

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
5 Goudé - ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and Judge
7 Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Monday, 6 February 2017
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:24] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:35:01] Good morning and welcome
15 back to everybody.
16 Before we start we have to -- the Chamber has to -- before we start the
17 questioning, the Chamber would like to notify the parties as to some
18 amendments to the sitting calendar, then to make a few remarks and, third,
19 to provide some additional guidance on the conduct of the proceedings.
20 Sitting calendar: The Chamber will not - I repeat, will not - sit on 7 April
21 due to another hearing being scheduled where I am presiding. The
22 Chamber will not sit on 2 June due to other commitments of the Chamber.
23 The Chamber will not sit on 21 June in the afternoon and 22 and 23 June due
24 to a judges' commitment being scheduled for those days; all judges, I mean,
25 not the Chamber. Finally, the Chamber will sit in the week from 3 to 7 July

1 instead of the week from 17 to 21.

2 The remark: The Chamber has taken note of confidential filing 785
3 submitted by the Defence for Mr Gbagbo. Following consultations with and
4 information submitted by the Registrar, the Chamber takes the view that the
5 matter raised in that filing, which does not affect or otherwise interfere with
6 the independence of the Defence counsel, is not of a judicial nature and it
7 does not warrant the intervention of the Chamber. Accordingly, the
8 Defence for Mr Gbagbo and the Counsel Support Section of the Registry are
9 instructed to liaise and cooperate with a view to promptly solving what
10 seems to be a mere misunderstanding or disagreement as to the certain
11 bureaucratic steps and technicalities.

12 Additional guidance on the conduct of the proceedings. I would like to
13 reiterate the Chamber's concern as to the pace and timing of the proceedings
14 as first mirrored in the order dated 24 January 2017, filing 787.

15 Since then we have received detailed submissions from both the Prosecutor
16 and the LRV. These submissions are useful and will be taken in due
17 account by the Chamber in the exercise of its own trial management powers.

18 It is reassuring to read that the Prosecutor shares the Chamber's concern as to
19 the expeditiousness of the proceedings, that the number of the forthcoming
20 witnesses has been reduced and their envisaged way of testimony revised in
21 light of this concern.

22 The Chamber will look into the details of the Prosecutor's calling order and
23 may request that some amendments are made, pursuant to paragraph 4 of
24 the directions, also bearing in mind that it is the Chamber's duty and
25 responsibility to ensure that the trial is expeditious.

1 The Chamber would also like to stress that it will be very vigilant over the
2 mode of questioning of the witnesses with a view to ensuring that time spent
3 in court is as efficient as possible. Specific measures to this effect will be
4 adopted as of today.

5 First, any delay in the starting of a session as scheduled will be compensated
6 at the end so as to allow the Chamber to benefit from, as much as possible, a
7 full 4.5 hours of hearing each day.

8 Second, as stated in paragraph 22 of the directions, only questions directly
9 relevant to the charges shall be allowed.

10 Accordingly, the subject matter of the questions should be limited to the
11 factual and temporal scope of the charges as confirmed. Any question
12 exceeding such factual and temporal boundaries shall be prevented. Should
13 a party wish to ask such questions, they will have first to explain to the
14 Chamber what relevance the question would have if it were admitted.

15 Throughout the first year of proceedings, more than a question was asked
16 where the link to the charges was, to say the least, unclear. From now on,
17 any question exceeding the temporal and material scope of the charges will
18 not be admitted unless a link is demonstrated, if necessary, in the absence of
19 the witness.

20 Third, it has often been the practice of having a witness confirm what he or
21 she had said in a previous transcript or statement. The relevant portion is
22 read out, the witness is requested to provide confirmation, and then the
23 question is -- only then the question is asked. It is the view of the Chamber
24 that the initial confirmation does not add anything meaningful and can be
25 very time-consuming in particular in the cumulative effect of its repeated

1 use -- if the cumulative effect of its repeated use is considered. Accordingly,
2 under these circumstances, the parties are instructed to skip this passage of
3 confirmation and proceed directly to asking the relevant question stemming
4 from and making reference to the previous statement.

