a later stage.

12 A. Yes.

13 Q. Describe to us now verbally the place where the mosque is located. You say
14 that it also bore the name of Antenne. And why was that, Antenne,
15 A-N-T-E-N-N-E?

16 A. Well, the place Antenne or the place where the mosque was located is *the road
17 to justice in Yopougon. So it is --

18 THE INTERPRETER: Inaudible.

19 THE WITNESS: (Interpretation) And then there is a little bridge, which is called a
20 Doukouré, and it is a *poor neighbourhood, Doukouré. And it is from there that you
21 reach the Lem neighbourhood and then Justice, la Justice. And when I think there
22 were two mosques located in the Lem neighbourhoods, whereas this mosque was
23 closer to the Antenne, and there was a committee --

24 THE INTERPRETER: Inaudible.

25 THE WITNESS: (Interpretation) -- which was able to give it this name more

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1 precisely because it was closer and it was obvious that we understand that it bears
2 this name Antenne. *Otherwise, the Antenne does not have a mosque, it is opposite
3 the mosque. There is a road that passes between the Antenne itself and the mosque.
4 I don't know whether I have made myself understood.

5 MR MACDONALD: (Interpretation)

6 Q. So the road opposite or, apologise, the road that separates or that passes
7 between the antenna is the main road in Yopougon; is that correct?

8 A. Yes.

9 Q. And the mosque itself, I'm going to make a number of suggestions in this regard.
10 I do understand that it is fenced off?

11 A. Yes.

12 Q. How many access doors are there?

13 A. Yes, five approximately.

14 Q. So there is the main door, and where does this main door lead to?

15 A. It is opposite the road that passes between the antenna and the mosque.

16 Q. So the main entrance is found on the main Yopougon road?

17 A. Yes.

18 Q. And this fence at the time of the events was surrounded by what?

19 A. The fence was surrounded by brick and cement and there were also a number of
20 hangars belonging to, belonging to tradesman.

21 Q. So not on the actual terrain of the mosque itself, but there are -- there is land
22 around the mosque on the road side of it?

23 A. Yes.

24 Q. And the antenna itself, just to confirm, does it have a name?

25 A. Huh?

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1 Q. Do you know the name of the antenna, the antenna that was on the other side of
2 the main road?

3 A. *Yes, the antenne itself, we called it the it was the ONT or the ONP, that is the
4 National Office of Post and Telecommunications.

5 Q. So that's the ONT, T. Now listen carefully to what I have to say. When we look
6 at the main entrance in the direction of the mosque, okay, so I am standing on the
7 tarmac of the main road, and I am facing the main entrance, and behind me there is
8 the mosque. So to my right, what do I see? What is inside the mosque compound?

9 A. Well, within the compound itself, there are some houses. There is the
10 Doukouré neighbourhood, which is facing Yao Séhi. There is the bridge a little bit
11 further ahead, the bridge that was called the Doukouré bridge and then there is --
12 THE INTERPRETER: *that follows on from the 16th police station.

13 THE WITNESS: (Interpretation) -- the 16th. Very well. Thank you.

14 MR MACDONALD:

15 Q. Very well. And continue to the left.

16 A. To the left, that is to say when you have your back to the mosque and you're
17 facing the road, to your left-hand side opposite you have the antenna itself. And
18 beyond that there is some housing in the Lem neighbourhood, and it's often called the
19 Saguidiba neighbourhood. There is the Saguidiba cinema 4 or 500 metres further
20 afield.

21 Q. Thank you.

22 PRESIDING JUDGE TARFUSSER: Mr Prosecutor, I would just ask you to look at the
23 time. So if you can conclude the description, I think you can, but then be aware that
24 we have to stop.

25 MR MACDONALD: Indeed, your Honour, we can take a break now.

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1 PRESIDING JUDGE TARFUSSER: Okay. Now we have the half an hour break and
2 we resume at 12.30 -- no. We have a one-hour break, the lunch-break, sorry. We
3 have the lunch-break, so we resume at 2, is that right? 2.30 -- 1.30, okay. At 1.30 I
4 was told. Thank you.

5 THE COURT USHER: All rise.

6 (Recess taken at 12.04 p.m.)

7 (Upon resuming in open session at 1.37 p.m.)

8 THE COURT USHER: All rise.

9 Please be seated.

10 PRESIDING JUDGE TARFUSSER: So good afternoon to everybody. Good
11 afternoon to you, Mr Witness.

12 THE WITNESS: (Interpretation) Good afternoon, your Honour.

13 PRESIDING JUDGE TARFUSSER: We continue now, well, we nearly start now the
14 questioning session with you, Mr Witness.

15 And I, for this, I give the floor to the Office of the Prosecutor.

16 MR MACDONALD: (Interpretation) Thank you, Mr President.

17 Q. Mr Witness, before the lunch break we were describing the location of the
18 mosque.

19 A. Yes.

20 Q. Inside the fence, can you tell us about the buildings in the compound?

21 A. Yes. At the main entrance you have the office of the CNI-COCY, that is at the
22 entrance, *the office for Islamic coordination.

23 THE INTERPRETER: Says the witness.

24 THE WITNESS: (Interpretation) That is what you have at the main entrance.

25 MR MACDONALD: (Interpretation)

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1 Q. Are there any other buildings?

2 A. No.

3 Q. Am I to understand that when you are on the main road and then to the right it
4 is a CNI?

5 A. Yes.

6 Q. And to the left, the entrance, the prayer ground -- or, rather, and the entrance.

7 *A. The toilets (phon) please?

8 Q. And that is where you perform ablutions?

9 A. Yes.

10 Q. When you are crossing the main road you see the CNI on the right, and in front
11 what do you see?

12 A. Directly in front there is the shed or hangar in which the women pray, that is
13 where they go for their Friday prayers.

14 Q. So there is a hangar, a terrace with an iron sheet roof; is that correct?

15 A. Yes, that is correct.

16 Q. And then you can go into the mosque itself; is that correct?

17 A. Yes.

18 Q. How many entrances are there into the mosque?

19 A. There are about six doors, including the main entrance of the imam. That
20 makes six.

21 Q. Very well. I would like to talk about the trees because they have a certain
22 importance. What type of trees are there in front of the mosque?

23 A. On the right, as I told you a short while ago, after CNI-COCY there are two
24 mango trees and following -- after that there is a Neem tree which has bitter fruits.

25 Q. And behind the mosque, is that where the minaret is located?

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1 A. Yes.

2 Q. And I believe there's a minaret there. That is not a disputed fact, it is not
3 disputed. So behind there is a minaret.

4 Now, let us go back to the time of the events during the crisis. What types of trees
5 were there at that location?

6 A. Banana trees. Yes, there were banana trees and others such as palm trees, yes.

7 Q. And today I believe that those banana trees are no longer there?

8 A. Yes.

9 Q. And behind which is of a certain size that we will see shortly, now, when I'm in
10 the mosque and I come out through the door used by the imam, would the banana
11 trees be to your left or to your right?

12 A. The banana trees would be on your left.

13 Q. So on the side on which the sun rises?

14 A. Yes.

15 Q. Very well. I have an important question: When you are on the main road
16 and you look at the CNI building, that is the main road and I'm looking at the
17 building, the CNI building, there is a fence. Just before the electoral crisis, or at the
18 time of the crisis, was the fence of the same height as it is today?

19 A. Yes.

20 Q. Very well. We will revisit this issue later. Now, I'm going to ask you
21 questions, I will show you some images, and I'm referring to the panoramic
22 presentation 360 degrees and that is CIV-OTP-0078-0085. I'm going to present a few
23 images to you and then I'll put questions to you within that context.

24 A. Very well.

25 MR MACDONALD: (Speaks English) Madam -- sorry, with the permission of the

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1 Chamber I would now seek access to the live feed or evidence 2 so that I can -- we can
2 project the panoramic presentation to the witness and the public.

3 Q. (Interpretation) I can see or I believe that you can see those images on the
4 screen in front of you and which are moving from left to right.

5 (Speaks English) With the Chamber's permission, because I'm operating it
6 exceptionally from the bench I would request to be sitting down because it's much
7 easier to work the keys and the mouse if need be. Thank you.

8 Q. (Interpretation) Mr Witness, I will now sit down. Maybe you will not be able
9 to see me, but it is simply to better display the next exhibit.

10 Mr Witness --

11 A. Yes.

12 Q. -- do you recognize the door that can be seen with the crescent?

13 A. Yes, Mr Prosecutor.

14 Q. What is it?

15 A. The door that we see there is the main door facing the main road. There you
16 see it.

17 Q. Very well.

18 A. That is it.

19 Q. You can see an antenna?

20 A. Yes.

21 Q. It is the antenna that you were describing this morning?

22 A. Yes, of course, Mr Prosecutor.

23 Q. That was the panoramic presentation number 1. They all have numbers in the
24 little boxes.

25 Mr Witness, when you look to the right and to the left, as you mentioned this

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1 morning, there are sheds, traders' sheds there; is that correct? I'm sorry, I did not
2 hear your answer?

