

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing - Courtroom 1
9 Wednesday, 6 September 2017
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: [9:35:50] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:36:11] Good morning. Good morning. I'll wait
15 for you. Good morning, Mr Witness, to you as well. Today, now --
16 WITNESS: CIV-OTP-P-0580 (On former oath)
17 (The witness speaks French)
18 THE WITNESS: [9:36:29](Interpretation) Yes.
19 PRESIDING JUDGE TARFUSSER: [9:36:30] -- we continue with the questioning by the
20 Defence for Mr Gbagbo and that, therefore, I give the floor to Madam Naouri for one
21 session, maximum one session.
22 Yes, please.
23 THE WITNESS: [9:36:50](Interpretation) I think I am hearing Malinké in my headset.
24 PRESIDING JUDGE TARFUSSER: [9:37:03] We will address this.
25 MR ZOKOU: [9:37:11] (No interpretation)

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

- 1 MS NAOURI: [9:37:20](Interpretation) Mr President, I think the interpreter started
2 interpreting a little bit too early.
- 3 THE WITNESS: [9:37:34](Interpretation) I'm listening to Malinké and yet --
- 4 PRESIDING JUDGE TARFUSSER: [9:37:44] Are you ready now? Do you hear the
5 right interpretation?
- 6 THE WITNESS: [9:37:53](Interpretation) Yes, Mr President.
- 7 PRESIDING JUDGE TARFUSSER: [9:37:54] So I repeat, I give the floor to
8 Madam Naouri for one session. Thank you very much. Yours the floor.
- 9 MS NAOURI: [9:38:04](Interpretation) Thank you, Mr President.
- 10 QUESTIONED BY MS NAOURI: (Continuing)(Interpretation)
- 11 Q. [9:38:07] Good morning, Mr Witness.
- 12 A. [9:38:10] Good morning.
- 13 Q. [9:38:12] Did you rest well?
- 14 A. [9:38:20] Well enough.
- 15 Q. [9:38:21] Very well. Now, Mr Witness, yesterday you told us that you were with
16 women when you saw the two military vehicles.
- 17 A. [9:38:32] I was not with women.
- 18 Q. [9:38:36] Very well, I will rephrase. And I will quote you the transcript of
19 yesterday, page 88, line 22. My question was:
- 20 "What did you see while you were strolling around to look at the environment."
21 Answer: "We could see women, people who were on balconies to watch the
22 demonstration."
- 23 So there were women around you; is that correct?
- 24 A. [9:39:18] Yes, but I was not walking with women.
- 25 Q. [9:39:24] That is clear. But when you saw the two vehicles, military vehicles

1 arrive, there were women; is that correct?

2 A. [9:39:33] Yes, on the main road.

3 Q. [9:39:51] Very well. And so there were women close by. And they were happy;
4 is that correct?

5 A. [9:40:11] Yes, these women were on the main road leading from the roundabout of
6 the station to Banco.

7 Q. [9:40:38] Very well. And you took the direction of your friend's house at that
8 moment; is that correct?

9 A. [9:40:50] Yes.

10 Q. [9:40:52] And were you walking along the avenue?

11 A. [9:41:01] On that day, the women were on the main road itself. Those who had
12 errands to run, who were going to visit people or carry out other activities --

13 Q. [9:41:19] Let me interrupt you, Mr Witness. That was not my question. You,
14 personally --

15 A. [9:41:26] I'm trying to explain.

16 Q. [9:41:29] Mr Witness, I do not have a lot of time. I have precise questions and I
17 simply want you to answer the questions; is that okay?

18 A. [9:41:38] Yes.

19 Q. [9:41:41] Personally, where were you walking, on the boulevard or elsewhere?

20 A. [9:41:54] Elsewhere; that is, on the other road, not the main road on which the
21 women were walking.

22 Q. [9:42:10] Is it a perpendicular road that runs alongside the main road?

23 A. [9:42:23] I do not understand what you mean by "perpendicular."

24 Q. [9:42:32] You have the main road, and next to that main road, running alongside
25 that main road, is that the road you were using?

1 MR DEMIRDJIAN: [9:42:56] Parallel. Perpendicular.

2 MS NAOURI:

3 Q. [9:43:04](Interpretation) No, perpendicular. And there are small, smaller roads
4 on the side of the main road. Those are perpendicular roads in the neighbourhood.

5 A. [9:43:29] You have the main roads, and then right next to those roads there are
6 smaller roads, I would say parallel. The main road is there, then you have the sidewalk
7 and then a small road next to it. So we were on the smaller road. So what separated us
8 from the main road was the sidewalk.

9 Q. [9:44:14] Very well. After you started walking on that small road, you heard
10 gunfire; is that correct?

11 A. [9:44:30] When I was walking with my friend we were conversing, and it was at
12 that same time that we heard shouts of joy. I believe we tried to look back, and I saw a
13 tank, and behind the tank there was a vehicle known as a Canter. It looks like a pickup.
14 And there were armed individuals onboard.

15 Q. [9:45:17] Very well. But the tank passed you by?

16 A. [9:45:25] On the main road, yes.

17 Q. [9:45:29] On the main road. And then it went out of your field of vision; is that
18 correct?

19 A. [9:45:39] I can say that I could still see it, even from afar. I could still see the -- the
20 tank and the pick-up vehicle from afar.

21 Q. [9:45:56] But they were far away from you; is that correct?

22 A. [9:45:58] Yes.

23 Q. [9:46:01] Very well. And what did you do when you heard noises?

24 A. [9:46:11] I tried to save my skin; I tried to seek shelter. And it was after that that I
25 came out again.

1 Q. [9:46:23] Very well. And where did you seek shelter?

2 A. [9:46:28] On the smaller road, there were small roundabouts, neighbourhoods, so
3 when I heard the noises I ran into the neighbourhood immediately, but I do not know
4 immediately -- I do not know exactly whether it was in a compound or something, but
5 that is where I hid.

6 Q. [9:47:15] Mr Witness --

7 A. [9:47:18] Yes.

8 Q. [9:47:19] -- in which neighbourhood did you hide?

9 A. [9:47:24] The neighbourhood right next to where I heard the noise; that is, before
10 arriving the Mobil station there is an intersection there, and that is the neighbourhood into
11 which I went.

12 Q. [9:47:47] Very well. But while facing Banco, did you go left or right?

13 A. [9:48:00] Can you repeat the question, please?

14 Q. [9:48:05] Mr Witness, you were walking in the -- on the main road, and if that is the
15 case you were facing the Banco, so did you go right or left? That is the neighbourhood in
16 which you hid, was it to your right or to your left?

17 A. [9:48:27] To my right.

18 Q. [9:48:33] And for how long did you flee before you reached your hiding place?

19 A. [9:48:43] I did not go too far inside the neighbourhood. When I heard the noise I
20 immediately tried to hide where I could not be seen, where nothing could reach me there.
21 It was by the side, not right inside the neighbourhood.

22 Q. [9:49:14] And can you describe your hiding place to us?

23 A. [9:49:25] When I remember, in any case, because it was a bit traumatising given the
24 noises I had heard, I wanted to take refuge so as to avoid bullets. So I went into the
25 neighbourhood, and I believe there is a courtyard, there is a mosque in the neighbourhood

1 not far away from the tarmac. And opposite that courtyard I believe there is a mosque.

2 The gate that I saw, the door that I saw there, that is where I entered.

3 Q. [9:50:25] Very well. And were you alone in that hiding place?

4 A. [9:50:32] I lost sight of my friend with whom we were walking. When people
5 started firing, everybody went in a different direction, so we separated.

6 Q. [9:50:52] Yes, you were separated from your friend, but were there other people in
7 your hiding place?

8 A. [9:50:59] There were people also walking on the road, so everyone was trying to
9 flee. But where I found myself hiding, I did not see anyone next to me.

10 Q. [9:51:22] Very well. And the friend that you lost sight of, do you know his
11 political affiliation; was he a member of the RDR?

12 A. [9:51:45] I do not know. I do not know whether he was *a member of the RDR or
13 FPI, but what I know is that my young friends and I, during that period, I can say that we
14 were not too involved in politics, but when there was gunfire in Abobo and people were
15 killed, we heard that it was a pro-Gbagbo forces who were responsible. So many people
16 felt that the former president Laurent Gbagbo wanted to kill the inhabitants
17 of Abobo.

18 Q. [9:53:09] Very well. But when you say that you heard gunshots and it was
19 traumatising, were there members of the Invisible Commando also firing in Abobo?

20 A. [9:53:26] Frequently there were attacks. But, quite frankly, I never saw anyone
21 being shot, because when it started I was already at home. I would hear gunshots, but I
22 really did not see who was being shot.

23 Q. [9:53:59] Very well. Now, for how long did you remain hidden, Mr Witness?

24 A. [9:54:06] I do not know.

25 Q. [9:54:09] Very well. And when you left your hiding place, did you speak with

1 anyone?

2 A. [9:54:17] When I left my hiding place, I saw people crying, shouting and crying
3 and I was wondering, but what is happening? So I came back to the location at which I
4 had been and I saw a group of people gathered somewhere towards the Banco
5 roundabout.

6 Q. [9:54:56] Let us go stage by stage. You came out of your hiding place, you saw
7 people. Do you mean that you were going towards the Mobil station?

8 A. [9:55:14] Yes.

9 Q. [9:55:17] How long did it take you to return to the Mobil station?

10 A. [9:55:23] I no longer remember the time, but I remained in my hiding place until
11 the noises stopped before I came out.

12 Q. [9:55:36] Very well. Now, once you came out, how long did it take you to reach
13 the filling station? You don't need to be precise, just an approximation. 10 minutes, 15
14 minutes?

15 A. [9:55:55] I can say 2 to 3 minutes because my hiding place was not very far away
16 from the tarred road.

17 Q. [9:56:07] Very well. And when you arrived the tarmac, the filling station, what
18 did you do?

19 A. [9:56:16] When I was coming out of the neighbourhood, I heard people crying.
20 And when I arrived the main road I was wondering why people were crying, so I
21 approached. There was a good number of women gathered together as if they were
22 looking at something.

23 Q. [9:56:44] I'm sorry, Mr Witness. That good number of women gathered looking at
24 something, where was that?

25 A. [9:56:56] That is where the women had been shot.

1 Q. [9:57:00] Very well. So that was not at the Mobil station?

2 A. [9:57:05] No.

3 Q. [9:57:11] Now, what did you see when you returned to the Mobil station and what
4 did you do before arriving the station?

5 A. [9:57:24] I said that where I arrived towards the Mobil station, I saw women
6 shouting, women crying, and I was wondering what is happening for those women to be
7 crying. So out of curiosity, since I had seen from afar a good number of women gathered
8 looking at something, out of curiosity I wanted to approach and also see.

9 Q. [9:58:04] Very well. Approximately what distance away were those women
10 gathered that out of curiosity wanted to go and see?

11 A. [9:58:21] I cannot tell you the exact distance, but I can say that they were at least 50
12 metres to 100 metres away from me.

13 Q. [9:58:41] Very well. Now, so while you were walking to go and see what was
14 happening, did you see anybody that you knew?

15 A. [9:58:56] Yes. When I was going to where the women were gathered, I came
16 across a cousin of my mother's. She looked at me. She had hands -- her hands on her
17 head. She said Itato Alama (phon), and in French I can say it translates as *laisse pour*
18 *tout à Dieu*, or leave it all to God. I did not know what she meant by that, but she passed
19 by and I went on my way.

20 Q. [9:59:45] Very well. So you did not stop to ask whether she needed help or
21 assistance?

22 A. [9:59:58] When she, herself, was speaking to me, she did not stop. What I was
23 interested in was to go and see what was happening. But I thought it was God
24 prompting me or pushing me to go and see what was happening.

25 Q. [10:00:28] Very well. Now, when you arrived the point where the women were

1 gathered, can you tell us precisely where that group was located?

2 A. [10:00:48] I can't tell you exactly where those women were grouped together.

3 Q. [10:00:59] Very well. Well, how were the bodies positioned when you got there?

4 You saw the bodies?

5 A. [10:01:12] Yes.

6 Q. [10:01:12] How were they positioned? Were they grouped together? Were they spread out?

7 A. [10:01:22] Well, when I arrived, there were women lying on the road and they were
8 not all grouped together. There were two women side by side. And when I got there
9 and I kneeled down to look, what drew my attention was the T-shirt that my sister was
10 wearing when I saw her for the last time.

11 Q. [10:02:02] Very well. We'll get to that in a moment, slowly but surely.

12 You were saying that some of the bodies were not all grouped together when you arrived.
13 Did you see who moved the bodies?

14 A. [10:02:22] Nobody moved the bodies, the bodies were right there where they had
15 been shot. So that's what I think at least, because I didn't see anyone move the bodies.
16 It was actually when I arrived on site and I saw my sister lying on the ground, I thought
17 that she was still breathing with difficulty, but still breathing, and so I did take my sister
18 in my arms and I tried to find a vehicle to transport her.

19 Q. [10:03:10] Very well. So the bodies were in various different areas?

20 A. [10:03:17] Well, they weren't all side by side. *They weren't all in the same place,
21 but they were close.

22 (Counsel confers)

23 MS NAOURI: [10:03:30](Interpretation)

24 Q. [10:03:30] When you say they weren't too far one from the other, do you mean a
25 couple of metres, several metres, how far?

- 1 A. [10:03:42] Well, I would say, well, it's hard to give you a precise distance in
2 centimetres or metres, but there might be one here and the other one there and another
3 one a little further away in a radius, a fairly small radius.
- 4 Q. [10:04:17] If I understand correctly what you've stated, it wasn't more than 1 metre
5 or 1 and a half metres, let's say, between where the screen is in front of me or less?
- 6 A. [10:04:37] I'm afraid I don't understand.
- 7 Q. [10:04:39] Let me repeat. To be absolutely clear, it wasn't more than a metre
8 between the different bodies that you saw. A metre is smaller than the distance between
9 where you're sitting and where I'm standing in this room.
- 10 A. [10:05:01] Are you asking me whether the bodies were positioned at the same
11 distance between you and myself, is that what you mean?
- 12 Q. [10:05:23] Let me make it clearer. What I'm interested in is the distance between
13 the various bodies. If I understood you correctly, the distance from one body to another
14 was between a metre and 2 metres, it wasn't a large distance?
- 15 A. [10:05:44] Yes, that's correct, it wasn't a large distance.
- 16 Q. [10:06:06] If I've understood correctly, you stated a moment ago that all the bodies
17 were situated in a fairly small area, a fairly small radius one from the other?
- 18 A. [10:06:18] Yes, yes.
- 19 Q. [10:06:29] So they were all within a radius similar to, for example, where you're
20 seated now, you showed us a moment ago with your hand, that's the maximum distance
21 within which the bodies were positioned?
- 22 A. [10:06:55] Yes, the distance within which the bodies were situated.
- 23 Q. [10:07:02] And you showed us a shorter distance compared to where you're
24 seated?
- 25 A. [10:07:10] Well, as regards the measurements, it's extremely difficult for me to tell

1 you in metres or centimetres, but I remember that that day when I arrived, I saw women
2 lying on the ground in a radius such as this.

