

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing - Courtroom 1
9 Monday, 5 December 2016
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:48] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:35:14] Good morning.
15 Good morning to you in the remote location.
16 THE COURT OFFICER: [9:35:22] (Via video link) Good morning, your Honours.
17 PRESIDING JUDGE TARFUSSER: [9:35:24] I do know that we have quite some
18 problems this morning, one is related to our witness, who is not in the location as I think;
19 is that correct?
20 THE COURT OFFICER: [9:35:46] (Via video link) Yes, P-117 is not at the location.
21 PRESIDING JUDGE TARFUSSER: [9:35:50] Yes, but what's going on in order to have
22 her here?
23 THE COURT OFFICER: [9:35:56] (Via video link) Your Honours, I do not have that
24 information. I will need to verify with the colleagues of the Victims and Witnesses
25 Section on what it would take for her to be present.

1 PRESIDING JUDGE TARFUSSER: [9:36:08] Yes. Can you please make this, try to find
2 out what is going on in order to make her come to the remote location.

3 And in the meanwhile we -- I think I have had -- I've been informed that the OTP is
4 wanting to address the Chamber, so I log off with the remote location for the time being --

5 THE COURT OFFICER: [9:36:42] (Via video link) All right.

6 PRESIDING JUDGE TARFUSSER: [9:36:43] -- and then we hear each other a little bit
7 later in order to have news about 117, okay?

8 THE COURT OFFICER: [9:36:52] (Via video link) All right. Thank you.

9 PRESIDING JUDGE TARFUSSER: [9:36:53] Thank you.

10 So I've heard -- I've been informed that 117 is coming, but it will need about one hour and
11 a half to bring her in.

12 MR MACDONALD: [9:37:13] So --

13 PRESIDING JUDGE TARFUSSER: [9:37:15] We need one hour and a half to bring her
14 in.

15 MR MACDONALD: [9:37:18] Okay, good development in that case, your Honour. If
16 you allow me to address the Chamber?

17 PRESIDING JUDGE TARFUSSER: [9:37:24] Yes. On 107?

18 MR MACDONALD: [9:37:28] On 117. And I -- sorry to the interpretation.

19 Two things I wanted to address, 117, but I understand that she's now coming, which is a
20 good development. We're in public, your Honour, so --

21 PRESIDING JUDGE TARFUSSER: [9:37:41] Yes.

22 MR MACDONALD: [9:37:41] -- I will not go any further because I understand she was
23 testifying in private session.

24 PRESIDING JUDGE TARFUSSER: Yes.

25 MR MACDONALD: Now, we may want to verify with the remote location, but in the

1 meantime we could sworn in the next witness to begin with, that's a proposal.

2 Now, in relation to that witness, just to inform you of two things: The Defence on Friday,

3 6 p.m. sent a request to lift redactions to victims applications, if I'm not mistaken, to which

4 we object, both the legal reps and -- Legal Representatives, sorry, and the Prosecution.

5 I've informed my colleague orally just now this morning.

6 But there's a second issue that I just want to raise. During the familiarisation the

7 witnesses have an opportunity to read their statements and apparently the witness had

8 made corrections to one detail in her statement and we have asked VWU to provide a

9 copy to the Defence and the Chamber of this modification. So we don't know if it was

10 done, but essentially what it is it's a spelling mistake to the nickname of the witness and

11 doesn't go to the content, which --

12 PRESIDING JUDGE TARFUSSER: [9:39:03] Of this witness, 117?

13 MR MACDONALD: [9:39:06] For 555, sorry.

14 PRESIDING JUDGE TARFUSSER: [9:39:08] 555, okay.

15 MR MACDONALD: [9:39:09] And this is why I would like the VWS to forward it, or

16 we're in a position to send you a PDF copy right now if preferable confirming this.

17 PRESIDING JUDGE TARFUSSER: [9:39:23] Yes, but I think it's, to put it on the record,

18 if it's only for the nickname, I mean --

19 MR MACDONALD: [9:39:30] We can do that in the examination-in-chief.

20 PRESIDING JUDGE TARFUSSER: [9:39:32] Yes, we just put it on the record.

21 MR MACDONALD: [9:39:34] Yes, that's what we intended to do, but I'm just being

22 very transparent about the process.

23 And that's pretty much what I had to say, your Honour. Thank you.

24 PRESIDING JUDGE TARFUSSER: [9:39:47] Thank you very much.

25 Maître Altit.

1 MR ALTIT: [9:39:53] (Interpretation) Thank you, Mr President. Good morning,
2 your Honours.

3 PRESIDING JUDGE TARFUSSER: [9:39:58] To say that, in the meanwhile, I received
4 the message from VWU that the witness will be here, it will take about -- until 11 o'clock,
5 quarter to 11, 11 she will be here.
6 Please.

7 MR ALTIT: [9:40:16] (Interpretation) Thank you. A quick response to the OTP and
8 regarding, first of all, the modification in the name of the witness. We take note of that.
9 And secondly, the application for the lifting of redactions that we filed that was last
10 Friday. As far as we're concerned, this is an important request which will make it
11 possible for us to ask crucial questions to the witness. And rather than an oral -- oral
12 submissions here, we asked for lifting of redaction in an inter partes basis. Following the
13 directives of the Chamber, the OTP refused, but the simplest thing is to continue with our
14 application and then the Chamber will rule rather than going into oral discussions about it,
15 that's simply the proposal that I would like to make.

16 PRESIDING JUDGE TARFUSSER: [9:41:45] Mr Knoops.

17 MR KNOOPS: [9:41:50] Good morning, Mr President, we have no observations and we
18 support the request of the Gbagbo team. Thank you.

19 PRESIDING JUDGE TARFUSSER: [9:41:58] Okay, thank you.
20 Madam Massidda.

21 MS MASSIDDA: [9:42:01] Mr President, your Honours, good morning. My apologies.
22 We are ready to argue this questioning now if the Chamber so wishes. If the Defence is
23 allowed to explain in writing the reasons for this request, we will then ask to respond in
24 writing. Thank you.

25 MR MACDONALD: [9:42:27] Same with the Prosecution, your Honour, we're

1 ready -- we have time right now, it is as you wish. It is very short.

2 PRESIDING JUDGE TARFUSSER: [9:42:36] I think we should discuss it now. We
3 have time to do it, so I think I give the floor to the Prosecutor and the -- no, but they have
4 already made the application.

5 MR MACDONALD: [9:42:54] But you don't have the details.

6 PRESIDING JUDGE TARFUSSER: [9:42:56] Yes, of course, but if you want to argue on
7 this, but I think we have the -- we have the application, so.

8 Yes, please, Maître Altit.

9 MR ALTIT: [9:43:14] (Interpretation) Thank you, Mr President. I believe that your
10 Chamber has not received the written filing so I'm going to summarise it.

11 Your Honours, we were applying for lifting of redactions in application of paragraph 5 of
12 the protocol setting up a redaction scheme in our case adopted by your Chamber on
13 15 December 2014.

14 We wanted and we still want, for the purpose of preparing properly the questioning of
15 P-555 to have two redactions lifted, and these are points 20, page 25, on page 0211 on the
16 application for the participation of the witness.

17 On point 24, the person who has assisted the Witness 555 to fill out the form and the name
18 of the organisation for which this person works they are redacted. And you are aware,
19 your Honours, how crucial it is for us to understand the process leading to the filling out
20 of the application for participation and who did what.

21 A short while ago we heard a few days ago a dual status witness stated that she, herself,
22 did not fill out her application for participation. So it is important to know what was the
23 role in part and influence of those who contributed in the filling out of the application and
24 who -- or, who filled it out in full or advised dual status witnesses.

25 Regarding these two redactions, it is all the more relevant because the Chamber know

1 who these people, has information regarding these people were.

2 P-555 told investigators of the OTP, and I quote --

3 PRESIDING JUDGE TARFUSSER: [9:46:04] What was that?

4 MS MASSIDDA: [9:46:06] Your Honour, I'm sorry to interrupt, my --

5 PRESIDING JUDGE TARFUSSER: Yes.

6 MS MASSIDDA: -- colleague, but we are in open session. And if Mr Altit is going to
7 quote from paragraph 20 of a witness statement, I'm asking that this will be done in
8 private session.

9 PRESIDING JUDGE TARFUSSER: [9:46:22] I -- may I ask, we know what the problems
10 are. May I just -- we should really be very concise because it's always the same, we
11 should not always raise the same principles and -- we do know. So I think we can be
12 very, very concise and just limit ourselves on what is needed and try to limit our -- the
13 discussion on the very subject.

14 MR ALTIT: [9:46:52] (Interpretation) Very well, Mr President. Firstly, we already
15 have information. We do not know why those two redactions need to be maintained.
16 Secondly, it is indispensable so that we should be able to know who is doing what. The
17 involvement of the witness victim in the whole procedure, what she said, is it really what
18 she said, or was something whispered to her, or was she -- or, was the witness influenced?
19 That is fundamental.