3 A. Yes.

4 Q. Very well. So this was panorama 1B. Now I'm going to move on to
5 panorama number 9.

6 For the record, each presentation begins from the north, so the image that is seen is
7 from the direction of the north, that is for purposes of orientation. I'm showing you
8 this with the cursor. And we can see the image turning like small headlights.

9 Now, let us go back to the entrance. And to the left of that entrance, what is that?

10 A. It is the office of the CNI-COCY.

11 Q. Very well. So it is south in the direction of the south, panorama number 9.

12 You talked about the toilets here to the north, right?

13 A. Yes.

14 Q. So it is the toilets in the north. You can see trees here and there is a large tree
15 in front there.

16 A. Yes.

17 Q. Now presentation number 22, from the north. You talked about the hangar of
18 the mosque.

19 A. Yes.

20 Q. If I understand you well, this is the terrace with iron -- corrugated iron roof?

21 A. That is correct.

22 PRESIDING JUDGE TARFUSSER: Mr Prosecutor, could you please let the witness
23 describe what he sees. I think it's -- this would be better this way around. Thank you.

24 MR MACDONALD: Indeed, your Honours, but all of this was already mentioned
25 by the witness. Now it's just being -- it's in order to speed up the proceedings, not to

- 1 slow them down. But I take note, your Honour, and we'll take our time.
- 2 Q. (Interpretation) Mr Witness, we are going to panorama number 17 right now.
- 3 A. Yes.
- 4 Q. What can you see on that image in front of you?
- 5 A. Directly in front you have the mosque, the hangar.
- 6 Q. And the tower behind, what is it?
- 7 A. Do you mean behind, Mr Prosecutor?
- 8 Q. Yes.
- 9 A. Behind the mosque, or what do you mean?
- 10 Q. Yes.
- 11 A. Behind the mosque during the events that is where the banana and palm trees
- 12 were located.
- 13 Q. Very well. We are going to go there and we are looking at panorama number
- 14 13. And we are still looking at it from the northerly direction.
- 15 What can you see on that image?
- 16 *A. Well, it is the minaret of the mosque that we can see here, opposite (inaudible)
- 17 that I was talking about, there was a banana plantation there at the time.
- 18 Q. You can see a door there with steps, with a staircase. Who's door was that?
- 19 A. It was the imam's door, the very small door.
- 20 Q. Very well. If I understand correctly, one can see two windows on each side of
- 21 the minaret; is that correct?
- 22 A. Yes.
- 23 Q. Very well. So at the back, were the banana trees on the two sides of the
- 24 mosque?
- 25 A. I beg your pardon?

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1 Q. How many banana trees were there as far as you know?

2 A. I no longer remember, Mr Prosecutor.

3 Q. Very well.

4 MR MACDONALD: At this stage, your Honour, I would like to go very briefly in
5 private session for less than 30 seconds. One question.

6 PRESIDING JUDGE TARFUSSER: Can we call private session, please.

7 (Private session at 1.55 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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- 12 (Redacted)
- 13 (Open session at 1.59 p.m.)
- 14 THE COURT OFFICER: We are back in open session, Mr President.
- 15 PRESIDING JUDGE TARFUSSER: Thank you very much.
- 16 Mr Prosecutor.
- 17 MR MACDONALD: (Interpretation)
- 18 Q. Mr Witness, we are back to the mosque, panorama number 22, under the hangar,
- 19 what do we see there?
- 20 A. *It's the door... the two doors there. They only open on Fridays. We can see the two
- 21 entrances, the entrance to the women's room. Those are the doors for the women's
- 22 entrance where there are the *blue and red carpets there.
- 23 Q. There is a wall in front of us?
- 24 A. Yes, Mr Prosecutor. So that is the division, it divides the room between the
- 25 boys and the women.

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1 Q. Very well. I'm now going to move on to panorama number 25. Still in a
2 northerly direction within the mosque this time, inside the mosque, what can we see
3 here?

4 A. I can see the inside of the mosque, yes. Yes.

5 Q. What do we see here?

6 A. Mr Prosecutor, we can see the main imam's location where he makes -- from
7 which he preaches his sermon. But I do recognize it. This is where he officiates his
8 sermon.

9 Q. And the door?

10 A. The door is the main entrance for the imam, (Redacted)
11 (Redacted)

12 Q. Very well. I shall come out again on to the street to panorama number 1 and
13 now we are looking in a westerly direction, for the record. If I look towards the
14 north, Mr Witness.

15 A. Yes.

16 Q. With regard to this image, where is the police station for the 16th
17 arrondissement located?

18 A. The police station for the 16th arrondissement is straight on, Mr Prosecutor. If
19 *Follow the power lines, straight ahead, that's where the police station is.

20 Q. You're talking here about the electricity cables, if we were follow the electricity
21 cables along this road, aren't you?

22 A. Yes.

23 Q. If I look on the other side of the road coming out of the mosque, the other side
24 of the road, what is the name of that neighbourhood?

25 A. Yao Séhi.

1 Q. And if we go back in a northerly direction, you talked previously about
2 Doukouré bridge. With reference to this image, the image that we see before us, that
3 is panorama 1 in a northerly direction, can you tell us where that bridge is located?

4 A. The bridge is straight ahead.

5 THE INTERPRETER: Overlapping speakers.

6 MR MACDONALD: (Interpretation)

7 Q. Very well. So we might leave this image to one side. I'm going to get rid of
8 this panorama if you will for one moment and we'll come back to it at a later stage.
9 (Speaks English) I didn't know I was the one to remove it. I'm sorry. I'm new at
10 this.

11 So, your Honours, again a very brief closed session, we're changing subjects, and it
12 should be the last.

13 PRESIDING JUDGE TARFUSSER: Okay, can you call closed session, please.

14 (Private session at 2.05 p.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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18 (Redacted)

19 (Redacted)

20 (Open session at 2.15 p.m.)

21 THE COURT OFFICER: We are back in open session, Mr President.

22 PRESIDING JUDGE TARFUSSER: Thank you very much.

23 Please proceed, Mr Prosecutor.

24 MR MACDONALD: (Interpretation)

25 Q. So, Mr Witness, we are now in public session once again. We just covered a

1 matter in private session. We will not be coming back to this, will we, in order not to
2 reveal any identifying details, but I do want to come back to a number of things that
3 you talked about in public session and develop them.

4 You talked about an individual by the name of Agbolo. Could you please indicate
5 which -- under what circumstances you came to know said individual?

6 A. Yes, Mr Prosecutor. As I said earlier --

7 Q. I'm going to interrupt you. I'm going to interrupt you because I do not want
8 you to reveal any details as to your identity.

9 A. No.

10 Q. So I'm just asking you under what circumstances, in what context you met
11 Mr Agbolo?

12 A. Very well. Quite simply, if you like, he was always in the company of
13 Mr Blé Goudé to open the door when he got into his car.

14 Q. And at what location did you see that happen, those gestures, if you like, of him
15 opening the door of Mr Blé Goudé's car?

16 A. On a number of occasion at the Maracana stadium where Mr Blé Goudé would
17 come and play himself. He used to come and play with us at Maracana stadium.

18 Q. And this Maracana stadium, could you please explain to the Judges what type
19 of a place that is so that they understand things well?

20 A. Yes. Mr Prosecutor, the Maracana stadium is located in the
21 neighbourhood -- in the Saguidiba neighbourhood, in that neighbourhood. It's a
22 small pitch, if you like, in the neighbourhood not far from the cinema. Saguidiba, it's
23 an empty space.

24 Q. And what was Mr Blé Goudé doing at that location because you mentioned the
25 fact that you'd seen Mr Agbolo opening the car of -- opening the door of

1 Mr Blé Goudé's car at the Maracana stadium. And what was Mr Blé Goudé doing at
2 said location?

3 A. He -- you know, he would come and play. He would also play with the youth
4 of the neighbourhood.

5 Q. And what was he playing?

6 A. He was playing football.

7 Q. There you go.

8 MR MACDONALD: Maybe I should choose what I'm leading on.

9 Q. (Interpretation) Do you know the * Sidéci parliament? Do you know a
10 location called the Sidéci parliament?

11 A. Yes, of course I do, Mr Prosecutor.

12 Q. Can you explain to us the context. Firstly, what occurred at that location?
13 What did you see?

14 A. Well, the Sidéci parliament is a place where a lot of things happened, especially
15 in political terms, and that parliament was linked to another mosque under Imam
16 Lawal, a Nigerian --

17 THE INTERPRETER: Correction: An individual from Niger.

18 THE WITNESS: (Interpretation) So a lot of things, as I said, came about. And on
19 one occasion in my presence, in order to drive us out of the mosque, it might have
20 been that the call to prayer had bothered somebody, but they came to drive us out
21 and everybody fled the mosque. The mosque was closed down for a long time.

22 MR MACDONALD: (Interpretation)

23 Q. So what name does this mosque bear where you said the Imam Lawal was?

24 A. It is the mosque called the Bilal mosque. That's all. Bilal.

25 Q. Let's come back do the parliament. How is it that you know that politics was

1 discussed in that parliament?