5 Fourth, the parties are instructed to limit their questioning exclusively
6 instrumental to testing the credibility of the witness to what is strictly
7 necessary. The Chamber is well placed to weigh the credibility and hence
8 the probative value of each testimony on the basis of the testimony relating
9 to facts relevant to the charges and/or the previous statements as applicable.

10 Finally, the Chamber has taken note of the Prosecutor's request to hold a
11 Status Conference to supplement the information given in her submission.

12 At this stage the Chamber takes the view that there is no need for such a
13 Status Conference. The Prosecutor is advised to request the floor to provide
14 this information at an appropriate time during hearings and to make any
15 request she may have as regards the implementation of orders 787 in writing.
16 So this was the remarks and the additional guidance the Chamber wanted to
17 address the parties with and participants with. And if there is no other
18 question -- but there is. Mr MacDonald.

19 MR MACDONALD: [9:45:23] Good morning, Mr President, your Honours.

20 PRESIDING JUDGE TARFUSSER: [9:45:25] Good morning.

21 MR MACDONALD: [9:45:26] Two things. We heard the Chamber mention
22 looking into the order of presentation of the evidence. Of course, hearing
23 that could be a concern to the Prosecution if the order of witnesses was to be
24 changed. There is a reason why the order is being presented that way, and
25 we simply seek the right to be heard before any such changes may be

1 contemplated by the Chamber, if that was what the Chamber was thinking by
2 what it said.

3 Second point, your Honour. I'd like to introduce a new team member to the
4 Office of the Prosecutor and also to this team, Mr Nicholas Leddy, a former
5 intern 10 years ago with the Office the Prosecutor who is now back, and
6 we're very happy to have him with us. He comes from the bar of New York,
7 formerly an assistant district attorney in Manhattan.

8 Thank you, your Honour.

9 PRESIDING JUDGE TARFUSSER: [9:46:36] Thank you. Of course, the
10 Prosecutor will be heard and this was the intention of the Chamber, of course.
11 And welcome to Mr Leddy to this Court.

12 Now I think we can start the questioning of Witness 106. I think I see
13 also -- please.

14 MR KNOOPS: [9:47:03] Good morning, Mr President, your Honours. Just
15 to say to the Chamber that Mr Blé Goudé apologises for not being present due
16 to a sports incident last Friday with a potential concussion. And on advice of
17 the physician of the Detention Unit, Dr Falke, he is this morning subjected to
18 x-ray examination and therefore he apologises for not being here today. Out
19 of his control. Thank you.

20 PRESIDING JUDGE TARFUSSER: [9:47:33] Thank you very much,
21 Mr Knoops.

22 Now I would ask the court usher to introduce Witness 106.

23 (The witness enters the courtroom)

24 PRESIDING JUDGE TARFUSSER: [9:49:06] Good morning, Mr Witness.

25 WITNESS: CIV-OTP-P-0106

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 (The witness speaks French)

2 THE WITNESS: [9:49:16] (Interpretation) Good morning.

3 PRESIDING JUDGE TARFUSSER: [9:49:26] Mr Witness, before starting the
4 questioning -- before starting questioning, I would like -- I have some things
5 to ask you to identify you and then give you some assurances. Can you tell
6 us your name, please.

7 THE WITNESS: [9:50:04] (Interpretation) My name is Oueadraogu Salifou.

8 PRESIDING JUDGE TARFUSSER: [9:50:05] The microphone is on. I can see
9 it. Can you pull the microphone a little bit closer to your mouth. No, you
10 have not understood because you put your mouth closer to the microphone.
11 Excuse me, could you please put the microphones better to his mouth.