20 And secondly, there is no risk of putting that person in danger. Zero risk at all. So the
21 person whose -- that is the person whose name is redacted.

22 Fourthly, you know that people who have dual witness status sometimes declare this
23 publicly, so it becomes a moot point, so it is indispensable for us to know what -- who did
24 what. And we need to know to what extent the witnesses expressing themselves
25 spontaneously and that everything comes from that witness.

1 And secondly, obviously we might be told that this will put the person at risk, whereas
2 the other side is not able to justify any risk at all. That is what I can say in a nutshell,
3 Mr President.

4 PRESIDING JUDGE TARFUSSER: [9:48:36] Thank you very much.
5 Legal Representative.

6 I think -- Mr Knoops, I think you agree and --

7 MR KNOOPS: [9:48:48] Yes, Mr President.

8 PRESIDING JUDGE TARFUSSER: Okay.

9 MR KNOOPS: No observations. Thank you.

10 PRESIDING JUDGE TARFUSSER: [9:48:52] Thank you. No further observations.
11 Legal Representative.

12 MS MASSIDDA: [9:48:59] Thank you, your Honour. We have three very short
13 remarks.

14 The first one, we recall on our previous arguments in relation to these specific issues,
15 which has already been ruled upon by the Chamber, in particular the last remark just
16 made by Maître Altit was specifically ruled lastly on 28 November. There is a ruling of
17 the Chamber reiterating that the name of the intermediary shall remain redacted, mainly
18 also because the lifting of the redaction may have an impact on the possibility for the legal
19 representative to continue her activities in the field. This is the case also in this instance.
20 Our second arguments is, as underlined by Maître Altit, the Defence seems the need of
21 lifting the redaction in relation to what is written in paragraph 20 of the statement of
22 witness.

23 Now, paragraph 20 relates to the way in which the witness, who is also a victim, was
24 made in contact with his lawyer. An area of questioning which, in our opinion, should
25 not even be put to the witness because this fact is not the facts on which the witness is

1 called to testify.

2 Third point, the Defence, in the email sent on Friday, is indicating that the Defence has
3 already knowledge of this information.

4 Now, in our arguments, the Defence should not be aware of this information; in other
5 words, we argue that this is actually an inadvertent disclosure which was not realised at
6 the beginning and that this information should not have been disclosed to the Defence ab
7 origine. By this fact we consider that the Defence should not even use that information
8 for the questioning of a witness.

9 Lastly, your Honour, in any case, in this specific instance, it is sufficient to look at the
10 witness statement and to the application form to realise that the Defence is going now to a
11 fishing expedition for the very simply reason that the name in this statement and in the
12 application form is not the same.

13 PRESIDING JUDGE TARFUSSER: [9:51:53] Thank you.

14 Office of the Prosecutor.

15 MR MACDONALD: [9:51:57] Nothing to add, your Honour.

16 PRESIDING JUDGE TARFUSSER: [9:52:02] Thank you very much.

17 So we could now, just to accelerate, connect again with the remote location and make all
18 the introduction and the identification of Witness 555 and then suspend until the
19 Witness 117 comes in so that we make some steps ahead.

20 Court officer in the --

21 THE COURT OFFICER: [9:53:54] (Via video link) Yes, your Honours.

22 PRESIDING JUDGE TARFUSSER: [9:53:56] Hello.

23 THE COURT OFFICER: [9:53:57] (Via video link) Hello.

24 PRESIDING JUDGE TARFUSSER: [9:53:58] I'm informed that 555 is there; is that
25 correct?

- 1 THE COURT OFFICER: [9:54:03] (Via video link) Yes, 555 was here but as soon as the
2 colleagues of the Victims and Witness Section confirmed that 117 is coming they decided
3 move 555 away from location. There is just one small waiting room for all the witnesses.
- 4 PRESIDING JUDGE TARFUSSER: Mmm.
- 5 THE COURT OFFICER: (Via video link) Yes.
- 6 PRESIDING JUDGE TARFUSSER: [9:54:24] Because I -- well, when you say that he has
7 been moved away, is that far away or is --
- 8 THE COURT OFFICER: [9:54:35] (Via video link) I was informed right now that he
9 has been taken to an hotel to wait for the time that he would restart.
- 10 PRESIDING JUDGE TARFUSSER: [9:54:44] Okay. I think we should simply adjourn
11 and that's it. Okay, so we leave it for the afternoon. So he should be here at 2.30 --
- 12 THE COURT OFFICER: [9:54:59] (Via video link) Yes.
- 13 PRESIDING JUDGE TARFUSSER: [9:55:02] -- The Hague hour, 1.30 for you.
- 14 THE COURT OFFICER: (Via video link) Okay.
- 15 PRESIDING JUDGE TARFUSSER: So probably we can start at that time. And see you
16 later then.
- 17 THE COURT OFFICER: [9:55:10] (Via video link) Okay.
- 18 PRESIDING JUDGE TARFUSSER: [9:55:11] We disconnect again and -- we come back
19 here with a tentative between -- as soon as we are informed that the witness is here -- and
20 I was informed that the witness could be there at 10.45.
- 21 THE COURT OFFICER: [9:55:26] (Via video link) Yes, I've been informed that the
22 witness is on the way and as soon as the witness is here I will immediately inform The
23 Hague that the witness has arrived at location.
- 24 PRESIDING JUDGE TARFUSSER: [9:55:34] Okay. Thank you very much.
- 25 THE COURT OFFICER: [9:55:36] (Via video link) Yes, thank you.

1 PRESIDING JUDGE TARFUSSER: [9:55:38] So I will make a tentative adjournment to
2 10.45.

3 THE COURT OFFICER: [9:55:43] (Via video link) Yes, thank you.

4 PRESIDING JUDGE TARFUSSER: [9:55:44] Thank you very much.

5 So the hearing is adjourned to 10.45 and -- well, we'll see. In any case, until -- if the
6 witness doesn't arrive we can't start, so.

7 THE COURT USHER: [9:56:03] All rise.

8 (Recess taken at 9.56 a.m.)

9 (Upon resuming in closed session at 11.33 a.m.)

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0117

(Closed Session)

ICC-02/11-01/15

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- 18 (Upon resuming in open session at 2.48 p.m.)
- 19 THE COURT USHER: [14:48:46] All rise.
- 20 Please be seated.
- 21 PRESIDING JUDGE TARFUSSER: [14:48:58] Well, good afternoon to everybody in here.
- 22 Good afternoon also to the people in the remote location.
- 23 Before bringing in the witness I would read out a decision, the oral decision.
- 24 THE COURT OFFICER: (Via video link) [14:49:32] Good afternoon, your Honours.
- 25 PRESIDING JUDGE TARFUSSER: [14:49:37] Good afternoon. I would like to read out

1 the decision on the request, the oral decision on the request of the Defence of Mr Gbagbo
2 for the lifting of the redaction of the intermediary in the victim's participation form of
3 Witness 555, which is the next witness. We heard the submissions by the Defence this
4 morning, and they are in the realtime transcript English from line pages 6 to 11.
5 The Defence for Mr Blé Goudé supports the request, while the legal representative and the
6 Prosecutor opposes it.
7 As stated by the Chamber on 29 November 2016, the redaction protocol provides a legal
8 basis for the redactions of names and contact information of intermediaries when
9 disclosure would put them on the ongoing investigations or the ongoing investigations at
10 risk.
11 And I'm referring to the decision 737, annex A, paragraphs 26 to 30, and also the decision
12 202 in this case.
13 Although the redaction protocol refers mainly to the intermediary of the so-called calling
14 party, the same applies to the LRV intermediaries.
15 The main objective of the redaction is the same, to protect these individuals from
16 intimidation or interference and not to prejudice ongoing or further investigations.
17 The redaction protocol further states, and I quote, "Nonetheless, the current determination
18 under Rule 81(2) of the rules can be reassessed at a later stage should circumstances
19 change or new information emerge." End of quote. The quotation is from paragraph 39
20 of the decision 737 I referred to.
21 However, at this stage the Defence has not substantiated why the name of the said
22 intermediary has become a live issue in this case. The Defence stated earlier today that it
23 is, and I quote, "Crucial for it to understand the process leading to the filling out of the
24 application." But the Chamber fails to see how this is the case, in particular in light of the
25 fact that victims' participation applications forms are not evidence.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 Accordingly, the request to lift this redaction is rejected.