2 A. Well, I would come to that mosque on most days at 6 p.m. at the time of prayer

3 (Redacted)

4 because he gave me very good advice, he would also criticise me behind my back, but

5 there we go, so he was the one who told me that this parliament that you see here,

6 that they are the ones who often discuss politics, so that if I was on my own, I should

7 go and listen from dawn till dusk. There we are.

8 Q. And did you go and listen?

9 A. Yes, I did. On a number of occasions I went to listen, yes.

10 Q. And who would take the floor?

11 A. Mr Prosecutor, I do not know. There were a number of people. Everyone

12 would air their knowledge, especially, you know, this was the time when things were

13 going as you know, as you heard. Everyone would come and make comments on

14 politics, on the way we were heading, et cetera, and where we were coming from.

15 Q. Do you know of what political leaning the individuals who took the floor were?

16 A. Yes, Mr Prosecutor.

17 Q. Can you please describe it to us?

18 A. There were 80 percent of them who were from the -- the Front Populaire party,

19 that is to say they were on President Gbagbo's side, 80 percent of them were.

20 Q. And was this before or after the second round of the elections of

21 November 2010?

22 A. This was, well, beforehand, from beforehand.

23 Q. You mentioned Mr Gbagbo, your president.

24 A. Yes.

25 Q. So if I understand you correctly, at that moment in time Mr Gbagbo was

1 president when you saw these discussions occurring in the parliament?

2 A. Yes, indeed.

3 Q. And did you see Mr Gbagbo during the election campaign?

4 A. During the campaign, the election campaign? Well, beforehand, yes, but
5 during I didn't notice him.

6 Q. And beforehand what context was that in?

7 A. Before, as I said to you, he would come to the parliament in question, he would
8 go there in order to give some presents to the young militia.

9 Q. So your question gives rise to two further questions. When you say gifts or
10 presents -- well, before we go any further, before we go any further, how did you
11 come to know of this piece of information? Did you see it with your own eyes, or
12 did somebody report this back to you?

13 A. Somebody reported this back to me because I was not there all the time. Some
14 people in my mosque would say to me, "Why didn't you go yesterday? The
15 president came by to give gifts." That was how I came to hear about it.

16 Q. When we talk about "gifts," what kind of gifts are we talking about, to your
17 knowledge?

18 A. Money.

19 Q. And Mr Blé Goudé, had you seen him previously, beforehand? I'm talking
20 about seeing him with your own eyes, apart from at the football stadium.

21 A. At the football stadium and also in the Yopougon demonstrations.

22 Q. And who was he talking to precisely? Well, I'll rephrase. Can you please
23 explain to us the context of the demonstrations in which or during which you noted
24 his presence?

25 A. Well, Mr Prosecutor, Mr Blé Goudé often came with the militia because they

1 were the ones who would -- would break everything. He would come and have
2 discussions with them.

3 Q. And do you know at what location he would have discussions with them?

4 A. Yes, it was at the parliament.

5 Q. Which one?

6 A. The *Sidéci.

7 Q. And are we still talking here still about before or after the election crisis?

8 A. This was beforehand.

9 Q. And to your knowledge, Mr Blé Goudé -- well, no, I'll rephrase.
10 These militia that you mentioned, what were they doing in Yopougon to your
11 knowledge when they were demonstrating?

12 A. Well, to my knowledge *he was often invited by the Yopougon youth *who
13 were called 'militiamen' at the time. Well, those militia were invited to the
14 demonstrations, the football demonstrations, et cetera, et cetera.

15 Q. Could you please describe those militia to us.

16 A. Yes.

17 Q. What precisely were they doing? What were there objectives? What did you
18 note on that subject?

19 A. Well, Mr Prosecutor, this gentleman, well, he was, and I do apologise for the
20 expression, they were everywhere, wherever things were, you know, where shops
21 were broken into with machetes, et cetera, because they weren't working, most of
22 these people. They were involved in most of these things.

23 Q. Very well. Mr Witness, I understand that you yourself were a victim of an
24 incident and that is one of the reasons why you are giving your testimony here today.
25 I would like you to explain from the beginning what really happened on that specific

1 day if you are able to give us an account, beginning with the day of the week?

2 A. Mr Prosecutor, it is impossible for me to give you a date, but the day on which
3 the events started in the mosque in which I was was on a Friday, it was a Friday. I
4 don't know the date.

5 Q. Can you tell us the month?

6 A. No, Mr Prosecutor.

7 Q. And what happened? Please describe it to us.

8 A. On that day, Mr Prosecutor, it was 9 a.m. and I was performing my ablutions.
9 There was this parliament group which, as usual, they were marching on the street.
10 But on that day they did not go very far, they came on the main road and passed in
11 front of the mosque. When they reached the bridge, they turned around and came
12 back. Can I proceed?

13 Q. Yes, please go on. I am listening.

14 A. (Redacted) and at that
15 time the worshipers started coming to the mosque. And there were not many of
16 them as normally was the case because people were afraid. They were singing a
17 song, to each one his Dioula. Now, I quickly went and saw (Redacted)
18 and I told him that there is something strange happening.

19 Q. Please continue.

20 A. Yes, I went and saw the (Redacted) and I told him, (Redacted) there is something
21 happening on the main road. (Redacted)
22 (Redacted) And that is the reason why I stand by my statement that it was on a Friday
23 that the events started. That's it.

24 Q. I would like to interrupt you very briefly here, Mr Witness.

25 MR MACDONALD: With the Court's permission I would like to go briefly in

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1 private session maybe.

2 PRESIDING JUDGE TARFUSSER: Yes, please call private session.

3 (Private session at 2.34 p.m.)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

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11 (Redacted)

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24 (Open session at 2.41 p.m.)

25 THE COURT OFFICER: We are back in open session, Mr President.

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1 PRESIDING JUDGE TARFUSSER: Thank you very much.

2 Mr Prosecutor, please continue.

3 MR MACDONALD: (Interpretation)

4 Q. Mr Witness, I'm going to sit down and we will go back to the panoramic
5 presentations in order to describe the events, the account of which you're going to
6 give us. Is that okay?

7 A. Very well.

8 Q. You talked about the young people who were on the main road around 9 -- 8/9 a.m.

9 *That's right. I am looking at panorama No. 1: it was indeed on that road, further on,
10 the main road.

11 A. Yes.

12 Q. Were they coming from the direction of the 16th arrondissement or from the
13 direction of the antenna?

14 A. When I saw them they were coming from the direction of the antenna.

15 Q. Just to be sure that we understand each other, you -- one can see blue taxi cabs
16 there. So they were coming from that direction?

17 A. Yes.

18 Q. And they were going towards the Doukouré bridge?

19 A. Yes.

20 Q. Very well. I'm looking now at panorama number 9. And you were in the toilets?

21 A. The toilets on the other side, not on this side that you are showing us. So
22 behind -- it was from there that I could see them. From this location you cannot see
23 them.

24 Q. Can you see now?

25 A. This is inside the fence. I was on the other side where there is a small terrace where

1 I was performing my ablutions, that is on the side where you have the traders.

2 Q. Very well. Now let us return to that location. You were there?

3 A. No. When I say the other side it is on the other side of the fence, this is the
4 front side.

5 Q. Very well. *Let us go back to panorama No. 9. Very well. Now, how did you
6 know that it was those young people marching on the street?

7 A. We were already used to them. We saw them all the time, but I was not on this
8 side that you are showing me that I was able to identify them, it was on the other side.
9 This side is the CNI-COCY.

10 Q. So you were on the side of the street?

11 A. Yes. Yes, I was on that side. Yes, on that side there is a terrace where one
12 performs the ablutions.

13 Q. We are on the other side.

14 A. Yes, we are on the other side. Can you zoom into the toilets.

15 Q. I would like to do that but I cannot do any more.

16 A. Very well. Otherwise there is a terrace there facing the road. The traders are
17 there in their sheds.

18 Q. At that time -- well, as we can see here in panorama number 8, were there
19 several traders like this as we see here?

20 A. No, they were not as numerous. All these sheds that I see there were not
21 present at the time. They came after.

22 Q. Very well. Describe to us what happened subsequently.

23 A. While sitting on the terrace, which is to my left, that is where these stores are,
24 and those stores did not exist there at that time, but that is the location where I was.

25 Q. Yes, proceed. You were in the toilet.

1 A. Yes, I was seated there, and from there I could even call, shout out to someone on
2 the road. So that is how I was able to identify them.

3 Q. And after that?

4 A. After performing my ablutions I went back inside, there is an entrance there, that is
5 between the terrace and the courtyard. *There. There's a door that goes into the toilet
6 that comes out the other side. So that is the main entrance. That is the store of the
7 imam's wife. So there is a door that opens directly on to the terrace
8 there * where the blue barrel is and that is the door that I used to go and (Redacted)
9 (Redacted)

10 Q. Very well. I'm back to panorama number 9. And what happened afterwards?
11 Once you came back what happened?

12 A. After my ablutions I passed by the toilets and I made a tour of the mosque. I
13 did not go into the hangar, I went around the mosque because I was the one who had
14 to open the doors. So I went to the main door of the imam.

