

Trial Hearing
WITNESS: CIV-OTP-P-0588

(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 Olga Herrera-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Thursday, 8 December 2016
10 (The hearing starts in open session at 9.55 a.m.)
11 THE COURT USHER: [9:55:56] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:56:18] Good morning. Sorry for this delay,
15 which was caused by technical problems we had. Sorry also to you in the remote
16 location.
17 Court officer, could you please bring the witness to the stand, thank you.
18 THE COURT OFFICER: [9:56:40] (Via video link) Yes, your Honour. Right away.
19 (The witness enters the video-link room)
20 PRESIDING JUDGE TARFUSSER: [9:57:16] Good morning, Mr Witness.
21 WITNESS: CIV-OTP-P-0588 (On former oath)
22 (The witness speaks French)
23 (The witness gives evidence via video link)
24 THE WITNESS: [9:57:22](Via video link)(Interpretation) Good morning, your Honour.
25 PRESIDING JUDGE TARFUSSER: [9:57:25] Good morning. I give immediately the

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1 floor to Maître Gbougnon, I suppose, for -- which is of the Defence team of Mr Blé Goudé,
2 to pose to you questions. My recommendation is always the same; speak clear, slow,
3 loud and, most of all, say the truth. Thank you.

4 Maître Gbougnon.

5 MR GBOUGNON: [9:58:08] (Interpretation) Good morning, ladies and gentleman of
6 the Court.

7 QUESTIONED BY MR GBOUGNON: (Interpretation)

8 Q. Good morning, Mr Witness.

9 A. [9:58:18] Good morning, sir.

10 Q. [9:58:19] My name is Maître Jean Serge Gbougnon and I am from the Abidjan bar.
11 I am member of the Defence team for Mr Charles Blé Goudé. So I shall be continuing the
12 exercise that my learned colleagues commenced yesterday from the Defence team for
13 Mr Gbagbo. I shall be therefore putting questions to you in French and you shall be
14 listening carefully to what I say and waiting for me to put the question to you before
15 answering in order for us not to overlap due to the interpretation; is that all right?

16 A. [9:59:05] I have understood.

17 Q. [9:59:13] Mr Witness.

18 A. [9:59:15] Yes.

19 Q. [9:59:18] You had your carpentry workshop in Anonkoua-Kouté in 2010, did you
20 not?

21 A. [9:59:31] That is correct.

22 Q. [9:59:40] Before that, did you have another sewing -- rather, carpentry workshop?

23 A. [9:59:50] Yes, I did have another carpentry workshop.

24 Q. [9:59:56] And before that time where was it?

25 A. [9:59:59] In Abobo Avocatier.

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1 Q. [10:00:05] During which period was that?

2 A. [10:00:11] From 1994 up to 2008.

3 Q. [10:00:29] Thank you. In Anonkoua-Kouté, from 2010 or at least from 2009
4 because it was indeed in 2009 that you had your workshop there, did you not?

5 A. [10:00:50] That is correct.

6 Q. [10:00:58] You said that the young people from that neighbourhood and you
7 would talk often together; is that correct?

8 A. [10:01:07] Yes, that is correct.

9 Q. [10:01:14] And so the young people of this neighbourhood frequently discussed
10 with you; is that correct?

11 A. [10:01:19] Yes.

12 Q. [10:01:22] Mr Witness.

13 A. [10:01:25] Yes, sir.

14 Q. [10:01:31] Can you tell me what is the specificity or the difference between a
15 Togolese and Ivorian when they speak?

16 A. [10:01:41] The difference is the accents.

17 Q. [10:01:49] Thank you. So the difference is the accents. And since 2009 the young
18 people of your neighbourhood saw and heard you speak?

19 A. [10:02:03] Yes.

20 Q. [10:02:09] To my knowledge, ever since I've been listening to you for two days you
21 don't have a Togolese accent; is that correct?

22 A. [10:02:17] Yes.

23 Q. [10:02:21] So why is it that the young people of your neighbourhood thought at
24 some point that you were a Togolese?

25 THE INTERPRETER: [10:02:35] Inaudible. Can the witness --

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1 MR GBOUGNON: [10:02:42] (Interpretation)

2 Q. [10:02:43] I didn't hear the answer.

3 A. [10:02:45] Yes. Because I'm a carpenter.

4 Q. [10:02:53] So the young people of Anonkoua-Kouté, who in 2010 when contact
5 with you, spoke with you for at least one year, they knew your accent, in 2010 they
6 thought you were Togolese simply because you were a carpenter; is that correct?

7 A. [10:03:23] Yes, that is correct.

8 Q. [10:03:25] Thank you, Mr Witness.

9 One last question: Are all the carpenters in Côte d'Ivoire Togolese?

10 A. [10:03:41] No, not all carpenters in Côte d'Ivoire are Togolese.

11 Q. [10:03:49] Thank you.

12 During the so-called post-election crisis, did your workshop remain open continuously?

13 A. [10:04:08] Yes. It was often closed.

14 Q. [10:04:22] So it was often closed? Please just wait for me to finish my question. Your
15 workshop was open but often closed. It means that on some days it was *closed, otherwise
16 it had remained open since the elections until President Gbagbo was arrested; is that correct?

17 A. [10:04:56] Yes.

18 Q. [10:05:17] Would it be correct to say that there was a war in Côte d'Ivoire in 2010?

19 A. [10:05:24] 2010 war in Côte d'Ivoire? More or less.

20 Q. [10:05:35] More or less. And the more, what do you mean by "more"?

21 A. [10:05:42] There were a few clashes, but when you say war, well *that would be an
22 exaggeration.

23 Q. [10:05:50] There were a few clashes. And when you talk about clashes, when you
24 use that word "affrontements" in French, you are talking about two camps fighting each
25 other; is that correct?

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1 A. [10:06:14] Yes, it can be that.

2 Q. [10:06:25] Who were fighting against each other?

3 A. [10:06:27] I do not know.

4 Q. [10:06:35] All you know is that there were clashes in Côte d'Ivoire, but you never
5 learnt, you never saw the people who were fighting against each other, you have never
6 heard about that. To this day, you have never saw the people who were supposed to be
7 fighting; is that what you're telling the Court?

8 A. [10:07:00] *I heard people who were fighting each other, but I never saw them
9 because I was not there.

10 Q. [10:07:15] Very well. You heard about people fighting?

11 A. [10:07:24] I heard it said that people were fighting against each other.

12 Q. [10:07:31] What were you told?

13 A. [10:07:35] I was told that people were clashing or fighting against each other, but I
14 was never there on the spot to observe people fighting, apart from what I personally
15 experienced.

16 Q. [10:07:58] When you say "people", can you define these people, can you give a
17 name to these people that you are talking about?

18 A. [10:08:15] No.

19 Q. [10:08:25] Why is it that you cannot give a name or describe these people that you
20 are talking about?

21 A. [10:08:33] I cannot mention a title or a name beyond what I personally know.

22 Q. [10:08:55] Mr Witness, I'm not talking about what you saw because you have said
23 that you did not see anything, but I'm talking about what you were told.

24 MR MACDONALD: Your Honour.

25 PRESIDING JUDGE TARFUSSER: [10:09:09] Mr MacDonald.

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- 1 MR MACDONALD: [10:09:10] The witness didn't say that --
- 2 MR GBOUGNON: [10:09:14] Monsieur le Président.
- 3 PRESIDING JUDGE TARFUSSER: [10:09:15] Yes. No, no, I can't -- I knew that you
- 4 will say that.
- 5 MR MACDONALD: (Indecipherable)
- 6 PRESIDING JUDGE TARFUSSER: I know. I --
- 7 MR MACDONALD: [10:09:21] We can cut the sound.
- 8 PRESIDING JUDGE TARFUSSER: [10:09:22] Yes, we will cut the sound. That was
- 9 what I was going to do. Can we cut the sound please.
- 10 THE COURT OFFICER: [10:09:39] The sound was cut off, your Honour.
- 11 PRESIDING JUDGE TARFUSSER: [10:09:42] Thank you very much.
- 12 Mr MacDonald.
- 13 MR MACDONALD: [10:09:49] The question on page 6, line 19, in French, and I will
- 14 quote in French slowly: (Interpretation)
- 15 "I am not talking about what you saw because you have repeated to me that you did not
- 16 see anything."
- 17 (Speaks English) Now, if we go up, and this is important. The witness said
- 18 earlier -- sorry, I just lost it, I had it. At page 6, line 9, the answer of the witness was the
- 19 following, in French: (Interpretation)
- 20 "I was told that people were clashing or fighting against each other, but I never was there
- 21 on the spot to know that people were fighting, apart from what I saw."
- 22 (Speaks English) That's -- the witness said "À part ce que j'ai vu", and I heard it in his
- 23 tongue. If your Honour, if you allow me to finish before giving the floor to Mr
- 24 Gbougnon because I see him standing up.
- 25 PRESIDING JUDGE TARFUSSER: [10:11:10] Yes, but he stands but he's not speaking,

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1 so he can stand --

2 MR MACDONALD: [10:11:14] The red light was on, your Honour.

3 PRESIDING JUDGE TARFUSSER: Yes. Okay.

4 MR MACDONALD: So what I'm trying to say is the following: When Mr Gbougnon is
5 saying that the witness has never -- not seen anything and quoting him by saying he never
6 saw anything, that is not accurate, that is not correct, and of course we don't want the
7 witness to be misled. And this is why I think it is important when paraphrasing to be
8 as -- to paraphrase as closely as possible to what the witness is saying. Thank you,
9 your Honour.

10 PRESIDING JUDGE TARFUSSER: [10:11:44] Thank you. I would even say not to
11 paraphrase but to repeat the same words, therefore, I would ask you to repeat the same
12 words. What I still don't think is -- we are not asking him on facts but what he perceives,
13 what he thinks, you know, what is a clash for you, is -- a clash is different for one or for
14 the other. I mean it's more opinions we are eliciting more than facts, so I just would like
15 you to go to facts. Thank you.

16 MR GBOUGNON: [10:12:25] (Interpretation) Your Honour, I am compelled to
17 respond. To begin with, I believe that the objection of my learned friend was simply to
18 stop me. I will re-read page 6, line 11:

19 "Apart from what I experienced, not apart from what I saw."

20 That is what is in the French transcript.

21 Now, your Honour, to explain, we are dealing here with a witness who is living in Abobo
22 PK18, and he said that he never saw any clashes in Côte d'Ivoire. And in the final
23 analysis he said that he was told, and that is a fact, he was told that there were clashes in
24 Côte d'Ivoire, so it is a fact and not an opinion. So I'm trying to elicit more information
25 about what he was told. He has said he did not see them, but I'm telling him, yes, you

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1 say you didn't see anything, but what were you told. It is a fact. I'm not asking him
2 what he thinks about the war in Côte d'Ivoire, or what he thinks about the clashes in
3 Côte d'Ivoire. I'm asking him, at the very least, what he was told. And I believe you can
4 imagine, and the Prosecution knows it, that is why they were on their feet very quickly. I
5 believe you are aware of where I'm going, your Honour.

6 PRESIDING JUDGE TARFUSSER: [10:14:23] Yes, I know where you're going. I just
7 think there is a shorter way to go there, but it doesn't matter. Please go ahead, but if you
8 quote, if you refer to declarations, please quote where you put declarations and not
9 summarise them. Thank you. Yours the floor.

10 Please, let's connect.

11 We are re-connected.

12 Mr Witness, can you hear me?

13 THE WITNESS: [10:15:09](Via video link)(Interpretation) Yes, I can hear you.

14 PRESIDING JUDGE TARFUSSER: [10:15:11] I give now the floor back to

15 Maître Gbougnon.

16 MR GBOUGNON: [10:15:23] (Interpretation) Your Honour, can I ask the last
17 question I asked again?

18 PRESIDING JUDGE TARFUSSER: [10:15:28] Yes. Refer -- quoting and not
19 summarising, please.

20 MR GBOUGNON: [10:15:59] (Interpretation)

21 Q. [10:16:00] Mr Witness.

22 A. [10:16:02] Yes, Mr Judge.

23 Q. [10:16:05] No, it is not the judge. On page 6, line 9, you said as follows:

24 "I was told that people were fighting against each other, but I was never on the spot to know
25 that they were clashing, apart from what I experienced." End of quote. As I told you, I

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1 know you have already told me that you did not see any people fighting, but what I'm asking
2 you is the person who told you about the clashes must have told you about the people who
3 were fighting, their title or names. *That's why I am asking you what that person told you.

4 A. [10:17:00] I never asked for that information.

5 Q. [10:17:03] Thank you, Mr Witness.

6 Mr Witness, you were living in Agripac; is that correct?

7 A. [10:17:15] Yes.

8 Q. [10:17:18] Agripac is not far away from PK18, N'dotré and Anyama; is that correct?

9 A. [10:17:25] Yes.

10 Q. [10:17:35] Between December 2010 and March/April 2011, were there any
11 movements of the population? Did members of the population leave the location where
12 you were, Agripac and Anyama and so on? Did members of the population flee that
13 area as far as you know?

14 A. [10:18:04] Yes, people fled from that area.

15 Q. [10:18:22] Did you know, or at the very least, did you learn about why these
16 people were fleeing?

17 A. [10:18:30] All I know is that they fled.

18 Q. [10:18:44] You know what they were fleeing from?

19 A. [10:18:48] Yes.

20 Q. [10:18:55] From what?

21 A. [10:18:56] They fled because they were being attacked.

22 Q. [10:19:14] Attacked by whom?

23 A. [10:19:17] I do not know by whom because I didn't have the time to stop and see.
24 I also fled with my family.

25 Q. [10:19:35] Between 2010, 2011, and 2012 and to this date, you have never been

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1 interested in finding out what happened, what people were fleeing from; is this what you
2 are telling the Court?

3 A. [10:19:58] Everyone was fleeing because we were being attacked.

4 Q. [10:20:07] Thank you, Mr Witness. You have said that your carpentry workshop
5 remained open during what has been referred to as the post-election crisis.

6 A. [10:20:36] I said that quite often the workshop was closed.

7 Q. [10:20:42] Thank you for the clarification. And it was in fact located in
8 Anonkoua-Kouté?

9 A. [10:21:01] Yes.

10 Q. [10:21:07] And so during that period, in your workshop, which was located in
11 Anonkoua-Kouté, did you, during that period, observe that the members of the
12 population of Anonkoua-Kouté had left their place of residence?

13 A. [10:21:48] I realised later that the inhabitants of Anonkoua-Kouté had left the
14 village, but I do not remember the precise date.

15 Q. [10:21:59] I had not yet asked you about the date. So you observed, during that
16 period, known as the post-election crisis period, isn't that what we are talking about?
17 What I mean is that it was indeed during that period that you observed that people who
18 were resident in Anonkoua-Kouté had left their place of residence; is that what we are
19 talking about?

20 A. [10:22:40] No.

21 Q. [10:22:41] Which period are you talking about?

22 A. [10:22:47] I observed that the population of Anonkoua-Kouté was no longer there
23 shortly after the post-election crisis, not before that.

24 Q. [10:23:03] So what you mean is that you observed that, and I want to be specific,
25 you observed that after the arrest of Mr Gbagbo; is that correct?

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1 A. [10:23:19] Yes.

2 Q. [10:23:26] And yet during the period prior to that, your workshop was, in fact,
3 open; is that correct?

4 A. [10:23:35] Yes, my workshop was open, but not every day.

5 Q. [10:24:01] Do you know the Saint Mathieu catholic parish of Anonkoua-Kouté?

6 A. [10:24:08] The Saint Mathieu Catholic parish, yes.

7 Q. [10:24:12] Do you know it?

8 A. [10:24:13] Yes, of Anonkoua-Kouté. Yes.

9 Q. [10:24:28] What is the distance on foot between your workshop and that parish?

10 A. [10:24:44] The parish is in the *middle of the village itself. I cannot tell you the exact distance.

11 Q. [10:25:05] From your workshop, if there is something happening -- or, rather, if
12 there is something at the parish, would you know about it?

13 A. [10:25:14] No, I wouldn't know about it.

14 Q. [10:25:17] From your workshop, if there is something in the Anonkoua-Kouté
15 village would you be able to know about it?

16 A. [10:25:34] Yes, I would.

17 MR GBOUGNON: [10:25:45] (Interpretation) Your Honour, I am addressing myself
18 to the Chamber because pursuant to the decision that you handed down last week on
19 confronting a witness with another witness who has already appeared, I would like to
20 confront this witness with another witness.

21 But in the first decision it was about confronting *P-0547, who was a protected witness,
22 but in relation to that protected witness, the Chamber had instructed that we not mention
23 his name, but simply say that a witness had appeared. But what I would like to do now, in
24 light of your decision, I would like to quote the statement. And contrary to the previous
25 witness, this particular witness appeared in open session without any protective measures

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1 and that is 547. And I would like to quote not only the excerpt, but the name of the
2 person given, that the testimony was public and it is in the case record right now, so I
3 believe that I am still within the spirit of the decision that was handed down.

4 PRESIDING JUDGE TARFUSSER: [10:27:29] Mr MacDonald.

5 MR GBOUGNON: [10:27:35] Monsieur le Président, s'il vous plaît.

6 PRESIDING JUDGE TARFUSSER: [10:27:37] Yes.

7 MR GBOUGNON: [10:27:37] (Interpretation) I'm sorry, I thought to go quickly I did
8 not ask for the sound to be cut off, but if we have to discuss or debate on this issue I
9 would prefer that the sound be cut off.

10 PRESIDING JUDGE TARFUSSER: [10:27:56] Yes, but it is a legal issue. We are not
11 talking about the content. I don't think it's even understood what we are talking about.