2 Now please, madam court officer in the remote location, could you please bring the
3 witness in. Thank you.

4 THE COURT OFFICER: (Via video link) [14:53:36] Yes, your Honour.

5 (The witness enters the video link room)

6 PRESIDING JUDGE TARFUSSER: [14:54:15] Mr Witness, good afternoon. Can you
7 hear me?

8 WITNESS: CIV-OTP-P-0555

9 (The witness speaks French)

10 (The witness gives evidence via video link)

11 THE WITNESS: [14:54:25] (Via video link) (Interpretation) Yes, I can. Good
12 afternoon.

13 PRESIDING JUDGE TARFUSSER: [14:54:28] Thank you.

14 Before starting the questioning by the parties, we have to do some introductory issues.

15 The first relates to your identification. Can you please tell me your full name, date and
16 place of birth?

17 THE WITNESS: [14:55:09] (Via video link) (Interpretation) My name is Sanogo
18 Broulaye.

19 PRESIDING JUDGE TARFUSSER: [14:55:21] And you have been born in Abidjan on 8
20 May 1982; is that correct?

21 THE WITNESS: [14:55:40] (Via video link) (Interpretation) Yes.

22 PRESIDING JUDGE TARFUSSER: [14:55:41] You are an Ivorian citizen, correct?

23 THE WITNESS: [14:55:45] (Via video link) (Interpretation) Yes.

24 PRESIDING JUDGE TARFUSSER: [14:55:49] And your ethnicity is Dioula?

25 THE WITNESS: [14:55:54] (Via video link) (Interpretation) Yes, yes.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [14:55:56] And you are of Muslim faith; is that
2 correct?

3 THE WITNESS: [14:56:02] (Via video link) (Interpretation) Yes.

4 PRESIDING JUDGE TARFUSSER: [14:56:14] Now I give you some information, some
5 preliminary information. The first one is that you have requested that you need reading
6 assistance in case a document is put to you during the testimony. So obviously the
7 Chamber granted the reading assistance.

8 But beyond the reading assistance, if at any time you need, you have a need, you are not
9 at ease, you want to say something to the Chamber, please address your concerns to me.
10 Do you understand? Is that okay?

11 THE WITNESS: [14:57:19] (Via video link) (Interpretation) Yes, yes. I understand. I
12 wanted to go back to my old job that I was doing before. I was a trader. I travelled a bit.
13 I would go and get goods. And then after the war, you see, I lost everything and I didn't
14 have any job. And with everything that happened to me and, you see, I'm not working,
15 I'm not doing anything, I just manage to get by with my cousins. So really, it's not -- it's
16 pretty tough for me, so that's why -- so that's what's happening to me right now.

17 PRESIDING JUDGE TARFUSSER: [14:58:08] Okay. We will take care as much as we
18 can of your needs.

19 I think you are testifying in French, you are speaking French, right?

20 THE WITNESS: [14:58:24] (Interpretation) Yes, yes.

21 PRESIDING JUDGE TARFUSSER: [14:58:26] As you can hear, I speak in English, and I
22 speak very slow, and this is not because I could not speak faster, but because I have to
23 take care of the fact that everything I say is correctly interpreted and written down by the
24 interpreters and the court reporters. So I would ask you to do the same, to speak slowly
25 and to speak clear into the microphone.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 This is even more important when it comes to the questioning by the parties who might
2 and will, some at least, question you in French. So you have to be aware that we do not
3 overlap and that you speak slowly. If this is the case, I will stop you or stop the
4 questioner as it often happens and try to slow you down, okay?

5 THE WITNESS: [14:59:56] (Interpretation) Yes. That's fine, that's fine.

6 PRESIDING JUDGE TARFUSSER: [14:59:59] Now we come to your testimony. You are
7 certainly aware of the fact that this Chamber has been established to try the case of the
8 Prosecutor against Mr Gbagbo and Mr Blé Goudé.

9 You are a witness, and a witness is called to help us, to help the judges, to help all we are
10 in here to find the truth. And in order to do so, you will be asked questions by the
11 Prosecutor and by the Defence of Mr Gbagbo and Mr Blé Goudé and possibly also by the
12 Chamber. So what I would ask you, and this is your duty, to respond and to respond
13 truthfully, to say the truth.

14 THE WITNESS: [15:01:14] (Via video link) (Interpretation) No problem.

15 PRESIDING JUDGE TARFUSSER: [15:01:17] As a witness you have also, well, you have
16 to make a solemn undertaking to this effect, this is requested by law, and therefore I
17 would ask you to repeat with me the following words: I solemnly declare that I will
18 speak the truth.

19 THE WITNESS: [15:01:46] (Via video link) (Interpretation) I solemnly state that I shall
20 tell the truth.

21 PRESIDING JUDGE TARFUSSER: [15:01:52] The whole truth and nothing but the truth.

22 THE WITNESS: [15:01:57] (Via video link) (Interpretation) The whole truth and
23 nothing but the truth.

24 PRESIDING JUDGE TARFUSSER: [15:02:02] Thank you.

25 And now I must obviously inform you that not saying truth is an offence against the

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 Court and as such punishable. You have understood this?

2 THE WITNESS: [15:02:21] (Via video link) (Interpretation) Yes.

3 PRESIDING JUDGE TARFUSSER: [15:02:29] Okay. Now, Mr Witness, you have in
4 front of you and the Chamber has before it your written statement, meaning the statement
5 you gave to the Office of the Prosecutor on 27-28 February and 2 March 2015. Do you
6 recall that you gave this testimony -- this statement to the Office of the Prosecutor?

7 THE WITNESS: [15:03:06] (Via video link) (Interpretation) Yes.

8 PRESIDING JUDGE TARFUSSER: [15:03:06] For the record I'm referring to the
9 statement CIV-OTP-0077-0128 and the annexes 0077-148, 149, 150, and 151.

10 I ask you now if you confirm that you gave this statement to the Office of the Prosecutor
11 in February and 2 March 2015.

12 THE WITNESS: [15:03:52] (Via video link) (Interpretation) Yes.

13 PRESIDING JUDGE TARFUSSER: [15:04:04] Have you had also the opportunity to read
14 it or to have it read to you by somebody of the VWU in the last days, last few days?
15 Have you been reminded of that? Has somebody read it out to you?

16 THE WITNESS: [15:04:23] (Interpretation) Yes, yes.

17 PRESIDING JUDGE TARFUSSER: [15:04:32] And did you make a change?

18 THE WITNESS: [15:04:46] (Via video link) (Interpretation) Yes. It was about my
19 name. My name is Broulaye Sanogo and they had put Ablou. That was a nickname,
20 not Blou. It's Sanogo Broulaye. That was the only thing that I saw, the only thing I
21 noticed. That was the only thing when they read the statement to me.

22 PRESIDING JUDGE TARFUSSER: [15:05:18] Okay. Thank you. The Chamber has
23 decided on 9 June, 9 June 2016 in the filing number 573 that your written statement is
24 suitable for introduction under Rule 68(3) of the Rules of Procedure and Evidence in the
25 record of the case. This means for you that rather than you giving -- having to give the

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 entirety of the evidence orally here once again, the Chamber could use your written
2 statement.

3 Nevertheless, you would still be asked supplementary questions by the Prosecutor and
4 you will still be examined by the Defence teams.

5 Rule 68(3) states that the Chamber may allow the introduction of previous recorded
6 testimony if the witness, if you, if the witness does not object and if the Prosecutor, the
7 Defence and the Chamber have in any case the opportunity to examine the witness. And,
8 therefore, I ask you, do you agree with the introduction of your written statement in the
9 record of the case?

10 THE WITNESS: [15:07:00] (Via video link) (Interpretation) Yes, yes.

11 PRESIDING JUDGE TARFUSSER: [15:07:07] Thank you. So in light of the fact that you
12 are here today and available for examination by the parties and the Chamber, the
13 Chamber notes that all the requirements of Rule 68(3) have been met. And therefore the
14 introduction of the written statement of Witness 555 is allowed and I'm referring to the
15 written statements to the numbers I gave just a couple of minutes before.

16 So these items, the statement and the four annexes, are considered as submitted. So this
17 is all the preliminary things I have to tell you. And I give now the floor to the Office of
18 the Prosecutor for its examination. And the Office of the Prosecutor have indicated in
19 about 45 minutes that they will need 45 minutes for your supplementary examination.
20 Okay, you're fine?

21 THE WITNESS: [15:08:36] (Via video link) (Interpretation) Yes, yes, that's fine.

22 PRESIDING JUDGE TARFUSSER: [15:08:40] Okay. The floor is to the Office of the
23 Prosecutor.

24 MS CHUBIN: [15:08:45] Thank you, Mr President.

25 QUESTIONED BY MS CHUBIN: (Interpretation)

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 Q. [15:08:55] Good afternoon, Mr Witness.

2 Good afternoon, Mr Witness. Can you see me?

3 A. [15:09:10] Yes, I can see you. Good afternoon.

4 Q. [15:09:13] We met last week?

5 A. [15:09:14] Yes.

6 Q. [15:09:15] My name is Yasmine Chubin. I will be putting a few questions to you on
7 behalf of the OTP. Now, if I ask you a question and you don't understand, don't hesitate
8 to ask me to rephrase.