3 PRESIDING JUDGE TARFUSSER: [10:07:32] We have perfectly understood.

4 MS NAOURI: [10:07:37](Interpretation)

5 Q. [10:07:40] So you have stated that you saw your sister; is that correct?

6 PRESIDING JUDGE TARFUSSER: [10:07:45] Yes, he has stated that.

7 MS NAOURI: [10:07:49](Interpretation) I was getting there, your Honour.

8 Q. [10:07:52] My question about your sister is do you have the same mother and the
9 same father?

10 A. [10:07:57] Yes.

11 Q. [10:07:58] How many brothers and sisters do you have with the same mother and
12 the same father?

13 A. [10:08:05] Same father, same mother, there are only two of us; my sister and
14 myself.

15 Q. [10:08:21] But you have half-brothers and half-sisters?

16 A. [10:08:24] Yes.

17 Q. [10:08:26] How many?

18 A. [10:08:27] I have two half-brothers, one half-sister -- actually, two half-sisters,
19 because my late father had married two women. With my mother he only had two
20 children, myself and my sister; and with the other mama, the other wife, he had two
21 children, two girls. One of them has since died, and there's one who is still alive. And
22 on my side, my sister died as well. So I'm the only one left.

23 Q. [10:09:16] Very well. Witness, what did you do exactly when you saw your
24 sister?

25 A. [10:09:30] When I knelt down and I saw my sister's T-shirt, I wanted to take a

1 closer look to be absolutely certain that it was her. And when I got right there, I realised
2 that it was her lying on the ground, yes. When I saw her lying on the ground I tried to
3 call her by name and she did not respond. There was blood all over her body. And
4 when I got close to her, I took her in my arms and I tried to find a vehicle to evacuate her
5 to the hospital.

6 Q. [10:10:37] Witness, could you describe your sister's T-shirt?

7 A. [10:10:42] That particular day, she was wearing a T-shirt with a collar with short
8 sleeves and I remember very well that it was an orange T-shirt with white stripes.

9 THE INTERPRETER: The witness motions horizontal stripes.

10 MS NAOURI:

11 Q. [10:11:14] And you stated that you looked for a vehicle. How long did it take you
12 to find a vehicle?

13 A. [10:11:20] The vehicle that I was able to find was on the highway, that is, the road
14 that I myself had taken. So when I took her with me, I don't know exactly how long it
15 took me to get there, but when I got there there were a lot of people, so they weren't
16 driving very fast. And when I got to the road and the chauffeur saw me with a victim in
17 my arms he stopped and he did not refuse to help me.

18 Q. [10:12:07] One moment, please. Let's go back to what you just stated. What was
19 the vehicle?

20 A. [10:12:16] It was a taxi.

21 Q. [10:12:23] And you said you transported your sister to the side of the road to call a
22 taxi?

23 A. [10:12:37] No, it was when I got to the main road. I took her with me and I was
24 looking around to try to find a way of transporting her easily, and on the road, on the
25 smaller road that I said earlier that I had walked on, I saw two or three vehicles going by,

1 and I was holding her and I was running and I went toward that particular chauffeur and
2 I asked him if he could help me transport my sister to the hospital.

3 Q. [10:13:14] So you're saying you were carrying your sister?

4 A. [10:13:17] Yes.

5 Q. [10:13:19] I'm not sure I understood perfectly well. Where exactly did the taxi
6 stop?

7 A. [10:13:34] Right after the Mobil station, right after it.

8 Q. [10:13:42] Very well. How far was it, that is, between the place where the taxi
9 stopped near the Mobil station and the place where you found your sister's body?

10 A. [10:13:56] It's difficult for me to evaluate the distance.

11 Q. [10:14:00] Can you give us an idea of how long it took you to walk to find the taxi?

12 A. [10:14:07] I don't know. You know --

13 Q. [10:14:09] Very well.

14 A. [10:14:11] -- you know, I was very upset. It's hard to find the right words, but it
15 was -- it's hard for me to remember how long it took me to go from the place where she
16 was shot and the place where I found the vehicle.

17 Q. [10:14:41] Witness, would you like us to take a break? Take your time. If you
18 like, we can ask the Chamber to have a short break so that you can have a drink of water
19 and rest for a moment.

20 PRESIDING JUDGE TARFUSSER: [10:15:21] Yes, and I would also invite the Defence
21 counsel to put questions a little bit more -- with more, yeah, feeling. I don't know how to
22 say it, but with a little bit more cautiousness.

23 MS MASSIDDA: [10:15:46] Mr President.

24 PRESIDING JUDGE TARFUSSER: [10:15:48] Not a pressuring manner as you are
25 doing.

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

- 1 MS MASSIDDA: [10:15:51] Mr President.
- 2 PRESIDING JUDGE TARFUSSER: [10:15:52] Yes, don't worry.
- 3 Mr Witness, can you hear me?
- 4 THE WITNESS: [10:16:01](Interpretation) Yes.
- 5 PRESIDING JUDGE TARFUSSER: [10:16:02] Do you want -- I'm speaking. Do you
- 6 want to break for a few minutes?
- 7 THE WITNESS: [10:16:14](Interpretation) No, I would prefer to continue.
- 8 PRESIDING JUDGE TARFUSSER: [10:16:18] I invite again the Defence counsel not to
- 9 put the questions in such a pressuring manner. Thank you. So please go ahead.
- 10 Otherwise, I will stop you.
- 11 MS NAOURI: [10:16:34](Interpretation) Okay, your Honour, we shall continue --
- 12 PRESIDING JUDGE TARFUSSER: [10:16:38] Because I think some of the questions you
- 13 put are not really very relevant. So just to say it clear. Please.
- 14 MS NAOURI: [10:16:49](Interpretation)
- 15 Q. [10:16:51] Witness, let's take it step by step. The facts that we have just discussed,
- 16 have you already been questioned about those events in Côte d'Ivoire by a judge, a
- 17 magistrate, a prosecutor?
- 18 A. [10:17:36] The prosecutor, well, the person that I discussed with told me that he
- 19 was from the ICC. And I believe his name, if I remember correctly --
- 20 PRESIDING JUDGE TARFUSSER: [10:18:02] Wait a minute. Wait a minute. Don't
- 21 make the name. It's -- we use here not to say publicly the names, so if you want to say
- 22 the name, I go for a moment in private session.
- 23 Let's go into private session, please.
- 24 (Private session at 10.18 a.m.)
- 25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Private Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Open session at 10.21 a.m.)

23 THE COURT OFFICER: [10:21:03] We're back in open session, Mr President.

24 PRESIDING JUDGE TARFUSSER: [10:21:19] Madam Naouri.

25 MS NAOURI: [10:21:23](Interpretation)

1 Q. [10:21:25] Witness, in fact, my question is somewhat different from what we've just
2 discussed. My question was to know whether or not you had been questioned by
3 anyone who was not from the ICC regarding the events we're discussing today.

4 A. [10:21:44] The persons that I met that I discussed with, first of all, there were
5 journalists and, in fact, some of them even came to the house to ask me questions about
6 what had happened on March 3rd, 2011.

7 Q. [10:22:12] Very well. And were you questioned by NGOs?

8 A. [10:22:25] What do you mean?

9 Q. [10:22:27] Human rights organisations, international organisations?

10 A. [10:22:32] I believe -- well, there were quite a few people, but I don't remember
11 whether amongst those individuals there were people from human rights organisations.

12 Q. [10:22:51] Very well. Have you ever been questioned by the Ivorian justice
13 system, that is by a judge, a prosecutor, a magistrate? Does that ring a bell?

14 A. [10:23:12] I remember that one day I received a call and I was asked to go to the
15 court. I'm not quite sure what it was for. But when I got there, there were other people
16 there. And that day I was not able to speak to a judge. It was not actually in a
17 courtroom, it was in an office, and I was not able to speak with a judge. But other people
18 did and they were able to discuss with a judge, but I wasn't able to, because at the point in
19 time when I would have spoken to them, they had a meeting and they had to leave, and
20 they said they would call me back.

21 Q. [10:24:16] When you said "they," who do you mean "they"? Who organised the
22 meeting for you to meet with a judge?

23 A. [10:24:32] I don't know who actually organised it, but I got a call and I was told
24 that I should go to the Plateau, to the justice building. And I think they were expecting
25 me and I was supposed to meet with someone. But the person I was supposed to meet

1 actually I never spoke to because we were not able to meet.

2 Q. [10:25:14] Who told you that?

3 A. [10:25:18] Who said what?

4 Q. [10:25:20] Who told you that you were to go to the Plateau to meet with a judge,
5 who told you that?

6 A. [10:25:26] Well, as you know, the families of the seven women who were the
7 victims of Abobo, they came together. And there's a man in charge, and that day he
8 called my mother. And my mother then informed me and said that they needed me to
9 go to the justice building.

10 Q. [10:26:23] Do you remember the name of that person?

11 A. [10:26:27] Which person?

12 Q. [10:26:28] The person in charge of the association of the families of these seven
13 women victims in Abobo, do you remember his name?

14 A. [10:26:40] Yes.

15 Q. [10:26:41] Can you tell us?

16 A. [10:26:42] I don't know if I should say it in public.

17 Q. [10:26:49] Witness, not to worry, if there were any risk, I would go into private
18 session.

19 A. [10:26:54] Well, the families of the seven women victims of Abobo had an
20 association, the president of which was the father of one of the victims, and his name is
21 Mr Bamba, at least that's how I called him.

22 Q. [10:27:16] Mr Bamba Mamadou, is that it?

23 A. [10:27:19] I don't remember his first name.

24 Q. [10:27:23] Very well. So it was Mr Bamba who called you and told you to go to
25 the court?

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Private Session)

ICC-02/11-01/15

1 A. [10:27:33] In the beginning it was Mr Bamba who was in charge of information. I
2 think he called my mother.

3 Q. [10:27:53] Do you remember the name of the person in charge of information who
4 was different from Mr Bamba?

5 A. [10:27:59] Yes, his name was Ouattara Yacouba.

6 Q. [10:28:04] Ouattara Yacouba?

7 A. [10:28:07] Yes, that's right.

8 Q. [10:28:08] Thank you. Very well.

9 Did you know that a trial regarding the events that we're discussing today took place in
10 Côte d'Ivoire in 2013?

11 A. [10:28:30] 2013?

12 Q. [10:28:31] Yes.

13 A. [10:28:34] When you say 2013, can you be a bit more precise?

14 Q. [10:28:42] Three years ago approximately there was a trial in Côte d'Ivoire
15 regarding the events that we're discussing today in particular, and were you aware of
16 that?

17 A. [10:28:59] Well, I'm not very well informed of that.

18 Q. [10:29:03] Very well. In any case you did not participate?

19 A. [10:29:10] No.

20 Q. [10:29:11] Very well. Witness --

21 Or rather, your Honour, could we go into private session for a moment, please?

22 PRESIDING JUDGE TARFUSSER: [10:29:37] Let's go into private session.

23 (Private session at 10.29 a.m.)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page Redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page Redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page Redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Private Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE TARFUSSER: [10:39:05] Let's go back into open session.

25 (Open session at 10.39 a.m.)

1 THE COURT OFFICER: [10:39:11] We are back in open session, Mr President.

2 PRESIDING JUDGE TARFUSSER: [10:39:16] Thank you.

3 MS NAOURI: [10:39:43](Interpretation)

4 Q. [10:39:44] Witness, can you tell us if you remember what time you got to the
5 hospital?

6 A. [10:39:49] What time, I don't know, but it was still daytime, yes.

7 Q. [10:40:00] Did you immediately get assistance when you got to the hospital?

8 A. [10:40:03] Yes. When I got to the hospital there were people who told me that I
9 had to take her to the emergency room, and that's where I took my sister.

10 Q. [10:40:18] Very well. And when you took your sister to the emergency unit, what
11 did you do afterwards?

12 A. [10:40:28] I waited in the hospital courtyard because the doctor who saw me told
13 me to wait outside.

14 Q. [10:40:41] The doctor was an Ivorian doctor?

15 A. [10:40:44] I don't know. What I do know is that he was dark-skinned.

16 Q. [10:40:54] Very well. And when you were waiting in the hospital courtyard were
17 there any people that you knew with you?

18 A. [10:41:02] When I took my sister from the place where she was shot, when I took
19 her, and I was looking for a vehicle to transport her, when I arrived at the -- when I got to
20 the car, the vehicle, there was a young man who came to help me, but even today I don't
21 know who it was. He helped me, he helped me get my sister into the car and we drove
22 off. And along the way, when I was in the car --

23 Q. [10:41:50] I'll interrupt you witness because we don't have much time. That
24 wasn't my question. My question was, in the hospital courtyard, how many people were
25 there and were the people with you in the hospital courtyard people that you knew?

1 A. [10:42:03] In the hospital courtyard, I was with my cousin's wife. My cousin's
2 wife was with me at the hospital.

3 Q. [10:42:19] Very well. Witness, briefly I'd like to go back to what allegedly
4 happened at the hospital and more specifically when you say -- when you say that you
5 saw people arriving in pushcarts. This is paragraph 41. Do you remember having said
6 that, that people arrived in pushcarts?

7 A. [10:43:17] Yes.

8 Q. [10:43:18] Very well. When did you see those people arriving in pushcarts?

9 A. [10:43:26] When I arrived at the hospital and when I took my sister to the
10 emergency room, the doctor said to me that I should wait outside. So I was in the
11 courtyard and some time after that I saw people transporting women in pushcarts,
12 coming to the hospital.

13 Q. [10:43:58] How long afterwards? Give us a rough idea, please.

14 A. [10:44:04] How long afterwards?

15 Q. [10:44:07] You said, "I left my sister to be treated and then I, at a certain time, I saw
16 people arriving with the pushcarts." So how long after you'd left your sister did you see
17 these people arriving at the hospital in the pushcarts?

18 A. [10:44:25] *I would say around about 20 to 30 minutes later.

19 Q. [10:44:35] Very well. How many bodies were there in the pushcarts, do you
20 remember?

21 A. [10:44:48] No, I don't remember.

22 Q. [10:44:50] Very well. In paragraph 41 of your statement, you say, "I saw that they
23 were carrying five women." Were you sure of that?

24 A. [10:45:02] Yes. The day when I said that I was sure because I had it in my mind.

25 Q. [10:45:14] Very well. How many people were arriving with the pushcarts?

1 A. [10:45:30] I don't really know. On that day, I saw men transporting these women
2 in the pushcarts. I think, I'd say three or four men.

3 Q. [10:45:52] Very well. How many pushcarts?

4 A. [10:45:59] I just saw one.

5 Q. [10:46:02] And the people who you -- well, you said you saw these people bringing
6 the women in the pushcarts. Did you know them?