15 Q. And what did you do there?

16 A. That is still the terrace. Now, when you look at the minaret, when I moved
17 around the mosque, I came to that small door as usual for the call to prayer, and from
18 there I went quickly to the door on my left and I went to the imam's home.

19 Q. Panorama number 12.

20 A. Yes, that is where I came out and went to see the imam to announce that bad
21 news to him.

22 Q. After talking to the imam, what did you do?

23 A. I spoke to the (Redacted)

24 (Redacted). He told me that it

25 was not worthy, Islam does not want people to see danger and go straight into it, that

1 is why I came back to warn the worshipers.

2 So I entered into the mosque, there were 64 people inside, and I told them, "Dear
3 worshipers, the imam has asked me to tell me that there will be no Friday prayer
4 today. Each person can go and pray at home."

5 Can you hear me?

6 Q. We are listening to you. Please proceed.

7 A. It is through that little door that I ordered the faithful to go. I ordered them to go
8 through that door, both the men and the women because I did not want them to go in
9 the direction of the main road where there were the militias, so that is the exit that
10 they took and everyone went back to their respective homes.

11 Can I continue?

12 Q. Yes, please.

13 A. When they left I went back into the mosque and I started closing the doors of the
14 mosque. And it was at that time that the young people who had been singing on the
15 road started throwing stones, throwing all sorts of things. They broke the glasses of
16 the offices of the CNI-COCY. *That's where they ransacked, so they broke. If you
17 zoom in a little bit you can see what I'm talking about. No, that is the mosque. Yes,
18 that. You can see the door of that office and the windows facing the road. They
19 started breaking the glass on those windows.

20 Q. I will interrupt you here. Look carefully, and this is panorama number 2, the main
21 road, direction CNI. As far as you know, after the events was the CNI refurbished?

22 A. Mr Prosecutor, after the events everything that you see there had to be redone, had
23 to be refurbished. The building of the CNI-COCY, including the paint and the roof, all
24 of that had to be done all over again. In fact, this is the first time I'm seeing it again.

25 *Because I couldn't see clearly.

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1 Q. Very well. We will come back to that. I understand that you had problems
2 with your eyes, but at the time of the events how was your eyesight?

3 A. I could see very well at the time because (Redacted)
4 so it was much better.

5 MR MACDONALD: Your Honours, with your permission, since we're on this very
6 images, I'd like to -- for the court clerk to call up evidence number
7 CIV-OTP-0028-0229, more specifically at page 0234, and to zoom in -- before showing
8 to the witness, to zoom in on the top picture of that page. And if we can then see it
9 ourselves and then I'd like to show it to the witness. And I think I need to remove
10 the image, right, the 360? Yes, okay, I'll do that.

11 PRESIDING JUDGE TARFUSSER: So you mean before we see it, before showing it
12 to the witness?

13 MR MACDONALD: Yes, just to make sure that it's all right, that it zooms in
14 properly, that we have the right image, then --

15 PRESIDING JUDGE TARFUSSER: Okay.

16 MR MACDONALD: -- I'd like to show it to the witness.

17 PRESIDING JUDGE TARFUSSER: If this works.

18 MR MACDONALD: Yes, we would need to -- we see two images, so the top one.
19 Yes, if we could zoom really closely in. If not, I think we have a still image.

20 PRESIDING JUDGE TARFUSSER: Is it evidence -- okay.

21 MR MACDONALD: Without the words.

22 PRESIDING JUDGE TARFUSSER: Without the words.

23 MR MACDONALD: Yes, like that. If you allow me just a second I think we may
24 have a better image.

25 PRESIDING JUDGE TARFUSSER: Could we -- yes, I think now it's okay. We can

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1 still open it a bit.

2 MR MACDONALD: Now it's perfect. Can we show it to the witness, please.

3 PRESIDING JUDGE TARFUSSER: Please.

4 THE WITNESS: (Interpretation) Yes.

5 MR MACDONALD: (Interpretation)

6 Q. Mr Witness, we are showing to you a photograph and it is written on the building
7 itself CNI-COCY?

8 A. CNI-COCY.

9 Q. Yes. You mentioned that there was a door from the road* to the CNI. We can see a
10 man in blue there from the back. *The door was behind him, that's right, so coming
11 from the street...

12 A. Yes.

13 Q. And we can see the fence. And we can see a small boy there from the back. And
14 the building -- and the fence was at the level of his arm, that was the height,
15 approximate height; is that correct?

16 A. Yes.

17 Q. Very well. We will take off this image. Now, was this photograph taken before or
18 after the incident that you described on Friday?

19 A. Mr Prosecutor, this was after, afterwards.

20 Q. Afterwards?

21 A. Yes, I can see the fence which is broken here, so this must have been afterwards. *A
22 yellow and blue fence, er, yellow and green. That was after.

23 MR MACDONALD: (Interpretation) Mr President, I believe that we can take the
24 break now and return after 30 minutes, with your leave of course.

25 And it is possible that we will conclude this afternoon.

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- 1 PRESIDING JUDGE TARFUSSER: Thank you. Thank you very much.
- 2 Now we make the break, half an hour break, and we resume in 30 minutes time.
- 3 Thank you.
- 4 THE COURT USHER: All rise.
- 5 (Recess taken at 3.01 p.m.)
- 6 (Upon resuming in open session at 3.32 p.m.)
- 7 THE COURT USHER: All rise.
- 8 Please be seated.
- 9 PRESIDING JUDGE TARFUSSER: Hello. Good afternoon for the last time today.
- 10 I think good afternoon to the witness.
- 11 We continue for another one hour and a half and therefore I give the floor to, to do so,
- 12 I give the floor to the Prosecutor.
- 13 MR MACDONALD: We can go into a short private session, please.
- 14 PRESIDING JUDGE TARFUSSER: Yes, please can you call the private session.
- 15 (Private session at 3.33 p.m.)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Open session at 3.36 p.m.)
- 15 THE COURT OFFICER: We are back in open session.
- 16 PRESIDING JUDGE TARFUSSER: Thank you.
- 17 Mr Prosecutor.
- 18 MR MACDONALD:
- 19 Q. Witness?
- 20 A. Present.
- 21 Q. Now, you said that the faithful who are present leave, but then how many
- 22 people stay behind afterwards?
- 23 A. Well, there were 64 people in the mosque, including 6 women, 6 women.
- 24 Those were the faithful.
- 25 Q. Now, once they had left, I believe you stayed there. Did other people stay

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1 there as well once the faithful had left?

2 A. I stayed there at that place with the night watchman, Cissé was his name, and
3 Mr Ouattara the --

4 THE INTERPRETER: Inaudible.

5 THE WITNESS: (Interpretation) -- of the mosque.

6 Q. So Mr Ouattara and Mr Cissé stayed behind with you. And I think you said he
7 was the beggar of --

8 A. Manoeuvrer, manoeuvrer, the labourer, the person who did the cleaning of the
9 carpets and so on and --

10 THE INTERPRETER: Overlapping speakers.

11 MR MACDONALD: (Interpretation)

12 Q. Were there other people there?

13 A. There was the night watchman.

14 Q. Very well. And who closes the doors at night at the mosque? A few
15 moments ago you said that the doors were closed. Who did that? Who closed
16 doors?

17 A. I did that day.

18 Q. And could you also tell us, and we can see on the panorama shot -- well, there
19 were some entrances within the fences. There was the main entrance, there *were
20 the back door, the side *doors. Were they locked or unlocked that particular night?

21 A. Well, not yet. The gate had not yet been destroyed by the militiamen.

22 Q. Well, my question actually was were they locked? Were those entrances
23 locked?

24 THE INTERPRETER: Overlapping speakers.

25 MR MACDONALD: (Interpretation)

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1 Q. Locked or unlocked?

2 A. Locked? I beg your pardon. Closed or not closed?

3 Q. Locked with a key?

4 A. No. Because when the faithful began -- *When the faithful started to arrive, I
5 had already left all the doors open.

6 THE WITNESS: (Interpretation) -- doors open. So when they left, I began to close
7 the doors. There was hardly anyone left.

8 MR MACDONALD: (Interpretation)

9 Q. Now, I showed you a photograph a few moments ago --

10 A. Yes.

11 Q. -- of the CNI, C-N-I. Could we please have that photograph back up on the
12 screen.

13 Court usher, this is 0028-0299 at page 0239 -- correction, 0234.

14 MR MACDONALD: (Interpretation) Can the witness see the photograph as well?

15 Q. Witness --

16 A. Yes.

17 Q. -- just to -- just to get back to the fence.

18 A. Yes.

19 Q. We can see that the fence is lower than what we now see. Was it like this all in
20 front -- was it like that all the way, the fence at the front?

21 *A. I do not know.

22 Q. Very well. So the height of this fence was the same from the beginning of the
23 fence from the antenna side all the way to the Doukouré bridge, so the whole fence
24 along the main road was like this, what we see on this photograph?

25 A. Yes.

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1 Q. Very well.