12 MR MACDONALD: [10:28:04] And in any event, it's too late.

13 PRESIDING JUDGE TARFUSSER: [10:28:07] Yes, but I don't think there is a need for
14 that.

15 Mr MacDonald.

16 MR MACDONALD: [10:28:14] Thank you, your Honours. The Chamber may -- will
17 recall obviously its decision which was issued --

18 PRESIDING JUDGE TARFUSSER: [10:28:26] We do.

19 MR MACDONALD: [10:28:27] -- on 28 November, page 89, line 10 of the realtime
20 transcript, your Honour. Unfortunately, I don't have the reference to the edited
21 transcript, if there is one.

22 What the Chamber allowed, it is not the name of the witness, it's not an issue we -- let's go
23 back to the basics.

24 My colleague wants to put to the witness what is in evidence, so what can be said is we
25 have in evidence the following stating a fact, and then the witness can give his answer. It

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1 is not a question of who says it. It doesn't matter. It could be -- we have on the record
2 the following evidence. That's what we want. And the name of the witness does not
3 matter because ultimately it's for the Chamber to decide the credibility of witnesses. It is
4 not for the public to decide that question. It is not for the witness to either decide that
5 question, either. The witness cannot comment on the credibility of another witness, but
6 he can comment on a fact that may be on record, but then again it is even giving an
7 opinion, so he cannot give an opinion about another witness independently of who the
8 name is. I understand that the Chamber seemed to agree, so I'll leave it at that, but it
9 is -- we should not be naming anyone. It has nothing to do with public or confidential.

10 PRESIDING JUDGE TARFUSSER: [10:30:23] Mr O'Shea.

11 MR O'SHEA: [10:30:26] I only intervene because it is a generic point which affects us as
12 well in the future.

13 The restrictions which should be imposed upon counsel in cross-examining, in my
14 submission, should have a rationale. If there is no legitimate rationale for restricting the
15 way a question is put, then it should be within the discretion of counsel how to put the
16 question. So the real question is is there a rationale for such a restriction.

17 And one has not -- one has not been identified other than what is the nature of the
18 exercise, as far as what I can hear from my learned friend. But there is another part of
19 this equation that we must not forget, your Honours, which is the fact that this is a public
20 trial. It is very true that it is the Judges that decide the case and not the public. That's
21 clear. However, it is a public trial, and as a public trial it is important that the public can
22 insofar as possible follow the trial. This is, of course, also important for reconciliation in
23 Ivory Coast.

24 So if counsel is putting, confronting one witness with the testimony of another witness, of
25 course within the parameters of the witness not giving opinions or whatever, but if the

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1 witness is being confronted with testimony of a witness, it's important for the
2 understanding of the trial by the public that the witness is named if it is a public witness.
3 And there's no, in my submission, no proper rationale for disallowing counsel to make his
4 position clear.

5 PRESIDING JUDGE TARFUSSER: [10:32:22] Thank you.

6 Obviously the witness can be confronted with the evidence we have in the record, so.
7 And evidence is also a prior testimony. But you should not put the name of the person
8 who gave this testimony, you can put the number, because it is not you who decide which
9 one of the two is, if there are differences, is credible. At the end of the day it's just
10 another way, it's just another way to -- it is a way to confront the witness with what we
11 have in the record of the case said by another person. There is no relevance on the name
12 who said this -- you confronted with -- the witness with. So you may do that so, but you
13 do not say who it is. But for the record you say the number so that we can retrieve the
14 part you are confronting the witness with.

15 MR GBOUGNON: Monsieur le Président --

16 PRESIDING JUDGE TARFUSSER: No, that's it. No.

17 MR MACDONALD: [10:33:47] It is a practical issue, your Honour, it is just to help
18 everybody to follow your decision. What we've requested from each other is when we
19 put on our list of material transcripts of previous witnesses that the cites
20 be -- quotation -- the page and line numbers be indicated. I think it would be fair that
21 each party does the same when it refers to prior testimony so that it situates the listener,
22 the parties, that's what I'm saying, instead of just the witness number.

23 PRESIDING JUDGE TARFUSSER: [10:34:27] No.

24 MR MACDONALD: [10:34:27] Because the witness --

25 PRESIDING JUDGE TARFUSSER: We can't --

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- 1 MR MACDONALD: -- some witnesses have testified for days, so it would be helpful.
- 2 PRESIDING JUDGE TARFUSSER: [10:34:32] Yes, of course, the witness number and
- 3 obviously the reference.
- 4 MR MACDONALD: [10:34:36] Thank you.
- 5 PRESIDING JUDGE TARFUSSER: [10:34:36] The witness number instead of the name
- 6 and obviously the reference where it is said, which has to be confronted with and quoted,
- 7 of course.
- 8 We said in the former decision on 28 November, it is transcript 106, page 71, that it is
- 9 possible to confront the witness with the statement of another witness, but without telling
- 10 him who this other witness was but just by rephrasing or quoting the question in saying
- 11 another witness in this trial has said so and so.
- 12 And I think we have to be consistent and we -- there is nothing to laugh,
- 13 Maître Gbougnon. We are just consistent and I think we should continue on the same
- 14 path.
- 15 Now I would ask to reconnect and you can proceed.
- 16 MR GBOUGNON: [10:35:40] (Interpretation) The sound was not cut off.
- 17 PRESIDING JUDGE TARFUSSER: [10:35:44] Yes, yes, of course. I was still -- the
- 18 sound was not cut off, so sorry. Please proceed.
- 19 MR GBOUGNON: [10:35:56] (Interpretation) Mr President, I shall go on, but I wasn't
- 20 laughing by virtue of what you said. Now, yes, you did hand down your decision. We
- 21 shall comply with it, but I would just like to point out that the request to read out the
- 22 witness' name is not at all with a view to putting the testifying witness in a
- 23 confrontational position. We know that it is the Chamber that assesses who is or who is
- 24 not credible. But on some occasions, like this one, it would be important and relevant to
- 25 reveal what everyone already knows. It would be opportune to say that such-and-such a

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1 witness who testified previously said such-and-such a thing. There we are,

2 Mr President.

3 PRESIDING JUDGE TARFUSSER: [10:37:05] Yes, this is a comment on a decision.

4 Please proceed, following the decision. Thank you.

5 MR GBOUGNON: [10:37:21] (Interpretation)

6 Q. [10:37:22] Mr Witness.

7 A. [10:37:24] Yes, sir.

8 Q. [10:37:25] I'm going to read to you the statement provided by a witness who

9 testified here in the month of September 2016 in the context of this same case. This

10 witness stated, at page --

11 PRESIDING JUDGE TARFUSSER: [10:37:51] Please go ahead. I -- I -- this tension

12 between the parties is really intolerable. Please go ahead. Do not jump up for anything.

13 We try to keep calm. I say to the OTP in this case. Please.

14 MR GBOUGNON: [10:38:12] (Interpretation)

15 Q. [10:38:13] Mr Witness, I shall be reading to you from page 10 of transcript T-76,

16 dated 21 September 2016, from line 7 onwards. Quote:

17 "So if I remember correctly, according to the information in our possession at the time

18 when the FAFN, or maybe the Commando Invisible, I no longer remember which armed

19 group it was, started to come down on Abidjan, Anyama is a little bit to the north of

20 Abidjan and so is PK18. So this is to show the progression. The -- the -- the Ébrié started

21 to flee because they were afraid of acts of violence and we had heard that a large -- 2,000

22 individuals were displaced persons and they were at the *Saint-Mathieu Anonkoua-Kouté

23 parish and that is why also we wanted to go there." End of quote.

24 Mr Witness.

25 A. [10:40:01] Yes.

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1 Q. [10:40:02] Did you understand correctly what I just read to you?

2 A. [10:40:05] Yes, I did understand.

3 Q. [10:40:15] During that same period you stated that you were coming to your work
4 in Anonkoua-Kouté; is that correct?

5 A. [10:40:28] Yes, that is correct, yes.

6 Q. [10:40:32] When you remember, you know, with regard to dates and periods,
7 one can always make a mistake, when you recall do you still maintain that *your
8 observation of these displaced persons from Anonkoua-Kouté was still after the
9 post-election crisis?

10 A. [10:41:04] Yes, it still dates back to the post-election crisis after the arrest of
11 President Gbagbo.

12 Q. [10:41:11] Thank you, Mr Witness.

13 MR ZOKOU: [10:41:33] (Interpretation) I do apologise, Mr President. Okay. So
14 our client, Charles Blé Goudé is feeling unwell and it would seem that he's not in a
15 position to come back now. He would like to take part, but he needs a little bit of rest
16 and he needs to have access to medication and the authorisation of your Chamber is
17 requested, and then we shall have a new look at the situation and see whether he will be
18 able to come back or not and we shall make an assessment and with your authorisation.
19 Of course, we hope that this does not delay the proceedings in any way.

20 PRESIDING JUDGE TARFUSSER: [10:42:16] No, I think we -- of course, if he doesn't
21 feel well, he has to get all the medication cures he needs, but I would like to finish with
22 this witness and then we have, in any case a pause and we see how we proceed. If this is
23 agreeable to you.

24 MR ZOKOU: [10:42:41] (Interpretation) Very well, Mr President. Thank you.

25 Would you authorise me to move out of the courtroom? I don't want to go in and out all

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1 the time. Thank you.

2 PRESIDING JUDGE TARFUSSER: [10:42:53] Absolutely, yes.

3 Maître Gbougnon.

4 MR GBOUGNON: [10:43:07] (Interpretation)

5 Q. [10:43:08] Mr Witness, Avocatier neighbourhood where you had your carpentry
6 workshop, is it far afield from your second workshop, carpentry workshop in
7 Anonkoua-Kouté?

8 A. [10:43:38] I didn't have two carpentry workshops, I had one.

9 Q. [10:43:43] Mr Witness, you said this morning that -- well, it would seem to me that
10 I understood that you had a first carpentry workshop in Avocatier and subsequently you
11 had the other carpentry workshop in Anonkoua-Kouté from 2009; is that correct?

12 A. [10:44:08] That is not what I said.

13 Q. [10:44:09] Very well. Then what did you say?

14 A. [10:44:12] I said that my carpentry workshop was in Avocatier before being in
15 Anonkoua.

16 PRESIDING JUDGE TARFUSSER: [10:44:28] Which to me is the same thing, that once
17 you had a shop in -- that you had a shop in Avocatier, and later you had the same shop
18 but transferred to Anonkoua; is that correct?

19 THE WITNESS: [10:44:57](Via video link)(Interpretation) Yes, thank you, that's what I
20 said.

21 PRESIDING JUDGE TARFUSSER: [10:44:59] And that is exactly what the counsel said.
22 Yes, but sometimes it's the formulation which can be misunderstood, but it's okay.

23 Maître Gbougnon.

24 MR GBOUGNON: [10:45:17] (Interpretation) Thank you, Mr President.

25 Q. [10:45:21] So, as we have understood each other, I was asking you whether the first

1 neighbourhood in which you had your carpentry *workshop, Avocatier that is, was far
2 afield, or how far, in fact, the old carpentry workshop is from the "new carpentry
3 workshop", in inverted commas?

4 A. [10:45:54] Well, in order to provide the distance, it is at least 10 or 15 minutes on
5 foot from the old carpentry workshop.

6 Q. [10:46:07] Ten to 15 minutes on foot you can get to Abobo Avocatier from your
7 new carpentry workshop; is that correct?

8 A. [10:46:18] Yes, that is correct.

9 Q. [10:46:21] So the youth or at least the population of Anonkoua-Kouté, in the
10 neighbouring area around your new carpentry workshop can get to Avocatier in 10 to 15
11 minutes; is that correct?

12 A. [10:46:45] That is correct.

13 Q. [10:46:45] And the contrary stands true, that the young people in Avocatier can in 10
14 to 15 minutes *get to your new carpentry workshop in *Anonkoua-Kouté; is that correct?

15 A. [10:46:56] That is correct.

16 Q. [10:46:58] Mr Witness, you said in your statement to the investigators of the OTP
17 and also here during your testimony that the young people in your neighbourhood who
18 are not far from Avocatier and not far from your old carpentry workshop thought you
19 were Togolese; is that correct?

20 A. [10:47:26] That is correct.

21 Q. [10:47:28] The youth in Avocatier where you were before coming to
22 Anonkoua-Kouté they knew you well, did they not?

23 A. [10:47:43] Not that well because they didn't know my name.

24 Q. [10:47:51] When you say "Not that well", they didn't know your name and you say
25 "Not that well", when you say "Not that well", is it just because of your name?

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1 A. [10:48:01] Just, yes, just because of my name.

2 Q. [10:48:02] Otherwise they knew you very well?

3 A. [10:48:04] They new my face well.

4 Q. [10:48:06] They knew that you weren't Togolese?

5 A. [10:48:11] They didn't know that by virtue of my face, they thought that -- they
6 said amongst themselves that I was Togolese.

7 Q. [10:48:20] Mr Witness, I'm going to read to you your statement that you made to
8 the investigators of the OTP, paragraph 39, and I quote:

9 "Until the begin of 2010 my workshop was located there. I knew the Avocatier
10 parliament very well. The young people from the parliament knew us very well there,
11 my brothers and me." End of quote.

12 That is what you stated to the investigators of the OTP that the young people of Avocatier
13 knew you very well; is that what you said to the investigators?

14 A. [10:49:16] Yes, I did say that.

15 Q. [10:49:23] So those young people you knew not only you and your brothers but
16 they certainly also knew that you were not a Togolese person; is that correct?

17 A. [10:49:36] They didn't know that.

18 Q. [10:49:42] Even though they knew you very well, you and your brothers, you and
19 your brothers, they did not know that you were not Togolese; is that what you are stating
20 to the Chamber?

21 A. [10:49:56] They didn't know.

22 Q. [10:49:57] Very well. Thank you, witness.

23 16 December 2010, the day of the *RDR march, you say you arrived at the location that
24 you indicated at 8 o'clock; is that correct?

25 THE INTERPRETER: [10:50:41] Answer inaudible.

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1 MR GBOUGNON: (Interpretation)

2 Q. *The place where you were seated on the bench.

3 PRESIDING JUDGE TARFUSSER: [10:50:42] We did not get the answer at least in
4 English. The translator didn't get the answer.

5 THE INTERPRETER: [10:50:49] I picked it up late, your Honour. He said "Which
6 location?" Answer: "Which location?"

7 PRESIDING JUDGE TARFUSSER: [10:50:56] Okay. We can go ahead. Thank you.

8 MR GBOUGNON: (Interpretation)

9 Q. [10:51:06] The location that you indicated here and to the investigators where you
10 were sitting on the bench, that's the one I'm talking about.

11 A. [10:51:16] Yes.

12 Q. [10:51:22] When you arrived at said location at 8 o'clock, what did you observe at
13 that intersection?

14 A. [10:51:39] I could observe demonstrators.

15 Q. [10:51:41] At that time of day, at 8 o'clock, were the -- were law enforcement
16 already present?

17 A. [10:51:49] No, they were not.

18 MR GBOUGNON: [10:51:58] (Interpretation) Mr President, I see that your
19 microphone is on.

20 Q. [10:52:07] So at 8 o'clock, at 8 o'clock, therefore, law enforcement was not yet present.

21 A. [10:52:19] Yes.

22 Q. [10:52:22] What law enforcement arrived first and at what time?

23 A. [10:52:43] I cannot specify with regard to the law enforcement that arrived first but
24 I can say that they were present at approximately 30 minutes after that time.

25 Q. [10:52:58] So at approximately 8.30, 8.30, or around that time, law enforcement was

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1 present and you do not recall today which they were, they arrived at that intersection.

2 A. [10:53:20] Please rephrase your question.

3 Q. [10:53:22] I haven't yet put a question to you. I was saying that you said that 30
4 minutes after, that is why I am saying that at approximately 8.30 law enforcement arrived,
5 you don't know which corps they belonged to.

6 A. [10:53:49] I did not say that I did not recall which corps they belonged to, you
7 asked me which ones arrived first, I said I didn't know.

8 Q. [10:54:02] Thank you, Mr Witness.

9 A. [10:54:04] My pleasure.

10 Q. [10:54:11] So it was at 8.30 that law enforcement -- or, from 8.30 onwards that law
11 enforcement was present at said location. And at that moment in time, did you know, or
12 do you recall, which law enforcement arrived at that location or not?

13 A. [10:54:35] Yes.

14 Q. [10:54:38] Who was it?

15 A. [10:54:43] First of all, the first to arrive, I don't know who it was, but the police and
16 the gendarmerie were present -- no, it was the gendarmerie and the commandos.

17 Q. [10:54:59] You say the gendarmerie.

18 A. [10:55:03] The gendarmerie, yes.

19 Q. [10:55:06] You said 8.30. Let me finish, please. Wait, wait. Wait until I finish.
20 So let me recap. You say that you arrived at 8, the law enforcement arrived at
21 approximately 8.30. I am asking you which law enforcement arrived. You say the
22 gendarmerie and the commandos; is that correct?

23 A. [10:55:34] Yes, that is correct.

24 Q. [10:55:49] However, in your statement, and I'm going to put the question to you
25 because I see that it's a bit distant. In paragraph *25, I'm going to put the question to you,

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1 you state at approximately 10 o'clock there were lots of demonstrators and I saw two
2 cargoes from the gendarmerie arriving." End of quote.

3 THE INTERPRETER: Paragraph 25; correction from the English booth.

4 MR GBOUGNON: [10:56:24] (Interpretation)

5 Q. [10:56:24] So I'm saying that what you said to the investigators was not 8.30 so
6 there's a bit of a difference here, quite a bit of difference. You said at approximately
7 10 o'clock you saw two gendarmerie cargoes arrive, you said that.