7 A. [10:46:11] No, no. I don't remember. No, no, I don't think so. I don't think I
8 knew them.

9 Q. [10:46:32] Very well. Did you speak to them on that day?

10 A. [10:46:35] No, because that day I was crying. I didn't have time to talk to
11 anybody. I was on my own.

12 Q. [10:46:51] Very well. Witness, did you then move your sister's body?

13 A. [10:47:18] Yes, yes. Shortly afterwards, when I was at the hospital, the husband of
14 my wife, and (Redacted), my cousin. Those people found me at the hospital, and
15 while I was waiting, when the doctor told me to wait, so that's why I was waiting, soon
16 afterwards when the doctor came out, he said he wanted to speak to the family members
17 of the victim.

18 Q. [10:48:12] Very well, Witness, that's in your statement. That's clear. My
19 question is inter alia after that conversation did you move your sister's body?

20 A. [10:48:21] Yes, yes, because the doctor told us to take the body from the emergency
21 room and to take the body to another area, another room.

22 Q. [10:48:37] And the husband of your mother helped you; is that correct?

23 A. [10:48:40] Yes.

24 Q. [10:48:43] And the husband of your mother, did he ask Yacouba Tioté to remove
25 your sister's body?

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

- 1 A. [10:48:54] I don't remember.
- 2 Q. [10:48:58] But your mother's husband knew Yacouba Tioté?
- 3 A. [10:49:06] Yes, because they lived in the same district, the same area.
- 4 Q. [10:49:14] Yacouba Tioté, is that not the person you saw bringing the bodies in the pushcart?
- 5 A. [10:49:29] Yacouba Tioté, I don't remember.
- 6 Q. [10:49:35] Very well. Witness, at what time did you leave the hospital?
- 7 A. [10:50:01] After we'd moved my sister?
- 8 Q. [10:50:04] Yes.
- 9 A. [10:50:05] On that day I stayed with my sister until nightfall. And when I was at
- 10 the hospital, I would say it was until 6 p.m., 6.30.
- 11 Q. [10:50:28] Very well. And when you left the hospital your sister's body remained;
- 12 is that correct?
- 13 A. [10:50:36] Yes.
- 14 Q. [10:50:38] And you don't know what happened with your sister's body after that?
- 15 A. [10:50:43] No.
- 16 Q. [10:50:46] *Did you see a hearse from the IVOSEP arriving at the hospital before you left?
- 17 A. [10:50:49] No.
- 18 Q. [10:50:52] Witness, did you get a death certificate for your sister?
- 19 A. [10:51:18] Yes.
- 20 Q. [10:51:20] When did you obtain the death certificate?
- 21 A. [10:51:25] I don't know exactly which date. I don't know exactly when it was.
- 22 Q. [10:51:31] Very well, it doesn't matter. Where did you obtain the death
- 23 certificate?
- 24 A. [10:51:39] I think it was, well, as I said it was the president of the association for the
- 25 women who said to me -- Mr Bamba. I think it was the day he called up my mother and

1 he said to my mother that the death certificates had been published and that we could go
2 and collect them.

3 Q. [10:52:13] Very well. Do you remember whether you or a member of your family
4 went to the Abobo town hall on 13 July 2011 to get the death certificate?

5 A. [10:52:31] I think, well, if it was that date, I think anyhow it was my mother who
6 went.

7 Q. [10:52:38] Very well. Did she tell you whether she met a doctor?

8 A. [10:52:45] No.

9 Q. [10:52:48] Did she say whether there was a bailiff present?

10 A. [10:52:56] No.

11 Q. [10:52:58] Very well. It's Mamadou Bamba, if I'm not mistaken, who organised
12 the meeting in order to get the death certificates; is that correct?

13 A. [10:53:23] *He called that day, but did not organise a meeting. I wasn't there.
14 My mother told me that she'd got a call, and I think it was Bamba and Ouattara and one of
15 the two had called her, saying that she should go and pick up the death certificate.

16 Q. [10:53:55] Very well. Did your mother give a copy of the death certificate to
17 Ouattara or Bamba?

18 A. [10:54:06] Yes, I think so, I think she said that.

19 Q. [10:54:10] And she gave an authorisation to communicate the death certificate to
20 third parties?

21 A. [10:54:16] I don't know.

22 Q. [10:54:17] Very well.

23 Witness, do you know where your sister's body was buried?

24 A. [10:54:57] No.

25 Q. [10:55:01] Very well. So you don't know where she was buried?

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

1 A. [10:55:11] No.

2 PRESIDING JUDGE TARFUSSER: [10:55:13] No. No means no.

3 MS NAOURI: [10:55:18](Interpretation)

4 Q. [10:55:18] Witness, in the documents on the record there's CIV-OTP-0078-0645_R01,
5 page 0648, it's an anti-mortem data sheet for the person who's died from the special unit
6 for investigation dated 15 January 2014. It bears your signature. It's paragraph 44 of
7 your statement where you refer to this.

8 In that document the date given and the place of burial is April 2011 at the Abobo
9 cemetery. Now, if you don't know where your sister was buried I'd like to know who
10 gave that information to the investigation unit?

11 A. [10:56:17] I remember very well. I did not know where my sister was buried.
12 We got a call that was customary for Ouattara Yacouba to do. He told us that there were
13 scientists, experts from the ICC who were coming to -- for the purposes of exhuming the
14 bodies or the remains, the bones, of the seven women. And I said, "Where is it because I
15 don't know." And he said, "Apparently, they're saying that it's at the Abobo-Baoulé
16 cemetery." So we went to the Abobo-Baoulé cemetery and that is where I saw people
17 who were digging.

18 THE INTERPRETER: [10:57:42] Microphone, please, for counsel.

19 MS NAOURI: [10:57:45](Interpretation)

20 Q. [10:57:45] I'll start again. We'll go over what you've just described, but I'd like to
21 step back one moment. So it was on the a day of the exhumation that you discovered
22 where your sister's body was buried?

23 A. [10:58:04] Yes.

24 Q. [10:58:05] Very well. And that's very clear. And it was Yacouba Ouattara who
25 told you to come to the Baoulé cemetery?

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

- 1 A. [10:58:14] Yes, if I'm not mistaken. Yes, I do remember. He was the one because
2 he was the one who had the information.
- 3 Q. [10:58:22] Very well. Do you remember meeting and making a statement to an
4 Ivorian policeman?
- 5 A. [10:58:39] I really don't remember.
- 6 Q. [10:58:41] Do you remember Ouattara *Nyamonzié (phon.), a gentleman by that name?
- 7 A. [10:58:55] Not really.
- 8 Q. [10:58:56] No, no, it doesn't matter; just tell us whether or not. Do you remember
9 Captain Touré Lassina?
- 10 A. [10:59:04] No.
- 11 Q. [10:59:25] When -- the day the bodies were exhumed, when you were there, who
12 was present? Please tell us.
- 13 A. [10:59:34] The family. The families of the seven women, the seven martyrs, and
14 other people as well, but I don't know exactly who they were.
- 15 Q. [10:59:51] Very well.
- 16 A. [10:59:54] I do remember that I wasn't at the front, so when something happened, it
17 was my mother who got all of the information. I would accompany her. I went with
18 her to certain places.
- 19 Q. [11:00:23] So you do not know whether there were any people from the ICC who
20 were present?
- 21 A. [11:00:30] No.
- 22 Q. [11:00:33] Do you know whether your mother signed a paper authorising Ivorian
23 authorities to exhume your sister's body?
- 24 A. [11:00:45] *I don't remember.
- 25 Q. [11:00:48] Very well. Mr Witness, who contacted you for DNA tests?

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

1 A. [11:00:58] If I remember correctly, it was Ouattara Yacouba who called my mother
2 and she then called me to tell me that the people who had exhumed my sister's body
3 wanted to carry out a test with me and my sister, as well as my mother herself.

4 Q. [11:01:44] Where did you go for that DNA test?

5 A. [11:01:54] It was in the investigation unit.

6 Q. [11:02:00] How many people were there on that day to be tested, approximately?

7 A. [11:02:11] It was the family members, but I do not know the name.

8 Q. [11:02:13] Did you fill any forms on that day?

9 A. [11:02:17] Yes.

10 Q. [11:02:23] Did you have to identify yourself, for example, using your identity card?

11 A. [11:02:32] Yes, I believe so.

12 Q. [11:02:39] Were you informed of the results of that DNA?

13 A. [11:02:46] Yes.

14 Q. [11:02:49] When?

15 A. [11:02:52] Shortly afterwards. I do not remember the precise date.

16 Q. [11:02:58] Who informed you?

17 A. [11:03:02] On that day, there is someone whose name I mentioned before who
18 received me at the investigation unit.

19 Q. [11:03:21] Without saying his name, it was an investigator of the ICC, is that all
20 right?

21 A. [11:03:29] Yes, from the OTP.

22 (Counsel confers)

23 MS NAOURI: [11:03:52](Interpretation)

24 Q. [11:03:53] Mr Witness, was Yacouba Ouattara your intermediary with the OTP?

25 A. [11:04:05] On that day?

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

- 1 Q. [11:04:07] Generally speaking. For example, when you wanted to meet with the
2 investigators of the OTP, was he the one who informed you, who organised the visit?
- 3 A. [11:04:20] Yes, very quite often.
- 4 Q. [11:04:25] Very well. Were you in contact with Yacouba Ouattara before coming
5 to testify here today?
- 6 A. [11:04:35] No. It has been quite a while. I am in my service so we have not seen
7 each other for a while.
- 8 Q. [11:04:50] And Mamadou Bamba?
- 9 A. [11:04:52] The same time -- the same thing, I've not met that person for quite some
10 time.
- 11 Q. [11:04:59] Very well. Very well. Mr Witness, do you remember filling out an
12 application for participation here as a victim?
- 13 A. [11:05:27] Yes.
- 14 Q. [11:05:35] Did APAFEMA already exist?
- 15 A. [11:05:50] No, I do not believe so.
- 16 Q. [11:05:53] And who contacted you to come and fill out that form?
- 17 A. [11:06:07] I do not remember, but I remember that it was my mother who told me
18 that we had to go somewhere to meet with some people.
- 19 Q. [11:06:20] Very well. And in your application, there is a document,
20 CIV-OTP-0082-0031, page 0034, and it is entitled "Declaration of Link of Relationship."
21 Do you want to see that document? Can that document be displayed?
- 22 PRESIDING JUDGE TARFUSSER: [11:07:01] No, it can't be because you have one
23 minute, to have the full session, because you started at 38.
- 24 MS NAOURI: [11:07:10](Interpretation) Yes, Mr President. I'm almost finished, but I
25 just want to show that document to the witness.

1 Q. [11:07:34] Can you see that document, Mr Witness?

2 A. [11:07:36] Yes.

3 Q. [11:07:38] Who asked you to provide that document?

4 A. [11:07:45] But the signature I see there is not mine.

5 Q. [11:07:48] But it concerns you and it is you who provided that document as an
6 annex to your application for participation as a victim. It is drafted and signed by
7 Mr Bamba and Ouattara. Are you aware of that document?

8 A. [11:08:12] Yes.

9 Q. [11:08:14] Who asked you to present such a document?

10 A. [11:08:18] When the seven families of the victims realised that they could come
11 together, because if there were people coming to ask questions on the deaths of those
12 women, they were the ones themselves who had the idea to come together so that if
13 someone was called that person could call the others.

14 PRESIDING JUDGE TARFUSSER: [11:09:09] Time.

15 MS NAOURI: [11:09:12](Interpretation) Yes, that's why I interrupted the witness to ask
16 my last question.

17 Q. [11:09:18] Are you the one who asked Bamba and Ouattara to produce that
18 document or did someone ask you?

19 A. [11:09:30] No one asked me.

20 Q. [11:09:33] Thank you. I thank you, Mr Witness.

21 PRESIDING JUDGE TARFUSSER: [11:09:37] Thank you, Witness.

22 MR ALTIT: [11:09:41] (Interpretation) This concludes the questioning of the witness
23 by the Defence of Mr Laurent Gbagbo.

24 PRESIDING JUDGE TARFUSSER: [11:09:49] Thank you Maître Altit.

25 Now we have a break, we will resume at 11.45, and then the Defence for Mr Blé Goudé

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

1 will start its questioning.

2 And if possible I would ask to tell us about how long it will be in order to organise
3 ourselves for the next witness.

4 MR KNOOPS: [11:10:13] Mr President, we'll be less than 15 minutes.

5 PRESIDING JUDGE TARFUSSER: [11:10:16] Okay.

6 MR KNOOPS: [11:10:17] One-five.

7 PRESIDING JUDGE TARFUSSER: [11:10:18] Okay, thank you very much.

8 MR KNOOPS: [11:10:21] Less than one-five.

9 PRESIDING JUDGE TARFUSSER: [11:10:23] So we try now to organise ourselves. In
10 any case, the hearing is adjourned to 11.45. Thank you.

11 THE COURT USHER: [11:10:35] All rise.

12 (Recess taken at 11.10 a.m.)

13 (Upon resuming in open session at 11.46 a.m.)

14 THE COURT USHER: [11:46:59] All rise.

15 Please be seated.

16 PRESIDING JUDGE TARFUSSER: [11:47:20] So good morning again. Good morning,
17 Mr Witness.

18 I give now the floor to the Defence for Mr Blé Goudé, to Mr Knoops, but before doing so I
19 just want to, for housekeeping, when we finish this witness, thank you to Mr Knoops for
20 indicating to us the timing, we will start with the next witness immediately, technical
21 times to make the change, give the floor to the Office of the Prosecutor, it is a 68 Rule
22 witness, and then suspend when the Office of the Prosecutor is finished and go to the
23 afternoon with the Defence questioning, or, yes, well, maybe also with the -- in the
24 morning also maybe with the legal representative and so in the afternoon with the
25 Defence for one of the two accused.

1 So now the floor is to Mr Knoops from the Defence, lead counsel for the Defence of

2 Mr Blé Goudé. Yours, the floors.

3 MR KNOOPS: [11:48:27] Thank you, Mr President.

4 QUESTIONED BY MR KNOOPS:

5 Q. [11:48:33] Good morning, Mr Witness. I'm Alexander Knoops. I'm a lawyer in
6 the Kingdom of the Netherlands. I am representing Mr Blé Goudé in this trial.

7 Mr Witness, I have just a few questions for you. My first question relates to your
8 testimony you gave this morning --

9 And for the Court and my colleagues, transcript page 8, the English transcript, line 9.

10 -- where you were asked by the Defence of Mr Gbagbo about the gunshots you heard. In
11 your evidence you gave this morning you stated that, "Quite frankly, I never saw anyone
12 being shot because when it started I was already at home. I would hear gunshots but I
13 really did not see who was being shot."

14 This was already told by you this morning.

15 My question in this regard is how long, in your recollection, did this shooting go on?

16 A. [11:50:13] I can say that the shooting lasted for 1 to 2 minutes.

17 Q. [11:50:31] How are you able to make this estimation? What is your reference in
18 time?

19 A. [11:50:48] I can say that when the firing started I fled and I went to my hiding place.
20 While in the hiding place I could still hear the firing, so I can say about 1 to 2 minutes.