2 MR MACDONALD: (Interpretation) We can now take this image off the screen.

3 Q. Witness, did some people enter the area, did they go through the fence, go into
4 the area on that day? Did anyone force their way in?

5 A. Yes, Mr Prosecutor.

6 Q. Who did it and how did they do that?

7 A. It was the militiamen, that is what we refer to them as at that time. They were
8 the ones. After throwing stones and breaking the windows of the office, not very far
9 from the main road, after they did that, they forced their way in.

10 Q. Just members of the militia who did that or were there other people?

11 A. That day, yes, there were some uniformed men amongst them.

12 Q. Which uniformed men?

13 A. I'm sorry, *I told you that I am not very good at French.-- We call them corps
14 habillé, all the people who wear uniforms. They might be, you know, soldiers,
15 policemen. For us we use the same expression, les corps habillé. So they were in a
16 vehicle -- in vehicles, correction, police CECOS, CECOS. Those ones, those people.

17 Q. How many police vehicles came to that particular place, and where did they
18 park their vehicles?

19 A. Well, first of all, there were two vehicles with tarps over the rack at the back and
20 then some *small trucks without a tarp over the back, *because the police, that was it,
21 for the patrols, that's ok. And then after that, there was the tipper truck. And then
22 after that, you see, if I remember correctly another kind of vehicle came, and I think
23 the license -- now, I think it was sort of a defence vehicle, presidential guard.

24 THE INTERPRETER: Interpreter correction: The kind of vehicle mentioned was a
25 dump truck.

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1 MR MACDONALD: (Interpretation).

2 Q. Okay. Let's take it one step at a time. How long after the young people throwing
3 stones at the CNI, after breaking the windows, after that how much time was it until
4 the two CECOS trucks actually arrived?

5 A. *Well, that was afterwards. Well, we did not pray. And I stayed in underneath
6 one of the little sheds. And the young people started to force the door, climb up the
7 fence. They were still throwing rocks. And that was about 1400 hours. I don't
8 want to get it wrong. I don't want to say something wrong, but I would say not far
9 from 1400 hours.

10 Q. Okay. Let's just make sure we understand one another properly in terms of time
11 and space. Now, some young people were throwing stones at the mosque. And what
12 did the people do? How did they defend themselves, if they defended?

13 A. Mr Prosecutor, people had already been victimised. People were defending
14 themselves any way they could. People were scattered, going off -- running off, going
15 home. The traders had left and the local people living in the neighbourhood fled.
16 Nearly everyone fled, they fled, except I stayed, the watchman stayed and old
17 Ouattara stayed.

18 THE INTERPRETER: Interpreter correction: The time mentioned in the previous
19 reply was 1600 hours.

20 MR MACDONALD: (Interpretation)

21 Q. Now --

22 PRESIDING JUDGE TARFUSSER: Excuse me just for a clarification, there was a
23 correction from 1400 to 1600 hours, right?

24 MR MACDONALD: The witness first said 1400 and then he says, "No, I don't
25 know," and then he said 1600. He said both.

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1 PRESIDING JUDGE TARFUSSER: Okay. So go ahead, it's okay.

2 MR MACDONALD: (Interpretation)

3 Q. I beg your pardon, Mr Witness. Now, my question was this --

4 A. Yes.

5 Q. -- before the arrival of the two four-by-fours --

6 A. Yes.

7 Q. -- and that was after the normal time for prayer at 1305, you don't know exactly
8 what time it was, but you said the young people even scrambled up the fence. Now,
9 before the four-by-fours arrived, were some young people able to actually get over
10 the fence?

11 A. Mr Prosecutor, the youths at that time, the young militiamen, let me tell you
12 once again, I don't remember the exact time. Maybe it was 1400 hours up until
13 1600 hours maybe, but I didn't really take note of the time. But after 1600 hours I did
14 realise what time it was.

15 Q. And what happened when the two four-by-fours arrived? What did they do?

16 A. Well, yes, indeed, when the two four-by-fours arrived and they had the tarps
17 covering the back, they got to the main entrance. Well, I beg your pardon, at that
18 time there were no shops actually sort of operating. It was more small traders and
19 the like who were there.

20 So they were able to force the main door, the gate. I stayed underneath one of the
21 sheds, and I saw the door, and I saw the four-by-fours come and park in front. I
22 stayed there and I saw that.

23 Q. Did they smash through the main entrance with their vehicle?

24 A. No.

25 Q. So they stayed on the side of the fence, the main road side?

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1 A. Yes, yes. They remained behind the fence, that is, and facing the main entrance. And the
2 first vehicle, the first vehicle, there was a uniformed man who came out, someone came out, a
3 man, and he had a jerrycan of fuel. *Started to douse the hangars by the fence.

4 MR MACDONALD: (Interpretation)

5 Q. So they started throwing fuel on the little sheds of the traders?

6 A. Yes.

7 Q. Then what happened?

8 A. And then a second one came and he set the fire underneath the sheds. And while
9 that was happening, another group of people came after they had broken the
10 windows of the offices of the CNI-COCY. And these were uniformed men once again.
11 They came and they took a lot of things, including 32 chairs, I remember 32 chairs and
12 some internet equipment.

13 Q. You say that uniformed men --

14 A. Yes.

15 THE INTERPRETER: Overlapping speakers.

16 MR MACDONALD: (Interpretation)

17 Q. -- came into the offices of the CNI to loot; is that what you're saying?

18 A. Yes. Yes, they came out of there with all those items they had taken.

19 Q. And then what? Then what happened?

20 A. After that, when the fire started to really get going underneath these sheds, you see,
21 I had Mr Cissé, the night watchman, come up to me and he said, "Sir, can we do
22 something? We have to put out the fire." And I said, "No. Look, just look. They set the
23 fire and they're still there. They haven't left." He went to the toilets to get a pail of water.
24 As soon as he threw the water on the first flames, a uniformed man took out his gun and said,
25 "Who is there?" *Don't move, I'll blow your head off" and he threw the bucket of water to one

1 side and came towards me, saying, "Everything is ruined, everything is ruined now.

2 Q. Now, the items that were stolen -- if we could just backtrack for a moment, I
3 forgot to ask one question. Now, the uniformed men took these things where the
4 television, the internet equipment and the other items that were looted from inside
5 the CNI, what did they do with these items? Where did they take these items?

6 A. They went and loaded them onto the trucks.

7 Q. Very well. I'll just keep on and we'll go to this point in your account where the
8 night watchman came and he was threatened. Then what happened?

9 A. At that time the man in the uniform, and I remember this very well, Mr Agbolo
10 and Maguy Le Tocard, the leader of the group, there was this leader call Maguy Le
11 Tocard, they came; and as they came, as I saw *them arriving, we left, we headed
12 towards the banana trees*and they stayed under the fence to point us out to the
13 others. They said, "Oh, there are people hiding over there under those banana trees." *That
14 was when Maguy Le Tocard and Agbolo said, "hands on your head." We went to the terrace,
15 and once again we were there, they took off all our clothes, everything that we had on, yes.

16 Q. Now before we go any further in this account, we'll just stop for a moment just
17 to make sure we've understood. So you have told us, sir, now you've told us, sir,
18 that you saw Agbolo, Maguy Le Tocard. And now where were they when you saw
19 them the first time? Where were you at that time?

20 A. When they appeared at the mosque, is that what you're asking about? I had
21 seen them outside, outside separate of that event, but --

22 Q. My question is that day, the Friday, that particular Friday --

23 A. Yes.

24 Q. -- where were you, where were you located when you saw them for the first
25 time, Agbolo and Maguy La Tocard? And we will get on to the other points.

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- 1 A. Very well. I was underneath the shed.
- 2 Q. So there was a terrace?
- 3 A. Yes.
- 4 Q. With some sheet metal roofing?
- 5 A. Yes.
- 6 *Q. which looks onto the main road, that one can see from the main road?
- 7 A: Precisely.
- 8 Q. And where were they, where were they, Agbolo and Maguy La Tocard, when
- 9 you saw them, physically when you saw them?
- 10 A. They were coming out of the office of the CNI-COCY and they were heading
- 11 towards me.
- 12 Q. And when you saw them drawing near, what did you do?
- 13 A. Well, I was afraid. *We started to run, like everybody else.
- 14 Q. And when you say "us," who do you mean?
- 15 A. I was with Cissé and Mr Ouattara, who had lost *one of his shoes whilst scaling
- 16 the fence; he fled.
- 17 MR MACDONALD: (Interpretation)
- 18 Q. Was there anyone else?
- 19 A. There was *a beggar, who -- there was someone who was walking with crutches,
- 20 he was with us as well. He had been pretending to be *asleep.
- 21 PRESIDING JUDGE TARFUSSER: You are overlapping continuously. You are
- 22 advising the witness, but you are overlapping continuously.
- 23 MR MACDONALD: I'm certainly tuned in then. I'll slow down.
- 24 PRESIDING JUDGE TARFUSSER: Okay. Good.
- 25 MR MACDONALD: I'll slow down, your Honour.