12 Thank you. Yes. Okay, thank you.

13 You were born when? The day and the place of birth.

14 THE WITNESS: [9:50:49] (Interpretation) I was born on 13th of ninth month
15 1975 in Cocody.

16 PRESIDING JUDGE TARFUSSER: [9:51:02] What is your nationality?

17 THE WITNESS: [9:51:10] (Interpretation) Burkina Faso.

18 PRESIDING JUDGE TARFUSSER: [9:51:12] And your profession?

19 THE WITNESS: [9:51:20] (Interpretation) Mechanic.

20 PRESIDING JUDGE TARFUSSER: [9:51:26] There are no particular
21 measures in place for you, except reading assistance if you need -- if you need
22 them. Obviously, we will provide any reading assistance. If you need it,
23 just ask me and it will be provided.

24 THE WITNESS: [9:51:53] (Interpretation) Okay.

25 PRESIDING JUDGE TARFUSSER: [9:51:57] In any case, if at any point in

1 time you have concerns, you would like a break, you are tired or you are not
2 at ease, just let me know and we will try to accommodate your problems.

3 THE WITNESS: [9:52:15] (Interpretation) I've understood.

4 PRESIDING JUDGE TARFUSSER: [9:52:22] Another thing I want to tell you
5 is that you are speaking and testifying in French.

6 THE WITNESS: [9:52:38] (Interpretation) Very well.

7 PRESIDING JUDGE TARFUSSER: [9:52:40] The Court works in English and
8 in French and therefore everything has to be interpreted. In order to do this
9 correctly, please speak slowly, as I am doing, and wait until the question
10 which is posed to you is completed.

11 THE WITNESS: [9:53:10] (Interpretation) Okay. I've understood.

12 PRESIDING JUDGE TARFUSSER: [9:53:13] Okay. So now we come to your
13 testimony. You obviously are aware that this Chamber has been established
14 to try the case of the Prosecutor against Mr Gbagbo and Mr Blé Goudé, and
15 you as a witness are --

16 THE WITNESS: [9:53:41] (Interpretation) Yes.

17 PRESIDING JUDGE TARFUSSER: [9:53:47] -- called to assist the Chamber in
18 the search for the truth.

19 THE WITNESS: [9:53:51] (Interpretation) Yes.

20 PRESIDING JUDGE TARFUSSER: [9:53:52] You will be asked questions by
21 Judges, by the Office of the Prosecutor and by the Defence counsel and you
22 have to tell the truth. Your duty is to tell the truth.

23 THE WITNESS: [9:54:15] (Interpretation) Yes, yes.

24 PRESIDING JUDGE TARFUSSER: [9:54:18] To this effect, the law requests
25 that you make a solemn undertaking.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: [9:54:30] (Interpretation) Yes.

2 PRESIDING JUDGE TARFUSSER: [9:54:34] So speak with me or read there
3 in front of you the form which is in front of you, I think, which is the solemn
4 undertaking.

5 THE WITNESS: [9:54:49] (Interpretation) I cannot read. I cannot read very
6 well.

7 PRESIDING JUDGE TARFUSSER: [9:54:56] I solemnly declare that I shall
8 speak the truth.

9 THE WITNESS: [9:55:01] (Interpretation) I solemnly declare that I will speak
10 the truth.

11 PRESIDING JUDGE TARFUSSER: [9:55:06] The whole truth and nothing but
12 the truth.

13 THE WITNESS: [9:55:08] (Interpretation) The whole truth and nothing but
14 the truth.

15 PRESIDING JUDGE TARFUSSER: [9:55:12] I have to inform you that giving
16 false testimony is an offence before the Court and as such can be punished.
17 Okay? Have you understood this?

18 THE WITNESS: [9:55:35] (Interpretation) Okay. I've understood.

19 PRESIDING JUDGE TARFUSSER: [9:55:44] Mr Witness, we are here -- we all
20 will call you "Mr Witness" and not with your name because this is the practise
21 of the Court.