9 A. [15:09:32] Sure.

10 Q. [15:09:32] One last point. We are going to refer to you or address you as
11 Mr Witness. This is a practise that we have in the courtroom. The Presiding Judge
12 asked you a few questions about your witness statement and I'll ask you one last question
13 about this statement. Now, is all the information you gave in your statement true to the
14 best of your knowledge?

15 A. [15:09:58] It is true.

16 Q. [15:10:00] Very well. So I don't need to ask you for all the information all over
17 again. I'm not going to have you repeat what you've already told the investigators, but I
18 will ask you a few supplementary questions. I will remind you that we all have a copy
19 of your statement. We have all read the statement and it is clear. There is just a few
20 points we need to clarify, all right?

21 My first question has to do with the ticket that you received when you left the MACA
22 prison. And if we could just put this up on the screen. This is at tab 3 of our list. It's a
23 confidential document, CIV-OTP-0017-0249. 0077-0149.

24 Mr Witness, I'm just waiting for the document to be put up on the screen.

25 Now, Mr Witness, when you were released from the MACA prison, you received this

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 form?

2 A. [15:12:13] Yes.

3 Q. [15:12:14] And at paragraph 43 you said that there were a number of mistakes on
4 this release form, the form that you got when you were released from the prison having to
5 do with your name. Now, if I read out your name, your name was recorded Abdoulaye
6 Sanogo. Could you specify which correction is necessary?

7 A. [15:12:44] That's the name that everyone calls me. But it's Broulaye Sanogo on my
8 birth certificate. You see, some people have trouble pronouncing the name, so, you see,
9 there was a problem with the pronunciation. Instead of saying Abdoulaye, that's my
10 normal name, but some relatives can't say Abdoulaye properly, so that is why they might
11 say Broulaye Broulaye Broulaye. So that was included in this form as well as my
12 nationality. That's all.

13 Q. [15:13:27] Okay. Fine. We understand.

14 I'd now like to show you another document. Now, before we show you this other
15 document I would like us to have another look at this form that you received when you
16 were released from prison. And if we could look at the photograph. Do you recognize
17 this photograph?

18 THE INTERPRETER: [15:14:03] Inaudible. Inaudible.

19 PRESIDING JUDGE TARFUSSER: [15:14:06] We cannot hear you, Mr Witness.

20 THE WITNESS: [15:14:10] (Via video link) (Interpretation) I can see the photograph.

21 MS CHUBIN: [15:14:21] (Interpretation)

22 Q. [15:14:22] Now, is the release form still up on the screen?

23 A. [15:14:25] No, no, it's not on the screen anymore. I beg your pardon. I beg your
24 pardon. I'm sorry.

25 MS CHUBIN: [15:14:37] (Speaks English) If I could ask the court officer in Abidjan.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 Q. [15:14:55] (Interpretation) Now, Mr Witness, you mustn't show it to the camera like
2 that.

3 PRESIDING JUDGE TARFUSSER: [15:15:19] Madam court officer in the remote location.

4 THE COURT OFFICER: [15:15:22] (Via video link) Yes?

5 PRESIDING JUDGE TARFUSSER: [15:15:29] Can you please help when it is needed the
6 witness with the document.

7 THE COURT OFFICER: [15:15:33] (Via video link) Yes, Yes.

8 PRESIDING JUDGE TARFUSSER: And he should not --

9 THE COURT OFFICER: (Via video link) May I have the document number which I
10 should show him?

11 PRESIDING JUDGE TARFUSSER: [15:15:40] Yes. He should also not have the hard
12 copy of his statement in front of him in the sense that he should not consult it. He should
13 answer freely.

14 THE COURT OFFICER: (Via video link) [15:16:04] Yes, I've removed all the documents
15 from in front of him.

16 PRESIDING JUDGE TARFUSSER: [15:16:07] Yes. I think the Defence is relieved.
17 Thank you.

18 MS CHUBIN:

19 Q. [15:16:19] (Interpretation) Mr Witness, do you recognize your photograph on that
20 release form?

21 A. [15:16:23] Yes.

22 Q. [15:16:23] I would like to display a document that maybe you didn't see before. It is
23 on tab 7 on our list of materials, and it is confidential document CIV-OTP-0045-1238. Mr
24 Witness, I would simply want you to focus on two names on this list. This document is
25 entitled "List of Demonstrators who on Wednesday 22 December 2010 were referred

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 before the Parquet of the Court of First Instance in Abidjan Plateau."

2 Now, if we can move to page 1241, please. And, Mr Witness, I will ask you questions on
3 two names which appear on that list.

4 Please look at the name at number 28, Sanogo Abdoulaye, number 28?

5 A. [15:18:37] Mm-hmm.

6 Q. [15:18:41] On the page that ends with 1241. Now, is that the same name that
7 appeared on the release form that was given to you when you left the MACA?

8 A. [15:19:02] Sanogo Abdoulaye, well, before I arrived there they had beaten us and
9 taken all our identity cards. So when they asked for my name, I gave them my real name.
10 But what is written on my papers is not the name that I gave.

11 Q. [15:19:30] Very well. Let me go to another name towards the bottom of the page,
12 there is no number, it is the fifth name from the bottom of the page, Ali Djiko, do you
13 know Ali Djiko?

14 A. [15:19:49] Yes, I know Ali Djiko, but I have not seen him for a long time.

15 Q. [15:20:04] But who is it? Can you tell us who he is?

16 A. [15:20:06] I can say that in the police préfecture we were taken together and we went
17 to the MACA at the same time. We had known each other long before that. I used to
18 see him in the neighbourhood.

19 Q. [15:20:33] Very well. I'm done with that document, and I would like to call up
20 another document with a single name. And it is at tab 6 on our list of documents. It is
21 CIV-OTP-0045-0718, and it is a confidential document.

22 PRESIDING JUDGE TARFUSSER: [15:21:03] Maître Altit.

23 MR ALTIT: [15:21:05] (Interpretation) Yes, thank you, Mr President. I want to talk
24 about this document. And we are objecting to it being shown to the witness. And with
25 your leave, your Honour, I will tell you why.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 MS CHUBIN: [15:21:26] (Interpretation) Can that be done without -- in the absence of
2 the witness?

3 PRESIDING JUDGE TARFUSSER: [15:21:36] That's what I was going to suggest or to
4 ask. Is the objection an objection needing the absence of the witness?

5 MR ALTIT: [15:21:45] (Interpretation) Maybe it would be wiser to do it in the absence
6 of the witness so that there should be no risk.

7 PRESIDING JUDGE TARFUSSER: [15:22:02] So, Mr Witness, we are going to disconnect,
8 disconnect you for a few minutes and then we come back to you, just the audio, thank
9 you.

10 THE WITNESS: [15:22:14] (Via video link) (Interpretation) Thank you very much.

11 PRESIDING JUDGE TARFUSSER: [15:22:22] Can we see the document, please? I
12 would like to see it.

13 MR DEMIRDJIAN: [15:22:40] If your Honours wish to have a clean copy, we have one
14 here. On the screen, that's fine.

15 THE COURT OFFICER: [15:22:46] It's cut off.

16 PRESIDING JUDGE TARFUSSER: [15:22:48] Okay. The remote location is cut off.
17 Maître Altit.

18 MR ALTIT: [15:22:58] (Interpretation) Thank you, Mr President. Your Honour, the
19 Defence is opposed to this document being shown to the witness and then admitted.
20 The Defence notes that the name of the witness does not appear on the document, so we
21 do not understand the relevance of showing this document to the witness. If it is for the
22 Prosecutor to give names to the witness, she can do so. But they cannot use the witness
23 to talk about names and then use it to admit a document, because this is what we are
24 talking about here.

25 Well, since this document does not concern the witness, we do not see how it should be

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 shown to him and how he could authenticate it, and we do not want it to be admitted for
2 the following reasons: The document is not dated, it is not signed and there is no official
3 stamp.

4 A date is mentioned, 19 December 2010, when it was sent by fax. This means that it is
5 not an original, and we do not have any indication of the author, the person who faxed the
6 document or the addressee of the document.

7 In a nutshell we know nothing about this document and we do not have the original. So
8 it can be anything at all. The document is supposed to have been recovered by the
9 investigators of the OTP during a mission with the national police.

10 PRESIDING JUDGE TARFUSSER: [15:24:52] Mr Knoops.

11 MR KNOOPS: [15:24:53] Yes, Mr President. Thank you very much. We support the
12 objection, adding to this argument that without foundation being laid by the Prosecution,
13 the document cannot be shown just to refresh the memory of the witness in connection to
14 any names. Thank you.