8 A. [10:56:39] Yes.

9 Q. [10:56:40] You said, indeed, you did say that to the investigators?

10 A. [10:56:44] Yes, I did say that.

11 Q. [10:56:45] And is that the truth?

12 A. [10:56:47] That is the truth.

13 Q. [10:56:50] So we should retain at approximately 10 o'clock, should we?

14 A. [10:56:56] Yes.

15 Q. [10:57:08] And so before 10 o'clock who was present in terms of law enforcement
16 because now we agree that it was 10 o'clock. Before 10 o'clock who was present in terms
17 of law enforcement at that intersection.?

18 A. [10:57:22] Nobody.

19 Q. [10:57:39] Mr Witness.

20 A. [10:57:41] Yes?

21 Q. [10:57:41] You said that you arrived at the location of the march at 8 o'clock and
22 that 30 minutes later - 30 minutes later - which means approximately 8.30, law
23 enforcement arrived. You say that after that, at 10 o'clock gendarme cargoes arrived and
24 that's why I'm asking you whether before 10 o'clock, because you've already said that 8.30
25 law enforcement was present, I'm asking you whether before 10 o'clock who arrived?

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1 Who arrived before 10 o'clock?

2 A. [10:58:24] Nobody had arrived before 10 o'clock.

3 Q. [10:58:54] And so at that intersection, at that intersection, according to what you
4 have said, there were only gendarmes present in terms of law enforcement and security at
5 that time; is that correct?

6 A. [10:59:21] No, it was not only gendarmes who were present.

7 Q. [10:59:33] So there was not only gendarmes, who else was there then?

8 A. [10:59:37] There were also soldiers present.

9 Q. [10:59:39] And at what time did they arrive?

10 A. [10:59:44] I can't tell you what time.

11 Q. [10:59:50] They arrived before or before the gendarmes?

12 A. [10:59:54] I told you that I can't tell you who arrived before whom, but I know that
13 at that time law enforcement was present.

14 MR GBOUGNON: [11:00:23] (Interpretation) I can see in the transcript, page 13,
15 line 29, I saw at that time that there were -- there was law enforcement.

16 Q. Did you say cette, as in that time, or 7 o'clock?

17 A. [11:00:39] I said at that time, at that time. C-E-T-T-E in French.

18 THE INTERPRETER: C-E-T-T-E in French as opposed to S-E-P-T in French.

19 MR GBOUGNON: (Interpretation)

20 Q. [11:00:55] That hour, C-E-T-T-E.

21 A. [11:01:00] Thank you.

22 Q. So it is in fact C-E-T-T-E in French, that hour?

23 A. [11:01:11] Yes.

24 Q. [11:01:18] The intersection that you're talking about is also called PK18 intersection,
25 is it not?

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1 A. [11:01:24] No, it is not called PK18 intersection.

2 Q. [11:01:29] And where is the PK18 intersection then?

3 A. [11:01:37] There is a PK18 terminus, there is no PK18 intersection.

4 Q. [11:01:45] And where you were seated on the Bench --

5 MR GBOUGNON: [11:01:52] (Interpretation) Mr President, can I carry on?

6 PRESIDING JUDGE TARFUSSER: [11:01:55] The problem is what you are -- because
7 we started late, so I don't know where you want to go, how far, how long it takes you to
8 finish, because if we now take the break and then you have another not long time, 10
9 minutes, 15 minutes, then we have to have another break because we have to -- between
10 one and the other witness we have a half an hour to break, so I don't know how long it
11 takes you to finish. Yesterday you talked about an hour.

12 MR GBOUGNON: [11:02:33] (Interpretation) Yesterday I do recall having said a
13 session. And I don't think I've reached that one session yet.

14 PRESIDING JUDGE TARFUSSER: [11:02:41] No, that's why I ask you. Yesterday you
15 said a session or something less, but it doesn't matter, but that's why I ask you now in
16 order to organise because between one witness and the other we will have in any case a
17 half an hour break. So because if we take now the break for half an hour and then you go
18 ahead another half an hour, we have another half an hour break, so I try just to optimise
19 the time.

20 MR GBOUGNON: [11:03:20] (Interpretation) Mr President, to be very objective,
21 maximum 45 minutes.

22 PRESIDING JUDGE TARFUSSER: [11:03:45] So I think we break and then we continue
23 with this witness for the time you need and then we will have another short break and
24 then we start with the next witness.

25 Mr MacDonald.

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1 MR MACDONALD: [11:04:04] Just for your knowledge, your Honour, planning
2 purposes and this -- after the end of this witness there has to be a change of witnesses, but
3 there's only one video link to do the thank you meeting, so it is requested that it will take
4 45 minutes because we -- there's only one video link, we move to another courtroom to
5 pay our salutes to the witness and then we come back and change the witness and so on.
6 It is unfortunate, but that's the only possible way to do it with having a visual contact with
7 the witness who's in a remote location.

8 PRESIDING JUDGE TARFUSSER: [11:04:52] My only question is why we have to do
9 this, but this is another page. But I don't to -- this is an open question. I don't need --

10 MR MACDONALD: It's in your protocol.

11 PRESIDING JUDGE TARFUSSER: No, but I --

12 MR MACDONALD: It's in your protocol.

13 PRESIDING JUDGE TARFUSSER: I know, but --

14 MR MACDONALD: To thank witnesses for their cooperation.

15 PRESIDING JUDGE TARFUSSER: Please.

16 So we take the break now and we come in a half an hour back to conclude your
17 questioning of the witness.

18 Mr Witness, we take now the break of a half an hour and we come back probably not for
19 long to conclude your testimony.

20 Okay, thank you very much, the hearing is adjourned.

21 THE COURT USHER: All rise.

22 (Recess taken at 11.05 a.m.)

23 (Upon resuming in open session at 11.39 a.m.)

24 THE COURT USHER: [11:39:13] All rise.

25 Please be seated.

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1 PRESIDING JUDGE TARFUSSER: [11:39:41] Good morning, once again.

2 Good morning also to you in the remote location. Before we --

3 THE COURT OFFICER: [11:39:54] (Via video link) Yes, good morning,
4 your Honours.

5 PRESIDING JUDGE TARFUSSER: [11:39:56] Before bringing in the witness, I just want
6 to, for household purposes, to tell the parties that we will now finish with this witness,
7 which will last about until 12.30. Then we have the lunch break until 2 o'clock, and then
8 we have a two-hour session in the afternoon with the new witness, okay. So we finish at
9 4 o'clock. And this is also to permit the OTP to say goodbye to the witness, although in
10 the familiarisation protocol there is only a strong encouraging to do so and not an order to
11 do so, so there -- just to put this clear.

12 Now, madam court officer, could you please bring the witness to the stand. Thank you.

13 THE COURT OFFICER: [11:41:05] (Via video link) Yes, your Honour.
14 (The witness enters the video-link room)

15 PRESIDING JUDGE TARFUSSER: [11:41:45] Good morning once again, Mr Witness.
16 Can you hear me?

17 THE WITNESS: [11:41:48](Via video link)(Interpretation) Good morning, your Honour.
18 I can hear you.

19 PRESIDING JUDGE TARFUSSER: [11:41:50] Okay. Now we have probably the last
20 short session with you in order to finish your testimony, so by noon at your time you can
21 go back to your occupations, but I remind you, please, speak clear and answer truly the
22 questions.

23 And I give the floor to Maître Gbougnon for his questioning.

24 MR GBOUGNON: [11:42:32] (Interpretation)

25 Q. [11:42:33] Good morning, Mr Witness.

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1 A. [11:42:36] Good morning, sir.

2 Q. [11:42:40] Before the break we were talking about the intersection where they were,
3 the demonstrators, and the security forces. In your statement, and in your testimony,
4 you said that the crowd of demonstrators was increasing. Now, at about 11 o'clock,
5 approximately how many demonstrators were there?

6 A. [11:43:18] There were many of them. There was a crowd, but I cannot give you an
7 approximate number. There were many and they were in all the three intersections.

8 Q. [11:43:40] *"All three intersections." So can we estimate 500 to 1,000 people?

9 A. [11:43:48] Actually, between 500 and 1,000 people.

10 PRESIDING JUDGE TARFUSSER: [11:44:02] You're suggesting 5,000, estimating 5,000.

11 Can we just not ask were these demonstrators in the thousands or in the hundreds?

12 MR GBOUGNON: [11:44:29] (Interpretation) Mr President, let me re-read what is
13 written here, page 34, from line 6:

14 "All the three intersections, so we can estimate between 500 and 1,000 people; is that
15 correct?"

16 And the witness answered: "Yes."

17 PRESIDING JUDGE TARFUSSER: [11:44:59] Okay.

18 MR GBOUGNON: [11:45:00] (Interpretation)

19 Q. [11:45:01] To be very specific, Mr Witness, at that intersection would you say that
20 there were hundreds of demonstrators or thousands?

21 A. [11:45:16] Thousands of people.

22 Q. [11:45:21] Thank you. And amongst those thousands of people, at about 1100
23 hours, you were able to distinguish your brother amongst those thousands of people; is
24 that correct?

25 A. [11:45:49] Yes, that is correct.

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1 Q. [11:46:06] Mr Witness, we will display to you the sketch that you prepared, and
2 that is CIV-OTP-0084-0096.

3 PRESIDING JUDGE TARFUSSER: [11:46:26] Which is the same as yesterday, as we
4 had yesterday, so it's confidential.

5 MR GBOUGNON: [11:46:36] (Interpretation) Yes, your Honour.

6 THE COURT OFFICER: (Via video link) Your Honour, we have physically the
7 document here at the remote location.

8 PRESIDING JUDGE TARFUSSER: [11:46:48] Yes, okay. So you can show it to the
9 witness.

10 THE COURT OFFICER: [11:46:53] (Via video link) The --

11 PRESIDING JUDGE TARFUSSER: [11:46:56] We have it on the screen.

12 THE COURT OFFICER: [11:46:58] (Via video link) Yes, document
13 CIV-OTP-0084-0096 is being shown to the witness.

14 PRESIDING JUDGE TARFUSSER: [11:47:10] Okay, thank you.
15 Maître Gbougnon.

16 MR GBOUGNON: [11:47:22] (Interpretation)

17 Q. [11:47:22] Mr Witness, on that sketch that you prepared, the cross inside a circle
18 represents your brother; is that correct?

19 A. [11:47:38] Yes.

20 Q. [11:47:42] And according to what I see, your brother was surrounded by those
21 thousands of demonstrators; is that correct?

22 A. [11:47:51] That is correct.

23 Q. [11:47:53] And yet despite the distance and the thousands of demonstrators, you
24 were still able to see him; is that correct?

25 A. [11:48:02] Yes.

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1 Q. [11:48:04] Mr Witness, on the sketch that you drew, would you be able to indicate
2 if it is in the vicinity, the Anonkoua-Kouté primary school?

3 A. [11:48:27] The Anonkoua-Kouté primary school is not in that area.

4 Q. [11:48:39] The Anonkoua-Kouté primary school is not in that vicinity. When you
5 say it is not in that vicinity, do you mean that it is slightly further away, very far away, or
6 approximately where? At approximately what distance would that school be?

7 A. [11:49:14] The Anonkoua-Kouté primary school would be 10 to 15 minutes' walk
8 away from there.

9 Q. [11:49:35] The Anonkoua-Kouté primary school is 10 to 15 minutes away on foot.
10 In your statement, paragraph 25, and I quote you:

11 "I think that the cargoes or trucks were coming from the Abobo commando camp because
12 they were like those that are usually seen in the commando camp." End of quote.

13 Is that what you said?

14 A. [11:50:19] In the commando camp, I do not remember having said that. I said that
15 these were the trucks that were usually seen with the gendarmes and soldiers, but I don't
16 remember talking about the Camp Commando.

17 Q. [11:50:47] Let me read on, and I quote:

18 "They were blue in colour and on the sides there was an inscription 'Commando
19 Escadron' as well as the number of the vehicle, and yet there is only one gendarmerie
20 squadron and that is the one in Camp Commando."

21 Do you remember giving that statement to the OTP?

22 A. [11:51:26] Yes, I remember giving the statement to the OTP.

23 Q. [11:51:36] And so according to you there were gendarmes from the Abobo
24 commando camp who arrived at that intersection at about 10 o'clock; is that correct?

25 A. [11:51:57] Yes, that is correct.

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1 Q. [11:52:24] I'll read out to you the testimony of someone who appeared in this Court
2 before you, and I'm referring to transcript T-68 of 1 September 2016, from page 68, line 5.

3 And I quote:

4 "When I realised I was at my base it was in the camp and I heard that there were
5 movements in the area of PK18, PK18, which I indicated on the map yesterday, and in the
6 direction of the Anyama locality, that is from the camp in the direction of Anyama. I had
7 already sent out a patrol to Derrière Rails, towards Derrière Rails which was led by one of
8 my lieutenants, and so I asked the lieutenant to change direction and to go there and tell
9 us what was happening there." End of quote.

10 To be more specific I would read line 13 of the same page:

11 "I think it was around 11 o'clock, 11 o'clock to noon." End of quote.

12 Mr Witness, did you understand what I just read?

13 A. [11:54:32] Yes, I have understood it well.

14 Q. [11:54:45] Would it be the gendarmerie truck coming from the Camp Commando,
15 as you have described?

16 A. [11:54:59] I cannot give you an answer on that.

17 Q. [11:55:13] The location indicated --

18 A. Can you rephrase the question?

19 PRESIDING JUDGE TARFUSSER: [11:55:19] Just a minute, Mr Witness.

20 Mr MacDonald.

21 MR MACDONALD: [11:55:23] Can we - maybe it is better that we turn off the sound.

22 I don't want to be accused of influencing the witness.

23 PRESIDING JUDGE TARFUSSER: [11:55:31] Madam court officer, can we take off the
24 sound.

25 THE COURT OFFICER: [11:55:46] The sound is off, your Honour.

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1 PRESIDING JUDGE TARFUSSER: [11:55:48] Thank you very much.

2 Mr MacDonald.

3 MR MACDONALD: [11:55:55] We believe that -- we don't think the witness can
4 comment on this, your Honour, because then it is commenting on the testimony of
5 another witness. It could be facts in dispute. This other witness, I think we're referring
6 to 330, if I'm not mistaken.

7 PRESIDING JUDGE TARFUSSER: [11:56:09] You're not.

8 MR MACDONALD: [11:56:11] And so in this specific case there may be instances
9 where, yes, indeed like the last time it can be asked, but in this context it will be for the
10 Chamber or the parties to argue as to the chronology of this cargo, was it coming from
11 Camp Commando or not.
12 Now, if it's the point of asking the witness about the existence of Camp Commando and if
13 it's that issue, I think those questions can be asked without referring to the prior testimony
14 of a witness because I understand we quoted a paragraph just earlier which referred
15 to - sorry, which referred to Camp Commando, and the witness says I don't remember
16 saying that to the Office of the Prosecutor. So if it is on that very topic, that's a different
17 issue. I don't know if I'm being clear in my explanation on this last point.

18 PRESIDING JUDGE TARFUSSER: [11:57:09] Well, this last point to me is more clear.

19 MR GBOUGNON: Monsieur le Président.

20 PRESIDING JUDGE TARFUSSER: Please, Maître Gbougnon.

21 MR GBOUGNON: [11:57:17] (Interpretation) Mr President, I believe that the
22 objection of my learned friend is premature and inopportune and there is an intention
23 there to skirt around the decision of the Chamber. I have the statement and the
24 testimony of the witness; he describes the location where he was and the security forces
25 that are supposed to have come to that location. I think the objective of the Court is to

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1 ascertain the truth, to establish what really happened. So we can try with this witness
2 who seems to be saying the same thing as the other witness, to try and cross-check what
3 actually happened at that intersection, that is what I'm trying to do. I do not see where
4 the problem is. If the witness says it is not the same thing, then we would move on to
5 something else. I laid a foundation before reading, before confronting the witness with
6 what I read.

7 PRESIDING JUDGE TARFUSSER: [11:58:36] I can assure you that the Court knows
8 what the purpose of the Court is, to ascertain the truth, but just a few lines above he said
9 "I do not remember" to have talked about Camp Commando. So now you confront him
10 with this, with something he does not remember. This is probably to me -- yes, but "I do
11 not remember" -- talking about -- in English, I'm talking about the English transcript, so
12 there could be a mistake.

13 MR GBOUGNON: [11:59:16] (Interpretation) Mr President, after I continued reading
14 that same paragraph "They were blue in colour and on the sides there was 'Commando
15 Escadron'" written. I asked and he confirmed that he had indeed said that.

16 PRESIDING JUDGE TARFUSSER: [11:59:40] Yes, I do know that, but then you spoke
17 about the bigger issue, and you didn't go to the specific -- the specificity of the Camp
18 Commando. Therefore, I would ask you, because like it is written now, we do not
19 understand if he said -- if he talked about Camp Commando or not. That he spoke about
20 this generally speaking, yes, but he does not remember to have spoken about Camp
21 Commando, so I would say that the first question is did you ever speak about Camp
22 Commando with the Prosecutor, with the investigators of the Office of the Prosecutor
23 because there is a slight contradiction in the three lines, and then you go ahead. And
24 now I ask the court officer to re-establish the line with the remote location. Thank you.
25 We should be again on line. Yes, I can hear the remote location.

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1 Maître Gbougnon.

2 MR GBOUGNON: [12:01:08] (Interpretation)

3 Q. [12:01:09] Mr Witness, do you remember speaking with the witness -- no, not the
4 witness, with members of the OTP, rather, about the Camp Commando in Abobo?

5 A. [12:01:36] Talking on what basis would I have spoken to them about that?

6 Q. [12:01:41] On the basis of -- well, in relation to the cargo trucks that you saw and
7 that you described which apparently came from this camp.

8 A. [12:01:58] Yes, I did say that.

9 Q. [12:02:10] Thank you, Mr Witness.

10 Now, you said that there were soldiers at that location, didn't you?

11 A. [12:02:37] Yes.

12 Q. [12:02:40] And there were police officers as well?

13 A. [12:02:42] No, I didn't say that. I didn't see any.

14 Q. [12:02:53] Now the uniformed men that you saw at that intersection, did they form
15 some kind of human roadblock keeping the demonstrators from moving forward?