22 THE WITNESS: [9:55:51] (Interpretation) I've understood.

23 PRESIDING JUDGE TARFUSSER: [9:55:52] Mr Witness, the
24 Chamber -- Mr Witness, do you recall that you have given a statement to the
25 Office of the Prosecutor?

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: [9:56:06] (Interpretation) Yes.

2 PRESIDING JUDGE TARFUSSER: [9:56:07] The Chamber has before it the
3 statement you gave to the Office of the Prosecutor on 22, 24, 25 and 26 March
4 2012.

5 THE WITNESS: [9:56:29] (Interpretation) Yes.

6 PRESIDING JUDGE TARFUSSER: [9:56:30] I'm referring to the statement
7 CIV-OTP-0019-0211 and the annexes 0267 -- no, sorry, 0264, 0265, 0266, 0267,
8 0268, 0269 and 0270. Mr Witness, these documents should also be before
9 you.

10 THE WITNESS: [9:57:16] (Interpretation) Yes.

11 PRESIDING JUDGE TARFUSSER: [9:57:19] Do you confirm that you gave
12 this statement to the Office of the Prosecutor?

13 THE WITNESS: [9:57:33] (Interpretation) Yes, madam.

14 PRESIDING JUDGE TARFUSSER: [9:57:35] Have you had the opportunity
15 in the last few days to read -- to reread this statement or has it been read to
16 you by somebody of the Court?

17 THE WITNESS: [9:57:49] (Interpretation) Yes.

18 PRESIDING JUDGE TARFUSSER: [9:57:54] The Chamber -- this Chamber
19 has decided on 11 October 2016, filing 722, that your written statement is
20 suitable for introduction under Rule 68(3) of the Rules of Procedure and
21 Evidence. This means that rather than you having to give the entirety of
22 your evidence orally again here in the courtroom, the Chamber could use
23 your written statement. You would, in any case, still be asked
24 supplementary questions if needed by the Prosecutor and you would still be
25 examined by the Defence teams.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 The rule -- the law I'm referring to, Rule 68(3), states that the Chamber may
2 allow the introduction of previous recorded testimony if the witness does not
3 object and if the Prosecutor, the Defence and the Chamber have the
4 opportunity to examine the witness. Therefore, I ask you, do you agree
5 with the introduction of your written statement in the record of the case?
6 Do you agree with this?

7 THE WITNESS: [9:59:50] (Interpretation) Yes.

8 PRESIDING JUDGE TARFUSSER: [9:59:53] So in light of the fact that you're
9 also here today and available for examination by the parties --

10 THE WITNESS: [10:00:04] (Interpretation) Yes.

11 PRESIDING JUDGE TARFUSSER: [10:00:06] -- and all the requirements of
12 Rule 68(3) are met, the introduction of the written statement of the witness is
13 allowed, and I'm referring to the written statement in annexes with the
14 numbers I have just read out. All these items are considered submitted.
15 Now, Mr Witness, we can start.

16 THE WITNESS: [10:00:38] (Interpretation) Yes.

17 PRESIDING JUDGE TARFUSSER: [10:00:41] First, it will be the Prosecutor
18 to put some questions and then the two Defence teams.
19 I give the floor to the Office of the Prosecutor for its questioning. You might
20 know that we have always sessions of one hour and a half, then we have a
21 rest, three sessions a day. That is what is expects you.

22 I give the floor to the Office of the Prosecutor.

23 MS HENDERSON: [10:01:11] Thank you. And good morning,
24 Mr President, your Honours.

25 QUESTIONED BY MS HENDERSON:

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 Q. [10:01:21] (Interpretation) Good morning, Mr Witness. My name is
2 Claire Henderson and we met during a courtesy meeting last week. Do you
3 remember that? Can you hear me, Mr Witness?