21 Q. [11:51:15] But this morning you --

22 PRESIDING JUDGE TARFUSSER: [11:51:18] Excuse me, Mr Knoops.

23 MR KNOOPS: [11:51:20] Yes.

24 PRESIDING JUDGE TARFUSSER: [11:51:21] Thank you.

25 The Office of the Prosecutor.

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

1 MS BERDENNIKOVA: [11:51:23] Your Honours, I believe there might be a confusion
2 as to the context that we're talking about, so perhaps not to mislead the witness, it's better
3 to read a full reference of what he'd said including the time period that he was talking
4 about.

5 MR KNOOPS: [11:51:45] Well, that is really ambiguous because I know what the
6 Prosecution is referring to. The proceeding to, but quite frankly, the witness says,
7 "Frequently there were attacks but, quite frankly, I never saw anyone shot because when it
8 started I was already at home. I would hear gunshots, but I really did not see who was
9 being shot."

10 And in the questions which follow this answer, it's clear he referred to the time frame
11 when he was in hiding because the next question is, "For how long did you remain
12 hidden, Mr Witness?"

13 "I don't know."

14 And the preceding question is the question: "Were members of the Invisible Commando
15 were firing in Abobo?"

16 So it's clear that this answer, the witness relates to the moment he was in hiding. But I'm
17 happy to rephrase the question --

18 PRESIDING JUDGE TARFUSSER: [11:53:02] Yes, please do so, so we don't go out of --

19 MR KNOOPS: [11:53:06] -- and ask the witness, yes.

20 PRESIDING JUDGE TARFUSSER: [11:53:08] Okay.

21 MR KNOOPS: [11:53:09]

22 Q. [11:53:11] Mr Witness, the gunshots you heard, did you hear them only when you
23 were in hiding or also on other occasions before hiding or after hiding?

24 A. [11:53:37] Thank you. I would like to clarify something here. When

25 Laurent Gbagbo's counsel asked me whether I ever observed anyone being shot at, I said

1 no, because I never saw anyone fired upon.

2 But now regarding the question that you have just asked, it related to the location where
3 my sister fell. So these are two different things. In Abobo I heard an exchange of
4 gunfire when I was -- when we were at home quite frequently. But on the day of the
5 march I was not at home, I was in a hiding place. I had tried to take refuge from the
6 bullets because I had heard gunfire. It was after that that I came out to see what was
7 happening

8 Q. [11:55:06] Then my question is how long did the shooting in its totality last,
9 including the gunshots you heard during hiding? Now we're speaking about the
10 incident with your sister, so not in general, but specifically on that moment from the first
11 gunshot you heard to the last, that very moment, can you give us an estimation how --

12 A. [11:55:53] Yes, that is what I said. On the day that my sister was killed, the
13 gunfire that I heard lasted, if I remember correctly, 1 to 2 minutes. That is the
14 approximation that I can make. I cannot give you an exact time.

15 Q. [11:56:28] And when I ask you to give an approximation about how many
16 gunshots you heard, could you assist us, or is it for you not possible to give an estimation
17 as to the number of gunshots you heard on that very moment?

18 A. [11:56:54] No, no.

19 Q. [11:56:58] Can you say something about whether those shots were fired directly
20 after each other, or did you notice any intervals between gunshots you heard at that very
21 moment?

22 A. [11:57:39] They were fired immediately after each other. The shots were not
23 intermittent, they were fired successively.

24 Q. [11:57:57] Mr Witness, my last question relates to the injury sustained by your
25 sister. What was told to you about the type of injury she suffered from?

Trial Hearing
WITNESS: CIV-OTP-P-0580

(Open Session)

ICC-02/11-01/15

1 A. [11:58:44] No one told me anything about that issue.

2 Q. [11:59:00] Thank you, Mr Witness, for answering those questions.

3 MR KNOOPS: [11:59:04] Mr President, these were our questions. Thank you very
4 much.

5 PRESIDING JUDGE TARFUSSER: [11:59:08] Thank you very much.

6 I can tell you, Mr Witness, that you're -- sorry. I was too quick.

7 Has the Prosecution need time for re-questioning?

8 MS BERDENNIKOVA: [11:59:26] Very briefly, your Honour.

9 PRESIDING JUDGE TARFUSSER: [11:59:28] Good.

10 QUESTIONED BY MS BERDENNIKOVA:

11 Q. [11:59:32] Mr Witness, I just have one or two very brief questions following for you
12 from the cross-examination of yesterday.

13 So yesterday, and for the record this is transcript 186, page 75 of the French version, and I
14 will quote in French from line 8 to line 14, you were asked:

15 (Interpretation) "During that period, February/March 2011, were they present in Abobo,
16 the FRCI?"

17 (Speaks English) Now your response, I will read it also:

18 (Interpretation) "The FRCI, yes, FRCI, the Republican Forces of the Côte d'Ivoire, yes,
19 these are the soldiers of the Côte d'Ivoire. So if you are talking about the FRCI, I would
20 say yes, because there were FRCI in front of the town hall to provide security, otherwise
21 they were seated in front of the town hall, yes."

22 (Speaks English) Now, Mr Witness, do you recall which units were stationed in front of
23 the town hall in Abobo in February/March 2011?

24 A. [12:01:21] Well, I don't know exactly which unit it was, but I can tell you that the
25 soldiers who were in front of the town hall had red berets. That's what I can tell you.

1 They wore red berets. And in the other street I believe there were CRS forces, because
2 the town hall of Abobo is at the Abobo roundabout. So you had the soldiers in front of
3 the town hall and the CRS on the other side, on the other side of the street.

4 Q. [12:02:30] Thank you, Mr Witness.

5 MS BERDENNIKOVA: I have no further questions, your Honour.

6 PRESIDING JUDGE TARFUSSER: [12:02:32] Thank you very much.

7 The Defence for Mr Gbagbo?

8 MR ALTIT: [12:02:38] (Interpretation) I have no further questions, your Honour.

9 Thank you.

10 PRESIDING JUDGE TARFUSSER: [12:02:41] Thank you.

11 MR KNOOPS: [12:02:43] Thank you, Mr President. No questions.

12 PRESIDING JUDGE TARFUSSER: [12:02:45] Thank you to you.

13 Now I re-start from where I started a couple of minutes ago. Mr Witness, your testimony
14 is over, you can go back home. I thank you for having been here and having answered
15 the questions, all the questions put to you by the lawyers in the courtroom. And I wish
16 you a safe trip back home. Thank you. You can leave now the court with the help of the
17 court usher.

18 THE WITNESS: [12:03:19](Interpretation) Thank you very much.

19 PRESIDING JUDGE TARFUSSER: [12:03:20] Thank you.

20 And I suspend for 15 minutes to allow the changing. And as said, we start immediately
21 with the Office of the Prosecutor and, if possible, with the LRV and then adjourn to the
22 afternoon. Thank you very much. The hearing is adjourned 15 minutes.

23 THE COURT OFFICER: [12:03:43] All rise.

24 (Recess taken at 12.03 p.m.)

25 (Upon resuming in open session at 12.17 p.m.)

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [12:17:13] Let's bring the witness in.
- 2 (The witness enters the courtroom)
- 3 PRESIDING JUDGE TARFUSSER: [12:18:58] Good afternoon, Madam Witness. Can
- 4 you please give us your name.
- 5 Probably there is an interpretation issue.
- 6 THE INTERPRETER: [12:19:26] Your Honour --
- 7 PRESIDING JUDGE TARFUSSER: [12:19:27] Yes. Who is talking to me?
- 8 THE INTERPRETER: [12:19:33] Your Honour, the Dioula interpreters into French I
- 9 believe are on the wrong channel. Just a moment, please.
- 10 PRESIDING JUDGE TARFUSSER: [12:19:40] Okay.
- 11 So let's start again. Is it possible? No. Can we start now? Can you tell me?
- 12 THE INTERPRETER: [12:20:20] Your Honour, we need to wait until the witness speaks
- 13 in Dioula to see if the relay works.
- 14 PRESIDING JUDGE TARFUSSER: [12:20:26] So good morning, Madam Witness. Can
- 15 you hear me? What is wrong now? I continue to speak because, so maybe it is just for a
- 16 test. I speak for testing purposes.
- 17 WITNESS: CIV-OTP-P-0582
- 18 (The witness speaks Dioula)
- 19 THE WITNESS: [12:21:10](No interpretation)
- 20 PRESIDING JUDGE TARFUSSER: [12:21:12] Okay. Can you hear me now?
- 21 THE WITNESS: [12:21:17](Interpretation) Yes, I can hear you. Yes, I can hear you.
- 22 PRESIDING JUDGE TARFUSSER: [12:21:20] Good. Good morning or good afternoon,
- 23 Madam Witness.
- 24 THE WITNESS: [12:21:31](Interpretation) Good morning. I came here --
- 25 PRESIDING JUDGE TARFUSSER: [12:21:40] I would like you to tell us your name,

- 1 where you were born and when you were born.
- 2 THE WITNESS: [12:21:56](Interpretation) I was born in Abengourou.
- 3 PRESIDING JUDGE TARFUSSER: [12:22:01] And when?
- 4 THE WITNESS: [12:22:08](Interpretation) I don't know the year. It's somewhere in the
- 5 paperwork.
- 6 PRESIDING JUDGE TARFUSSER: [12:22:13] Okay. And you are Ivorian?
- 7 THE WITNESS: [12:22:26](Interpretation) Yes, I am.
- 8 PRESIDING JUDGE TARFUSSER: [12:22:27] And you're a Muslim, right, your faith is
- 9 Muslim?
- 10 THE WITNESS: [12:22:35](Interpretation) Yes, I'm a Muslim, I pray, and I'm a Dioula.
- 11 PRESIDING JUDGE TARFUSSER: [12:22:40] Okay. Do you work, have you a work?
- 12 THE WITNESS: [12:22:47](Interpretation) I sell coconuts.
- 13 PRESIDING JUDGE TARFUSSER: [12:22:51] Okay. What is your full name?
- 14 THE WITNESS: [12:22:59](Interpretation) My name is *Sally.
- 15 PRESIDING JUDGE TARFUSSER: [12:23:03] The full name.
- 16 THE WITNESS: [12:23:12](Interpretation) Saly.
- 17 PRESIDING JUDGE TARFUSSER: [12:23:14] Are you Salimata?
- 18 THE WITNESS: [12:23:17](Interpretation) Saly Bamba.
- 19 PRESIDING JUDGE TARFUSSER: [12:23:20] Salimata Bamba, right.
- 20 THE WITNESS: [12:23:22](Interpretation) My name is Salimata Bamba.
- 21 PRESIDING JUDGE TARFUSSER: [12:23:26] Okay, now we have it. Now you're here
- 22 to answer questions as a witness and to answer questions which will be put to you by the
- 23 Office of the Prosecutor and by the Defence teams for Mr Gbagbo and Mr Blé Goudé.
- 24 And all what you need to do is to answer those questions truthfully, okay. It is very
- 25 important that you say the truth. It's also very important that you speak slowly,

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 otherwise we do not understand you, because the interpreters from Dioula into French
2 and from French into English cannot translate properly. So speak slowly. Okay?

3 THE WITNESS: [12:24:37](Interpretation) I've understood well.

4 PRESIDING JUDGE TARFUSSER: [12:24:38] Okay.

5 If at any point you have a problem, just tell me. If you want a rest, if you want anything,
6 you have to tell me, tell me and we will try to sort it out, okay?

7 THE WITNESS: [12:25:00](Interpretation) I've understood.

8 PRESIDING JUDGE TARFUSSER: [12:25:01] Okay.

9 So before we start with your testimony, you have to make a solemn undertaking, which is
10 requested by law that you will speak the truth. And, therefore, I ask you to repeat loud
11 with me what I tell you now. I solemnly declare --

12 THE WITNESS: [12:25:48](Interpretation) I solemnly declare to tell the truth. I've come
13 here to testify. I solemnly declare that I will state the truth.

14 PRESIDING JUDGE TARFUSSER: [12:26:05] -- to tell the truth, the whole truth and
15 nothing else but the truth.

16 THE WITNESS: [12:26:18](Interpretation) I solemnly declare that I will tell the truth, the
17 whole truth and nothing but the truth.

18 PRESIDING JUDGE TARFUSSER: [12:26:23] Okay. Madam Witness, the Chamber,
19 the Judges, have before them what you, your statement, what you said and what was
20 written down by the investigators of the Office of the Prosecutor. You have been
21 speaking to the Office of the Prosecutor on 12, 13 and 14 May 2015; do you remember?

22 Do you remember this, that you have spoken to the Office of the Prosecutor?

23 THE WITNESS: [12:27:14](Interpretation) Yes, I remember well.

24 PRESIDING JUDGE TARFUSSER: [12:27:16] Yes. For the record I'm referring to the
25 statement CIV-OTP-0081-0468 and annexes 0081-0491 to 0504 included.

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 So the statement you gave to the Office of the Prosecutor, have you had time to read it, or
2 was it read out to you in these days?

3 THE WITNESS: [12:28:08](Interpretation) I asked them to read it out to me and we read
4 it at least three times.

5 PRESIDING JUDGE TARFUSSER: [12:28:17] So you have understood what you said in
6 this statement?

7 THE WITNESS: [12:28:32](Interpretation) Yes, I have well understood the content of the
8 statement.

9 PRESIDING JUDGE TARFUSSER: [12:28:37] Okay. The Chamber has decided on 6
10 June 2017, filing 950, that your written statement can be introduced under the law of this
11 Court in the record of the case. This means, in other words, that there is no need for you
12 to give all the statements once again here, but that the statement can be used as it was
13 given in 2015.

14 Nevertheless, the Office of the Prosecutor and the Defence will ask you questions because
15 only in this case, if the other, the Office of the Prosecutor and the Defence and legal
16 representative have the opportunity to ask you questions, only then we can use your
17 statement as you have given it to the Office of the Prosecutor in May 2015.

18 So what I have to ask you is if you agree that your statement goes in the record of the
19 case?

20 THE WITNESS: [12:30:24](Interpretation) Yes, that is the statement that I gave, yes.

21 PRESIDING JUDGE TARFUSSER: [12:30:30] Okay. And you agree that it can be used
22 in the record of the case as you gave it?

23 THE WITNESS: [12:30:47](Interpretation) Yes, I agree.

24 PRESIDING JUDGE TARFUSSER: [12:30:48] Okay. So thank you very much.

25 So we recognise that all the requirements of Article 68(3) are met and, therefore, the

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 witness statement and the annexes with the numbers I've just read out before are
2 submitted in the record of the case.

3 For clarity, I also note that the statement refers to a number of other items, not at such
4 annexed, which are already considered submitted after the testimony of Witness 237, and
5 these are the items in the range of CIV-OTP-0078-0505 up to including 0530.