16 A. [12:03:08] Yes, they did keep the demonstrators from moving forward.

17 Q. [12:03:22] I would now like to read out to you the same testimony from the same
18 witness, the same transcript, T-68, page 26, line -- page 68, at line 26, quote:

19 "So the patrol that was brought back to PK18, the officer reported to me that once they had
20 got there he found an army captain with his men who had set up a human roadblock, not
21 a checkpoint but rather a human roadblock so as to keep the demonstrators from getting
22 through."

23 Now, Mr Witness, does this correspond to what you saw?

24 A. [12:04:41] I'm afraid you'll have to excuse me, but what I saw and what someone
25 else saw I can't answer. I can't give you an answer about somebody else's testimony.

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1 Q. [12:04:57] Mr Witness.

2 A. [12:04:59] Yes.

3 Q. [12:05:01] I'm not asking you to give an answer regarding the testimony of
4 someone else. We are, you, me the entire Chamber here, we are trying to understand
5 what happened on 16 December, and this exercise we are engaged in is intended to help
6 us determine what happened.

7 Now, a few moments ago you said -- well, you described a cargo truck with gendarmes
8 who apparently came from Camp Commando in Abobo to meet up with the soldiers.

9 And then you added that these soldiers and these gendarme created a human roadblock
10 to keep the demonstrators from moving ahead. I read out to you testimony from a
11 witness, and what I'm asking you, sir, is not to provide us with some kind of value
12 judgment of his *testimony, but what he said, did his words correspond to what you saw
13 and what you told the OTP investigators? This is my question. Does the testimony
14 correspond to what you saw?

15 A. [12:06:59] May I speak? You said a cargo vehicle with young people, but I told
16 you in my statement that I didn't know which cargo vehicle had met up with another
17 vehicle. What I do know is that there were soldiers and gendarmes at that intersection.
18 That is what I can tell you.

19 Q. [12:07:29] Mr Witness, I don't know whether you've understood properly.

20 A. [12:07:33] Yes.

21 Q. [12:07:34] Let me finish. I'm not saying that a cargo vehicle came and met up with
22 another cargo vehicle. I said, and I reiterate, you stated here, and you also told the OTP
23 members that a cargo vehicle, a cargo vehicle coming from Camp Commando apparently
24 arrived at that intersection and they met up with some soldiers. I did not say that a
25 cargo vehicle met up with another cargo vehicle. Now, you have said, what is more, that

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1 these soldiers had set up a human roadblock to keep the demonstrators from moving
2 forward; is that correct?

3 A. [12:08:24] Yes, that is correct.

4 Q. [12:08:28] Then I read out to you the testimony of someone else, and now I'm
5 asking you since this person mentioned human roadblocks as well, did this person's
6 testimony correspond to what you saw on 16 December?

7 A. [12:08:56] Yes, it does correspond. It matches.

8 Q. [12:09:00] Thank you, Mr Witness. You stated -- well, at what point in time did
9 the soldiers or the gendarme begin to lob canisters of tear gas at the demonstrators?

10 A. [12:09:57] If you could kindly repeat your question.

11 Q. [12:10:05] Mr Witness.

12 A. [12:10:07] Yes.

13 Q. [12:10:10] Now, the tear gas, the tear gas, was it released or thrown before or after
14 the arrival of the gendarme?

15 A. [12:10:29] The tear gas was thrown after the arrival of the gendarme.

16 Q. [12:10:58] Thus, you have said that after the gendarme arrived, the uniformed men
17 threw canisters of tear gas at the demonstrators. My question, at any time did -- well,
18 you said, you said that from the location where you were you could not hear what people
19 were saying except when the people called out; is that correct?

20 A. [12:11:34] Correct.

21 Q. [12:11:36] At a particular time did it seem to you, did it seem to you that the
22 demonstrators were having some kind of discussion with the uniformed men?

23 PRESIDING JUDGE TARFUSSER: [12:11:57] Not did it seem to you, did you see if, that
24 is the fact.

25 THE WITNESS: [12:12:09](Via video link)(Interpretation) I did not see that.

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1 MR GBOUGNON: [12:12:27] (Interpretation)

2 Q. [12:12:27] Did you see the demonstrators having some kind of discussion or debate
3 with the uniformed men?

4 A. [12:12:42] Well, what do you mean? What do you mean by "parlementer", do you
5 mean having a -- talking to them?

6 Q. [12:12:53] Talking to each other. Did you see the demonstrators speaking to the
7 security forces and vice versa?

8 A. [12:13:04] No, I didn't see that.

9 Q. [12:13:18] Now, you said at paragraph 27 of your statement:
10 "I heard the demonstrators calling out saying 'Let us go by.'"
11 You said that?

12 A. [12:13:29] Yes, I did say that.

13 PRESIDING JUDGE TARFUSSER: [12:13:32] Yes, he said that here, he said that
14 yesterday, he said that, yes. It is confirmed. Now the third time it is confirmed.

15 MR GBOUGNON: [12:13:44] (Interpretation) Thank you, your Honour.

16 Q. [12:13:49] So if they said that "let us go by", they were talking to the uniformed
17 men, weren't they?

18 A. [12:13:59] Yes.

19 PRESIDING JUDGE TARFUSSER: [12:14:19] Maître Gbougnon, may I ask a question?

20 Mr Witness, what, from your point of view, was, as far as you have seen, what you -- from
21 what you saw, what was the trigger that triggered the armed forces, the uniformed people
22 to launch the tear gas?

23 THE WITNESS: [12:14:57](Via video link)(Interpretation) From my point of view I
24 think that it was because they saw that the demonstrators were refusing to withdraw, that
25 is why they threw the canisters of tear gas.

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1 PRESIDING JUDGE TARFUSSER: [12:15:13] Maître Gbougnon.

2 MR GBOUGNON: [12:15:34] (Interpretation)

3 Q. [12:15:36] Thus, to your mind, it was because the demonstrators had refused to
4 move away, that is why the uniformed people at that place began to release tear gas; is
5 that what you're telling us?

6 A. [12:15:53] Yes, that is.

7 Q. [12:16:01] I'd like to quote you once again -- correction, quote the same transcript,
8 T-68, page 69. The previous witness said this:

9 "The very position was at the intersection, at the -- right in the middle of the intersection,
10 right there." End of quote.

11 Was that the position that the security forces took?

12 A. [12:16:37] They were at the intersection. That was their position.

13 Q. [12:17:02] You have said that the demonstrators refused to withdraw, and thus,
14 because they refused to move back that is why the security forces released the tear gas.
15 Then what did they do? Then what did they do that would have caused the security
16 forces to shoot?

17 A. [12:17:38] You haven't answered -- you haven't finished your question, shoot
18 what?

19 Q. [12:17:45] Once again, according to you, you have told us that initially the security
20 forces were using tear gas because the demonstrators refused to move back.

21 A. [12:18:05] Yes.

22 Q. [12:18:06] After, after the tear gas, the -- did the uniformed men use anything else?

23 A. [12:18:17] After the tear gas, since the demonstrators were not moving back and
24 they were coming back and still were shouting "Let us go through," they began to shoot
25 bullets.

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1 Q. [12:18:33] At that time, at that time, from your location, how were you able to
2 distinguish between bullets being shot and canisters of tear gas being launched?

3 A. [12:18:58] At that time -- well, you see, the shooting of bullets is different to the
4 lobbing of canisters of tear gas.

5 Q. [12:19:10] Sir, I will read out to you what the witness -- what the previous witness
6 said, the same witness. He -- at page 69, line 22 and on:

7 "Thus, when I asked my officer to move back as the captain wanted us to do, it was
8 specified that we should not take up the same position as the police officers."

9 Then line 26:

10 "And on the left there is a primary school, the primary school known as Anonkoua-Kouté.
11 And beside that primary school there are railway tracks. And at that place also a tunnel
12 can be found. So the railway tracks go into a tunnel. And since my officer went into the
13 yard of the school, he saw that some young civilians were bearing Kalashnikovs, they had
14 come from PK18 or Anyama, they had crossed through the tunnel already and got to the
15 primary school." End of quote.

16 Now, Mr Witness, we're going to take it one step at a time. The location described, is
17 there actually a tunnel there?

18 A. [12:21:07] There's no tunnel there, but at Agripac there is *a bridge. But there's no
19 tunnel there.

20 Q. [12:21:19] Well, we are speaking of a tunnel. Now, could -- could it be -- could it
21 have been underneath the bridge?

22 A. [12:21:36] I don't know. I don't know what he was referring to when he made
23 mention of a tunnel.

24 Q. [12:21:40] Thank you, Mr Witness.

25 Now, your brother. After the shooting he continued making gestures towards you?

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1 A. [12:22:08] Yes. Yes, he was still gesturing at me.

2 Q. [12:22:18] Now, according to your statement, some people fell around him after
3 being hit by bullets, and he continued gesturing at you; is that what you told the
4 Chamber?

5 A. [12:22:38] That is what I told the Chamber.

6 Q. [12:22:47] And afterwards, despite the shooting, you say that your brother was
7 able to get around the security force roadblock and continued making his way towards
8 the RTI in a very stubborn fashion; is that correct?

9 A. [12:23:22] Have you finished?

10 Q. [12:23:23] Yes, Mr Witness.

11 A. [12:23:27] Okay. After the shooting, I called my brother myself because I couldn't
12 see him anymore, and he said to me that they had gotten around the roadblock and they
13 were going -- they were on the road and they were heading -- they were at Anonkoua.
14 They were going to go back on to the road at Anonkoua.

15 Q. [12:24:05] You said -- now, what I'm saying to you is that after the shooting you
16 still saw your brother; is that correct? After the shooting, you still, amongst those
17 thousands of demonstrators mentioned earlier, you still saw your brother; is that correct?

18 A. [12:24:32] Yes, that's right.

19 Q. [12:24:34] And later on you said -- later on you said that your brother apparently
20 said to you that he had got around the roadblock, this roadblock that had been formed by
21 the security forces with a view to getting to the RTI, and all of that was after the shooting;
22 is that correct?

23 A. It is when the shooting lessened, that is when it -- that was when.

24 Q. [12:25:09] That is why I said after the shooting.

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

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1 Q. [12:25:26] Now, you've said that in the meantime you went into a building and that
2 there was a sniper there; is that correct?

3 A. [12:25:42] Correct.

4 Q. [12:26:04] So you ran, you went to that building and you got there. Then what
5 did you do? Once you had got to this building? Once you got to the building, then
6 what happened, what did you do?

7 A. [12:26:27] I didn't do anything.

8 Q. [12:26:38] You didn't go up?

9 A. [12:26:43] I was able to get up and then go back down to meet up with --

10 THE INTERPRETER: [12:26:50] Inaudible.

11 PRESIDING JUDGE TARFUSSER: [12:26:53] To meet up with? There is a name we
12 didn't get.

13 THE WITNESS: [12:27:05](Via video link)(Interpretation) I beg your pardon?

14 PRESIDING JUDGE TARFUSSER: [12:27:08] Did you mention a name to meet with
15 somebody? But we didn't get the name.

16 THE WITNESS: [12:27:21](Via video link)(Interpretation) No, I didn't mention
17 anybody's name.

18 THE INTERPRETER: [12:27:28] Interpreter correction: The witness' reply ended in
19 the following words: "And I went back down to go back to my bench."

20 PRESIDING JUDGE TARFUSSER: [12:27:37] Okay. So not to meet up. Okay, thank
21 you.

22 Sorry for this. Maître Gbougnon.

23 MR GBOUGNON: [12:27:57] (Interpretation)

24 Q. [12:27:57] So you got to this building, you went up, you went into the building,
25 you went up to the apartment which allegedly was occupied by the so-called sniper; is

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1 that correct?

2 A. [12:28:16] Correct.

3 Q. [12:28:27] So you went into this person's house?

4 A. [12:28:35] Well, I don't know whether it was his house, but it was the place where
5 he was.

6 Q. [12:28:45] So you did, indeed, go into one of the apartments, you went into one of
7 the apartments of said building.

8 A. [12:28:55] Yes.

9 Q. [12:29:02] And what did you see in the apartment in question?

10 A. [12:29:10] I saw some spent bullets.

11 Q. [12:29:15] And what else?

12 A. [12:29:19] His Kalash was there and other bullets that had not yet been shot.

13 Q. [12:29:30] So when you went into this building, when you ran from the -- your
14 bench and you went into the building you didn't see any bodies?

15 A. [12:29:43] I did not see any bodies in the building but at the foot of the building.

16 Q. [12:29:54] So once you got to this place, before actually entering the building, you
17 saw some bodies; is that correct?

18 A. [12:30:04] Yes, that's right.

19 Q. [12:30:27] I will read your statement, paragraph 30, that is the statement that you
20 gave to the same people from the Office of the Prosecutor, and I quote:

21 "With my friends we went to the third floor of the building and then we saw spent bullets
22 and a Kalash. We went back down and out of the building. His body was down there
23 in front of the building." End of quote.

24 Is this, indeed, the statement you gave to the members of the Office of the Prosecutor?

25 A. [12:31:13] Yes, that is what I said.

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1 Q. [12:31:21] In that excerpt it seems that you saw the body when you were coming
2 *back from the building.

3 A. [12:31:29] Before going up to that floor I saw the body, and I saw it again when I
4 came *back.

5 Q. [12:32:05] How was the body when you saw it?

6 THE INTERPRETER: [12:32:26] Can the witness be asked to repeat? He wasn't clear.
7 Thank you.

8 PRESIDING JUDGE TARFUSSER: [12:32:30] Can you please repeat, Mr Witness. You
9 were not clear enough for the interpreters.
10 Can you please repeat what you said.

11 THE WITNESS: [12:32:58](Via video link)(Interpretation) I said that when I came back
12 down I saw that the body was burnt.

13 PRESIDING JUDGE TARFUSSER: [12:33:04] Thank you.
14 So was it as it was in the video we saw yesterday?

15 THE WITNESS: [12:33:18](Via video link)(Interpretation) Yes.

16 PRESIDING JUDGE TARFUSSER: [12:33:22] Maître Gbougnon.

17 MR GBOUGNON: [12:33:28] (Interpretation)

18 Q. [12:33:31] Mr Witness.

19 A. [12:33:32] Yes.

20 Q. [12:33:32] You didn't spend much time in the building; is that correct?

21 A. [12:33:38] No, I didn't spend much time.

22 Q. [12:33:42] You have just said that when you were entering you saw the body; is
23 that correct?

24 A. [12:33:47] Yes.

25 Q. [12:33:51] Was the body already burnt?

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1 A. [12:33:56] When I was going into the building the body was not burnt, but when I
2 was coming out, I find -- I found out that it was on fire, but it was not completely burnt.

3 Q. [12:34:13] Mr Witness.

4 A. [12:34:14] Yes.

5 Q. [12:34:18] Mr Witness, the Presiding Judge has just asked you specifically whether
6 the body was like on the video that we saw yesterday. He asked you whether it was like
7 it was on the video that we saw yesterday and your answer was "Yes." And in the video
8 that we saw yesterday we saw a body that was completely burnt, and so either you saw it
9 as it was in the video yesterday --

10 PRESIDING JUDGE TARFUSSER: [12:35:03] Yes, but this is our considerations we
11 made. I mean he responded in a certain way and then we will draw our conclusions. I
12 think we are trying to make a -- to match things which probably are difficult to match.
13 Maître Gbougnon.

14 MR GBOUGNON: [12:35:36] (Interpretation) Much obliged, your Honour.

15 Q. [12:35:53] Mr Witness, do you recall mentioning, that is when the OTP questioned
16 you, you mentioned a container.

17 A. [12:36:13] Yes.

18 Q. [12:36:18] Where was it located, that container?

19 A. [12:36:25] It was located just after the railway track at the entrance into the
20 Anonkoua village.

21 Q. [12:36:34] The entrance into the Anonkoua-Kouté village; is that correct?

22 A. [12:36:39] Yes.

23 Q. [12:36:45] Was that container opened in front of you?

24 A. [12:36:48] No. I found the container open.

25 Q. [12:37:00] You found the container open. Which date or approximately which

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1 period?

2 A. [12:37:11] I do not know the date, but shortly after the crisis -- well, quite frankly, I
3 no longer remember, but I saw the container opened.

4 Q. [12:37:37] So you're telling the Chamber that after the crisis -- you said shortly after
5 the crisis, that means after the arrest of Mr Gbagbo, you saw the container and you do not
6 know when it was opened, a container that is supposed to have contained dead bodies in
7 Anonkoua-Kouté; is that correct?

8 A. [12:38:02] Yes.

9 Q. [12:38:11] Mr Witness, I will read out to you the testimony of another witness who
10 appeared here, and it relates to the container. It is T-77 of 21 September 2016, from
11 line 12, paragraph 156, and I quote you're saying:

12 "On the spot we were trying to see whether there were traces of blood. There were
13 allegations on the existence of a container in which people had apparently been burnt."
14 End of quote.

15 And then I continue from line 17:

16 "Yes, precisely. We saw that container, at least we saw a container, we had it opened and
17 we entered inside. There were traces of fire, but very small, not enough to burn
18 someone. And there were no other traces, human remains or anything else." End of
19 quote.

20 Mr Witness, did you understand what I said?

21 A. [12:40:03] Yes, I understood.

22 Q. [12:40:13] I spared you the long passages * — I think my opponents are on their
23 feet – so this was dealing with a container that was supposed to be in Anonkoua-Kouté.
24 I believe my learned friend wants to say something?