15 MR ALTIT: [15:25:12] (Interpretation) Your Honour.

16 PRESIDING JUDGE TARFUSSER: [15:25:18] What have you forgotten to say?

17 MR ALTIT: [15:25:20] (Interpretation) I did not forget anything and I am happy about
18 what Mr Knoops added. I was simply pausing so that the interpreters should interpret.
19 So if we go too fast, there is a problem; if we go too slowly, it is difficult. So I have 2
20 seconds to finish.

21 PRESIDING JUDGE TARFUSSER: [15:25:47] So what you say is that I've given the floor
22 to Mr Knoops too quickly?

23 MR ALTIT: [15:25:55] (Interpretation) Not at all. You did it perfectly. And I think it
24 was an excellent thing, because it strengthened what I was saying. But I had not yet
25 finished. Thank you, your Honour.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 I was saying that this document is supposed to have been recovered by the investigators
2 of the OTP in July 2013 to recover documents from the national police, and the mission
3 report does not give any indication on the procedures that were followed by the
4 investigators to determine the authenticity of the documents including this one. So we
5 do not know whether someone took any steps to cross-check whether this document is an
6 authentic document or not.

7 On the contrary, the investigators trusted the people that were designated for them by the
8 Ivorian authorities to determine which were the boxes of the documents that would be
9 useful or not.

10 So the government authorities said "take that box," and they took that box. So, in fact,
11 nothing says and nothing indicates that the investigators asked any questions about the
12 chain of custody of all those documents and, yet, these documents come from various
13 police stations in Abidjan.

14 And these locations were pillaged at one point or the other, so we do not know anything
15 about these documents, but we know that they are not reliable at all. So under the
16 circumstances, we would like that the Prosecutor be asked to provide relevant
17 information to make it possible for the parties to examine this document and for the
18 judges to be able to rule on its authenticity. So to summarise, it has nothing to do with
19 the witness, and we object to it being shown to the witness. Secondly, no indication
20 about the authenticity, the provenance or the chain of custody; so we object to it being
21 entered into the record. Thank you, your Honours.

22 PRESIDING JUDGE TARFUSSER: [15:28:28] Now can I give the floor to Mr Knoops?

23 MR ALTIT: [15:28:30] (Interpretation) Obviously.

24 PRESIDING JUDGE TARFUSSER: [15:28:33] Okay.

25 MR KNOOPS: [15:28:33] Mr President, I will not repeat myself. Thank you very much.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [15:28:36] Okay.

2 MR KNOOPS: [15:28:36] We just can add that the documents according to our
3 information was not shown to the witness during his statement given to the investigators
4 of the Prosecution, which reinforces our objection. Thank you.

5 PRESIDING JUDGE TARFUSSER: [15:28:50] Mr Prosecutor.

6 MR MACDONALD: [15:28:52] I will be fielding, sorry, your Honour, this objection
7 because it impacts on past practises and future ones. In this case, first of all, we're
8 talking about entry 21 on that list, which refers to a name mentioned in the statement of
9 the witness at paragraphs 50, 54 and 57.

10 Now, your Honours, we go on a location which is the direction générale police de la
11 nationale. We have access to documents, and now we're trying to establish
12 authentication via this witness, your Honour, in relation to that very name. So we can
13 put the name to the witness.

14 It's interesting that for the previous list there was no objection, but for this one there is
15 one.

16 Now, this person on entry 21 we believe was detained with this witness in the same cell.
17 So that's where we're coming from in terms of laying the foundation to respond to Mr
18 Knoops.

19 Now, we're looking for corroboration to this witness's testimony, your Honour. And
20 that's one document that can establish it. I'm surprised, your Honour, that the Defence is
21 now alleging that we need to prove that these are accurate and so on. Unless evidence is
22 demonstrated these are not accurate, they're presumed accurate. These are official
23 documents provided on a location where we seized them. And we go back to the same
24 debate we've had in the past where good faith is presumed until the contrary is proven,
25 your Honour.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 It's like saying the earth is round and you need to prove that the earth is round. No. If
2 someone needs to disprove that it's not round if it's not round.

3 So the bottom line is that, your Honour, at face value this document is authentic on its face
4 and so on, seized on the location, dated, there is even a fax number and so on. There are
5 signatures on it. So therefore in the circumstances -- sorry, there is -- so in the
6 circumstances we believe that it can be used in these proceedings. Thank you.

7 PRESIDING JUDGE TARFUSSER: [15:31:46] Well, let me start with the world is round.

8 It was not always like this. It's clear that the world was not always round, okay.

9 Of course it can be used, but I think it's useless to show it to the witness. You can, I mean,
10 put the name and the document can be submitted at a later stage as a document according
11 to paragraphs 43 and 44, and then the Chamber will decide on its relevance, on its
12 admissibility, et cetera.

13 For the time being I think it's useless to show a document to a witness who for sure, for
14 sure cannot read the document. It's not generated by him. But if there is a name related
15 to the witness, I think we can, that you can easily put the name in front of the witness.

16 That's it.

17 MR MACDONALD: [15:32:46] Thank you, your Honour.

18 PRESIDING JUDGE TARFUSSER: [15:32:47] Thank you.

19 So let's reconnect with the remote location.

20 Mr Witness, can you hear me? Here we are again.

21 THE WITNESS: [15:33:23] (Via video link) (Interpretation) Yes, yes.

22 PRESIDING JUDGE TARFUSSER: [15:33:25] Thank you for your patience. I give the
23 floor back to the Office of the Prosecutor.

24 MS CHUBIN: [15:33:30] (Interpretation)

25 Q. [15:33:36] Mr Witness, do you know anyone Diaby Koné Mohamed?

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 A. [15:33:51] Yes.

2 Q. [15:33:53] Who is he?

3 A. [15:33:58] He's an elderly person. When we were -- I was taken from the
4 gendarmerie to go to the préfecture, that's where I met Diaby Koné Mamadou. When I
5 saw him he had been undressed. And when we were being beaten, that's when I asked,
6 "What is his name?" And he said his name was Diaby Koné Mamadou. And he said
7 they had stopped him, and they beat him and brought him there. That is how I got to
8 know him. We got to know each other.

9 MR MACDONALD: [15:34:38] Your Honours, I'm sorry to intervene. I'm sorry to
10 intervene. Now I would ask that the document be submitted without us having to go
11 through a paragraph 43 or 44. I'm not pushing the issue, I'm just trying to save time,
12 your Honour. But I think now it's clear.

13 MR ALTIT: [15:34:59] (Interpretation) Objection. Mr President, you have ruled on
14 this matter.

15 MR MACDONALD: [15:35:08] No. What you decided, it's not on the submission, you
16 decided that on the way we should do it. Now that it's authenticated, we submit, let's
17 move on and have it submitted formally on the record.

18 PRESIDING JUDGE TARFUSSER: [15:35:23] Well, formally on the record in the moment
19 is the name of the person who is in, named in this document. And I would still ask you
20 to submit it via paragraph 43 and 44 to give to the Defence the opportunity to raise
21 concerns if they want to raise concerns. It's just a matter of trying to -- well, it's a little bit
22 more work for you, but that's --

23 MR MACDONALD: [15:35:54] Noted, your Honours.

24 PRESIDING JUDGE TARFUSSER: [15:35:57] Okay.

25 MR MACDONALD: [15:35:57] Noted.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: Thank you.

2 MR MACDONALD: Thank you very much. We tried, but -- we're going to try again,
3 but --

4 PRESIDING JUDGE TARFUSSER: [15:36:05] Okay.

5 MR MACDONALD: Thank you.

6 PRESIDING JUDGE TARFUSSER: Now back the floor to you.

7 MS CHUBIN: [15:36:07] Thank you, Mr President.

8 Q. [15:36:11] (Interpretation) Mr Witness, I am going on now to my last questions.

9 At the very beginning of your testimony you mentioned your concerns to the Presiding
10 Judge. I would like to ask you what was the impact, the consequences of your arrest,
11 detention and what you suffered in December 2010, what was the impact on the rest of
12 your life?

13 A. [15:36:39] We were in the neighbourhood, it was a certain Fofana Chaka who was
14 living in the neighbourhood with us. He told us that everyone had to go to the RTI.

15 Q. [15:37:10] Mr Witness, I would like to interrupt you here.

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

17 Q. [15:37:17] I am interrupting you because I think my question was not clear. I did
18 not ask you to give us an account of what happened on 16 December. It is already in
19 your statement. We have read it and we have understood it. What I wanted was for
20 you to tell the Court what you suffered between 16 December and 31 December when you
21 were released. What was the effect, the impact of all that?

22 A. [15:37:54] It was as if I was sick. There were problems. I was lost. I was ill, and I
23 was treated. I had all sorts of difficulties. And I needed assistance. And I explained
24 my situation and people would say "Yes, we will see." But I had nothing until I fell sick.
25 And there was no way to treat myself. I had to travel to the north with my grandmother,

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 that is how I was treated.

2 I spent one year four months there before returning to Abidjan, and that's where I started
3 recovering, otherwise I was not well at all. It was when I received some treatment that
4 it's beginning to be better.