6 Now we can start with the questioning, with the supplementary questioning by the Office
7 of the Prosecutor. And I will give the floor to Mr Garcia.

8 Okay, are you ready?

9 THE WITNESS: [12:32:11](Interpretation) Yes, of course. We may begin.

10 MR GARCIA: [12:32:16] Thank you, Mr President. Just one administrative matter
11 before. There might have been an annex that was omitted. My colleague has sent an
12 email with the number of that annex, and I don't mean to delay for that specific question
13 right now and I'll start the questioning immediately.

14 PRESIDING JUDGE TARFUSSER: [12:32:38] I realise that I'm controlled from every
15 side, okay, my mistakes.

16 Please start.

17 MR GARCIA: [12:32:51] Thank you, Mr President.

18 QUESTIONED BY MR GARCIA: (Interpretation)

19 Q. [12:32:53] Good morning, Madam Witness.

20 A. [12:33:00] Good morning. How are you?

21 Q. [12:33:09] All is well, madam. Thank you very much.

22 A. [12:33:13] I'm very well. Thank you.

23 Q. [12:33:20] Madam Witness, I only have a few questions to put to you this morning,
24 rest assured. Have you understood what I said?

25 A. [12:33:44] Yes, I understood what I was asked.

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 Q. [12:33:52] My name is Lucio Garcia, I'm going to be asking you questions on behalf
2 of the Office of the Prosecutor. And we already met together last week.

3 A. [12:34:08] Yes.

4 Q. [12:34:13] First of all, madam --

5 A. [12:34:22] We may begin. I'm ready.

6 Q. [12:34:25] First of all, the Presiding Judge referred to your statement, the statement
7 you made to the investigators. So first of all I would like to check with you that
8 everything in the statement is, indeed, true and correct?

9 A. [12:34:59] Yes, it's the truth.

10 Q. [12:35:09] I only have a few additional questions. I know that it may be difficult
11 for you, but I would like to ask you what the consequences for you are of the fact of
12 having lost your daughter?

13 A. [12:35:33] I suffered very much after the death of my daughter. It affected me
14 deeply. I was really affected by it. On the day of her death, I almost lost my mind, I
15 almost went crazy. When I went to see her corpse -- you know, it's difficult to give birth
16 to a child. The march took place on a Thursday, and she had washed her child and
17 breastfed the child and then she left me -- left her child with me. *She is the fifth child,
18 Adja, Djelika, Bébé and Mah --

19 Q. [12:36:30] Thank you.

20 A. [12:36:34] They all left together, all five of them.

21 Q. [12:36:40] Thank you very much. In terms of the economic effects, was there any
22 economic effect of losing your daughter?

23 A. [12:36:54] Well, I was very much affected by it. She fed me. It was my daughter.
24 When she died, I really would have preferred dying myself than to lose her. I would
25 have preferred that she stay alive to be able to take care of her child. I couldn't

1 breastfeed the child, and so I was very upset by that, really, very upset.

2 She was wearing shoes which we call malé-baby, and she put on a pair of trousers. She
3 was dressed in blue with a head scarf and a blue pair of trousers.

4 Q. [12:37:47] Merci, merci.

5 A. [12:37:49] When she left, I blessed her, hoping she would come home safely.

6 Q. [12:38:04] Thank you, madam. I'm not going to go into the details of the
7 statement because as the Judge already explained your entire statement is going to be
8 admitted to the case file, so I'm not going to go over all of those aspects. But I would like
9 to just discuss the effect of losing your daughter on you yourself. I understand what
10 you've said, you said she fed you. How do you manage now financially?

11 A. [12:38:42] Well, there are a number of charitable individuals who help me, but
12 sometimes I go for a whole month without being able to cook my own food because I'm
13 very weak, I'm sick, and very tired. I can't deal with it any more.

14 Q. [12:39:05] You mentioned your daughter's daughter. I think you said her name
15 was Minata. Who takes care of her now?

16 A. [12:39:14] Minata, she's still there. She's there, and when she's sick I call Yacouba.
17 Yacouba comes to get her to take care of her. I don't spend anything; it's Yacouba who
18 takes care of her. And if I get sick I call on Yacouba, and he does his best. And I also
19 have my mother, who is very, very very old, and she's sick, and she can't do anything
20 anymore. It was my daughter who took care of all of us and now we have no one to take
21 care of us. No one is there to take care of us. And I'm very tired, I really can't -- I can't
22 deal with it anymore. That's the only thing I can say.

23 Q. [12:39:56] Thank you, Madam Witness. I have no further questions. I know that
24 there will be questions from the other parties in the case, who will have questions for you.
25 Thank you very much.

- 1 PRESIDING JUDGE TARFUSSER: [12:40:10] Thank you, Madam Witness.
- 2 I now give the floor to the Legal Representative of Victims, to Madam Massidda. Yours,
- 3 the floor.
- 4 MS MASSIDDA: [12:40:24] Thank you, your Honour, the Office of the Prosecutor has
- 5 actually done my job, so we have no further question for this witness. Thank you.
- 6 PRESIDING JUDGE TARFUSSER: [12:40:32] Thank you very much.
- 7 We have 20 minutes. I think we should start with the questioning by the Defence for
- 8 Mr Gbagbo. And I give the floor to Maître Altit.
- 9 MR ALTIT: [12:40:53] (Interpretation) Thank you, your Honour.
- 10 THE WITNESS: [12:40:58] (Interpretation) I beg your pardon. Why am I being asked
- 11 those questions? I would like to know why. I don't see why. I don't want to see their
- 12 faces. I don't want to see that guy with his fat face. I don't think he should ask me
- 13 questions. If I answer, I'm going to have problems.
- 14 PRESIDING JUDGE TARFUSSER: [12:41:23] Excuse me. This is a courtroom. We
- 15 are not insulting anybody here, okay. In a courtroom there are people who put questions
- 16 and there are witnesses, like you are, who answer these questions. If you don't want to
- 17 see faces, this is your right, of course, then you look straight in front, you look at me, and
- 18 you listen. The questions will be put to you by the lawyer of Mr Gbagbo, or the lawyers
- 19 of Mr Gbagbo, and then by the lawyers of Mr Blé Goudé, okay. But no polemic, no
- 20 insulting, just rest calm, and answer the questions, okay?
- 21 THE WITNESS: [12:42:24] Mm-hm.
- 22 PRESIDING JUDGE TARFUSSER: [12:42:26] Thank you very much. Maître Altit.
- 23 MR ALTIT: [12:42:35] (Interpretation) Thank you, your Honour. On behalf of
- 24 Laurent Gbagbo's Defence team, the questions will be put to the witness by Maître
- 25 Naouri.

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [12:42:51] Madam Naouri.

2 And I will be, just for your knowledge, I will be very vigilant in order for the questions to
3 be correct, to be not pressurising you, okay? You listen and look straight forward to me.
4 Madam Naouri.

5 QUESTIONED BY MS NAOURI: (Interpretation)

6 Q. [12:43:44] Good morning, Witness. My name is Jennifer Naouri and I'm going to be
7 asking you questions this morning on behalf of the Defence team of Laurent Gbagbo.
8 I'd like to go back just a moment to the questions that were put to you, and could you tell
9 us how many other children you have?

10 A. [12:44:21] I have other children. There's the sister of Mariam; she's the eldest, and
11 there are younger sisters.

12 Q. [12:44:41] Very well. In addition to Mariam's sisters, can you tell us how many
13 children you have?

14 A. [12:45:08] I have two, but all in all there are five of us. I had five children, today I
15 only have four. Including the children of Mariam, there are five and five children that I
16 take care of today.

17 Q. [12:45:37] Very well. And how old are the four other children?

18 A. [12:45:49] I don't know how old they are. If I show someone their date of birth,
19 someone who's an intellectual, they could tell me because I don't know how to read.

20 Q. [12:46:07] Very well. Do those four children work?

21 A. [12:46:20] Just one is married. The two boys work in a garage, one works on cars
22 and the other one is a panel beater.

23 Q. [12:46:50] Very well. Witness, you've just told us, on page 60, *lines 7 to 16 of the
24 transcript, that Yacouba Ouattara helped you. Can you tell us a bit more? How does
25 Yacouba Ouattara help you?

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 A. [12:47:14] Yacouba Ouattara helps me a lot. There are days when I don't have any
2 money. I'm ill and if I call him, he gives me money and he, oh, he pays things for me.
3 He goes to buy medicine at the pharmacy to take care of me. And if one of the children
4 is ill he pays, too. There's no one else who takes care of me. And I'm really tired, very,
5 very tired. I can't eat anything. I have problems. And I -- my leg is sore as well.

6 Q. [12:47:59] Witness, since when have you known Yacouba Ouattara?

7 A. [12:48:09] I have known Yacouba Ouattara for a long time.

8 THE INTERPRETER: [12:48:24] Inaudible question.

9 THE WITNESS: [12:48:26](Interpretation) I knew him before, even before the women's
10 march. His father and my father live in Abengourou and the land is adjacent, so
11 Yacouba's father and my father are friends and that's how we know each other.

12 MS NAOURI: [12:49:37](Interpretation)

13 Q. [12:49:38] Very well. So you've known Yacouba Ouattara for a long time. Do
14 you know what his political affiliation is?

15 A. [12:49:48] We talk to each other a lot. We're all the same. Yacouba and I are like
16 the same person, as we say.

17 Q. [12:50:12] Very well. Would you be good enough to tell us what Yacouba
18 Ouattara's political affiliation is?

19 A. [12:50:31] I don't know. He doesn't belong to any political entity. He just works
20 and feeds his family; he drives his car; he comes to sell coffee. If I don't have any money,
21 I call him and whatever I need he gives me, but I really don't know what his political
22 views are because I don't know how to read.

23 PRESIDING JUDGE TARFUSSER: [12:50:59] No, the question was if you know if he
24 supported Mr Gbagbo or Mr Ouattara.

25 THE WITNESS: [12:51:19](Interpretation) Yacouba Ouattara, he follows

- 1 Alassane Ouattara. No, Gbagbo is not for him. He's a supporter of Alassane Ouattara.
- 2 PRESIDING JUDGE TARFUSSER: [12:51:31] Okay.
- 3 Madam Naouri.
- 4 MS NAOURI: [12:51:38](Interpretation) Thank you, your Honour.
- 5 Q. [12:51:42] So during the campaign, was Yacouba Ouattara involved in the
- 6 campaign in support of Alassane Ouattara?
- 7 A. [12:51:53] He was involved in the campaign for Alassane Ouattara. My daughter
- 8 was a supporter as well, but I wasn't involved because I can't walk. They would go
- 9 out -- Yacouba would go out early morning, come back in the evening. Even today, he's
- 10 very active. And he loved ADO, and I, until the end of my days, will be with ADO.
- 11 Q. [12:52:32] You said that your daughter was a supporter of Alassane Ouattara as
- 12 well.
- 13 A. [12:52:38] Yes, yes. She's a supporter of Alassane Ouattara. She was -- she
- 14 would on the marches; she was an active militant. She didn't even have time to eat.
- 15 We're all involved with the other Maliens like us.
- 16 Q. [12:53:11] Very well. Witness, when you say "we are active militants," what sort
- 17 of event did your daughter attend as an active militant: Rallies, marches? Did she go to
- 18 markets? Can you explain that a little bit more, please?
- 19 A. [12:53:31] She went on marches; she went to all of the rallies, anything to do with
- 20 ADO, day or night. She virtually didn't sleep; she was really active. She would start in
- 21 the morning, right through to the end of the day. Sometimes she didn't have time to eat.
- 22 She would be up all night and say, "We're there for ADO and we will stay there."
- 23 Q. [12:54:09] Very well. And when she was involved in all of that, she didn't go to
- 24 bed, she was very active, who was taking care of her daughter?
- 25 A. [12:54:23] Yeah, Moyamou's daughter.

1 Q. [12:54:30] Yes. Who took care of Moyamou's daughter, who fed her when she
2 was involved in those political activities and she didn't come home, she didn't have time
3 to eat, you said, she was so busy; can you tell us?

4 A. [12:54:53] I was the one who took care of her daughter. She went to rallies, and
5 she prepared a sort of gruel that I gave to the child, and then I washed the child, carried
6 her on my back, and when she came back, I gave her back to her.

7 Q. [12:55:16] Thank you, Witness, that's clear.

8 Very quickly, Witness, let's take a look at APAFEMA, the relatives association. You're a
9 member of that association, are you not?

10 A. [12:56:01] My daughter was a member of Alassane Ouattara's party. We're
11 supporters of Alassane; we're not involved in any other political party. To this very day
12 that has always been our political belief. We're still supporters of Alassane; we're not
13 involved in any other party.

14 PRESIDING JUDGE TARFUSSER: [12:56:34] Madam Witness, we have understood this.
15 Also, if you do not repeat it -- it is in the record of the case. We know it; we have
16 understood it. Now it's -- the argument is a different one. Do you know this
17 organisation called APAFEMA, APAFEMA? Do you know this organisation?

18 THE WITNESS: [12:56:59](Interpretation) I do not know this association because I don't
19 know how to read. I'm illiterate.

20 PRESIDING JUDGE TARFUSSER: [12:57:04] So I try to explain you. It is an
21 association which unites the victims of the women's march. So do you know that there is
22 an association where victims of women's march are united?

23 THE WITNESS: [12:57:27](Interpretation) Yes, I know the association because with
24 Yacouba we go there.

25 PRESIDING JUDGE TARFUSSER: Okay.

1 THE WITNESS: We're involved in the same battle. There are seven women. We go
2 with that association; we are not with any other people.

3 PRESIDING JUDGE TARFUSSER: [12:57:48] Here we have it.

4 Now I give back the floor to Madam Naouri.

5 We are now talking about this, okay; not more about ADO, okay?

6 Madam Naouri.

7 MS NAOURI: [12:58:06](Interpretation) Thank you, your Honour.

8 Q. [12:58:10] So you're a member of the association that the Presiding Judge has just
9 spoken to you about?

10 A. [12:58:21] Yes, I'm a supporter of that association and there are seven women, and
11 even if they call me today, with Yacouba, we go, and there are seven with us, and we're
12 not with anyone else because we lost our daughters. So we are up night and day, night
13 and day for ADO.

14 Q. [12:58:43] Thank you. Do you remember when you created that association,
15 when you got together with the families that you spoke to -- let me finish the question,
16 Witness. If you'd be good enough to let me finish. How long after the women's march
17 did you decide to get together?

18 A. [12:59:16] My daughter died on the Thursday. The Friday, Yacouba Ouattara got
19 us together and we had a meeting that same day. As there were bullets flying around,
20 the women couldn't go out. He took the risk of going out and bringing together the
21 seven women, bringing them together. And they said, "We women, we're frightened.
22 We can't create an association. It's Yacouba who helped us." We were around about 40.
23 And we all got together.