25 MS HENDERSON: I do hesitate to interrupt.

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- 1 PRESIDING JUDGE TARFUSSER: [12:40:33] Wait until finished, the translation.
- 2 Yes, please.
- 3 MS HENDERSON: I hesitate to interrupt my learned friend. I just -- I don't have that
- 4 reference, whether it's a declaration or if it's a transcript. There is a T number given but a
- 5 paragraph number.
- 6 PRESIDING JUDGE TARFUSSER: [12:40:49] T-76, page 10, English transcript from
- 7 line 5 to line 12.
- 8 MS HENDERSON: [12:40:58] Thank you, your Honour.
- 9 PRESIDING JUDGE TARFUSSER: [12:41:05] Maître Gbougnon.
- 10 MR GBOUGNON: [12:41:06] (Interpretation) Thank you, Mr President.
- 11 Q. [12:41:16] Mr Witness.
- 12 A. [12:41:22] I need to go and urinate.
- 13 PRESIDING JUDGE TARFUSSER: [12:41:25] So please do so if you can't wait.
- 14 Madam court officer, could you -- well, show him where he has to go, I think.
- 15 (The witness stands down)
- 16 PRESIDING JUDGE TARFUSSER: [12:41:58] I just want to say that when I so
- 17 immediately referred to the right transcript, it is not because I am so good, but the team in
- 18 front of me, sitting in front of me is good. It's not my, so just to -- I don't want to make
- 19 people think that I'm good in finding the transcripts and the places where we are referring
- 20 to, so. Thank you.
- 21 MR MACDONALD: [12:42:28] So you have a good team supporting the Chamber.
- 22 PRESIDING JUDGE TARFUSSER: [12:42:31] Yes. I wonder why you always have to
- 23 say something when there is a small break.
- 24 Tell me.
- 25 MR MACDONALD: [12:42:38] Because I like to break the silence of the courtroom,

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1 your Honour. Now, but while the witness is away, it's on this issue: Now, we're
2 talking about -- I understand there are similarities to what my colleague is quoting, but we
3 haven't established any time frame, either from this or the other.

4 PRESIDING JUDGE TARFUSSER: [12:43:04] Yes, Mr MacDonald, I just -- I repeat also
5 to you that on this side of the Bench, we are not a jury, we do understand, so. This is the
6 only thing, no, please.

7 MR MACDONALD: [12:43:20] It's not -- I'm not talking about the Chamber,
8 your Honour.

9 PRESIDING JUDGE TARFUSSER: [12:43:22] Yes.

10 MR MACDONALD: [12:43:23] I'm talking about fairness to the witness. It's a very
11 tricky situation --

12 PRESIDING JUDGE TARFUSSER: [12:43:26] No, we --

13 MR MACDONALD: [12:43:28] -- putting facts of another witness to another.

14 PRESIDING JUDGE TARFUSSER: [12:43:32] No, it's not -- nothing is tricky here.
15 Please.

16 We will have ordinary hours in the afternoon because Maître Gbougnon is going far
17 beyond what he was -- what we expected what he said, so we then -- we close at 1, and
18 then we go at 2.30 as always.

19 Maître Gbougnon, please, go ahead.

20 (The witness enters the video-link room)

21 MR GBOUGNON: [12:44:45] (Interpretation) Mr President, we will finish well before
22 1 o'clock.

23 Q. [12:44:55] Mr Witness, do you remember what we were talking about?

24 A. [12:45:04] Yes.

25 Q. [12:45:12] So do you continue to state that you saw a container in Anonkoua-Kouté

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1 after the crisis?

2 A. [12:45:30] I saw the container well before the crisis.

3 Q. [12:46:13] Mr Witness, a short while ago you said after the crisis, so now are you
4 saying that it was before the end of the crisis that you saw that container?

5 A. [12:46:30] That container was there well before the crisis, but it was afterwards that
6 that container was opened. *Otherwise, the container did indeed exist, I thought it was a
7 Sitarail container, but it was -- or Sitarail, it was after when *they opened the container
8 when I saw the bodies that I realized that the container did not belong to Sitarail, but to...
9 well I don't know who, but it was in Anonkoua anyway and the bodies were inside.

10 Q. [12:47:12] Mr Witness, I would like to thank you for your patience and cooperation.
11 Thank you for answering my questions. And I wish you have a good day.

12 A. [12:47:32] Thank you, Counsel.

13 MR GBOUGNON: [12:47:34] (Interpretation) Mr President, I see you are smiling
14 broadly and the Defence team of Charles Blé Goudé has no further questions.

15 PRESIDING JUDGE TARFUSSER: [12:47:43] Thank you very much, Maître Gbougnon.
16 And now I ask the Office of the Prosecutor if there is, if they need to re-question the
17 witness and if yes, for how long?

18 MR MACDONALD: [12:48:00] We do your Honour on one discreet issue and we can
19 do it before 1 p.m.

20 PRESIDING JUDGE TARFUSSER: [12:48:07] Yes, yes.

21 MR MACDONALD: [12:48:09] I sent an email to the -- I just want to -- can we turn the sound off?

22 PRESIDING JUDGE TARFUSSER: [12:48:15] No. Why don't you go ahead and
23 question the witness, and I do not know why there is always some issue to be raised.
24 Why don't you just go, make your re-questioning.

25 MR MACDONALD: [12:48:29] We'll do so, your Honour. We'll do so, but I

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1 specifically sent an email to the Chamber yesterday while my colleague, Mr O'Shea, was
2 conducting his examination of the witness. There was an intervention of the Chamber, I
3 wanted to explain the situation so that the information can be officially on the record so
4 that the Chamber has the full picture in light of the question that had been asked. So if
5 I'm intervening, your Honour, I understand it may slow down the proceedings, maybe
6 sometimes annoying, but it is something that we feel we have to do.

7 Now, I will give the floor to my colleague who will ask the questions on that very discreet
8 issue, and we'll leave it at that. Thank you.

9 PRESIDING JUDGE TARFUSSER: [12:49:37] Just a moment because I -- I'm not aware
10 of an email you sent to the Chamber. That's my problem.

11 MR MACDONALD: [12:49:44] Wednesday, 12.24 noon -- 24 minutes past noon, copied
12 to everyone.

13 PRESIDING JUDGE TARFUSSER: [12:49:55] Yes, of course.

14 Yes, but this, with the re-questioning it has nothing to do, so we have taken -- we have
15 taken note of this.

16 MR MACDONALD: [12:50:19] I'll let my colleague re-question. We feel it is linked.
17 I think the Chamber will understand.

18 PRESIDING JUDGE TARFUSSER: [12:50:25] Okay.

19 MR MACDONALD: [12:50:26] Thank you.

20 PRESIDING JUDGE TARFUSSER: [12:50:29] So please go ahead.

21 QUESTIONED BY MS HENDERSON:

22 Q. Hello, Mr Witness.

23 A. [12:50:40] Good afternoon, madam.

24 Q. [12:50:42] Just some brief re-questioning from the Office of the Prosecutor this
25 afternoon. Do you recall last week, on Friday, a person from the Court, or persons from

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1 the Court there where you are reading out your statement again to you?

2 A. [12:51:10] Yes, I remember that.

3 Q. [12:51:13] Do you remember that person asking you to sign a piece of paper after
4 they had read the statement again to you?

5 A. [12:51:31] Yes.

6 MS HENDERSON: [12:51:33] Mr President, your Honours, at this point there's a
7 document that we wish to show to the witness. It's not registered, we have it in hard
8 copy to distribute if people in the court don't have it, it was attached to the email that my
9 colleague has just cited to. If I could perhaps give it to the court officers to be displayed
10 over the video link.

11 PRESIDING JUDGE TARFUSSER: [12:51:53] But if it is attached we have it.

12 MS HENDERSON: [12:51:57] Yes, it is a matter of displaying it then to the witness,
13 your Honour.

14 PRESIDING JUDGE TARFUSSER: [12:52:14] Yes, yes, no, I've seen it.

15 MR O'SHEA: [12:52:18] A question: I presume that the handwriting is not the
16 witness'. Is the witness' signature on the document? That's something I'm not sure of.
17 I'm told yes by the other side.

18 PRESIDING JUDGE TARFUSSER: [12:52:32] I'm told yes, yes. I see it.
19 Please go ahead.

20 MS HENDERSON: [12:52:40] Your Honour, that's a matter that I intended to confirm
21 with the witness.

22 Q. [12:52:44] And Mr Witness, can you now see in front of you a document with some
23 typing and some handwriting?

24 PRESIDING JUDGE TARFUSSER: [12:53:02] Have you the document in front of you?

25 THE WITNESS: [12:53:11](Via video link)(Interpretation) Yes, I can see the document.

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1 MS HENDERSON: [12:53:15]

2 Q. [12:53:15] Thank you, Mr Witness.

3 And if I could ask the court officer to scroll down the document, please. Thank you.

4 And, Mr Witness, is this the document that you were asked to sign last week on Friday?

5 It might have disappeared.

6 THE COURT OFFICER: [12:53:42] (Via video link) Your Honours, the document is
7 not being shown here at the moment. We have it on, but it has disappeared from the
8 screen.

9 PRESIDING JUDGE TARFUSSER: [12:53:55] Just put it on the screen.

10 MR O'SHEA: [12:53:58] Your Honours, this can be short-circuited. The Prosecution
11 can state what the document is, that the witness' signature is there.

12 PRESIDING JUDGE TARFUSSER: Yes, but I would say -- I would say we cut it short.

13 MS HENDERSON: [12:54:13]

14 Q. [12:54:14] Mr Witness is this the document that you signed?

15 THE COURT OFFICER: [12:54:17] (Via video link) Your Honours, we have the
16 document back on the screen.

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

18 MS HENDERSON: [12:54:25]

19 Q. [12:54:25] Mr Witness, is this the document that you signed last week on Friday?

20 A. [12:54:31] Yes, it is the document I signed last Friday.

21 Q. [12:54:35] Now if we could just scroll down, the last question to the very bottom of
22 the page --

23 THE COURT OFFICER: [12:54:41] (Via video link) The witness is requesting the
24 document to be --

25 PRESIDING JUDGE TARFUSSER: [12:54:47] Scrolled down.

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1 THE COURT OFFICER: [12:54:48] (Via video link)(Indecipherable)
2 MS HENDERSON: [12:54:54]
3 Q. [12:54:54] And Mr Witness I'll just read out what it says at the bottom of the page
4 there, and I quote in French: (Interpretation) "On the document CIV-OTP-0084-0079 to
5 CIV-OTP-0084-0095, the witness says that each number of children should be changed
6 from two children to four children. The witness has four children."
7 (Speaks English) Mr Witness, is that indeed a modification that you asked for when your
8 statement was read to you on Friday?
9 A. [12:55:49] Yes, that is the modification.
10 Q. [12:55:55] And Mr Witness, very last question: Is the statement that you did last
11 year with the investigators from the Office of the Prosecutor true to the best of your
12 knowledge?
13 A. [12:56:19] Yes, that statement is true.
14 MS HENDERSON: [12:56:21] Thank you. Those are all the questions for
15 re-examination.
16 PRESIDING JUDGE TARFUSSER: [12:56:24] Thank you. Is there another question,
17 supplementary question by the Defence?
18 MR O'SHEA: [12:56:31] No, there isn't, your Honour, but there is something I want to
19 say. It should not have been after my questioning on the children that I see for the first
20 time an email from the Prosecution with the signature of a witness on a document with a
21 correction. That is a prior statement of the witness which ought to have been disclosed
22 immediately to the Defence. And I should not have had to go through the questioning
23 that I went through. And I'm just making that comment because I think it's important.
24 PRESIDING JUDGE TARFUSSER: [12:57:06] Yes, but it was said. It is not about the
25 document, but it was said at the beginning, at the very beginning that -- well, in

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1 the -- during the questioning by the calling party that this was, this correction was done
2 two, three days before the start of the questioning.

3 MR O'SHEA: [12:57:27] I believe that was as part of an objection to --

4 PRESIDING JUDGE TARFUSSER: [12:57:30] No, no --

5 MR O'SHEA: [12:57:32] -- my questions on the ages.

6 PRESIDING JUDGE TARFUSSER: [12:57:33] No, I don't think so, but I can't remember
7 well. But --

8 MS HENDERSON: [12:57:37] Your Honours, I can perhaps clarify this. In the email
9 that Mr MacDonald sent yesterday 12.24, below that email was a prior communication to
10 the parties from a staff member of VWS attaching that same document and that email was
11 dated 5 December 2016. The Trial Chamber communications email address was a
12 recipient there as well, so it was indeed disclosed earlier.

13 PRESIDING JUDGE TARFUSSER: [12:58:02] Okay, thank you. The floor to the
14 Defence for Mr Blé Goudé if there are supplementary questions. You have the
15 last -- you're the last person who can question the witness before I let the witness go.

16 MR GBOUGNON: [12:58:25] (Interpretation) I don't have any questions,
17 your Honour.

18 PRESIDING JUDGE TARFUSSER: [12:58:28] Thank you very much.

19 Yes, I would like the OTP to register the document, to put it in eCourt. It is your --

20 MR MACDONALD: [12:58:51] It is a -- just to make it faster, I was wondering if it
21 would not be possible since it's a document emanating from the Victims and Witnesses
22 Services --

23 PRESIDING JUDGE TARFUSSER: [12:59:02] Oh yeah, that's right. Okay, because
24 VWU --

25 MR MACDONALD: -- for the Registry to put a --

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- 1 PRESIDING JUDGE TARFUSSER: The VWU. And why VWS?
- 2 MR MACDONALD: [12:59:07] I think they're a section now but --
- 3 PRESIDING JUDGE TARFUSSER: [12:59:09] Yes, but the Statute talks about VWU.
- 4 MR MACDONALD: [12:59:13] Fair, fair, your Honour, so maybe the Registry can put a
5 number that they put in, the Registry numbers.
- 6 PRESIDING JUDGE TARFUSSER: [12:59:20] We will -- can you do that? Okay, so we
7 will do that immediately.
- 8 THE COURT OFFICER: [12:59:26] The document that was used by the Prosecution just
9 now to show to the witness will bear the number *CIV-REG-0001-0131.
- 10 PRESIDING JUDGE TARFUSSER: [12:59:37] Thank you very much.
- 11 Mr Witness, your testimony is concluded. You can go to your ordinary occupations. I
12 thank you for having been here with us, to spend your time and to give, to answer the
13 questions that were put to you. Thank you very much.
- 14 (The witness is excused)
- 15 PRESIDING JUDGE TARFUSSER: I ask the court officer in the remote location to bring
16 the witness out and we can also cut off until 2.30 when we come back with the next
17 witness. Is this okay for you, court officer?
- 18 THE COURT OFFICER: [13:00:21] (Via video link) We will proceed right away with
19 the instructions.
- 20 PRESIDING JUDGE TARFUSSER: [13:00:26] Maître Altit.
- 21 MR ALTIT: [13:00:29] (Interpretation) Mr President, simply a question to organise:
22 Did you say two hours?
- 23 PRESIDING JUDGE TARFUSSER: [13:00:39] No, I said before I -- when I still thought
24 that Maître Gbougnon would finish earlier, but he did not, so we are on the ordinary time
25 schedule, so we will start at 2.30 and go to 4 o'clock and then we have to tomorrow, but

1 tomorrow we must finish with this witness.

2 MR ALTIT: [13:01:05] (Interpretation) Because if I could give an indication for the
3 benefit of your Chamber, I think that as far as I'm concerned, I'm not talking about the
4 other Defence team, I think as far as we are concerned we can go very quickly, less than
5 two hours this afternoon because we can accelerate if we do that.

6 PRESIDING JUDGE TARFUSSER: [13:01:46] That's because you want a long weekend.
7 Yes, but I mean this depends also on the other defence, but I don't think that in two hours
8 we can have the questioning of the OTP, your questioning and the questioning of the
9 other Defence team, the re-questioning. If --

10 MR MACDONALD: [13:02:08] And 106 tomorrow.

11 PRESIDING JUDGE TARFUSSER: [13:02:09] If you all guarantee me that this is
12 feasible, we can do it, otherwise.

13 MR ALTIT: [13:02:18] (Interpretation) I think I can speak on behalf of my own team
14 and say that we probably wouldn't be needing about one hour and 30 minutes or perhaps
15 a little bit more than that.

16 MR ZOKOU: [13:02:35] (Interpretation) I, too, can speak on behalf of my team, and if
17 we follow Mr Altit's team, it might be half an hour at the most. So if you wish to
18 continue and extend the hearing somewhat, I think we could finish today and we may not
19 even be putting any questions but if we do put questions to the upcoming witness it won't
20 be for very long.

21 MR MACDONALD: [13:03:09] Then we can do 106 tomorrow.

22 PRESIDING JUDGE TARFUSSER: [13:03:11] Pardon?

23 MR MACDONALD: [13:03:12] And then we can do 106 tomorrow --

24 PRESIDING JUDGE TARFUSSER: [13:03:13] No, no.

25 MR MACDONALD: -- your Honour.

1 PRESIDING JUDGE TARFUSSER: That's already done. Now, but there is another
2 question, another issue we can -- you're still with half an hour?

3 MR MACDONALD: [13:03:23] We have one question, your Honour, so it may be even
4 less than half an hour.

5 PRESIDING JUDGE TARFUSSER: [13:03:28] Well, one question is less than
6 two minutes I would say.

7 MR MACDONALD: [13:03:33] You have to do your introduction.

8 PRESIDING JUDGE TARFUSSER: [13:03:35] Yes, but I will do a shorter introduction.
9 So we will try to do it, but we will see while we're working on it, so it's in any case 2.30,
10 now 2.35. I would also ask, there is another issue, and I ask Mr Zokou to give to the
11 Chamber some detail on what's going on with Mr Blé Goudé.