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1 Q. (Interpretation) Witness, I'm going far too quickly and I apologise for that. Now,
2 you were saying that you were underneath the shed, and you saw Mr Agbolo and
3 Maguy La Tocard coming towards you, coming from the CNI. And you were with
4 Mr Cissé. And underneath the shed there was that beggar, there was a beggar with
5 you; is that what you're telling us?

6 A. Yes. Before, before, and that was just before the disappearance of Mr Ouattara.

7 Q. And you went into hiding?

8 A. Yes.

9 Q. Where did you hide?

10 A. In the banana plantation that is in front of the mosque.

11 Q. And once you hid, what happened?

12 A. We felt that we were in hiding, but there were people who had climbed onto the
13 fence and were trying to find out whether anyone was hiding. They were on top of
14 the fence and looking around the mosque and then they saw us.

15 Q. And what happened?

16 A. It was then that Maguy Le Tocard and Agbolo called us to the terrace and removed
17 everything that was on us.

18 Q. Just to understand correctly, and we will go back to the 360-degree panoramic
19 presentation. I will show that now if we can have access, please. Mr Witness, I will sit
20 down once again. For the record, that's panorama number 13, and we refer to this as
21 the back of the mosque where you have the minaret. And you mentioned earlier that
22 there were banana trees in this part of the courtyard of the mosque. So this is the area
23 in which you were hiding?

24 A. Yes, it was there.

25 Q. And when you were caught or discovered, you were taken to the terrace?

1 A. Yes, that is the terrace on the left.

2 Q. Where we see the minaret, to the right or to the left?

3 A. That is under the window on the right.

4 Q. Very well. Where did they come from, from which direction, that is Agbolo
5 and Maguy Le Tocard?

6 A. They came towards the back of the mosque. They were going round the
7 mosque.

8 Q. From the left or the -- from the left or the right?

9 A. From the left. * as we see here, yes.

10 Q. Was there anyone else with them? Maguy and Agbolo, were they alone or
11 were there others with them?

12 A. Those who unmasked us were still on the fence and just about everywhere.

13 Q. I will continue, Mr Witness. When you were found in your hiding place, how
14 many people were there, right on the spot who took you to the terrace at the back of
15 the mosque under the window on the right?

16 A. It is not possible for me to tell you the number of people who were there
17 because there were many of them and some were still arriving, so I cannot tell you the
18 precise number.

19 Q. And what happened at that time?

20 A. Once we reached the terrace, as I told you a short while ago, personally, in
21 fact -- and the *beggar, he was hit with the butt of a gun and then they took
22 everything we had on us on that day. And then they started searching.

23 In the meantime, others arrived. I was the first one there and they made me to bend
24 down. My head was on the ground and my buttocks was -- were in the air. It was
25 then that Agbolo came with the barrel of his gun. He made me kneel down and then

1 he forced the barrel of the gun into my anus. Then he said that if I screamed or
2 shouted he was going to fire. So I took ahold of myself, and then he did that several
3 times and then they put me aside.
4 They took the guard -- they took the beggar *in question, a young Haoussa. And then
5 they did the same thing to him, but when they pulled the gun out there was a sachet
6 containing bank notes. That is what came out of his anus. * Well, they counted it
7 between them and even shared it. It was during that time that Mr Cissé raised his
8 hand and said, "Look, I'm going to tell you something. I have personal protection in
9 my pocket and I am pointing that out to you so that you should not take it badly. It is
10 my personal protection." They didn't want to hear anything about it. Maguy Le
11 Tocard -- well, one of them sent his hand into Mr Cissé's pocket and then he removed
12 a gris-gris, which was made up of red, black and white threads, as the African
13 gris-gris are, and each person was being held by two people, but it was three people
14 who were holding down Mr Cissé.
15 And using an axe -- they had an axe with them and then they chopped off Mr Cissé's
16 arm. And then they handed it over to me. I was afraid, I didn't want to take it and
17 they told me, "Look, if you don't want to take it, you know how you are going to end.
18 So take it." So I took the hand that had been chopped off and it was still moving a
19 little bit. It was at that time, Mr Prosecutor, that we saw the ONUCI helicopter flying
20 overhead, flying over the mosque because our president, who was responsible for the
21 management of the mosque, had been informed that the mosque had been set alight.
22 But it was not yet burned. *So, when the plane arrived, we were told... they... we
23 were forced to lie on the ground. At that time we were lying down until they finished
24 what they were doing and they left.
25 It is after that that we left through the small door that you showed, that is the small

1 door that leads out into the courtyard. Behind that, not far away from the door there
2 is what is called a regard or a manhole where there is a pipe containing water.

3 Q. Mr Witness, I'm sorry to interrupt you, we are going to continue in a short while
4 regarding what you referred to as a regard. I would simply want to backtrack to
5 something you said. At the time of the attack or the aggression, where were the
6 CECOS members who had parked their vehicles at the main entrance?

7 A. Mr President, these people were occupied inside the CNI-COCY removing the
8 tables, chairs, TVs and the internet. They were there. That's what they were doing.

9 Q. Did they come to where you were being attacked at any one time at any point?

10 A. You mean where I was with Cissé?

11 Q. Yes, there where you were being sexually attacked?

12 A. No, they were not there. It was afterwards that they came.

13 Q. Where did they go -- where did they come?

14 *A. They came to the terrace of the minaret.

15 Q. That is where you were, under the window on the terrace next to the minaret?

16 A. Yes.

17 *Q: Next to the minaret?

18 A: Yes.

19 Q. And what was happening at that time when they arrived?

20 A. I went back to the terrace, but when they finished they hacked Mr Cissé to pieces
21 and set him on fire on the road, and then afterwards one of the CECOS people came
22 and gave me an ID card and said, "Is that your ID card?" And I said, "Yes." And he
23 said, "You have to hide it because if *people know you are dioula, well no, they won't
24 forgive you." That is what happened.

25 Q. You have seen your -- the 360-degree presentation and I'm going to ask you

1 questions regarding your account, when you came out and went to the what you refer to as
2 the "regard". So with the leave of the Court, can we have the 360-degree panorama, please.

3 A. Yes, that's it.

4 Q. Very well. You said that you came out, and there we can see a door, we can see the
5 CNI in front of us.

6 A. Yes.

7 Q. And there is also a door there on the fence.

8 A. Blue.

9 Q. And this is the other side. And they took you in the direction of the CNI?

10 A. Yes.

11 Q. Witness, that is the regard; is that it?

12 A. Yes, that is what I referred to as "regard". I don't know whether it is the correct name.

13 Q. So it's the sewage cover, and this is what is referred to in English as a manhole.

14 What happened at this location?

15 A. When they arrived there, *in the direction of the main road, that's where they took
16 Mr Cissé, and they tried to force him into the thing. They took the door off, what do
17 you call it, the lock. There are two locks on it. They took it off, three or four people
18 lifted it and they tried to put Mr Cissé in there. He couldn't get into the manhole.

19 Q. In the manhole, in the hole.

20 A. Yes, in that hole, but they did not succeed. It was at that time that Maguy Le Tocard said,
21 "Well, we should just hack him to pieces." We went to the road opposite CNI-COCY, on the
22 main road. We went there and when we arrived in front of the CNI-COCY, they cut him into
23 pieces and they put him in the middle of the road and they asked me to hand over the arm
24 that they had given me. I did so. I gave it back to them. And so they set fire to him. They
25 broke the traders' tables that you can see there and used it as wood. They had gas cylinders

1 and some petrol and then they set fire to Mr Cissé in the middle of the road. And
2 someone came and asked me, "But you, what are you still doing here?" And that is
3 how come I went back into the courtyard of the mosque. At that same time the
4 uniformed men arrived with their rifles. *The main door of the mosque, under the
5 hangar, in the women's area – they ransacked it with machine guns with lots of
6 (inaudible) as bullets. They broke in. I went behind on the minaret side and I stayed
7 there from where I was able to see what was happening inside.

8 Q. Mr Witness, just for the court record, when we were on panorama number 13, that
9 is behind the mosque, we went to number 11, that is the exit door, then we went to
10 number 3, from which we went to location number 2 where there was the regard or
11 the manhole. That is where we were at. Mr Witness, we can see a four-by-four here on
12 the photograph. I understand that it belongs to the police. You talked about a
13 four-by-four on which it was written CECOS. And when you say four-by-four, does it
14 look like this one?

15 A. No, it is not like that. It is smaller than this.

16 Q. And is the back covered or not?

17 A. It was not covered.

18 Q. What happened with Mr Cissé when they broke down the wooden stalls?

19 A. After having hacked Mr Cissé into several pieces, they put some wood on him and
20 then some plastic bags or sachets and then they put fuel and set fire on him.

21 Q. And what did you do?

22 A. I stayed there until someone came and asked me what I was doing there and that is
23 when I left and went back into the courtyard of the mosque. At the same time the
24 members of the CECOS wearing fatigues, they came and broke down the door that
25 we can see, not the window, the door on the right. Yes, that is the door. It is that door

1 that they broke down in order to enter. *That's where the women's money was, the
2 collection boxes.