24 Q. [13:00:07] Thank you, Witness.

25 Your Honour, I see what time it is. We're going to move on to a completely different

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 subject, so it might be a good time to suspend.

2 PRESIDING JUDGE TARFUSSER: [13:00:17] Okay. Now, Madam Witness, we
3 suspend this hearing for one hour and a half, so you can go to have lunch, eat something,
4 and then we come back here and we see each other again at 2.30, okay? And then we
5 continue with this question-and-answer exercise.

6 Thank you very much. The hearing is adjourned to 2.30.

7 THE COURT USHER: [13:00:43] All rise.

8 THE WITNESS: [13:01:02] (No interpretation)

9 (Recess taken at 1.01 p.m.)

10 (Upon resuming in open session at 2.31 p.m.)

11 THE COURT USHER: [14:31:47] All rise.

12 Please be seated.

13 PRESIDING JUDGE TARFUSSER: [14:32:27] Good afternoon, Madam Witness.

14 THE WITNESS: [14:32:31] (Interpretation) Good afternoon, Mr President.

15 PRESIDING JUDGE TARFUSSER: [14:32:40] I give immediately back the floor to the
16 Defence for Mr Gbagbo, to Madam Naouri. You continue to look at me and we'll be on
17 the safe side, okay?

18 Madam Naouri.

19 MS NAOURI: [14:33:00] (Interpretation) Thank you, Mr President.

20 Q. [14:33:10] Madam Witness, I would like to come back to 3 March 2011. To begin
21 with, I would like to know whether before 3 March 2011, that is the day of the march, you
22 were aware that there was going to be a march on that day?

23 A. [14:33:42] I knew that a march was going to take place.

24 Q. [14:33:46] Very well. And how did you get to know that?

25 A. [14:33:53] I knew. Adja, Bébé and Djelika and Mah informed me of the

1 organisation of that march on Thursday.

2 Q. [14:34:18] Very well. And the people that you have just mentioned, who are those
3 people?

4 A. [14:34:33] Bébé, Adja, Djelika, Mah, we were living together. Bébé -- or, rather,
5 Mah is now deceased. Bébé, Adja and the others are still alive. We live in the same
6 neighbourhood. We are close neighbours.

7 Q. [14:35:08] And who organised the march?

8 A. [14:35:15] March? Mah told me that the march had been organised by ADO's
9 militants so as to allow ADO to take over power. The march was organised on Thursday
10 around 10 o'clock. And as from 11 a.m., they started demonstrating. Around noon the
11 tanks came out from the station, from the direction of the station.

12 Q. [14:36:18] Let us go stage by stage. For the time being, my questions relate to the
13 organisation of the march. I'm going to go slowly for the purposes of interpretation. I
14 observe a pause and I complete my question before you answer.

15 Now, can you tell us how ADO's militants had to or, rather, were supposed to take over
16 power through this march?

17 PRESIDING JUDGE TARFUSSER: [14:37:10] I don't know if there is an interpretation
18 problem, but in English it was how ADO's militants take over power.

19 MS NAOURI: [14:37:27] Saisir, take power (Interpretation) Saisir, in French, to get to
20 power.

21 PRESIDING JUDGE TARFUSSER: [14:37:41] Yes, but the militants?

22 MS NAOURI: [14:37:44] Le militant, tout à fait.

23 Q. [14:37:53] Madam Witness, can you answer my question?

24 A. [14:37:56] The militants expressed their will to see ADO take over power so that
25 peace could rein. That was the only motivation we had. People were being killed in

1 their houses. We were tired. People were killed in the streets. No one could work.
2 People's throats were slit. So the march was to allow ADO to accede to power so that an
3 end could be put to this situation.

4 Q. [14:39:11] Very well. But my question is how is it that that march of 3 March was
5 supposed to allow you to accede to power?

6 A. [14:39:33] We organised the march because of God. We are Muslims. We prayed
7 and we were asking that the all mighty God should grant us greater happiness. We were
8 suffering, so we were intervening, interceding so that God should help us get some respite
9 and be able to sleep.

10 Q. [14:40:16] Very well. Regarding the organisation of that march, Madam Witness,
11 do you know Madam Aya Virginie Touré?

12 A. [14:40:46] Yes, I know her. She intervened and we called on our colleagues, Adja
13 and Bébé, who participated in a march. Bébé and Adja were not afraid. They wanted to
14 express their grievances. And the others followed them in the march. We were
15 intending to organise a peaceful march to return to a situation of happiness. We did not
16 know that the march was going to degenerate. We did not have a belligerent intention.
17 The idea was to have Ouattara accede to power.

18 Q. [14:42:03] So that lady was part of the organisation of the march?

19 A. [14:42:14] Adja, Djelika, Mah, we were living in the same house and we participated
20 in the march.

21 Q. [14:42:29] That is clear, Madam Witness.

22 Do you know Sirah Dramé and did she take part in the participation of the march, in the
23 organisation of the march?

24 A. [14:42:46] I do not know her. I know Bébé. Sirah Dramé, I do not know her. I
25 know only Bébé. You cannot talk about something that you do not know about.

1 Q. [14:43:06] Very well, Madam Witness. Prior to 3 March, that is before the march,
2 did you know where the gathering point was, where the women were going to gather?

3 A. [14:43:36] It was planned that they would meet at the Banco roundabout in order to
4 proceed towards the station. And I'm indeed talking about Banco.

5 Q. [14:44:05] Very well. At the Banco location, who had to organise the march? Who
6 was supposed to ensure security, for example?

7 A. [14:44:25] It was said in the presence of Bébé that ADO's militants would inform
8 women that nothing would happen to them. We were afraid that there might be
9 disturbances because young people had taken part. And they were asked not to go
10 beyond the rails because these people were not inhabitants of Abobo. So we asked them
11 to be careful, not to use -- to use the whistles. People started dancing and then the tanks
12 arrived. The children were shouting "ADO has arrived, ADO has arrived." But before
13 that, the tank arrived and stopped at Banco.

14 Q. [14:45:59] Let us go step by step, because we have skipped a step. We are talking
15 about the organisation of the march, and you are talking about the day of the march.
16 Now, the young, young people that you have mentioned who were supposed to
17 participate in the security of the march and were not supposed to go beyond the rails,
18 who were these young people?

19 A. [14:46:35] We told our children not to go beyond the rails because it was risky, and
20 that was not the venue for the march. I even told my daughter not to go there. This
21 was an empty piece of land, and there were not many hiding places there, so that is what
22 happened.

23 Q. [14:47:17] But these young people, were they members of armed groups?

24 A. [14:47:26] No. They were not armed. They only had whistles and empty
25 containers of tomatoes that they were beating together. They did not have guns or any

1 types of weapons. They simply were asked to go to the march. They didn't even have a
2 needle.

3 Q. [14:48:06] Madam Witness, at what time did the neighbours come to fetch your
4 daughter?

5 A. [14:48:15] Bébé, Adja, Djelika and Mah were living in the same house. Mah is now
6 deceased, but there was an older woman who wanted to take place. And she asked
7 whether she could take part in the march. They would leave their children in the hands
8 of the almighty God. They would take their whistles and would be totally unarmed.

9 Q. [14:49:01] Very well. Now, what did you do after your daughter left?

10 A. [14:49:17] After she left, I stayed at home. She had her child. I told her, look,
11 Mariam, you are going to take part in a march; you have to be careful.

12 Q. [14:49:41] I asked you a very simple question. What did you yourself do after your
13 daughter left your home?

14 A. [14:49:54] She left. I was at home. The child was crying. She had given me the
15 child to go and take part in the march. The child was crying. I tried to follow her right
16 to Banco, where the marchers were. Moussa asked me where I was going, and I said I
17 was going to give Mariam's child to her so that she should breastfeed her.

18 Q. [14:50:41] Before you left -- how long after your daughter left did you yourself leave?

19 A. [14:51:04] She left at 10 o'clock to go to the march. Around 11 o'clock, her child
20 started crying, so I left and I came back about noon, but I was not able to see her. *When
21 I arrived in Samaké, the tanks arrived from Adjamé and started shooting.

22 Q. [14:51:46] I'm trying to understand what happened on that day. When you go so
23 fast, we skip some stages. A short while ago you told us, and I will quote you. *It is
24 lines 11 to 19 of the transcript, and I asked you a question, "Who occupied -- who was
25 responsible for her daughter when she was carrying out political activities, when she was

1 not at home?

2 Answer: I was responsible for her child when she went to rallies. She prepared
3 porridge and then I would give to the child and then I would carry the child on her back
4 and return it to her when she returned." End of quote.

5 What I'm trying to say or ask you is why you did not give that child porridge on that day
6 and why you tried to follow her to the march.

7 A. [14:53:11] The child was hungry and I could not breastfeed that child. It was crying
8 and it was for that reason that I wanted her to return and breastfeed the child because I
9 couldn't do it. I could only give the child water to drink.

10 Q. [14:53:48] Very well. So you tell us that you left your home at about 11 a.m. and
11 you took the child with you. My question is, why didn't you leave the child with your
12 younger sister, Naminata Bamba?

13 A. [14:54:31] I wanted Mamou to breastfeed the child for me to return. I didn't find
14 her. I sat down around noon, 1 p.m. People came running and said that people were
15 being killed, women were being killed; people were arriving without shoes, without
16 clothes.

17 Moussa told me that Mamou had been killed, so I went out to look for her body.

18 Q. [14:55:18] You are systematically telling us what is in your statement but I am
19 interested in knowing what happened between those various hours of the day.
20 Now, when you left your house, how long did it take you to arrive at the Banco
21 roundabout?

22 A. [14:55:50] I do not know. I went on foot. I was tired. And then I returned
23 because I was not in good health. I started feeling dizzy.

24 Q. [14:56:11] At what time did you start feeling dizzy, Madam Witness?

25 A. [14:56:19] I started feeling dizzy even before people went for the march because I

1 was not in good health. I was feeling cold, chilly, and that's it.

2 Q. [14:56:43] Madam Witness, on your way to Banco, did you meet or come across
3 demonstrators, women, other people?

4 A. [14:57:00] Yes. There were women who were coming towards me, and I was crying
5 because I was feeling faint. And I realised that those who had taken part in the march
6 had returned and told me that people had been killed. I was afraid of falling down.

7 Q. [14:57:31] Madam Witness, I'm still talking about when you left your house to go to
8 Banco, and you are talking about when you were returning from Banco. These are two
9 different times: When you went to Banco and when you returned from Banco. What I
10 want us to focus on is when you were going to the Banco roundabout. Do we agree on
11 that?

12 A. [14:58:02] I went to Banco.

13 Q. [14:58:17] Madam Witness, I was going to ask you a question now a that we have
14 fully understood what we are talking about. My question is this: Upon your arrival
15 near the Banco roundabout, did you observe any men with whistles, the men you referred
16 to a short while ago?

17 A. [14:58:40] They threw the whistles away. The situation was serious. Some of
18 them even lost their trousers. They returned naked to the house.

19 Q. [14:59:04] Madam Witness, let us understand each other correctly. What did you
20 observe when you arrived at the Banco roundabout?

21 A. [14:59:16] I did not see anything apart from abandoned shoes. I was looking for the
22 body of my daughter, and I visited the various medical centres, but there were abandoned
23 shoes and other items.

24 Q. [14:59:56] So what you are saying is when you got to Banco, the incident had already
25 occurred, and all you saw was shoes and trousers and you were not able to find your

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 daughter?

2 MR GARCIA: [15:00:14] I'm going to ask your Honour that --

3 PRESIDING JUDGE TARFUSSER: [15:00:16] Mr Prosecutor.

4 MR GARCIA: [15:00:18] -- Defence counsel please ask open questions to this witness. I
5 know it may be difficult on certain occasions, but this is what was suggested as well in the
6 vulnerability assessment.

7 THE WITNESS: [15:00:30] No interpretation.

8 MR GARCIA: [15:00:32] And I think it is far better if the witness is -- she's here, she's
9 testifying, that she describes what exactly she sees. If we need to confront the witness,
10 that's another story altogether. But we should remain with open questions, given the
11 type of witness that we have and the vulnerability assessment that was done.

12 PRESIDING JUDGE TARFUSSER: [15:00:55] Especially here in the last -- in the last
13 question, you started by saying, "So what you are saying is," so you are repeating what the
14 witness already said and what was quite clear it was. So I don't know why you should
15 repeat what the witness already said. Just put the question, the follow-up question, if
16 there is one.

17 MS NAOURI: [15:01:21] (Interpretation) Very well, your Honour.

18 Q. [15:01:27] Madam Witness, after you looked for your daughter's body, what did you
19 do?

20 A. [15:01:43] When I discovered my daughter's corpse, I began crying. I cried a lot. I
21 was weeping.

22 PRESIDING JUDGE TARFUSSER: [15:02:01] Excuse me, Madam Witness. You
23 say -- you're saying that you saw your daughter's body. Did you see also other bodies
24 around there?

25 THE WITNESS: [15:02:14] (Interpretation) Yes, I saw other bodies. There were seven

1 dead women and their bodies were lying next to each other. They were next to each
2 other, those women, and we saw them side by side. Yacouba called us and he -- we
3 looked clearly at the corpses. And I saw my daughter amongst the bodies and I was so
4 frightened, I was so upset that I collapsed and they took me to the hospital.
5 So one girl was injured in the neck, another in the stomach. She tried to get up, but it
6 was not possible.

7 PRESIDING JUDGE TARFUSSER: [15:03:11] When you are saying that they were lying
8 side by side, what do you mean, how are they, how did they lie side by side?

9 THE WITNESS: [15:03:30] (Interpretation) Well, the dead bodies were positioned next
10 to each other. There were seven women. There was no one else, just those seven
11 women who were lying side by side. They were lying on their backs and they were
12 covered with a piece of cloth. We removed the cloth to look at them, and then we -- then
13 we left.

14 PRESIDING JUDGE TARFUSSER: [15:04:06] Did you see if, and if yes who, moved, if
15 they were moved, and if yes, who moved the bodies to put them side by side, to align
16 them side by side?

17 THE WITNESS: [15:04:26] (Interpretation) It was Dramé who put the dead bodies side
18 by side. And then they were removed in a cart. It was Yacouba who called me to show
19 me the dead bodies.

20 PRESIDING JUDGE TARFUSSER: [15:04:56] Did you see Yacouba putting them side by
21 side or aligning them side by side, or did you later know that Yacouba did this?

22 THE WITNESS: [15:05:04] (Interpretation) It was Yacouba who positioned them side
23 by side. They were injured and they were covered with blood. And I saw, I also saw
24 Yacouba moving the bodies. It isn't someone who told me, I saw it with my own eyes. I
25 saw Yacouba position the bodies side by side.

1 PRESIDING JUDGE TARFUSSER: [15:05:36] Madam Naouri.

2 MS NAOURI: [15:05:38] (Interpretation) I would like to indicate that in the French
3 interpretation of your first question, when the witness said "Yacouba," the name given
4 was "Dramé," so it's -- we need to correct the name.