12 MR ZOKOU: [13:04:10] (Interpretation) First of all, thank you, your Honour, for
13 expressing your concerns regarding Mr Charles Blé Goudé's health. Indeed, he hoped to
14 be able to come back to this hearing, but in actual fact the estimates, given by the
15 physician, well, were such that it would be better for him not to come back. It's not a
16 serious condition, but he needs to take some medication and rest. So he will not be able
17 to attend this afternoon, although he very much would like to, and he has consented to
18 the hearing continuing all the same despite his absence.

19 (Trial Chamber confers)

20 MR ZOKOU: [13:05:07] (Interpretation) And I am told that he has already been taken
21 back to the detention centre.

22 PRESIDING JUDGE TARFUSSER: [13:05:26] Sorry for this. I just had to consult.
23 What did you say?

24 No, the problem is we do understand that Mr Blé Goudé is not good, so either Blé Goudé
25 gives his consent that we continue through you, or we could also adjourn to tomorrow,

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1 hopefully he is better and do it tomorrow morning the two hours. These are the
2 alternatives.

3 MR ZOKOU: [13:06:12] (Interpretation) Yes, your Honour. I saw him a few
4 moments ago before he was taken back to the place where he is resting, but he does
5 consent and your Chamber of course will rule in this regard and we will endeavour to
6 continue representation of our client.

7 (Trial Chamber confers)

8 PRESIDING JUDGE TARFUSSER: [13:06:45] So, okay, we go to the afternoon. I
9 adjourn the hearing now and we come back at quarter to 3, at 2.45.

10 THE COURT USHER: [13:06:52] All rise.

11 (Recess taken at 1.07 p.m.)

12 (Upon resuming in open session at 2.47 p.m.)

13 THE COURT USHER: [14:47:26] All rise.

14 Please be seated.

15 PRESIDING JUDGE TARFUSSER: [14:47:42] Good afternoon.

16 Good afternoon to you court officer in the remote location.

17 THE COURT OFFICER: (Via video link) [14:48:00] Good afternoon, your Honour.

18 PRESIDING JUDGE TARFUSSER: [14:48:03] So can you please bring the witness in to
19 the stand. Thank you.

20 THE COURT OFFICER: (Via video link) [14:48:12] Right away, your Honours.

21 (The witness enters the video-link room)

22 PRESIDING JUDGE TARFUSSER: [14:49:08] Good afternoon, Mr Witness.

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24 (The witness speaks French)

25 (The witness gives evidence via video link)

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- 1 THE WITNESS: [14:49:15] (Via video link) (Interpretation) Good afternoon, ma'am.
- 2 PRESIDING JUDGE TARFUSSER: [14:49:19] The madam is the interpreter.
- 3 THE WITNESS: [14:49:26] (Via video link) (Interpretation) Good afternoon, your
- 4 Honour.
- 5 PRESIDING JUDGE TARFUSSER: [14:49:40] I'm not offended, don't worry.
- 6 So before giving the floor to the Office of the Prosecutor and to the Defence lawyers for
- 7 their questioning, I have to do some introductions with you.
- 8 First of all the identification; can you give us your complete name, date and place of birth?
- 9 THE WITNESS: [14:49:58] (Via video link) (Interpretation) My name is
- 10 Doukouré Ladji.
- 11 PRESIDING JUDGE TARFUSSER: [14:50:15] And you were born in.
- 12 THE WITNESS: [14:50:29] (Via video link) (Interpretation) Yes, yes, I was -- my name
- 13 is Doukouré Ladji and I was born in Issia *in the 4th month, 1978.
- 14 THE COURT OFFICER: (Via video link) [14:50:38] Your Honours, the officer in the
- 15 remote location.
- 16 PRESIDING JUDGE TARFUSSER: Yes.
- 17 THE COURT OFFICER: (Via video link) The witness has read his date of birth and
- 18 information from his identity card.
- 19 PRESIDING JUDGE TARFUSSER: [14:50:47] Yes, well, that's okay. It's important that
- 20 it's correct.
- 21 So you were born on 4 March 1978 in Issia; is that right?
- 22 THE WITNESS: [14:51:02] (Via video link) (Interpretation) Issia, Issia.
- 23 PRESIDING JUDGE TARFUSSER: [14:51:05] Which is in Côte d'Ivoire?
- 24 THE WITNESS: [14:51:08] (Via video link) (Interpretation) Yes.
- 25 PRESIDING JUDGE TARFUSSER: [14:51:10] So you are an Ivorian citizen?

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1 THE WITNESS: [14:51:20] (Via video link) (Interpretation) Yes.

2 PRESIDING JUDGE TARFUSSER: [14:51:22] And your ethnicity is?

3 THE WITNESS: [14:51:24] (Via video link) (Interpretation) I'm a Dioula person,
4 Malinké.

5 PRESIDING JUDGE TARFUSSER: [14:51:33] Okay. And your faith is Muslim, right?

6 THE WITNESS: [14:51:37] (Via video link) (Interpretation) Yes.

7 PRESIDING JUDGE TARFUSSER: [14:51:40] Okay. So you are -- the Prosecutor
8 requested reading assistance for you in case some documents will be submitted to you.
9 And of course the Court granted you this reading assistance. And in any case, if you
10 have some problems, some questions to submit to the Chamber just talk with me, okay?

11 THE WITNESS: [14:52:15] (Via video link) (Interpretation) Yes.

12 PRESIDING JUDGE TARFUSSER: [14:52:17] Another thing I have to tell you is the
13 following, and it regards the language. You are speaking in French and I'm speaking in
14 English, so we have to speak slowly, both of us, in order to give time to the interpreters
15 and the court reporters to translate and to write down correctly what we are saying, okay?

16 THE WITNESS: [14:52:53] (Via video link) (Interpretation) Yes.

17 PRESIDING JUDGE TARFUSSER: [14:52:55] To your testimony now, you are aware that
18 this is a Chamber which has been established in order to try the case of the Prosecutor
19 against Mr Gbagbo and Mr Blé Goudé. And you are the witness to this case. And as a
20 witness you have only one but important duty, which is to tell the truth in responding to
21 the questions which are put to you by the lawyers here in the courtroom. Do you
22 understand this?

23 THE WITNESS: [14:53:44] (Via video link) (Interpretation) Yes.

24 PRESIDING JUDGE TARFUSSER: [14:53:48] Okay. The law requires that you, to that
25 effect, make a solemn undertaking and, therefore, I ask you to repeat with me the

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1 following words: I solemnly declare that I will speak the truth.

2 THE WITNESS: [14:54:14] (Via video link) (Interpretation) I solemnly declare that I
3 will speak the truth.

4 PRESIDING JUDGE TARFUSSER: [14:54:19] The whole truth and nothing but the truth.

5 THE WITNESS: [14:54:23] (Via video link) (Interpretation) The whole truth and
6 nothing but the truth.

7 PRESIDING JUDGE TARFUSSER: [14:54:30] Okay. Thank you. I have to inform you
8 also that not saying the truth is an offence against the Court and as such punishable,
9 okay?

10 THE WITNESS: [14:54:51] (Via video link) (Interpretation) Yes.

11 PRESIDING JUDGE TARFUSSER: [14:54:52] Okay. Now, Mr Witness, the Chamber
12 has before it your written statement, the statement you gave to the Office of the
13 Prosecutor on 1 and 6 June 2015. And for the record I'm referring to CIV-OTP-0084-0105
14 and the following annexes, CIV-OTP-0084-0123, 0127, 0128, 0129, 0130, 0131, 0132, 0135
15 and 0136.

16 These numbers were not for you but just for the record.

17 So this statement you gave to the Office of the Prosecutor and the annexes to this
18 statement should also be in front of you. Are they in front of you?

19 THE WITNESS: [14:56:29] (Via video link) (Interpretation) Yes.

20 PRESIDING JUDGE TARFUSSER: [14:56:31] Okay. So you confirm that these are
21 the -- this is a statement you gave to the Prosecutor and the annexes thereto you gave to
22 the Prosecutor? Do you confirm this?

23 THE WITNESS: [14:57:06] (Via video link) (Interpretation) Yes.

24 PRESIDING JUDGE TARFUSSER: [14:57:08] Now my question is have you had the
25 possibility to read again in the last days the statement or was it read to you by somebody

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1 of the ICC, the VWU I mean?

2 THE WITNESS: [14:57:25] (Via video link) (Interpretation) Yes, yes, someone read it
3 to me.

4 PRESIDING JUDGE TARFUSSER: [14:57:43] Okay. The Chamber has decided on
5 9 June 2016, and I'm referring to filing 573, that your written statement is suitable for
6 introduction under Rule 68(3) of the Rules of Procedure and Evidence into the record of
7 the case. This means that rather you having to give the entirety of your statement again
8 here orally, the Chamber can use this statement and insert it in the record of the case.
9 Nevertheless, you would still be asked some supplementary questions by the Prosecutor
10 and you would still be examined by the Defence teams.
11 Rule 68(3) says that the Chamber may allow the introduction of previous recorded
12 testimony if you, the witness, does not object and if the Prosecutor, the Defence and the
13 Chamber have the opportunity to examine the witness.
14 So the last question I put to you is, if you agree, do you agree with the introduction of
15 your written statement in the record of the case?

16 THE WITNESS: [14:59:32] (Via video link) (Interpretation) Yes. The statement?

17 PRESIDING JUDGE TARFUSSER: [14:59:43] Yes, the statement will be introduced in the
18 record of the case, and you will not be asked to repeat all what you said in the statement,
19 but only by the Office of the Prosecutor ask supplementary questions, if need be.
20 So you accepted this, and in light of the fact that you're also here today, and available for
21 this examination by the parties and by the Chamber, all requirements of Rule 68(3) have
22 been met and the introduction of the written statement of the witness is therefore allowed.
23 And I'm referring to the written statement and the numbers, which I have just read out.
24 And these items are therefore considered as submitted.
25 Now, Mr Witness, we can start with the questioning by the Office of the Prosecutor. Are

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1 you fine? Are you okay?

2 THE WITNESS: [15:00:59] (Via video link) (Interpretation) Yes, everything is fine.

3 PRESIDING JUDGE TARFUSSER: [15:01:04] Good. So I give the floor to the Office of
4 the Prosecutor for her questioning.

5 MS HUCK: [15:01:10] (Interpretation) Good afternoon, Mr President, your Honours.

6 QUESTIONED BY MS HUCK: (Interpretation)

7 Q. [15:01:19] Good afternoon, Witness.

8 A. [15:01:21] Good afternoon.

9 Q. [15:01:22] My name is Florie Huck. I represent the Office of the Prosecution. We
10 met briefly a few days ago.

11 A. [15:01:31] Yes.

12 Q. [15:01:32] And as the Presiding Judge just explained, your statement has been
13 tendered into evidence and, as such, I shall not have you repeat everything that is written
14 in your statement, but I will be putting two additional questions to you. It will be very
15 brief.

16 A. [15:01:55] Very well.

17 Q. [15:01:56] And if one of my questions were not -- was not to be clear, please tell me
18 and I shall rephrase. Is that all right with you?

19 A. [15:02:03] Yes.

20 Q. [15:02:04] Very well. So with regard to the statement that has just been admitted
21 into evidence, I would like to know, according to your knowledge, is or are the contents of
22 said statement true?

23 A. [15:02:25] Yes.

24 Q. [15:02:25] Very well. Thank you.

25 And in said statement you explained the circumstances of the death of your brother?

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1 A. [15:02:41] Yes.

2 Q. [15:02:42] And at paragraph 46, namely, of said statement, you made mention of the
3 fact that you found the body of your brother at the Macaci intersection?

4 A. [15:02:54] Yes.

5 Q. [15:02:55] So my question to you is as follows: Where and in which neighbourhood
6 is the Macaci intersection to be found?

7 A. [15:03:06] The Macaci intersection is to be found in Williamsville neighbourhood.

8 Q. [15:03:16] So here is my second and last question, and I shall request that you take
9 your time in responding to it, what was the impact, Mr Witness, on your life, on yourself
10 and your family members, what was the impact of the death of your brother?

11 A. [15:03:42] The death of my brother had an enormous impact on us, especially on me
12 because when he died he left three boys behind. He was the one *just after me, and he
13 supported me, in fact, with expenses. And his death affected me greatly. That's why I
14 decided to testify, even for that.

15 THE INTERPRETER: [15:04:08] Overlapping speakers. The interpreter was not allowed
16 to finish.

17 PRESIDING JUDGE TARFUSSER: [15:04:12] The interpreter was not allowed to finish to
18 translate.

19 THE INTERPRETER: [15:04:26] The interpreter missed the last bit of the witness' answer
20 because of the overlapping speakers. Could he please be requested to repeat. Thank
21 you.

22 MS HUCK: [15:04:33] (Interpretation) I do apologise. I need to allow the interpreters
23 the time to do their job.

24 Q. So my question to you was: How old was your brother when he died?

25 A. [15:04:50] My brother was born in 1986, 1986. And in 2011, well, you can calculate

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1 yourself, 1986 to 2011 how old he was.

2 Q. [15:05:09] He was 24 years of age.

3 So thank you. And that amounts to the entirety of my questions.

4 A. [15:05:18] Thank you very much.

5 MS HUCK: [15:05:21] (Interpretation) Mr President, I have no further questions to put
6 to the witness, but I would like to indicate to the Chamber that the OTP will be requesting
7 to submit four documents into evidence, and I would like to make a brief observation
8 with regard to these documents with your leave outside of the presence of the witness.

9 PRESIDING JUDGE TARFUSSER: [15:05:44] Why? My further question is why don't
10 you do it in writing because otherwise we are running out of time?

11 MS HUCK: [15:05:57] No, no, no.

12 PRESIDING JUDGE TARFUSSER: [15:05:59] We try to keep this -- to finish this witness
13 today. I don't think we can do it, but we will try and therefore I think we should do it
14 outside of the -- in writing. Thank you.

15 MS HUCK: [15:06:16] (Interpretation) Yes, indeed. I wanted to mention the fact that
16 we wanted to make a request to tender those four documents into evidence via paragraph
17 43. And these four documents that we are requesting to have admitted are the
18 documents to be found in the list of evidence for this witness at items 11 to 14. And I
19 thank you.

20 PRESIDING JUDGE TARFUSSER: [15:06:50] Okay. Thank you very much.

21 Before giving the floor to Maître Altit, I presume, or to somebody of the Defence team in
22 any case, I just want to put on the record that today Mr Blé Goudé is not here, but
23 expressly he waived the right to be present for today because he's not well; is that right,
24 Mr Zokou? Can you confirm this, please?

25 MR ZOKOU: [15:07:21] (Interpretation) Yes, Mr President, I can indeed confirm that

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1 fact.

2 PRESIDING JUDGE TARFUSSER: [15:07:32] Okay. Thank you very much.

3 Now the floor goes to Maître Altit.

4 MR ALTIT: [15:07:38] (Interpretation) Thank you, Mr President. Mr President, your
5 Honours, the questioning on the part of the Gbagbo Defence team will be led by Ms
6 Naouri.

7 PRESIDING JUDGE TARFUSSER: Thank you. Madam Naouri.

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

9 QUESTIONED BY MS NAOURI: (Interpretation)

10 Q. [15:08:20] Good afternoon, Mr Witness.

11 A. [15:08:23] Good afternoon, ma'am.

12 Q. [15:08:25] My name is Jennifer Naouri, and I am a member of the Defence team for
13 Mr Gbagbo, and I shall be putting questions to you today. I shall attempt not to speak
14 too fast. I'm going to leave 5 seconds between the moment when I speak to you and
15 when we expect your answer but, of course, both of us need to make an effort in order to
16 respect that five-second rule, all right?

17 A. [15:08:57] Yes.

18 Q. [15:08:57] Mr Witness, as your statement has been admitted into evidence, which
19 means that everything that you said to the OTP investigators has been taken into account
20 here, we shall be revisiting some of the specifics of that statement, all right?

21 A. [15:09:22] Very well.

22 Q. [15:09:23] Very well. Mr Witness, how long have you been living in Abidjan?

23 A. [15:09:30] Since the year 2002.

24 Q. [15:09:37] Very well. And you're a taxi man, are you not?

25 A. [15:09:45] Yes.

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- 1 Q. [15:09:48] You're a taxi with a meter? You have a meter in your taxi?
- 2 A. [15:09:57] Yes.
- 3 Q. [15:09:57] And which company do you work for?
- 4 THE INTERPRETER: [15:10:03] Inaudible.
- 5 THE WITNESS: (Via video link)(Interpretation) I'm working in a private capacity.
- 6 MS NAOURI: (Interpretation)
- 7 Q. [15:10:08] Very well. So you do have a boss, do you not?
- 8 A. [15:10:11] Yes.
- 9 Q. [15:10:12] And where does that boss live?
- 10 A. [15:10:26] My boss lives in Adjamé.
- 11 Q. [15:10:32] Very well. And in which neighbourhood do you normally do your taxi
- 12 rounds?
- 13 A. [15:10:38] In the 10 communes of Abidjan.
- 14 Q. [15:10:41] Very well. So you know Abidjan very well, do you?
- 15 A. [15:10:45] Well, a little bit.
- 16 Q. [15:10:52] And your brother, how long had he been living in Abidjan?
- 17 A. [15:10:59] My brother came to Abidjan in 2009 or 2008 until 2010.
- 18 Q. [15:11:11] And who brought him to Abidjan?
- 19 A. [15:11:16] I did.
- 20 Q. [15:11:16] When he arrived in Abidjan, did he live with you?
- 21 A. [15:11:26] Yes, initially.
- 22 Q. [15:11:30] So he was your financial dependent, was he, when he arrived in Abidjan?
- 23 A. [15:11:38] Yes.
- 24 Q. [15:11:39] How long did he live with you?
- 25 A. [15:11:45] Until I found work for him.

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1 Q. [15:11:52] You were the one who found him work, are you?