5 Q. [15:38:47] Thank you, Mr Witness. I have no further questions for you. It is the
6 representative for the victims and the Defence teams that will put questions to you now.
7 Thank you.

8 A. [15:39:03] Thank you.

9 MS MASSIDDA: [15:39:06] (Interpretation) Thank you, your Honour. I have just two
10 short questions for the witness.

11 QUESTIONED BY MS MASSIDDA: (Interpretation)

12 Q. [15:39:17] Good afternoon, Mr Witness.

13 A. [15:39:18] Good afternoon.

14 Q. [15:39:20] You started answering my first question in response to the question of the
15 Prosecutor. Now, did you have any physical effects, consequences after the events?

16 A. [15:39:34] I beg your pardon? Can you repeat the question?

17 Q. [15:39:41] Were there any physical effects upon you following the events?

18 A. [15:39:51] Your French is so highbrow that I really cannot understand. Maybe it
19 needs to be translated to me.

20 Q. [15:39:59] Did you suffer physically after the events?

21 A. [15:40:08] Yes, yes.

22 Q. [15:40:10] Can you explain?

23 A. [15:40:13] That is what I have just said. After the events I fell ill because I
24 experienced things that I had never seen before. I was shown things that had never been
25 done to me ever since I was born. So after all those acts I fell seriously, seriously ill. I

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 continued suffering, even after all the events. But after that I went to the north and I
2 received treatment, and today I have recovered my health and it is well.

3 Q. [15:41:02] Thank you, Mr Witness.

4 MS MASSIDDA: (Interpretation) I have no further questions, your Honour.

5 PRESIDING JUDGE TARFUSSER: [15:41:07] Just one question from me before giving the
6 floor to the Defence. When you speak about suffering, now answering the question of
7 the legal representative, are you speaking about physical injuries or was it more
8 psychological, mental illness?

9 THE WITNESS: [15:41:37] (Via video link)(Interpretation) Physical suffering
10 with -- how do you talk, say that? Moral suffering, because I had injuries, wounds
11 everywhere, then I had skin problems, and these were unbearable. Where they put me,
12 then I had nightmares. I was really, really tired.

13 PRESIDING JUDGE TARFUSSER: [15:42:18] Okay. Thank you.

14 Now I give the floor to the Defence of Mr Gbagbo for half an hour about and then we stop
15 and go to tomorrow morning.

16 Maître Altit.

17 MR ALTIT: [15:42:50] (Interpretation) Thank you, your Honour.

18 QUESTIONED BY MR ALTIT: (Interpretation)

19 Q. [15:43:05] Good afternoon, Mr Sanogo.

20 A. [15:43:09] Good afternoon.

21 Q. [15:43:10] My name is Emmanuel Altit and I'm lead counsel for Laurent Gbagbo.
22 I'm going to ask you some questions so that we should better understand the account that
23 you gave to the investigators of the OTP; is that all right?

24 A. [15:43:37] Yes.

25 Q. [15:43:38] So can we proceed?

- 1 A. [15:43:40] Yes.
- 2 Q. [15:43:41] Very well. Mr Witness, you said that you grew up in Abobo, you
- 3 practically never went to school because you dropped out of school in CM2; is that
- 4 correct?
- 5 A. [15:43:57] Yes.
- 6 Q. [15:44:00] How old were you when you dropped out of school?
- 7 A. [15:44:04] It was a long time ago.
- 8 Q. [15:44:09] Approximately?
- 9 A. [15:44:14] I really cannot remember, no.
- 10 Q. [15:44:24] Very well. And if I understand correctly, as soon as you left school, you
- 11 started working beginning with a woro-woro; is that correct?
- 12 A. [15:44:43] I beg your pardon?
- 13 Q. [15:44:45] Woro-woro; is that correct?
- 14 A. [15:44:48] No.
- 15 Q. [15:44:48] So tell us what you did when you left school?
- 16 A. [15:44:58] When I left school I was selling with a brother, a cousin, I helped him with
- 17 his business and then I saved some money to start doing the same thing as with -- we
- 18 were selling things for men and women, children, things like that.
- 19 Q. [15:45:25] So what were you trading in?
- 20 A. [15:45:32] What?
- 21 Q. [15:45:32] What kind?
- 22 A. [15:45:35] Accessories for men and for women, all kinds of things, shoes, clothing.
- 23 Q. [15:45:43] And was it enough to get by?
- 24 A. [15:45:50] Yes, yes. I was doing fine.
- 25 Q. [15:45:52] Okay. And then going by your statement, you worked as part of a group

1 of people with a group taxi?

2 A. [15:46:05] Yes -- no.

3 Q. [15:46:16] The woro-woro?

4 A. [15:46:19] No, no.

5 Q. [15:46:19] Okay. So you never worked in this area, transporting people? You
6 never worked with a woro-woro or within a group of people running a woro-woro; is that
7 what we agree?

8 A. [15:46:50] No. I was part of -- not a woro-woro, but it was a place for transportation.
9 I did work a bit. Well, I sort of -- I was a convoyeur, a tout, but I didn't do that for very
10 long, maybe a year, as the vehicles would come into the garage, that was a long time ago,
11 1990, the year 2000.

12 Q. [15:47:26] What do you mean by this expression "a tout"?

13 A. [15:47:32] The person who helps the people get into the vehicle, finds their seats,
14 helps them with stuff, that kind of work.

15 Q. [15:47:48] Very well. And during all those years because you didn't work as a tout
16 for very long, during all those years, what did you do exactly? Did you work for work
17 regularly?

18 A. [15:48:08] After that, after that I worked with a brother who was a trader. After
19 that I worked with him with the little resources that I had and that way I was able to do
20 the same thing as he did. I managed to save up a bit of money.

21 Q. [15:48:32] How old were you when -- I will repeat. I have to wait a little bit, and
22 you should as well, because we have interpreters and we have a tendency to speak a bit
23 too fast. But it would be better if we paused a bit because these people are translating
24 what we are saying, all right?

25 A. [15:49:02] Okay.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 Q. [15:49:05] So how old were you when you were working with your brother as a
2 trader? You were telling us about that a moment ago?

3 A. [15:49:14] The age I was when he was a trader? Well, if I remember, four or five.

4 Q. [15:49:30] Very well.

5 THE INTERPRETER: [15:49:37] Interpreter correction: 24 or 25.

6 MR ALTIT: [15:49:42] (Interpretation)

7 Q. [15:49:43] And then what did you do?

8 A. [15:49:44] I beg your pardon?

9 Q. [15:49:46] Then what? How did you support yourself?

10 A. [15:49:49] After that I managed to get by. I did various kinds of work. In any
11 event, I managed to get by. I managed to get by. I helped out my brother sometimes.
12 Then he started to work. He had his business, and he was trying to find out -- well, he
13 was trying to expand his business. I helped him with that. So that gave me a bit of a
14 boost, and I was working with him. That's how it started. And then I started my own
15 business.

16 Q. [15:50:37] Very well. Now, during all those years when you did all these different
17 kinds of work, was life tough for you? Did you hear the question?

18 A. [15:51:08] Yes.

19 PRESIDING JUDGE TARFUSSER: [15:51:12] Yes, but what does that mean? What does
20 that mean? It's subjective. I mean, life is tough for each of us, for all of us, I would like
21 to say.

22 MR ALTIT: [15:51:22] (Interpretation) I can specify. But I'm not so sure that life is so
23 tough for everyone. We all have tough times, difficult moments, but, you know, it
24 depends. But you're right, your Honour, I shall try to be more specific. I'll restrict my
25 question to financial resources.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 Q. [15:51:45] Over all those years, ever since the time you left school up until the crisis,
2 you did all kinds of odd jobs. And did you have enough money to live reasonably well,
3 to have somewhere to live, clothing, food?

4 A. [15:52:03] That's a tough one. That's -- since -- well, I have my cousin. And then
5 there is another relative who's married who has children. It's true, often I go and I stay
6 with her for a while, but not everyday. You see, she has children. So that's how I
7 managed, how I manage.

8 Q. [15:52:35] Very well. Have I understood correctly, up until now you have had
9 trouble. And sometimes you had to -- you needed your cousin to help her, when you
10 didn't have enough money?

11 A. [15:52:53] Yes, yes.

12 Q. [15:52:53] Up until now. Very well.
13 Do you have a wife, children?

14 A. [15:53:01] No. I have no wife. I have no children.

15 Q. [15:53:04] Very well. Did you ever take part in any criminal activities to get by?
16 Did you ever commit any offences or infractions?