3 Q. Mr Witness, I am showing you now location number 22 and it is the door on the
4 right?

5 A. Yes, that is correct.

6 Q. So they broke down that door on the right?

7 A. Yes.

8 Q. And what happened after that?

9 A. They went inside. In fact, at that time you didn't have these carpets. * They were
10 only carpets. They removed everything. There was a metallic cash box and they took
11 that out, they broke that. There were cash boxes chained to the ground *and using
12 rifles they broke the padlocks and removed all the coins that were inside. There were
13 *three or four cash boxes. I really don't remember the number, but there were three or
14 four where the *women put the collections from Friday worship. *Each Friday, each
15 contributor, there, it's over there, Sir.

16 Q. Now, we are now on image or location number 23, for the record. Now, once
17 they -- once they took out the carpets and once they broke the cash boxes, what did
18 they do?

19 A. They took everything into the CECOS vans.

20 Q. And what happened after that?

21 A. Well, where you see the ceiling fan there was some plywood there. They cut a large
22 hole in the plywood and then put in a car tyre with some wet rags, and the intention
23 was to set fire to that. During that time on the men's side, they went there and
24 removed all the carpets and prayer mats. Those were ordinary carpets, not these ones.
25 So you can see where the imam stands. So they took the microphone and all the

1 equipment. They took the carpet of the imam and all the good mats. They went and
2 loaded that onto a pickup, a Kia pickup or dump truck which was driven by
3 uniformed men wearing red berets. They loaded those things onto their pickups. And
4 during that time the little door that you can see there, I was sitting on the staircase. I
5 could see everything, directly in front there, (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted) They took it, Maguy Le Tocard and Agbolo, they broke it and then they
9 came and asked me to give me some matches to set the blackboard on fire so as to
10 also burn the ceiling. And I told them, "No, I'm not a smoker. I do not have matches."
11 So they went round the mosque. And when you enter through this door, the first
12 door into the men's side - yes, please go on - the door that you can see there, they
13 removed the door -- part of the door, and then they went with it. It was replaced
14 later by the chairman of our committee.
15 They took those things and went to the men's section, and while they were putting
16 the tyre on the ceiling, *there was the boys' collection box that fell with a rag in it
17 because this was the women's section, they went to the men's section also, directly in
18 front. Please a little bit more. Yes, yes, right there.
19 Directly opposite. So there was this safe, there was a safe for the men's section. There
20 were bank notes, but there were also coins making noise there. So all those who were
21 in the women's section came to this section now because there were coins shaking and
22 making noise. Even the *clock that you can see there did not exist. It was not there
23 because they took everything that was there. *They took the clock to send it there, it
24 wasn't this clock then, it was the old make of clock. That's it. When they came,
25 they went over more to the left - to the left please, to the left, left, yes - where there

1 was a buffet. Now, I don't know whether there was any money, but they opened up
2 this buffet table and there was three hundred and some Qurans, nearly three hundred
3 and some Qurans stored there and they began to leaf through the buffet table. And I
4 asked Le Tocard if I could pray on the terrace and the -- you see, the carpets and the
5 mats and -- they burnt up all of those things and the smoke was so thick I went out,
6 you see. *The smoke there, maybe that is why I saw, oh my god, (unintelligible) there.
7 So I asked if I could go out and pray. *And he said, no. Agbolo said no, they were not
8 in agreement, that I should be left to pray, the Dioula would go and build mosques on
9 the highway. So, Maguy Le Tocard said, "No, let him pray." That he is a true muslim.
10 "Just leave him, let him pray." So, they left me. And I asked if I could put my clothes
11 back *on so that I could pray, and they said, "Yes, but that doesn't change anything."
12 So I left from behind the window at the left there outside. A few seconds, a few
13 minutes they came and said to me, and they said to me, "Oh, you haven't finished
14 your prayers?" And you see, they began to burn, (Redacted)
15 (Redacted), they used the little canister of gas they had to set it on fire. *And there
16 were a lot of ... sort of... that cost 250 francs when bought from the Mauritians.
17 They had that and burnt it. They burnt the Quran and threw it at me, saying, "Well if
18 the Quran can save somebody it'll be you." So, they burnt the Quran and threw it at
19 me. Behind the window you see there, where there is a white speck, that's where I
20 would pray, and people took the Quran out and it fell on me there. They brought out
21 the Qurans and during that time they were still searching and looking for things and
22 they put their hands on everything that was in the mosque on the men's side, *they
23 took it away, there was smoke. So that lasted until 1800 hours and -- because then I
24 heard the call to prayer from the other mosque in the other neighbourhood, so I knew
25 it was 1800 hours. There were no other faithfuls there. I was the only one. And I

1 thought to myself: What must I do? What is to become of me? And at that time some
2 of the people from the neighbourhood came to the mosque to find out what had
3 happened *because of the smoke and they said to me, "What happened?" And I said
4 that I was going to stay there. And they said, "No. No. Get out of here. You must get
5 out of here." But I stayed, and they came to help me. I took out some of the mats, the
6 mats that were burning in the mosque, and I began to put the fire out. *Unfortunately,
7 they had already cut off all of Sodei (inaudible), so we had to break the Sidéci pipes to
8 get to the water and put the fire out. We did that on the Friday. There was heavy rain
9 on Saturday. And Amnesty International came to see me on the Saturday.

10 Q. Mr Witness, I'm just going to interrupt you.

11 A. Very well.

12 Q. If we could go back to that point in your account when the assault --

13 A. Yes.

14 Q. You say that Maguy Le Tocard was there and Agbolo were there, they were the
15 two people there. Can you tell us who put the gun into your anus?

16 A. Mr Prosecutor, I can't tell you who did it. *I was forced to bend over, I closed
17 my eyes. They were all behind me, you see. I don't know. *Anyway, they all had guns.
18 I can't tell you which one, really, but it was one of those questioning me. He said, "if
19 you shout, we will shoot." But I don't know who it was at that moment in time. Sorry.
20 There we are.

21 Q. When Mr Cissé's arm was cut off, can you tell us who did that? Who cut his
22 arm off with the axe?

23 A. I saw that. I was about 2 metres. It was Maguy Le Tocard.

24 Q. Now, when you were in front of the CNI on the main road, you said that he
25 was -- Mr Cissé was hacked into pieces. Did they actually cut his body up into

1 pieces? Can you describe what happened?

2 A. After the arm, which I was holding, they continued to cut him up. And his
3 arm, well, started at the shoulder, they cut that twice. The rest, the head, the chest,
4 including the feet, not -- they did not cut him into little pieces. They didn't have time.
5 I was there. They didn't have the time for that. So they came to close with, you see,
6 with the bag and also with some bits of wood and fuel.

7 Q. I see. Very well. You mentioned a kind of dump truck twice --

8 A. Yes.

9 Q. -- this afternoon. Let me go back to that particular point and the arrival of that
10 truck. Now, this truck, I believe you said that the men operating the truck had
11 uniforms, had red berets?

12 A. Yes.

13 Q. What does that mean in your language?

14 A. Well, well, the kind of truck that is used to pick up sand.

15 Q. Yes. So the kind of trucks that are used to transport sand?

16 A. Yes. * It was a Kia.

17 Q. Can you tell us which particular uniformed men did this? You said that you
18 had seen two four-by-four, two CECOS four-by-fours?

19 A. Yes.

20 Q. Can you tell us more about this truck? Who did it belong to, which group?

21 A. The presidential guard. I can confirm that because that it was people from the
22 presidential guard because, you see, when I worked at the livestock production
23 ministry, there were *the Council of Ministers there, and I was quite familiar with the
24 numbers, and I'm very familiar with those vehicles.

25 Q. So *you call this the 'Presidential Guard'?

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1 A. Yes.

2 Q. Very well. How many people from the presidential guard?

3 A. The same thing as republican guard. Isn't that the same thing? Yes? There
4 was just one truck, the kind of truck used to transport sand, just one of those.

5 MR MACDONALD: I'm sorry, your Honours. I'm having problems with the
6 transcript.

7 Q. (Interpretation) Witness, I would now like to -- well, what did they do, the
8 members of the presidential guard that you saw with that dump truck at the mosque?
9 What did they do exactly?

10 A. Well, they came to help the others. Well, they had the truck and they came to
11 help, to bring out the carpets, the microphones, and they loaded up all those items
12 onto the dump truck.

13 Q. So they came to loot?

14 A. Huh?

15 Q. They came to loot?

16 A. Yes, yes, to loot. Behind the main -- behind the gate that you showed me, not
17 far from the shed and the manhole.

18 Q. I beg your pardon. So they came to steal?

19 THE INTERPRETER: Laughter.

20 THE WITNESS: (Interpretation) Yes, indeed.

21 MR MACDONALD: (Interpretation)

22 Q. When did they actually arrive?

23 A. When they arrived after the prayer, after the prayer, the 1600 hour prayer, I
24 can't tell you, but it would have been after 1600 hours.