2 A. [15:12:01] Yes.

3 Q. [15:12:02] Where?

4 A. [15:12:06] Working with the Moroccans who sell furniture, household furniture in --

5 Q. [15:12:21] Did you --

6 PRESIDING JUDGE TARFUSSER: [15:12:23] You are asking him and you will -- five
7 seconds and not five seconds, but you are the one who violates always this rule, so.

8 MS NAOURI: [15:12:37] (Interpretation) You are right, Mr President.

9 Q. [15:12:43] So, Mr Witness, I'm going to be putting my question to you once again,
10 and I shall make sure that I observe this five-second rule so that we do not overlap. Did
11 you present or introduce any friends to him when he arrived in Abidjan?

12 A. [15:12:55] Yes.

13 Q. [15:12:59] Was Bamba one of those friends?

14 A. [15:13:03] It was one of my brother's friends, yes.

15 Q. [15:13:05] So you introduced Bamba to your brother?

16 A. [15:13:10] No, no, no. Bamba has been his friend *since Issia, and he came to
17 Abidjan, and it was in Abidjan that they got to know each other, they -- they chanced
18 upon each other and a friendship grew.

19 THE INTERPRETER: [15:13:28] The witness also mentioned the name of Issia.

20 MS NAOURI: [15:13:33] (Interpretation)

21 Q. [15:13:34] So you're saying to us that Mr Bamba also hails from Issia; is that right?

22 A. [15:13:38] Yes.

23 Q. [15:13:39] And you knew Mr Bamba well, did you not?

24 A. [15:13:44] Well, I know him, but not that well. He is my brother's friend. So he
25 and I don't really have much of a friendship.

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1 Q. [15:13:53] Mr Witness, paragraph 30 of your statement, you say:

2 "On the telephone it was Bamba, one of my friends, one of the friends of my brother

3 Doukouré Aly who called me. I knew him well." End of quote.

4 Mr Bamba had your telephone number, did he not?

5 A. [15:14:37] Yes.

6 Q. [15:14:42] So we could say that you did know each other well and that you were in contact?

7 A. [15:14:47] Well, as my brother had a cell phone and my number was on it and he

8 was the friend of my brother, then we could say that we knew each other.

9 Q. [15:15:00] Very well. And when did your brother move out of your place?

10 A. [15:15:13] When he got a job in Treichville. He took a house in Macaci.

11 Q. [15:15:24] And did Bamba and Ibrahim live in the same compound as your brother?

12 A. [15:15:36] He was living together with Ibrahim.

13 Q. [15:15:43] Very well. And he is your blood brother, is he not?

14 A. [15:15:53] Aly?

15 Q. [15:15:56] Yes?

16 A. [15:15:56] Yes, he is my blood brother.

17 Q. [15:15:59] Was your brother part of a group of young people in your neighbourhood,

18 Williamsville, with Ibrahim, that is?

19 A. [15:16:20] No.

20 Q. [15:16:23] Was he interested in politics?

21 A. [15:16:28] I would say no to that because we didn't *live together and he didn't talk

22 about politics.

23 Q. [15:16:38] Mr Witness, paragraph 17 of your statement says, and you say in speaking

24 of your brother, that:

25 "He was living in Williamsville, and he was born on 25 May 1986. My younger brother

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1 did not like Gbagbo. He really was RDR. And he had a membership card for that
2 political party." End of quote.

3 Is what I just read to you correct?

4 A. [15:17:28] As to the card? Well, when I mentioned that in my statement, when he
5 went to Issia, people told me that he was always there when there were marches in Issia,
6 that he was always up front and active. And that's why I made mention of this in my
7 statement. He was often there or I was led to believe that he was always at the front of
8 those marches in Issia.

9 Q. [15:18:13] So you're telling us that your brother took part in RDR marches in Issia; is
10 that correct?

11 A. [15:18:23] Yes.

12 Q. [15:18:23] And that he was always up front?

13 A. [15:18:26] Yes.

14 Q. [15:18:29] However, in the paragraph that I have just read to you you say that your
15 brother was really and truly RDR and that he had a membership card for that party. You
16 said that to the investigators from the OTP and you re-read your statement. So my
17 question to you is: Did you know that your brother was a member of the RDR?

18 A. [15:19:02] Well, with regard to his determination and the fact that he'd had enough
19 with Mr Gbagbo and all of that, my brother really didn't like Gbagbo, and that's true that I
20 did say that.

21 Q. [15:19:21] When you say that he was determined, you talk about his determination,
22 what do you mean by that?

23 A. [15:19:35] Well, what do I mean by that? For example, when he was in Issia, I was
24 told that my brother *did... whenever there was an RDR rally, my brother didn't stay
25 home, he would go out. And I knew that he was determined because we would talk.

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1 Q. [15:20:07] You say when we were talking. So you did talk to your brother about his
2 political commitment, did you not?

3 A. [15:20:15] *Yes, I told him to beware of politics, to not get too involved. I talked to
4 him when we were in Abidjan about what people were not doing in Issia. And as to
5 what he was *doing there, to watch out.

6 Q. [15:20:38] All right. And did he have any difficulties with the authorities in Issia; is
7 that why he left?

8 A. [15:20:43] No, he did not have any difficulties with the authorities in Issia.

9 Q. [15:20:47] Very well. And did your brother vote during the presidential elections of 2010?

10 A. [15:20:58] Yes.

11 Q. [15:21:11] Very well. And in Abidjan, because we talked about Issia, but in Abidjan,
12 did he attend any RDR meetings during the electoral campaign, for example? Wait for
13 five seconds, please.

14 A. [15:21:32] No.

15 Q. [15:21:35] Very well. Mr Witness, I'm going to be reading a paragraph of your
16 statement to you. It is paragraph 18 where you say as follows, quote:

17 "I showed the investigators my brother's two ID, two IDs, those of my brother
18 Aly Doukouré, his passport and his national identity card where there was a photograph
19 of him with a friend." End of quote.

20 Do you remember having said that?

21 A. [15:22:26] Yes.

22 Q. [15:22:27] Who gave you the two forms of ID for your brother?

23 A. [15:22:42] As I was his elder brother when he died, I was -- well, of course, as he was
24 dependent, my dependent, I was the one who was to retrieve his ID papers when he died.

25 Q. [15:22:55] And how did you retrieve those ID papers?

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1 A. [15:23:01] How? Well, they were at his home.

2 Q. [15:23:12] Mr Witness, at paragraph 41 of your statement you say:

3 "Ibrahim handed over to me my brother's identity card. Before I arrived people had
4 already looked for it and found it in his bag."

5 Is that correct?

6 A. [15:23:53] Well, when he died, are you talking about when he died or ...

7 Q. [15:24:04] I am trying to understand how you got hold of your brother's ID papers.
8 You told us that you found them at his home, and I am trying to clarify, because you said
9 in paragraph 41 that Ibrahim allegedly handed over your brother's ID card to you. And
10 I'm asking clarification from you, please.

11 A. [15:24:31] Well, with regard to the ID paper, well, it was at his home, his passport,
12 the ID card was given to me on the day of his death out in the field. But his passport was
13 at his home.

14 *THE INTERPRETER: Says the witness.

15 Q. [15:24:51] Very well. And your brother had nothing else on him on that day, did he?

16 A. [15:24:59] He -- it's when I found his ID paper on him when I got to him. Those
17 were the ID papers that were given to me.

18 Q. [15:25:14] And what came or became of the bag, his bag?

19 A. [15:25:19] I found his bag at home. The bag was not at that location where he died.

20 Q. [15:25:25] Very well. Did you keep hold of those ID papers? Do you still have
21 them?

22 A. [15:25:34] Yes, I still have them, and I have them on me as I am seated here now.

23 Q. [15:25:40] Very well.

24 A. [15:25:44] If you would like, I can show them to you.

25 Q. [15:25:46] No. I do trust you, Mr Witness.

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1 Did you show those ID papers to anybody else? For example, we know, and this is
2 annex 1 or annex 2, I apologise, it's the first annex of your statement here, you showed it
3 to the Office of the Prosecutor. Did you show those ID papers to anybody else?

4 A. [15:26:08] Those ID papers, yes. Well, as my friends come round, I show them the
5 ID papers. I tell them that my brother died and I show them to them. And I have kept
6 them myself.

7 Q. [15:26:23] Very well. So Mr Witness, we are going to talk about what happened at
8 Deux Plateaux on the day of the announcement made by Bakayoko; okay?

9 A. [15:26:43] Yes.

10 Q. [15:26:46] And my first question to you is where did you see the Bakayoko
11 announcement?

12 A. [15:26:52] Well, it wasn't Bakayoko himself. It was his spokesperson who was
13 speaking. I can't remember his name. It was, it was Bamba or somebody who was
14 giving the results. And I was at home. I watched it on the TV. *And it wasn't
15 somebody who explained it to me.

16 Q. [15:27:17] Very well. And on that day, the day of the announcement, at what time
17 did you see the tanks?

18 A. [15:27:35] Well, the tanks, the tanks were coming and parking up from dawn till
19 dusk. *As if they were on patrol.

20 Q. [15:27:45] Mr Witness, my question to you, my first question, we're going to go step
21 by step. At what time did you personally on that day see those tanks?

22 A. [15:27:59] In the morning.

23 Q. [15:28:00] The morning.

24 MS NAOURI: [15:28:10] (Interpretation) Mr President, we are going to be putting a few
25 specific questions with regard to the location where the witness lives. I'm in your hands

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1 as to whether we should move into private session or not.

2 PRESIDING JUDGE TARFUSSER: [15:28:24] Yes, I think so, we should go into private
3 session briefly.

4 THE INTERPRETER: [15:28:34] Request from the interpreter: Could the person at the
5 remote location please stop clicking on the mouse on the computer. Thank you.

6 PRESIDING JUDGE TARFUSSER: [15:28:44] There is somebody at the remote location
7 clicking with the mouse on the computer, which is irritating the interpreters.

8 (Private session at 3.28 p.m.)

9 THE COURT OFFICER: [15:29:01] We're in private session, your Honour.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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- 15 (Redacted)
- 16 (Redacted)
- 17 (Open session at 3.34 p.m.)
- 18 THE COURT OFFICER: [15:34:37] We're in open session, your Honour.
- 19 PRESIDING JUDGE TARFUSSER: [15:34:49] Thank you, court officer.
- 20 Mr Witness, we are again in open session, okay. Just to inform you.
- 21 Madam Naouri.
- 22 MS NAOURI: [15:35:01] (Interpretation) Thank you, your Honour.
- 23 Q. [15:35:06] So, Mr Witness, that day, the day that Bakayoko made his announcement,
- 24 how many tanks did you see?
- 25 A. [15:35:18] I saw two.

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- 1 Q. [15:35:22] What colour were they?
- 2 A. [15:35:25] Well, sort of military, camouflage, and that was one. And then the other
- 3 one was blue.
- 4 Q. [15:35:37] Was there anything written on the tanks?
- 5 A. [15:35:42] Yes.
- 6 Q. [15:35:46] And what, what was --
- 7 A. [15:35:51] Well, the blue one had the symbol of the gendarmerie.
- 8 Q. [15:36:01] And the military camouflage coloured one?
- 9 A. [15:36:05] Well, it was sort of a military camouflage sort of pattern.
- 10 Q. [15:36:12] And from where you were, could you read what was on the tank?
- 11 A. [15:36:18] Yes, yes.
- 12 Q. [15:36:18] Could you see the people who were actually in the tanks?
- 13 A. [15:36:27] Yes.
- 14 Q. [15:36:31] And could you see how they were clothed?
- 15 A. [15:36:35] Yes, yes, because, you see, they came out of the tanks.
- 16 Q. [15:36:43] How many of them were there?
- 17 A. [15:36:48] Seven or eight people.
- 18 Q. [15:36:52] And how were they clothed?
- 19 A. [15:36:55] Black.
- 20 Q. [15:36:56] All in black?
- 21 A. [15:36:57] Yes.
- 22 Q. [15:36:58] Was there anything else on their uniforms that you could see?
- 23 A. [15:37:12] Well, *some had even covered their faces, others' faces were uncovered,
- 24 well that's what I could see.
- 25 Q. [15:37:23] Did you see anything sort of, well, badges?

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- 1 A. [15:37:30] Yes.
- 2 Q. [15:37:30] Could you actually see their facial features?
- 3 A. [15:37:40] What do you mean?
- 4 Q. [15:37:42] Could you make out who the person was?
- 5 A. [15:37:46] Some people had their faces covered, others you could see their face.
- 6 Q. [15:37:56] How long did you spend observing this time?
- 7 A. [15:38:04] How much time?
- 8 Q. [15:38:05] Yes.
- 9 A. [15:38:06] Well, the tanks came and parked there facing Abobo. And they spent nearly the entire
- 10 day there. And then they would go *away, like people on patrol, that's what I am telling you.
- 11 Q. [15:38:22] Mr Witness, my question to you is this: You personally yourself, how
- 12 much time did you spend *observing those tanks on that day?
- 13 A. [15:38:30] *No one came out on that day. Those tanks were parked there all day,
- 14 morning till night.
- 15 Q. [15:38:43] And you were in front of your house watching these tanks all day long?
- 16 A. [15:38:50] Yes.
- 17 Q. [15:38:52] And the people inside the tanks, could they see you?
- 18 A. [15:39:00] They could see me because, you see, from there you look towards the
- 19 Paillet side. *They could see me, but they didn't use anything to look at me like
- 20 magnifying glasses, they could see me but I could see them.
- 21 Q. [15:39:15] Very well. And you didn't go to work that day?
- 22 A. [15:39:25] No.
- 23 Q. [15:39:29] Mr Witness.
- 24 A. [15:39:45] Yes.
- 25 Q. [15:39:49] At paragraph 19 you said this: "On that day the taxi drivers did not go out."

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1 A. [15:39:58] Yes.

2 Q. [15:39:59] Is that correct?

3 A. [15:40:00] Yes.

4 Q. [15:40:03] So who gave the order not to go out that day?

5 A. [15:40:09] Well, it wasn't a matter of issuing an order. The city was -- the city was
6 full of people in uniforms. The city was paralysed. You might want to go out and work
7 but -- you see, there were uniformed people everywhere, so you would go out and -- well,
8 you would be putting your life at danger if you went out and worked.

9 Q. [15:40:41] Mr Witness, at paragraph 27 of your statement, in connection with the
10 march upon the RTI, you said, and I quote: "I knew that the march would be held. We
11 had heard the call to march two days before that. Perhaps if we had not made plans to
12 travel, I might have ended up in that march myself. What is more, I had applied the
13 order from the president of the taxi drivers' union, who called all the taxis to park their
14 taxis that same day as a form of protest." Is that correct?

15 A. [15:41:40] That is correct.

16 Q. [15:41:41] So on the day of the announcement by Bakayoko, did you receive some
17 kind of order from the union, from the taxi driver union?

18 A. [15:41:53] Yes.

19 Q. [15:41:57] Very well. So the taxis were not out on the streets that day?

20 A. [15:42:05] No taxis. Cars were not driving about that day.

21 Q. [15:42:10] Very well. How did you learn that there was going to be a march upon
22 the RTI on 16 December?

23 A. [15:42:25] I heard that on the radio and I saw it on the television because after the
24 announcements *on RTI -- after the announcements the government which had won took
25 up its headquarters in the Golf Hotel, and you see they had the TCI, there was the RTI. It

- 1 was hard to understand anything. But *I heard on the tv that day that there was – they
2 were going to install the new director of the RTI.
- 3 Q. [15:43:04] Who said that?
- 4 A. [15:43:07] The RDR supporters.
- 5 Q. [15:43:11] Do you remember any name in particular?
- 6 A. [15:43:18] Huh?
- 7 Q. [15:43:19] Do you remember any name in particular?
- 8 A. [15:43:24] Well, if I remember a name, if I remember ...
- 9 Q. [15:43:30] Tell us.
- 10 A. [15:43:33] Oh, can't quite -- that day it was mister, Mr Soro Guillaume who gave that
11 order that day.
- 12 Q. [15:43:49] And that was two days before the march; is that correct?
- 13 A. [15:43:53] Yes.
- 14 Q. [15:43:53] Very well. And who were you with when you learned about this call?
- 15 A. [15:44:04] I was at home and I heard it over the radio.
- 16 Q. [15:44:09] But who were you with, with your brother, some friends, friends of your
17 brother?
- 18 A. [15:44:15] I was in the neighbourhood. I was in the neighbourhood. I was with
19 friends from the neighbourhood.
- 20 Q. [15:44:24] Were there a lot of you?
- 21 A. [15:44:27] Yes. Since -- well, yeah, a lot of us. There were a lot of us from the neighbourhood.
- 22 Q. [15:44:38] How many?
- 23 A. [15:44:39] Well, that day, well, it was the evening and the people in the
24 neighbourhood -- I couldn't count. I couldn't tell you. There were a lot of us.
- 25 Q. [15:44:53] Could you give us an estimate, 50, a hundred?

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1 A. [15:44:57] *(inaudible)... a neighbourhood who go back to their neighbourhood at
2 night, that's more than 50 people. A neighbourhood in the evening where people are piled
3 in, that's more than 100 people. It's more than 50 people.

4 Q. [15:45:09] Very well. And was your brother there or not?

5 A. [15:45:14] My brother was at work because *he doesn't sleep with me.

6 THE INTERPRETER: [15:45:25] Inaudible.

7 MS NAOURI: [15:45:28] (Interpretation)

8 Q. [15:45:29] I'm afraid we haven't understood your last answer.

9 A. [15:45:33] My brother was not staying at my place. He was at his place in the
10 neighbourhood, and I was at my place.