17 A. [15:53:29] To live. Go back to the question a bit. Can you go back to the question?

18 THE INTERPRETER: [15:53:42] Inaudible.

19 MR ALTIT: [15:53:45] (Interpretation)

20 Q. [15:53:46] I'll repeat my question. I'll repeat.

21 Life is tough. And to put food on the table, to get by, did it ever happen that you
22 committed any activities or things that are punish --

23 A. [15:54:03] No, no, no, never. Never in my life.

24 PRESIDING JUDGE TARFUSSER: [15:54:10] Did you ever steal, or did you ever steal?

25 This is the question, right? Have you ever been in conflict with the police for having

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

- 1 tried to get money from somewhere illegally?
- 2 THE WITNESS: [15:54:25] (Via video link) (Interpretation) Never, never.
- 3 PRESIDING JUDGE TARFUSSER: Okay. Thank you.
- 4 THE WITNESS: (Via video link) (Interpretation) No, no, I never --
- 5 THE INTERPRETER: [15:54:34] Inaudible.
- 6 MR ALTIT: [15:54:35] (Interpretation) Thank you.
- 7 Q. [15:54:41] So you never went to prison except for that time during the crisis?
- 8 A. [15:54:48] Never, never, ever. That was the first time I went to prison. Even
- 9 simple boîte, I didn't go to prison then.
- 10 Q. [15:55:01] Very well. So you were saying you told the investigators from the OTP
- 11 who were asking you questions that you took part in, you were part of a security detail
- 12 during a rally, during the campaign. Do you remember saying that?
- 13 A. [15:55:21] Uh-huh, yeah, yeah.
- 14 Q. [15:55:22] Very well. Which presidential campaign, the last one or the one in 2010?
- 15 A. [15:55:31] 2010.
- 16 Q. [15:55:32] Very well. And did you go to a lot of these PDCI rallies?
- 17 A. [15:55:42] Never, never, never, never. I never took part. I never did that. I never
- 18 even voted. I never even voted for a politician. I've never supported a party.
- 19 Q. [15:56:02] Very well. Now, you never were part -- you say you were never part of a
- 20 political party. Were you ever a member of something else?
- 21 A. [15:56:20] No. I never was a member of a group. So that encouraged -- well, you
- 22 see, we took part in the march. We were in a bad position in that country. It's because
- 23 of my name. They arrested me. They made me take my clothes off. They hit me.
- 24 And, you know, if she's alive -- it was because of my name, because I have a name that
- 25 shows where I come from. So that is why, that is why --

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 Q. [15:56:47] Monsieur --

2 A. [15:56:51] So that is how I got mixed up. I don't even vote. I don't even know how
3 to vote.

4 Q. [15:57:00] Now, the Legal Representative of Victims told you a few moments ago
5 that we already have your statement, you see. We already have the documents that
6 record everything that you've said. We already have that information. That's the first
7 point.

8 Now, the second thing is this, you have to listen to my question carefully. Now, we're
9 not going back to what happened to you. I was just asking you if you ever belonged to a
10 group, a non-political group. You said you had never been part of a political party or
11 group. That was your answer, wasn't it?

12 A. [15:57:45] I was not part of a political group. I was never part of a political group.

13 Q. [15:57:55] Very well. Where do you live, sir? What part? You don't have to give
14 us a specific address, but what area?

15 A. [15:58:07] In the centre.

16 Q. [15:58:14] That's a bit vague, the centre.

17 A. [15:58:22] Abidjan centre, Abidjan centre, in the centre of Abidjan.

18 Q. [15:58:33] Very well. But, you see, I don't know Abidjan very well. Can you be
19 more specific?

20 A. [15:58:41] Well, I have to consider my security.

21 PRESIDING JUDGE TARFUSSER: [15:58:48] Mr Witness, we do consider your security.
22 You don't have to give an exact indication or the address, but the area, the commune,
23 which I think is quite large.

24 THE WITNESS: [15:59:06] (Via video link) (Interpretation) Treichville, Treichville.

25 PRESIDING JUDGE TARFUSSER: Okay.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

- 1 THE WITNESS: (Via video link) (Interpretation) Treichville, Treichville.
- 2 PRESIDING JUDGE TARFUSSER: [15:59:16] Okay. Thank you.
- 3 Maître Altit.
- 4 MR ALTIT: [15:59:19] (Interpretation) Thank you, your Honour. Let me just
- 5 cross-check that the witness's response was transcribed, because things went rather
- 6 quickly. Thank you.
- 7 PRESIDING JUDGE TARFUSSER: [15:59:42] It was transcribed three times. In English,
- 8 three times, because he said it three times. In English three times.
- 9 MR GBOUGNON: [15:59:50] (Interpretation) In French it does not seem to appear.
- 10 PRESIDING JUDGE TARFUSSER: [15:59:59] Maybe the French court reporters didn't
- 11 understand.
- 12 MR ALTIT: [16:00:15] (Interpretation) Thus we will go by the English version. But it's
- 13 not, you see, it's not appearing in the French transcript.
- 14 PRESIDING JUDGE TARFUSSER: Here it is written three times.
- 15 MR ALTIT: (Interpretation) It might be simpler, sir --
- 16 PRESIDING JUDGE TARFUSSER: [16:00:27] Well, it's easy just to say to the court
- 17 reporters it's Treichville, and that's it. So they will, they will insert it.
- 18 MR ALTIT: [16:00:39] (Interpretation) Very well. Thank you, your Honour.
- 19 Q. [16:00:46] Sir, were you living in an apartment, in a room? Could you explain to us
- 20 very quickly?
- 21 A. [16:00:52] An apartment, an apartment since it's a high rise. So yes, an apartment.
- 22 Q. [16:01:04] Very well. Is that where you were living in 2010 and 2011 during the
- 23 crisis?
- 24 A. [16:01:14] In 2010, that's where I was.
- 25 Q. [16:01:23] Very well. So you stayed there for the whole crisis or did you leave at

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 some point?

2 A. [16:01:29] No. I stayed there for a while and then --

3 THE INTERPRETER: [16:01:36] Inaudible.

4 THE WITNESS: [16:01:38] (Via video link) (Interpretation) And then I had to leave.

5 MR ALTIT: [16:01:42] (Interpretation)

6 Q. [16:01:43] So you had to leave the apartment?

7 A. [16:01:47] Because I couldn't pay. Things weren't going well. Things were
8 changing, so I had to leave that place. But it was -- I stayed in the same commune.

9 Q. [16:02:03] Oh, so it was another apartment, but it was close to the previous
10 apartment; is that what you are telling us?

11 A. [16:02:10] Uh?

12 Q. [16:02:12] You were living in an apartment, but it's not the one that you were living
13 in in 2010, but it wasn't far away; is that correct?

14 A. [16:02:21] Yes, yes, yes, that's right.

15 MR MACDONALD: I'm standing up, your Honours, because --

16 PRESIDING JUDGE TARFUSSER: [16:02:24] Waiting, Mr Prosecutor.

17 MR MACDONALD: [16:02:26] Sorry. I understand it's a witness that does not benefit
18 from in-court protective measures, but I think the same arguments that we've presented
19 earlier in relation to Witness 0107.

20 And, secondly, what is the relevance of this information? It has to be linked to
21 something of relevance to this case. And here the witness testifies about a specific
22 incident which is on 16 December. So unless the location of where he lives and so on is
23 important to understand the facts of that incident, then if not, the only thing is to identify
24 the witness, your Honour. That's the only rational conclusion that one can come to.

25 Thank you.

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [16:03:18] I was going to ask the same thing. Why is
2 it so important to know where he lives? He said Treichville two different places, and
3 that's it. I think we should really go ahead. Thank you.

4 MR ALTIT: [16:03:34] (Interpretation) Thank you, your Honour. Several things.
5 First of all, the fact that he lives in a place that we don't really know about and then
6 another place we don't know about in Treichville and the problem, well, and the impact
7 on his security, that's the first point.

8 Secondly, the response to your query will be found in the questions that are coming up.
9 I think it's important to determine where he left from, where he went, what path he took.
10 And I believe that there is mention made in his account of a trip towards the RTI and then
11 later we need to challenge this account. And you see, when we use 68(3), we need to
12 cross-check in order to verify whether the account is consistent or not. I shall continue.

13 PRESIDING JUDGE TARFUSSER: [16:04:46] Yes. You shall continue, but without
14 going into details on where he lived.

15 MR ALTIT: [16:04:52] (Interpretation) Very well.

16 Q. [16:04:54] You're with us?

17 A. [16:05:03] Yes.

18 Q. [16:05:04] Do you remember speaking to the investigators from the OTP whom you
19 met? Did you tell them about a march to the RTI?

20 A. [16:05:11] Yes.

21 Q. [16:05:15] Very well. Was that your first march?

22 A. [16:05:20] Yes.

23 Q. [16:05:24] Did you take part in any other marches after?

24 A. [16:05:27] No.

25 Q. [16:05:30] You said in your statement that you heard that a march was going to be

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 held on 16 December, and you had heard about this through friends of yours in the
2 neighbourhood?