25 Q. So when you were inside the mosque you said a few moments ago that you

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1 had -- well, there was Maguy Le Tocard in there and Agbolo, and you had asked for
2 permission to pray?

3 A. Yes.

4 Q. Because it was 1600 hours; is that right?

5 A. Yes.

6 Q. Okay. That is why you asked for permission to pray?

7 A. Yes, because I could hear the call to prayer from the other mosque. If I was
8 going to die, I had to pray before.

9 Q. Now, the next day you spoke to some people from Amnesty International?

10 A. Is that --

11 Q. Is that what you were saying a few moments --

12 A. Yes. The next day was Saturday, and Saturday the same people came back,
13 and they continued destroying the sheds and they broke down the fence and nearly
14 all the metal gates as well. They destroyed everything. They took everything
15 away.

16 Q. And you were present? Where were you actually?

17 A. Oh, oh --

18 Q. Now, you say that they pulled down the shed?

19 A. Mr Prosecutor, the next day, the Saturday, as I was saying, in the morning,
20 I don't know exactly what time, I was still hiding in the vegetation and I could hear
21 the yelling and the screaming. I was hiding, looking to see what it was, and it was
22 the same ones. They came with axes, and they came and they had their weapons as
23 well, and they *even shot at the Imam's door, the Imam's gate.

24 Q. Very well. Now, Mr Witness, I would now like to show you a video, play a
25 video for you.

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1 A. Yes.

2 MR MACDONALD: And if you will just give me a moment, your Honour, would it
3 be possible --

4 (Viewing of the video excerpt)

5 THE COURT OFFICER: We just need to know the level of confidentiality, sorry.

6 Thank you.

7 MR O'SHEA: Can we have the ERN number, please?

8 PRESIDING JUDGE TARFUSSER: Can we have the ERN number?

9 MR MACDONALD: Your Honours, I'm sorry about that. The ERN is
10 CIV-OTP-0043-0269. I'm going to play or attempt to 28.30. The excerpt that is of
11 interest, your Honour, for my following questions is 28.30 to 30.10. So minute 28.30
12 to minute 30.10.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: Message from the interpreters: We do not have this
15 particular transcript in the booth.

16 "I wish to condemn this act of violence that has been perpetrated at the mosquée de
17 l'antenne and the other two mosques. What has happened here is incredible because,
18 as you know, these Holy places, mosques, churches, temples where God himself lives,
19 we come to these places to pray, to demonstrate our solidarity, our love for God.
20 Today the Holy Quran has been burnt as well as prayer mats, as well as the office of
21 the president and the chairs that the people use every day. We should let the
22 politicians settle the problems. We are not taking any revenge against any religious
23 community or any ethnic group because we are all brothers."

24 MR MACDONALD: (Interpretation)

25 Q. Witness.

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1 A. Yes.

2 Q. Do you recognize this footage?

3 A. Of course. Yes, of course.

4 Q. Now, when the video footage was taken, were you there?

5 A. Yes.

6 Q. So we can see the shed and the terrace?

7 A. And the broken *uprights.

8 Q. And also the copies of the Quran that were burnt?

9 A. Yes.

10 Q. Can you tell us when the Qurans were burnt? Was that on Friday or Saturday?

11 A. Mr Prosecutor, *the burning of the Qurans was on a Friday. The Saturday they
12 came back to break the footings of the sheds and they also destroyed the gates.

13 That's what I can tell you right now.

14 Q. Very well. Now, you say that they came back. Can you identify the people
15 who came back on the Saturday?

16 A. Yes, Mr Prosecutor. It was the militiamen, once again with the bâchée and the
17 CECOS people.

18 Q. And you make mention of militiamen. Were they led by someone in
19 particular?

20 A. That day --

21 THE INTERPRETER: Overlapping speakers.

22 THE WITNESS: (Interpretation) That day it was no longer Maguy Le Tocard or
23 Agbolo, but there was someone -- there was another leader *in Yaho Séhi, whom
24 everyone fears, even in Abidjan, in Yaho Séhi.

25 MR MACDONALD: (Interpretation)

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1 Q. Now, I think we need to go back to the whole issue of Agbolo. Do you know
2 what his real name is?

3 A. Mr Agbolo? No.

4 Q. Can you describe this person to us?

5 A. Yes. First of all, he -- he's a well-built fellow, kind of like this, bow legged.

6 Q. Now, you've made some gestures to the left and the right. We can see, sir, but
7 it's for the purpose of the transcript.

8 A. I'm sorry. Bancal is what I say. He's got bow legged, legs a bit separate.

9 Q. Very well. I'd like to show you a photograph.

10 More specifically if the court usher could please -- and I want to make sure there is no
11 error made. Yes, CIV-OTP-0092-0055 -- 25, correction. And this is a photograph
12 that was taken, well, rather, an image that is taken from a video, from video footage,
13 timestamp 53.15.14. This is actually a still image. This is public.

14 Could we zoom in a bit? Could we blow up this image a bit, in particular the sides?
15 And for the point -- for the purpose of the record, I believe that registry officials also
16 have made a hard copy available to the witness if he requires one.

17 Q. Witness.

18 A. Yes, present.

19 Q. Do you recognize anyone in this image?

20 A. No, I can't.

21 Q. Very well.

22 MR MACDONALD: (Interpretation) The image can be removed from the screen.
23 I would now like to call up another item. This is 0092-0010. This is another image
24 from the same footage and this time, this is timestamp 52.34.16. 52.34.16. If we
25 could zoom in a bit, please, and perhaps scroll up a bit.

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1 Q. Witness.

2 A. Present.

3 Q. Can you recognize any of these people?

4 A. It's the same photograph. The guy with the sunglasses, don't know, but
5 Mr Agbolo was kind of like that.

6 Q. Very well. And if just before we continue, just before we continue, now,
7 formerly Mr Agbolo was a part of an organisation. Any organisation to your
8 knowledge?

9 A. To my knowledge he was part of the FESCI.

10 Q. Very well. Could we perhaps scroll down and look at the body of this person
11 wearing the sunglasses. And I put it to you that we can actually read F-E-S and we
12 can see that this is a T-shirt of the FESCI.

13 Now, Mr Witness, this is just for the purpose of the record and so that the Chamber
14 can take note of this point.

15 Now, Witness --

16 A. Present.

17 MR MACDONALD: I have a few minutes, but unfortunately I won't be able to
18 conclude today and I think it would be better for us to end at this point, with the
19 leave of the Chamber, otherwise I could go on for a minute, minute 30 on another
20 issue, as the Court pleases, with your leave, your Honour?

21 PRESIDING JUDGE TARFUSSER: Do you mean a minute, a minute 30 in order to
22 end or a minute, minute 30 just to conclude a certain argument?

23 MR MACDONALD: (Speaks English) It was a minute 30 just to finish at 5 sharp,
24 but I have -- I will have I hope 20 minutes tomorrow, 15 minutes maximum.

25 PRESIDING JUDGE TARFUSSER: Okay. Then I suggest that we close here also

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1 because colleagues have other duties.

2 So, Mr Witness, we conclude here for today your testimony. We will continue
3 tomorrow morning on the same hour as today, so just for housekeeping, same hour,
4 10.30 for The Hague time, meaning 8.30 in Côte d'Ivoire. So goodbye and have a
5 good rest and see you tomorrow morning.

6 I have other two --

7 THE WITNESS: (Interpretation) I thank you.

8 PRESIDING JUDGE TARFUSSER: Thank you.

9 I have other two housekeeping things, issues to say, which is one, this one, on
10 Thursday we will have only two sessions in the morning and we will not sit on Friday.
11 And if possible, in order to have two full sessions, I would suggest to start at 9 and
12 have twice one thirty -- one hour and a half, so we could finish at 12.30, if this is
13 possible. So Thursday we start at 9 and we finish at 12.30 after two sessions and
14 then Friday is off for you.

15 MR MACDONALD: That's not a problem, your Honour.

16 PRESIDING JUDGE TARFUSSER: Thank you.

17 Then I hope that this whole testimony is also recorded in order for us not to drive
18 mad once we -- because reading probably the transcript with that door, that entrance,
19 and they came from here and from there, it will be quite difficult to read, so I do hope
20 that we have also the video for all the people. Okay.

21 And last thing is I do hope and I ask the Defence teams that the situation in the back
22 has improved, I mean in the back without going into private session.

23 MR ALTIT: Oui, Monsieur le Président.

24 PRESIDING JUDGE TARFUSSER: Because I did my best, I did my best, but I don't
25 know what the outcome is.

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- 1 MR ALTIT: (Interpretation) The situation is better. It's not perfect, but it is better,
- 2 and we will keep the Chamber updated about any new developments.
- 3 MR ZOKOU: (Interpretation) Mr President, Mr Blé Goudé will keep us updated
- 4 and tomorrow morning we will certainly have something to tell you. Thank you.
- 5 PRESIDING JUDGE TARFUSSER: Okay. Better is better than nothing. And so
- 6 we see you tomorrow morning at 10.30. Thank you very much.
- 7 THE COURT USHER: All rise.
- 8 (The hearing ends in open session at 5.03 p.m.)