5 One moment, please.

6 Q. [15:06:53] Madam Witness, a moment ago you said "They took me to the hospital."

7 Page 80, line 23. So you were also taken to the hospital that day; is that correct?

8 A. [15:07:04] Which day?

9 Q. [15:07:20] The day of the march.

10 A. [15:07:23] Yes. I went to the hospital the same day. And there were lots of people.

11 And yes, we also saw the seven women and we set up our association, because we are
12 mothers. And can you see your child dead? It's really very, very upsetting.

13 We went to the dispensary and the seven women said prayers. And we all prayed
14 together because we no longer had our children at our side.

15 And around 4 o'clock in the afternoon, we separated and we went to the hospital, we cried
16 the death of our children and we found a good place for their bodies to rest.

17 Friday we couldn't go, nor could we go on Saturday. And Yacouba said we should go
18 home and -- he told us not to go home. And when we went back, the bodies were no
19 longer there, and we didn't know where they had taken the bodies. We looked for them.
20 And it's very difficult to go and see a dead body if you're not getting any support. *But
21 they did not commit suicide.

22 Q. [15:09:12] So Yacouba Ouattara, did he tell you afterwards where the bodies of the
23 girls were?

24 A. [15:09:36] Yacouba knew the place, and he told us. And he took us there. And
25 now that he became the president, he brought us together. He called on a marabouts

1 who blessed the tombs. At one point we couldn't go out.

2 But we had to wait until Allasane had been sworn in. And we were able to organise
3 things when the situation became calm again. And we said blessings all day long. And
4 we went in the morning, because Yacouba Ouattara told me exactly where the tomb was,
5 and we stayed there until 4 o'clock in the afternoon. We went there in the morning and
6 we came back in the afternoon.

7 Q. [15:10:45] Very well. Can you tell us where it was that the bodies were buried that
8 Yacouba showed you?

9 A. [15:10:56] I've just said so -- correction, of course, yes, I can tell you. It was in
10 Abobo-Baoulé. They were all buried there.

11 Q. [15:11:19] Very well. How many times did you go with Yacouba Ouattara to the
12 Abobo-Baoulé cemetery?

13 A. [15:11:35] We went three times. As I said, I didn't want to go. Well, we went
14 together, the seven women. But we don't go anymore, the men go. If I go back, I'm
15 going to begin weeping again. How can you bear seeing your daughter buried when she
16 wasn't even sick? It's totally impossible to accept that sort of thing.

17 Q. [15:12:08] Very well, Madam Witness. Did you find out, did you learn when your
18 daughter was buried?

19 A. [15:12:22] I really don't know. You have to ask Yacouba Ouattara that question. I
20 wasn't going out. I was at home behind closed doors. I was afraid. You have to ask
21 him. He's the one who knows. If I were to say something to that question, I would be
22 lying. I don't know.

23 Q. [15:13:01] Very well. Madam Witness, I know that you don't know how to read
24 and write, but we do have statements that were signed by you. One of them is an
25 ante-mortem information form, which is a form from the enquiry office in Abidjan, dated

1 January 14, 2014. Do you remember having met with Ivorian policemen?

2 MR GARCIA: [15:13:40] (Interpretation) Could we have the ERN for that document,
3 please?

4 MS NAOURI: [15:13:44] (Interpretation) Yes, of course. It's CIV-OTP-0078-0631-R01,
5 page 0634.

6 Q. [15:14:09] So, Madam Witness, I'll repeat my question. Do you remember having
7 met with Ivorian policemen?

8 A. [15:14:18] The police? Are you asking me about ADO's policemen or the other?
9 We met with ADO's policemen.

10 Q. [15:14:36] Very well.

11 A. [15:14:38] That is the supporters of ADO.

12 Q. [15:14:47] Do you remember the name of the policeman that took your statement?

13 A. [15:14:56] No, I don't. I don't remember his name because I was very confused at
14 one point. I couldn't have told you if he was white or black. But perhaps somebody can
15 help me identify him. I don't know.

16 Q. [15:15:14] If I give you his name, perhaps you can tell us if you remember. If you
17 don't remember, please say so. If I were to say Captain Touré Lassina?

18 A. [15:15:26] Lassina, I know him.

19 Q. [15:15:34] Very well. And who was with you when you discussed with that
20 person?

21 A. [15:15:48] At the march or when?

22 Q. [15:15:55] When you met with Mr Lassina, who interpreted, for example, for you?

23 A. [15:16:05] Yacouba was doing the talking. I didn't do much talking. I was crying
24 and I was upset. I really felt very, very bad. I didn't understand French. I was very
25 uncomfortable. I was very upset.

1 Q. [15:16:28] Very well. At the end of that appointment, that meeting, did the Ivorian
2 officers give you any documents?

3 A. [15:16:44] President ADO gave the papers to Yacouba Ouattara. And we put them
4 all together. And Yacouba collected the papers, and I told him, I asked Yacouba to
5 collect all the papers and set them aside.

6 Q. [15:17:20] Madam Witness, what do you mean when you said President ADO gave
7 the documents to Yacouba? Can you explain what you mean by that?

8 A. [15:17:33] Yes, I've understood. I -- I got it wrong. It was the policeman who gave
9 us the documents. And I don't know which policeman. I really don't remember. I
10 don't even know whether he was black or white. I know Yacouba, he gave me the
11 documents. Sorry, you know, people can make mistakes. I was confused. But
12 otherwise I remember, I remember things pretty well. But and when you make a mistake,
13 you have to say so quickly. So I misunderstood. I made a mistake, I guess, this time.

14 Q. [15:18:33] Very well. It's not a problem, Madam Witness. That's why we repeat
15 the question sometimes if we're not sure we understood.

16 You said something about white or black policemen. Did you have any appointments
17 where there were white policemen?

18 A. [15:18:52] I didn't -- I didn't look. I wasn't paying attention. I had my head down.
19 I kept my head down. And when Yacouba asked me a question, I looked up. But
20 otherwise, like a sheep, I was hiding. I was afraid. I didn't look at people's faces. I
21 was looking down. My eyes were looking down.

22 Q. [15:19:23] Madam Witness, do you remember meeting with the policemen who took
23 a sample of your a saliva?

24 A. [15:19:50] Yes, I remember that. Go ahead. Speak directly.

25 Q. I was waiting for the interpretation.

1 Who organised the meeting with the individuals who took a saliva sample?

2 A. [15:20:22] It was Yacouba who took me to the hospital. And he asked all of us to
3 come along. And when we got there, they took a sample of our saliva. And then they
4 showed us the way home, after checking our saliva.

5 Q. [15:20:48] Do you remember if you signed any documents that particular day, that is,
6 the day when they took your saliva sample?

7 A. [15:21:00] Yes, I signed a paper. We all signed. We all signed.

8 Q. [15:21:09] Very well. Who interpreted for you? Who translated what was in the
9 document for you?

10 A. [15:21:26] Well, as far as I'm concerned, well, whenever someone spoke in French,
11 Yacouba translated because I don't understand French. I don't understand French. So I
12 asked Yacouba what was going on, and he told me. He explained that they were going
13 to take a sample of my saliva and so I signed the paper and I didn't say anything else.

14 Q. [15:21:55] Very well. Were you informed of the results -- I beg your pardon. Let
15 me ask you another question first. Did they tell you why they were taking a sample of
16 your saliva?

17 A. [15:22:14] I didn't ask why. Really, I didn't ask. They took a sample of my saliva.
18 I didn't ask anybody, whether it be a man or a woman, I didn't ask why; I just went to sit
19 down afterwards. And since I don't understand French, I didn't ask anything. I didn't
20 ask anybody anything to this day. I trusted Yacouba. He took me along and he
21 brought me here. Otherwise I wouldn't even have known that I was going to be coming
22 here. I didn't ask; he didn't tell me why, and I didn't ask him why they were taking a
23 sample of my saliva.

24 Q. [15:23:04] Very well. Madam Witness, do you remember whether you received a
25 death certificate for your daughter?

1 A. [15:23:35] Yes, I did get a death certificate, which Yacouba has kept. He keeps all
2 the documents.

3 Q. [15:23:50] Very well. Madam Witness, you were accepted to participate in these
4 proceedings as a victim. In your request to participate as a victim here at the ICC, there
5 is a copy of the death certificate. And I am going to give the ERN for the file. It's
6 CIV-OTP-0084-3950, page 3954.

7 My question is, did you provide the document yourself to the individuals who helped you
8 fill out the form or did someone else give it to them for you?

9 A. [15:24:59] I already said that I didn't have all those papers. Yacouba kept all of
10 those papers. I wasn't involved in any of that. I'm a bit confused. And even, you
11 know, they asked me to come today, if I were to keep a piece of paper, it would get lost.
12 And Yacouba takes care of everything. He takes care of all of these procedures that I've
13 been involved in. I'm not aware of anything regarding the file, regarding the case.
14 Yacouba has done everything for me.

15 PRESIDING JUDGE TARFUSSER: [15:25:34] Madam Naouri, we know by now, but
16 Yacouba is the man, okay. So it's unnecessary to ask always the time knowing we know
17 exactly what the answer will be.

18 MS NAOURI: [15:25:48] (Interpretation) Very well, your Honour.

19 Q. [15:25:53] Madam Witness, do you remember whether you went to the Abobo town
20 hall with Yacouba Ouattara in order to obtain the death certificate?

21 A. [15:26:06] Yacouba did whatever was necessary, the procedures, and I went with
22 him. Initially, I said I can't go. I don't know how to read and write; I don't speak
23 French, and I told him that I trusted him for everything. And I would say to him, well,
24 Yacouba, when you think the time is right, I'll go along. So he was basically doing
25 everything for me.

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 Q. [15:26:54] Madam Witness, regarding your request to participate as a victim, there is
2 a document as an annex to the request that you signed.

3 I'm going to give the number, CIV-OTP-0084-3950-R05, page 3955.

4 Your signature is on the document. But -- let me finish, please. On the document it
5 states "I, the undersigned," it says -- perhaps I can give you a piece of paper to show you
6 what document we're referring to. And I'd like to know who drafted that signature
7 portion, that part of the document for you?

8 MR GARCIA: [15:28:45] Your Honour, if I may.

9 PRESIDING JUDGE TARFUSSER: [15:28:46] Mr Prosecutor. Mr Prosecutor.

10 THE WITNESS: [15:28:54] (No interpretation)

11 MR GARCIA: [15:28:55] Your Honours, I don't believe we need to go through this
12 exercise. I fail to see the necessity at this point. The first thing is, there a document that
13 has been cited by Defence counsel, 0084-3950. There is a signature at the bottom of that
14 document. We can simply ask the witness whether she recognises --

15 PRESIDING JUDGE TARFUSSER: [15:29:19] We will, we will, we will.

16 MR GARCIA: [15:29:21] If she recognises it, and that will be that.

17 PRESIDING JUDGE TARFUSSER: [15:29:23] Okay.

18 MR GARCIA: [15:29:24] I think for the needs of exploring that line of questioning --

19 PRESIDING JUDGE TARFUSSER: [15:29:26] Yes.

20 MR GARCIA: [15:29:27] -- that is sufficient. I don't think we need to have the witness
21 going through exercises of writing things on paper.

22 PRESIDING JUDGE TARFUSSER: [15:29:31] No, no. The witness will not write
23 anything. We will show her the document and ask her if --

24 (Overlapping speakers)

25 PRESIDING JUDGE TARFUSSER: [15:29:45] We are not debating. We will show the

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 witness the document and I will ask her if she recognises or not. Okay.

2 Please, proceed.

3 THE WITNESS: [15:30:19] (Interpretation) Yes, I see this signature. That's correct.

4 MS NAOURI: [15:30:22] (Interpretation)

5 Q. [15:30:24] Very well. So Witness, you recognise the document and the signature.

6 My question is: Who drafted the document for you?

7 A. [15:30:35] You'd have to read it. I don't know the person who drafted it. I don't
8 know, otherwise I'd tell you.

9 PRESIDING JUDGE TARFUSSER: [15:30:55] Well, we know that she has not drafted it,
10 and that's enough. We can imagine who has drafted it. Please.

11 MS NAOURI: [15:31:04] (Interpretation) Very well, your Honour. It's important
12 because it says "I, the undersigned" on the document and it's on behalf of the witness.

13 PRESIDING JUDGE TARFUSSER: [15:31:13] We are in a region where some people,
14 unfortunately, are not able to write and to read. So, but this is not the right moment to
15 put this in front of the witness. So we can all imagine how this came to be. So please go
16 ahead with this, with the questioning.

17 MS NAOURI: [15:31:41] (Interpretation) Very well, your Honour. Just for the record,
18 the problem is that the document is signed, is signed by her, but she knows nothing about
19 it. That's the point I wanted to make. And let me just say --

20 PRESIDING JUDGE TARFUSSER: [15:31:54] But we have understood that. It's
21 not -- we are not stupid. We are here listening and, yes, and understanding also
22 sometimes. So please, go ahead.

23 MS NAOURI: [15:32:06] (Interpretation) Very well. Thank you, your Honour.

24 Q. [15:32:13] Witness, aside from Yacouba Ouattara, were there any other people who
25 came to meet you in the days following the march?

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 A. [15:32:28] Yes. After the march -- before the march or after the march?

2 Q. [15:32:44] I'm going to put a more specific question to you, Witness. Do you
3 remember whether three days after the march a delegation from the Golf came to visit
4 you?

5 A. [15:33:00] Yes, I remember. I do remember that, three days after. I remember that.
6 They came to see me and they asked questions.

7 Q. [15:33:15] Very well. Witness, I'd like to show you a video, CIV-OTP-0042-0591.
8 Time code 04.03 to 04.27.

9 A. [15:33:51] Yes, I'd be happy to look at it.

10 MR GARCIA: [15:33:55] Your Honour, I see that it has a confidential indication. For the
11 moment I'd ask that it remain as such and we can reclassify it. I would have to look into
12 the matter if indeed there is anything that can be made public.

13 PRESIDING JUDGE TARFUSSER: [15:34:08] The video is confidential?

14 MS NAOURI: [15:34:11] (Interpretation) Your Honour, this has already been shown in
15 public following a discussion we had. And it was only with the agreement of the parties,
16 because it didn't reveal anything to the public.

17 MR GARCIA: [15:34:22] I just want to make sure that Defence counsel is saying that the
18 same extract has been played publicly.

19 PRESIDING JUDGE TARFUSSER: [15:34:27] Yes. But if it's the same video, I mean --

20 MR GARCIA: [15:34:30] Your Honour, I'm always erring on the side of caution. I don't
21 know what it is. I don't have all the videos in mind. But I would ask that it be played
22 confidentially --

23 PRESIDING JUDGE TARFUSSER: If --

24 MR GARCIA: -- just in case and we can reclassify it afterwards.

25 PRESIDING JUDGE TARFUSSER: [15:34:40] If the video, is it -- I don't know if the video

1 is, as such, confidential. What part you will show to -- of the video?