3 A. [16:05:44] Yes.

4 Q. [16:05:44] Wait, wait, wait. My question is this: Who were these friends?

5 A. [16:05:50] A friend of mine from the neighbourhood, a guy from the neighbourhood
6 who knew everyone in the neighbourhood. That's how the whole thing started to
7 snowball. It was by word of mouth. The word really spread quickly. And me and my
8 two friends we headed towards Cocody, we got to Cocody, and --

9 Q. [16:06:28] Sir --

10 A. [16:06:29] -- the police were everywhere. And so that's how it happened.

11 Q. [16:06:34] Mm-hmm. Now, sir, listen to me carefully. Listen to my questions
12 carefully. We will be asking you questions about what happened to you. But my
13 question was actually very simple: Who was this friend? Can you give us his name?

14 A. [16:06:50] A friend of mine, Fofana Chaka.

15 Q. [16:06:53] Very well. And he was aware of this march that was going to be held.
16 Why? Was he part of a specific group?

17 A. [16:07:07] Yes, yes. He was part of a group. And he was involved in the rallies of
18 the RHDP. We would see them in the neighbourhood regularly. And people knew him.
19 So he approached us and said to us, "Are you going? We're going to -- why don't you
20 come?" It was everywhere in the neighbourhood, even in --

21 THE INTERPRETER: [16:07:36] Inaudible.

22 THE WITNESS: [16:07:38] (Via video link) (Interpretation) So three of us we said we're
23 going to check it out, and that is --

24 MR ALTIT: [16:07:45] (Interpretation)

25 Q. [16:07:46] Okay. Just wait a second. So this gentleman, who was part of the

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 RHDP, was he an official of the RHDP? Was he in charge of something in the
2 neighbourhood?

3 A. [16:08:00] He was in the neighbourhood and he was part of -- part of the movement.
4 He talked with those politicians and each time there was a campaign he'd be involved, so
5 it was a whole --

6 Q. [16:08:24] Very well. And in the neighbourhood were there a lot of RHDP people?
7 I'll put my question again. In the neighbourhood were there a lot of RHDP members?

8 A. [16:08:49] No.

9 Q. [16:08:50] No. Very well. To your knowledge, did these people from the RHDP
10 have weapons?

11 A. [16:09:01] No.

12 Q. [16:09:01] Very well. Now, you said, you said in your statement, and you repeated
13 this point a few moments ago, that there was this announcement of the march, and you
14 said that there was an announcement on the television and on the day of the march people
15 in the neighbourhood were talking about nothing but the march, only about that?

16 A. [16:09:38] Yes, yes.

17 Q. [16:09:39] And you specified, and I'll quote you, paragraph 24. Paragraph 24, I'm
18 saying that paragraph number for all of us here, I'm going to quote what you said, I'll
19 begin now:

20 "I don't remember when I heard about it, but I think it was about one week before the
21 march." End of quote.

22 Is that correct? Is that what you said? Was that what happened?

23 A. [16:10:13] Yes, yes, yes.

24 Q. [16:10:16] Very well. So how was the march organised because you were -- you
25 said that you went with some friends? But what interests me is just before, were there

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 meetings to get organised to take part in the march?

2 A. [16:10:40] No. There were not meetings or anything like that, just people said we're
3 heading to the RTI. If we don't do that, the mercenaries and the militiamen are going to
4 set after us. So we decided we would go to the RTI, everyone would see us. And that's
5 how it started.

6 But there weren't really any meetings, or it's not like we sat down and people said things
7 or gave us --

8 Q. [16:11:19] Very well. But you, yourself, were not part of the RHDP at the time?

9 A. [16:11:26] No, no. I didn't vote.

10 Q. [16:11:28] Very well. So even if there was no meeting, you did agree with your
11 friends, your two friends, you decided where you would leave from, where you would
12 go?

13 A. [16:11:42] No, no, no. I didn't come into an agreement. The other guy works in
14 Cocody. And the second one, he's a colleague, he's a friend. We see each other often.
15 And we had nothing to do that time. It wasn't a workday for him. We were having a
16 coffee at the kiosk. It was unexpected. It was unexpected. And so we met up and we
17 said we'll go to Cocody, we'll see how things go, we'll check it out. That's how it started.

18 Q. [16:12:18] Very well. So if I understand correctly, you were with your two friends,
19 you were having coffee, you were talking about the events of the day and you decided, all
20 of a sudden, to take part in the movement, to go and check it out; is that what you are
21 telling us? Is that it?

22 A. [16:12:37] Yes, to go check it out, see what was happening, take part.

23 Q. [16:12:42] Very well. So in your statement you said that you took a woro-woro,
24 that --

25 PRESIDING JUDGE TARFUSSER: [16:12:53] Can you give the reference always. In

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 your statement you said at paragraph so and so. Thank you.

2 MR ALTIT: [16:13:03] (Interpretation) I shall resume.

3 Q. [16:13:06] In your statement, sir, paragraph 29 of your statement, you said that you
4 took a woro-woro that left, dropped you off at Cocody Saint-Jean; is that correct?

5 A. [16:13:18] Yes.

6 Q. [16:13:19] Could you tell us how much time does it take to go from the place where
7 you were, and I think you were having a coffee there if I've understood, and Cocody
8 Saint-Jean, how long does it take to walk from those two -- from one location to the other?

9 A. [16:13:40] Well, it's kilometres --

10 THE INTERPRETER: [16:13:44] Inaudible.

11 THE WITNESS: [16:13:48] (Via video link) (Interpretation) -- Treichville. Before
12 Cocody you have to go through le Plateau. You have to cross one commune to get to
13 another. So it's kilometres. So we went and we saw that there were police everywhere.
14 And we realised it wasn't a good situation, so --

15 MR ALTIT: [16:14:13] (Interpretation)

16 Q. [16:14:14] Sir, sir, listen carefully. Listen to the question carefully. The people
17 here in this courtroom, some of the people here are from Côte d'Ivoire and know Abidjan
18 very, very well, but some of us don't, so please try to make it -- wait, wait, wait. Listen
19 for the question. Listen and wait for the question.

20 Now, so my question is simple: From the place where you were with your two friends to
21 Cocody Saint-Jean, I'm trying to understand the distance, you said kilometres, so it's far
22 away. But a good way of determining a distance is to say how much time it takes to
23 walk. Would it be one hour of walking? Two hours? Give us an idea.

24 MS CHUBIN: [16:15:02] Objection.

25 THE WITNESS: [16:15:03] (Via video link) (Interpretation) By foot? By foot?

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [16:15:07] Excuse me, but he's talking about the
2 woro-woro, so. I do understand that you went by foot, but he didn't go by foot, but by
3 woro-woro.

4 MR ALTIT: [16:15:21] (Interpretation) You're absolutely right, Mr President. Going in
5 a woro-woro is one thing. Knowing the distance is something else. And to determine it
6 we need to know the -- how long it takes on foot because by woro-woro, if you have a
7 traffic jam for example, it is more difficult, unless you have a counter.

8 PRESIDING JUDGE TARFUSSER: [16:15:50] I think to determine it we can look at the
9 map.

10 And now we look on the clock, it's 4.15, and that's why we interrupt here for today.

11 Court officer in the remote location, Mr Witness, we have finished for today. We see
12 each other tomorrow, tomorrow morning at 9.30, our time, 8.30 in Abidjan, okay?

13 Madam court officer.

14 THE WITNESS: [16:16:26] (Via video link) (Interpretation) Yes.

15 THE COURT OFFICER: [16:16:28] (Via video link) Yes, your Honours.

16 PRESIDING JUDGE TARFUSSER: [16:16:30] Please you can escort the witness out.

17 And we will be back --

18 THE COURT OFFICER: [16:16:35] (Via video link) Yes, right away.

19 PRESIDING JUDGE TARFUSSER: [16:16:37] -- we will be back tomorrow morning at
20 9.30 and 8.30 respectively, okay. Have a good evening.

21 (The witness stands down)

22 PRESIDING JUDGE TARFUSSER: [16:16:48] Mr MacDonald.

23 MR MACDONALD: [16:16:49] Thank you, your Honour. Very quickly. For planning
24 purposes only, I was wondering if the Chamber could not solicit an answer from our
25 colleagues as to when we think we can start with the following witness; so in other words,

Trial Hearing
WITNESS: CIV-OTP-P-0555

(Open Session)

ICC-02/11-01/15

- 1 the length of their examination in relation to Witness 555.
- 2 PRESIDING JUDGE TARFUSSER: [16:17:08] Well, if we want to finish this witness and
- 3 the next two witnesses, probably this witness has to be finished by tomorrow, latest after
- 4 tomorrow morning. This is the indication I give. Thank you.
- 5 The hearing is adjourned.
- 6 THE COURT USHER: [16:17:27] All rise.
- 7 (The hearing ends in open session at 4.17 p.m.)