11 Q. [15:45:44] Now, did your brother talk to you about this call to take part in a march?

12 A. [15:45:52] No. I didn't talk to my brother about that. We were talking about our trip.

13 Q. [15:46:12] Mr Witness, you told us today, page 84, lines 5 to 12, today's transcript,
14 that you said that your brother always marched at the very front in Issia, and you
15 explained that he was a very determined person. That was the word you used. You
16 spoke of determination. So at no time you spoke of possibly taking part in this march?

17 A. [15:46:47] Well, that very day we were supposed to be travelling *(inaudible) my dad. And I
18 think I wrote that in my statement. *My father was leaving Mecca. That Thursday we were
19 supposed to travel to Issia because -- we were to travel to Issia, *to bring my dad back via...
20 to... to Issia. And it was the same Thursday that the march took place. And it was also the day
21 of his death. So I didn't have time to talk to him about the march. *We talked about the journey.
22 I said "We'll meet up in the morning at the station." *You can see that in my papers, I noted that
23 down." And I said, "We'll meet up at the north station and we will take the bus to go to Issia."

24 Q. [15:47:29] Very well. We'll get there. We'll get there. The day before the march,
25 you did see your brother, didn't you?

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1 A. [15:47:54] Yes.

2 Q. [15:47:57] And did your brother receive calls from his friends, from Bamba or
3 Ibrahim?

4 A. [15:48:06] No. He didn't receive any calls because he left my place, he went to work,
5 he came back to eat, and then we talked about the trip and then he went *home. Maybe
6 they called him or they didn't call him, I don't know.

7 Q. [15:48:23] Very well. You didn't ask him whether he was going *to take part in the
8 march?

9 A. [15:48:40] *I just said that we would meet up at the north station and I said I didn't
10 want to go there and he not be there. And he said he would be there. That's what we
11 said to one another.

12 Q. [15:48:55] Did you tell him not to go to the march?

13 A. [15:49:09] Yes. I said that we had to travel. And we were expected in Issia, so that
14 we were to meet at 9 or 10 at the northern station, and he promised that he would be
15 there.

16 Q. [15:49:28] Very well. And the head of the taxi drivers' union, had he informed you
17 already that taxis were not to drive around Abidjan?

18 A. [15:49:48] Well, *if a great man such as *Guillaume Soro – says that on Thursday
19 there are to be no taxis out, who is going to drive?

20 Q. So you decided that you would travel that day?

21 A. [15:50:15] Yes. That Thursday we were supposed to travel.

22 Q. [15:50:21] So you decided to drive within Abidjan?

23 A. [15:50:27] What do you mean?

24 Q. [15:50:29] Well, you, you were walking or going around?

25 A. [15:50:34] *Yes, just to go to Issia. Not to go to Cocody or Angré. We were just

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- 1 going to take the bus and leave Abidjan.
- 2 Q. [15:50:48] Very well. And where were you supposed to meet, which station?
- 3 A. [15:51:01] The north, the Gare Nord, the north station, not far from the bus station.
- 4 Q. [15:51:09] When?
- 5 A. [15:51:10] 9 or 10 in the morning.
- 6 Q. [15:51:13] Very well. We've been talking about this arrangement to meet your
- 7 brother at the station, but let's rewind a bit. Now, the day of the march, what did you do
- 8 after your prayers?
- 9 A. [15:51:48] After the prayers? Well, I did my prayers. I told my wife to pack.
- 10 Q. [15:52:02] And then?
- 11 A. [15:52:03] Well, we packed our various things and we were heading towards the
- 12 Gare Nord and before we got to the --
- 13 Q. [15:52:16] Yes, yes. We're going to get to that point. Let's take it -- so you weren't
- 14 in front of your home that day watching what was going on?
- 15 A. [15:52:36] No, that day I wasn't at the front. My thought was that I was going to
- 16 travel that day.
- 17 Q. [15:52:45] Very well. And when you left your home, you said you -- well, you
- 18 mentioned that you left with your wife and your children. How many children?
- 19 A. [15:52:59] Three children.
- 20 Q. [15:53:11] And does your brother have children?
- 21 A. [15:53:18] My brother left one boy behind, very brilliant as a matter of fact.
- 22 Q. [15:53:24] And was he supposed to go with you?
- 23 A. [15:53:26] At that point he wasn't *yet with me, he was with samaman.
- 24 Q. [15:53:31] And you set off on foot?
- 25 A. [15:53:35] Yes. We walked. We took the road.

- 1 Q. [15:53:42] And which direction?
- 2 A. [15:53:46] Towards Gare Nord, headed towards Adjamé.
- 3 Q. [15:53:54] And how much time does it take to walk from your house to Gare Nord?
- 4 A. [15:54:02] At least, at least an hour, at least half an hour, half an hour.
- 5 Q. [15:54:26] So you're telling us half an hour?
- 6 A. [15:54:28] Yes.
- 7 Q. [15:54:29] Very well. Now, since you knew that there was going to be a march, did
- 8 you try to find out what way would be the best way to go?
- 9 A. [15:54:46] Well, our thought was that we needed to leave before the march began.
- 10 So we left at about *7,8 or so.
- 11 Q. [15:54:59] And did you have to go by way of Djeni intersection, Djeni Kobenan?
- 12 A. [15:55:10] Well, of course, you have to go that way.
- 13 Q. [15:55:12] And did you know that that intersection was one of the gathering points
- 14 for the march?
- 15 A. [15:55:18] No.
- 16 Q. [15:55:18] But the president of the taxi drivers union told you not to go out that day.
- 17 Did he tell you which spots to avoid?
- 18 A. [15:55:33] No.
- 19 Q. [15:55:43] Was it the first time that you did not go out because of a march in
- 20 Abidjan?
- 21 A. [15:55:47] No, no, it wasn't the first time.
- 22 Q. [15:55:49] So you knew which spots to avoid in Abidjan?
- 23 A. [15:55:55] Yes, but Djeni Kobenan, that's the main road at Adjamé, so you have to go
- 24 that way if you want to go to Adjamé.
- 25 Q. [15:56:05] Very well. And your brother from his house, what way did he need to

1 go to go to the station?

2 A. [15:56:22] He needed to go *via the Williamsville intersection. *It depended on him,
3 he could take his *woro-woro* and get off and Djeni Kobenan or if more convenient for him,
4 he would have had to go *to Williamsville intersection or –

5 Q. [15:56:38] Yes.

6 A. [15:56:40] He would have to walk or take a *woro woro* or a *gbaka* and ultimately get to
7 Gare Nord.

8 Q. [15:56:53] And you didn't take a woro-woro that day?

9 A. [15:56:57] No, no, there weren't any woro-woro that day. So people had to walk.
10 We had to walk to get to the station.

11 Q. [15:57:03] And could your brother have taken a woro-woro?

12 A. [15:57:09] There weren't any.

13 Q. [15:57:11] Okay. Very well.

14 And from your brother's house to the Gare Nord, how much time?

15 A. [15:57:23] Well, he was closer, between his place and the station, 30, 30 minutes, 50
16 minutes.

17 Q. [15:57:37] Very well. And what was the traffic like as you were walking?

18 A. [15:57:49] There wasn't any. People weren't driving. People were walking.
19 People were going by.

20 Q. [15:57:59] Were there demonstrators already?

21 A. [15:58:03] No. I don't think there were demonstrators yet, not at that time.

22 Q. [15:58:12] You didn't see any demonstrators as you were on your way with your wife?

23 A. [15:58:29] When we went out, there weren't any demonstrators. There weren't any
24 demonstrators.

25 Q. [15:58:41] And when you received the call from Bamba, were there demonstrators

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1 then?

2 A. [15:58:56] At that time, no, there weren't any demonstrators. When he called me
3 we went back to the house, because we had already got to the paved road. And we went
4 back and I left my wife and the children and the luggage at home and I went out to the
5 place where my brother had died.

6 Q. [15:59:28] Very well. But let's just take it one step at a time, Mr Witness. Now, at
7 paragraph 30 of your statement, you said:

8 "We walked. There were no demonstrators at the time. At one point in time after we
9 had walked for already an hour, my cell phone began to ring. We got to the paved road
10 at the cemetery intersection. If you come from Deux Plateaux, the cemetery is to the
11 right. We were still walking and we still hadn't even got to Djeni Kobenan." End of
12 quote.

13 My first question is this: It took you one hour to walk from your home to the cemetery
14 intersection; is that correct?

15 A. [16:00:33] Yes.

16 Q. [16:00:33] At that pace one hour to walk from your house to that intersection. How
17 much time would it have taken you to get to the station at that pace?

18 A. [16:00:51] *Well yes, with the children and the luggage on our heads we were held
19 up a great deal.

20 Q. [16:01:07] Did it take you the same amount of time to go back home?

21 A. [16:01:11] Well, when I learned that my brother had died, I left my wife behind. I
22 took a few times. But it didn't take me a long time to get back home.

23 Q. [16:01:24] So Mr Bamba called you and he told you, he gave you the bad news, and
24 you left your wife all alone with the children to *go home, is that so?

25 A. [16:01:38] No. It's not as if I just left her there. I took some pieces of luggage and

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1 *I hurried and went to and fro picking things up. And I took the kids and I went back
2 with her to the house. And after that then I went back out to go and see where my
3 brother had died.

4 Q. [16:02:10] Very well.

5 MS NAOURI: [16:02:20] (Interpretation) Your Honour, I see that it is 5 past. I don't
6 know whether you wanted to stay till quarter past because we did start a little bit late.

7 PRESIDING JUDGE TARFUSSER: [16:02:28] Yes, go ahead until quarter past. I don't
8 know what the timing is. What do you foresee?

9 MS NAOURI: [16:02:35] (Interpretation) We have approximately 40 minutes to go,
10 Mr President.

11 PRESIDING JUDGE TARFUSSER: [16:03:00] This means that we go to quarter past and
12 then we have tomorrow morning a session and that should be enough for tomorrow
13 morning. Thank you.

14 So we do another 10 minutes and then we adjourn until tomorrow 8.30 -- 9.30. Sorry.
15 Please go ahead.

16 MS NAOURI: [16:03:23] (Interpretation) I thank you, Mr President President.

17 Q. [16:03:26] So, Mr Witness, when Mr Bamba called you did he explain to you in detail
18 what had happened?

19 A. [16:03:50] I put in my statement what Mr Bamba said to me, and you will be able to
20 note that.

21 Q. [16:03:59] Indeed, Mr Witness, you do say some things in your statements. But we
22 do have a number of clarification questions to put to you. Did Mr Bamba on that day say
23 to you how your brother and he had met, had chanced upon each other when walking
24 towards the Macaci intersection?

25 A. [16:04:57] He just said that the law enforcement had shot at them and that my

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1 brother had fallen. He did not go into details about how they were marching.

2 Q. [16:05:12] And did you not -- I'm sorry. And you didn't talk about it again together
3 subsequently, did you?

4 A. [16:05:22] It was when I returned to the location where I found my brother
5 surrounded by blood. And there were a few bodies lying there.

6 Q. [16:05:33] Mr Witness.

7 A. [16:05:34] Yes.

8 Q. [16:05:35] My question to you is: What Bamba said to you, whether it be on the day
9 of the march or possibly subsequently, because the more information we have on it,
10 because you were not there, the more we will be able to understand here what happened,
11 all right. So at a given moment in time did Mr Bamba say to you why he and your
12 brother were on their way to the Macaci intersection?

13 A. [16:06:11] No, he did not tell me that.

14 Q. [16:06:16] Did Bamba tell you that he and your brother had come from Djeni
15 Kobenan?

16 A. [16:06:37] No.

17 Q. [16:06:40] Did he tell you whether they were due to go to the RTI on that day?

18 A. [16:06:52] Neither.

19 Q. [16:06:53] He did not tell you anything about that?

20 A. [16:06:56] No.

21 Q. [16:06:59] Did Bamba explain to you how he and your brother got together on that
22 day?

23 A. [16:07:12] When he called me, he said that law enforcement had shot at them, that
24 they were marching and that the law enforcement had shot at them and that my brother
25 had fallen.

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1 Q. [16:07:27] That's clear, Mr Witness. That's clear, Mr Witness. But we are trying to
2 understand the information that you were privy to on that day. You said that they had
3 gone -- they had left to go. To go where?

4 A. [16:07:54] *On that day we were due to travel. We went to Gare Nord. So from
5 Macaci he was supposed to go to Gare Nord. So he was on his way to Gare Nord. As to
6 whether he then coincided with the marchers, I don't know. As whether they coincided
7 then, they chanced upon the marchers who *had come from Anyama or Abobo I don't
8 know. But on that day he was on his way to Gare Nord.

9 Q. [16:08:24] Very well. But he did meet Mr Bamba on that day, because they were
10 together, were they not?

11 A. [16:08:36] Yes, yes. On that day it was Bamba who called me. I don't know where
12 they met, whether they met each other at home or whether Bamba was accompanying him
13 to the station. But Bamba called me to say that he had fallen.

14 Q. [16:08:53] And you never asked Bamba why they were together on that day?

15 MS HUCK: [16:09:04] (Interpretation) Mr President, I do believe the witness has
16 already answered that question.

17 PRESIDING JUDGE TARFUSSER: [16:09:14] Did Mr Bamba tell you why they were
18 together?

19 THE WITNESS: [16:09:26] (Via video link) (Interpretation) Well, he didn't tell me that.
20 *It's his friend. Maybe he was leaving to accompany him to the station. I didn't try and
21 find out why he was with Bamba on that day. And I was expecting to meet him at the
22 station. And then I was called and told that he was dead. What was I going to ask
23 Bamba at the time? What do you think?

24 PRESIDING JUDGE TARFUSSER: [16:10:07] Okay. Madam Naouri.

25 MS NAOURI: [16:10:09] (Interpretation) Thank you, Mr President.

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1 Q. [16:10:10] Did you see Bamba again after the day of the march?

2 A. [16:10:14] When he called me to say that my brother had fallen, I came and found
3 Bamba there in the company of marchers, and he explained to me what had happened.

4 Q. [16:10:28] Mr Witness.

5 A. [16:10:31] Yes.

6 Q. [16:10:32] In your statement, paragraph 30, you say that you knew Bamba well.

7 And my question to you is simple. It's not the day of the march, but it's the day or after
8 that, did you see Bamba again?

9 A. [16:10:48] Yes.

10 Q. [16:10:51] How many times?

11 A. [16:10:55] Until the body of my brother was taken away.

12 Q. [16:11:05] And did you speak to Mr Bamba in order to find out why he and your
13 brother were together on that day? That was my question.

14 A. [16:11:17] Yes. I -- well, they explained to me why they were together and how
15 things happened.

16 Q. [16:11:25] And what did he say to you? Why were they together?

17 A. [16:11:33] Well, he told me that they were on their way to Gare Nord. He was
18 accompanying him there, because we were due to travel. He was his friend and he was
19 accompanying him there.

20 Q. [16:11:49] Very well.

21 PRESIDING JUDGE TARFUSSER: [16:12:07] I think no, if you pass to a new argument, I
22 don't know, but it seemed to me that you are like going into a new argument.

23 MS NAOURI: [16:12:21] (Interpretation) Nearly, Mr President. I have a few more
24 questions on this subject and then I'll bring it to a close.

25 Q. [16:12:31] Did Bamba tell you whether there were any other people with him and

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1 your brother whilst they were marching?

2 A. [16:12:48] Yes. Bamba told me that they were leaving and then the march was
3 leaving Abobo to go and it coincided with their departure, and that was when the law
4 enforcement opened fire with real bullets.

5 Q. [16:13:11] Mr Witness, who is "they," "they" in the plural?

6 A. [16:13:16] The marchers. It coincided with the marchers.

7 Q. [16:13:22] Mr Witness, in paragraph 32 you say, and I quote:

8 "I do not know how my brother Aly found himself there at the march whilst we had plans.
9 To my mind it can be put down to his youth. He was led astray. As I said, he really
10 didn't like Gbagbo and he was very determined." End of quote.

11 Who might have led your brother astray?

12 A. [16:13:53] On that, that day it was, well, it's not -- we were supposed to travel. I
13 didn't say that he was led astray. We were supposed to travel. As to whether
14 somebody led him astray, I don't know. But I don't know how my brother found himself
15 there, because he can't -- he didn't say he was in the march, because to my mind we were
16 due to travel on that day.

17 Q. [16:14:29] Mr Witness, did Mr Bamba tell you where he was when he made that
18 telephone call?

19 A. [16:15:00] Yes.

20 Q. [16:15:01] Where was he?

21 A. [16:15:03] At the intersection, the Macaci intersection.

22 Q. [16:15:10] And how far is that or how long will it take from your place?

23 A. [16:15:17] Well, from my place, that might be on foot about half an hour. On foot
24 it's quite a way. Half an hour to an hour.

25 Q. [16:15:37] Did Bamba tell you on the telephone what he was going to do after he had

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1 spoken to you?

2 A. [16:15:44] No.

3 Q. [16:15:47] So you did not know whether he was going to wait for you or not?

4 A. [16:15:52] Well, when he called me, I said that I would go there.

5 MS NAOURI: [16:16:05] (Interpretation) Your Honour, Mr President, I think that's it
6 for today. Thank you.

7 PRESIDING JUDGE TARFUSSER: [16:16:11] That's it indeed. We adjourn tomorrow
8 morning, to tomorrow morning at 9.30.

9 Mr Witness, thank you for your time. We will continue tomorrow morning, and I can
10 assure you that tomorrow morning we will also finish. Therefore, tomorrow 9.30 our
11 time and 8.30 your time. Thank you very much.

12 Court officer in the remote location, thank you. And see you tomorrow morning, 9.30.

13 THE COURT OFFICER: (Via video link) [16:16:47] Thank you, your Honours.

14 PRESIDING JUDGE TARFUSSER: [16:16:49] Thank you very much.

15 The hearing is adjourned.

16 THE COURT USHER: [16:16:51] All rise.

17 (The hearing ends in open session at 4.16 p.m.)