2 MS NAOURI: [15:34:49] (Interpretation) It's exactly the same part that we've already
3 discussed, the same places, everything we've already discussed about that's been deemed
4 to be public and doesn't make it possible to recognise anything.

5 PRESIDING JUDGE TARFUSSER: [15:35:00] So we show it public. Okay.

6 MR GARCIA: [15:35:03] Your Honours, I haven't --

7 PRESIDING JUDGE TARFUSSER: [15:35:04] No. We show it public. If it's the same
8 video we already showed public, there is no need to not show it public also the second
9 time.

10 MR GARCIA: [15:35:11] I understand, your Honour. The reason why I'm erring on the
11 side of caution is that there are people who appear on that video. Now, I'm not sure if
12 that specific extract was shown publicly.

13 PRESIDING JUDGE TARFUSSER: [15:35:21] But if -- counsel is responsible for this,
14 counsel said that exactly the same part of the video, the same portion of the video was
15 shown publicly, as far as I understood, and if this is the case, it will be shown publicly.

16 MR GARCIA: [15:35:34] All right, your Honour.

17 PRESIDING JUDGE TARFUSSER: [15:35:37] Okay. It's the responsibility of counsel.

18 MS NAOURI: [15:35:41] (Interpretation)

19 Q. [15:35:52] Witness, we're going to show you the video, if you're ready.

20 (Viewing of the video excerpt)

21 PRESIDING JUDGE TARFUSSER: [15:36:27] And I wonder whether such video should
22 be or could be not public. It was a public occasion and --

23 MR GARCIA: [15:36:36] I have the confirmation, your Honour, that the time stamps
24 were indeed shown publicly, so thank you.

25 PRESIDING JUDGE TARFUSSER: [15:36:42] Okay, thank you.

1 Please.

2 MS NAOURI: [15:36:48] (Interpretation)

3 Q. [15:36:49] Witness, were you present at that meeting that we've just seen?

4 A. [15:36:57] I was there. It was a ceremony, a sacrificial ceremony.

5 Q. [15:37:16] Did you receive an envelope on that day?

6 A. [15:37:18] We all received an envelope.

7 Q. [15:37:26] And how much was in the envelope?

8 A. [15:37:35] I don't know. I didn't count. I gave it to Yacouba. I didn't count the
9 money.

10 PRESIDING JUDGE TARFUSSER: [15:37:47] But was it -- oh, it was money. In any
11 case, it was money, right?

12 THE WITNESS: [15:37:57] (Interpretation) Yes. It was money. But I don't know how
13 much.

14 MS NAOURI: [15:38:04] (Interpretation) Thank you, your Honour.

15 Q. [15:38:08] Have I understood correctly that you gave the contents of the envelope to
16 Yacouba Ouattara?

17 PRESIDING JUDGE TARFUSSER: [15:38:13] You have understood correctly.

18 MS NAOURI: [15:38:17] (Interpretation) Thank you, your Honour.

19 THE WITNESS: [15:38:21] (Interpretation) I gave the money to Yacouba. He gave me
20 the amount contained in the envelope, but I don't remember. I can't tell you how much
21 there was in the envelope. Well, you know, sometimes when you get sums of money,
22 you can't count it and you can't remember the amount.

23 MS NAOURI: [15:38:55] (Interpretation)

24 Q. [15:38:56] Thank you, Witness. In the weeks following the march, did you have a
25 visit from the municipal advisor of the Abobo town hall, Sirah Dramé?

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

- 1 A. [15:39:14] Yes, indeed, he did visit us.
- 2 Q. [15:39:26] And on the occasion of that visit, was there also a cameraman?
- 3 A. [15:39:34] Yes, indeed.
- 4 Q. [15:39:38] Do you remember the name of the cameraman?
- 5 A. [15:39:45] No, I don't remember his name. You know, that was quite a long time
- 6 ago now.
- 7 Q. [15:39:53] No problem. Was she accompanied by an American white woman?
- 8 A. [15:40:00] Yes, indeed. Indeed, she was accompanied by a white woman. And
- 9 anyhow, I was crying.
- 10 Q. [15:40:22] Did she ask you any questions about what happened on the day of the
- 11 march?
- 12 PRESIDING JUDGE TARFUSSER: [15:40:37] She who? She the American or?
- 13 MS NAOURI: (No interpretation)
- 14 PRESIDING JUDGE TARFUSSER: She the cameraman or she the American?
- 15 MS NAOURI: [15:40:42] (Interpretation) Sirah Dramé and the cameraman.
- 16 Q. [15:40:49] Witness, did Sirah Dramé ask you any questions about what happened on
- 17 the day of the march?
- 18 A. [15:41:02] Yes. She asked me questions about the march.
- 19 Q. [15:41:10] Very well. Did she suggest giving you any compensation?
- 20 A. [15:41:24] Yes. She said that to dry our tears we would receive compensation.
- 21 And in actual fact, that money was given in the name of the seven women who died.
- 22 Q. [15:41:55] Very well. Witness, who put you in touch with the investigators of the
- 23 OTP of the ICC?
- 24 A. [15:42:03] I don't know who it was. I don't know the person who established the
- 25 contact because I've -- unfortunately I've forgotten their name, so I don't know the name.

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 THE INTERPRETER: [15:42:42] The channel for the French was occupied. Could
2 counsel please start her question again, your Honour. We apologise.

3 PRESIDING JUDGE TARFUSSER: [15:42:48] Could you please start again because they
4 had an issue, a problem with the channels.

5 MS NAOURI: [15:42:56] (Interpretation) Yes, of course, your Honour.

6 Q. [15:42:59] Witness, I'm going to read from your statement, paragraph 24, where it
7 says:

8 "To come here it was -- well, it's Yacouba who accompanies me every morning because I
9 don't know how to get here myself. So I don't know if I've already seen members of the
10 ICC before you."

11 So you're talking to investigators from the OTP, as regards the passage I've just read out to
12 you, so my question is was it Yacouba Ouattara who introduced you to members of the
13 OTP, to the investigators of the OTP?

14 Witness, are you still with us?

15 PRESIDING JUDGE TARFUSSER: [15:44:19] Madam Witness, yes?

16 THE VWS REPRESENTATIVE: For the witness, could we have a break, please?

17 PRESIDING JUDGE TARFUSSER: Do you want to pause?

18 THE WITNESS: [15:44:41] (Interpretation) If you want, otherwise we can continue to
19 the end.

20 PRESIDING JUDGE TARFUSSER: [15:44:45] No, it's if you want. We want to continue
21 to the end.

22 So let me put the question to you: Who was the person who brought you in contact with
23 the investigators of the International Criminal Court?

24 THE WITNESS: [15:45:17] (Interpretation) It was Yacouba Ouattara.

25 PRESIDING JUDGE TARFUSSER: Okay.

1 THE WITNESS: He put us in touch with the representatives of the ICC.

2 PRESIDING JUDGE TARFUSSER: Madam Naouri.

3 MS NAOURI: [15:45:34] (Interpretation) Thank you, your Honour.

4 Q. [15:45:39] Were you in touch with Yacouba Ouattara before coming to testify here
5 today?

6 A. [15:45:47] Yes. He came to see me, to inform me. Without him I would never
7 have come here. He persuaded me to come so as to testify. And he begged me to do so.
8 Otherwise I would never have come. He said it would take a week because I felt too bad
9 still, it was too difficult for me, I didn't want to come and I'm tired as well.

10 Q. [15:46:28] Very well. So how long before coming here was it that you saw him?

11 A. [15:46:37] We met two weeks before, from a Wednesday to a Wednesday.

12 Q. [15:46:59] Very well. Did you discuss your testimony before the ICC with Yacouba
13 Ouattara?

14 A. [15:47:21] He asked me not to be frightened and he asked me to answer the
15 questions that I could answer, and if I couldn't answer, then not to do so. What I saw,
16 what I can testify to, I can share with the Court. That's all.

17 Q. [15:47:48] Very well. Witness, this morning you said, answering a question from
18 the Presiding Judge, which was -- and I'll give the reference, page 55, lines 14 to 19 of
19 today's transcript.

20 The statement that you made to the OTP, did you have the opportunity to reread it or was
21 it read to you over the course of these few days? Your answer, "I asked them to read it to
22 me and we read it at least three times." End of quotation.

23 Who read it to you at least three times, Witness?

24 PRESIDING JUDGE TARFUSSER: [15:48:53] I don't like this question, because this was
25 the VWU, of course. This is clear. So I don't know what you're looking for.

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 MS NAOURI: [15:49:08] (Interpretation) Would it not be prudent to put the question to
2 the witness?

3 PRESIDING JUDGE TARFUSSER: [15:49:18] I would say no, because of course it was
4 meant in these days while she was here, who read it to you, and she's in the hands of the
5 VWU. In any case she read her own statement -- she was read her own statement; there
6 is nothing strange in that.

7 MS NAOURI: [15:49:39] (Interpretation)

8 Q. [15:49:42] Witness, I'll put the question to you differently. Before you came to The
9 Hague, did you read through your statement with anybody?

10 A. [15:49:50] Yes, yes, I did. Otherwise, I wouldn't have been able to be here. So it
11 was explained to me how to proceed so that I could overcome my difficulties and speak
12 here in the presence of the Court.

13 PRESIDING JUDGE TARFUSSER: [15:50:18] And who explained? Who explained it to
14 you?

15 THE WITNESS: [15:50:22] (Interpretation) Yacouba. He's educated. He explained to
16 me what was in all of those documents.

17 MS NAOURI: [15:50:53] (Interpretation)

18 Q. [15:50:55] Did you reread the statement with the lawyer of the VWU of the ICC?

19 A. [15:51:29] I don't know. I don't know. I had the content explained it me. You
20 know, I don't know how to read.

21 (Counsel confer)

22 MS NAOURI: [15:52:18] (Interpretation)

23 Q. Witness, I have a number of questions for clarification. Let's go back to something
24 you said earlier. The men in charge of security at the march, they only had whistles; is
25 that correct?

1 A. [15:52:40] What I saw, and as regards the young people, well, those young people
2 were not armed, nor were the women, apart from the djembés and the drums and the
3 whistles. They were just beating the djembé, the drum, and they were blowing whistles.
4 Some of them even lost their trousers.

5 Q. [15:53:30] The whistles, were they to guide, organise the women?

6 MR GARCIA: [15:53:41] I object. Clear indication is not to be suggested.

7 PRESIDING JUDGE TARFUSSER: [15:53:47] No. I don't know what the reason for the
8 question is, what the whistles are for. She didn't organise the whistles.

9 MS NAOURI: [15:54:25] (Interpretation)

10 Q. [15:54:27] Witness, another question for clarification. The people who were
11 organising the march, who organised it the evening before, what did they say for the
12 organisation of the march? Did they say that it was to take power? What was it that
13 they said, those people?

14 MR GARCIA: [15:54:41] Objection again, your Honour.

15 PRESIDING JUDGE TARFUSSER: [15:54:43] No. This is said clear, at page 24, line 5 to
16 7. I mean, there is no clarification. I go back, and I'll read out, because this was also
17 something which was said before.

18 I can't find the indication anymore, but it's to allow Alassane Ouattara, whatever, to take
19 power.

20 MS NAOURI: [15:55:56] (Interpretation) What I was asking was, what these people
21 who organised the march were saying the evening before. What was it that they said.
22 They were informing people that there was going to be a march. So what was it that they
23 said in order to mobilise the women for the march.

24 PRESIDING JUDGE TARFUSSER: [15:56:30] This question has already given an answer.

25 Okay. Please respond to this question.

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 MS NAOURI: [15:56:51] (Interpretation)

2 Q. [15:56:53] Witness, I'm going to repeat the question. The people responsible for
3 mobilising people for the march the evening before it happened, what was it that they
4 said?

5 A. [15:57:04] They didn't say anything. They told us to march, to express our pain, our
6 suffering. They didn't give us any other instructions. It was just to express our pain as
7 citizens. We organised the march in favour of Alassane Ouattara. We couldn't sleep at
8 night. People were restless during the day. People were being killed. We couldn't sit
9 back and just do nothing.

10 Q. [15:57:50] Very well. Witness, have you heard speak of the Invisible Commando?

11 A. [15:58:00] No, no, no, not at all. Don't make me say what I haven't said, please.

12 Q. [15:58:19] I was just putting a question to you, Witness. And that was my final
13 question. I would like it thank you.

14 MR ALTIT: [15:58:26] (Interpretation) And this concludes the cross-examination of the
15 witness by Laurent Gbagbo's Defence team.

16 PRESIDING JUDGE TARFUSSER: [15:58:35] Thank you very much.

17 Now I have a question just for clarification, this one, because I think there is some
18 contradiction or confusion.

19 My question is where did you see the seven bodies? Where was it?

20 THE WITNESS: [15:59:00] (Interpretation) At the hospital. At the Abobo hospital I
21 saw them, opposite the big market.

22 PRESIDING JUDGE TARFUSSER: [15:59:10] So not at the Banco?

23 THE WITNESS: [15:59:18] (Interpretation) No. We saw them at the hospital close to
24 the town hall. There is a big market and the hospital is next to it, and that's where we
25 saw them. That's where Yacouba Ouattara showed us the corpses because we women

Trial Hearing
WITNESS: CIV-OTP-P-0582

(Open Session)

ICC-02/11-01/15

1 didn't have access to it. We came across the seven women lying on their backs covered
2 with cloth.

3 PRESIDING JUDGE TARFUSSER: [15:59:44] Okay. Thank you very much.

4 Now we break here for today. Tomorrow I will give the floor -- but I give it immediately
5 to Mr Knoops. So please, Mr Knoops.

6 MR KNOOPS: [15:59:57] Thank you, Mr President. Our team has no questions for this
7 witness.

8 PRESIDING JUDGE TARFUSSER: [16:00:02] Okay. Thank you very much. This is
9 good news.

10 Now I ask the Office of the Prosecutor if there is need for re-questioning.

11 MR GARCIA: [16:00:15] We have no re-questioning, your Honour.

12 PRESIDING JUDGE TARFUSSER: [16:00:21] This is also good news.

13 Therefore, I can tell you, Madam Witness, that your testimony here before the
14 International Criminal Court is finished. You can go back to your country. I thank you
15 for having been here and having answered the questions, although there was in the
16 beginning a small impasse, but then everything went quite well. So thank you very
17 much. I hope you have a safe trip back home. And I invite now the court usher to
18 accompany you out of the courtroom. Thank you.

19 (The witness is excused)

20 PRESIDING JUDGE TARFUSSER: [16:01:36] And what I have to do now is to adjourn
21 the hearing to tomorrow morning, when we will have Witness 0581 at the stand. I hope
22 he's here, but I have no contrary indications to this. So tomorrow 9.30 for the next
23 witness, 581. Thank you very much. The hearing is adjourned.

24 THE COURT OFFICER: [16:02:07] All rise.

25 (The hearing ends in open session at 4.02 p.m.)