4 A. [10:01:51] Not at all.

5 Q. [10:01:52] We saw each other last week --

6 A. [10:01:54] Yes.

7 Q. [10:01:56] -- but I was dressed differently. I wasn't wearing a
8 courtroom robe like today. I'll now be asking you a few questions, very
9 briefly --

10 MS MASSIDDA: [10:02:05] I'm sorry to interrupt, your Honour. We're
11 getting a message there is no interpretation.

12 THE INTERPRETER: Message from the interpreters: We will --

13 PRESIDING JUDGE TARFUSSER: [10:02:29] I had interpretation. I don't
14 know.

15 MS MASSIDDA: [10:02:33] Sorry, your Honour, but what appears in the
16 transcript, it appears that the witness has no interpretation.

17 PRESIDING JUDGE TARFUSSER: [10:02:41] Yes. Can we please know
18 what's going on with interpretation?

19 THE INTERPRETER: [10:02:50] Message from the interpreters: We are
20 having some trouble with the consoles. We apologise. And we will have a
21 technician here right away to make sure that everyone is on the correct
22 channel.

23 PRESIDING JUDGE TARFUSSER: [10:03:14] Yes, but in this case there was
24 no need because Madam Henderson spoke in French, so there is no need for
25 interpretation for the witness, I would say.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 MS HENDERSON: [10:03:30] I think it's an issue.

2 MS MASSIDDA: [10:03:32] But it's not in the transcript, your Honour, in any
3 case. There is no transcription.

4 PRESIDING JUDGE TARFUSSER: [10:03:36] Of course, of course. But it's
5 recorded. And it was not really very much focused on the charges yet, I
6 would say.

7 Can we continue now.

8 THE INTERPRETER: [10:03:57] English, English, English. Can you hear
9 English interpretation on the correct channel? Yes? Okay. Very well.

10 PRESIDING JUDGE TARFUSSER: [10:04:04] Okay. Now I think we can
11 continue, I was assured, and, please, I give the floor to the Office of the
12 Prosecutor.

13 MS HENDERSON: [10:04:09]

14 Q. [10:04:11] (Interpretation) Our apologies, Mr Witness. We had a few
15 technical issues. That happens sometimes. But I'll be putting some
16 questions to you and I hope you can respond. Now, before we go any
17 further, I'd just like to specify one thing: Today, when I put questions to you,
18 in actual fact I will be putting questions to you in English, but don't be
19 worried. As you heard just a few moments ago when the Presiding Judge
20 was speaking to you in English, his remarks were interpreted into French for
21 you, and I believe you heard the interpretation through your headset. So it
22 will still be me speaking to you, but you will be hearing the voice of the
23 interpreter. So I will now switch to English.

24 (Speaks English) Mr Witness, I would just like you to first confirm that the
25 statement that the Presiding Judge spoke about before, the statement that

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 you gave to the investigators, is all true.

2 A. [10:05:30] Yes.

3 Q. [10:05:33] Thank you. Now, in your statement and for the benefit of
4 the Court, I'm referring to paragraph 106. You said that you had some
5 trouble or some problems coming back to work as a mechanic because of the
6 injury to your arm.

7 A. [10:05:55] Yes.

8 Q. [10:05:57] Do you still have any problems with your work as a
9 mechanic because of the injury to your arm?

10 A. [10:06:07] Yes.

11 Q. [10:06:11] Can you please tell us about those problems with your arm?

12 A. [10:06:18] Well, you see, after the -- on the wound, the injury, a grenade
13 exploded and I was injured. My left arm was injured. That was during the
14 march to liberate the RTI because I was told that we were not to go out
15 because they were swearing in the new director of the station. So I was
16 taking part in a peaceful demon --

17 Q. [10:07:08] Sorry to interrupt you. The question was just about the
18 injury to your arm, how it's affecting you now in your work as a mechanic.
19 We're aware of the circumstances from the march. It's just about how, as a
20 mechanic, it has an effect on you at this point in time.

21 A. [10:07:27] Thank you. I no longer have any strength to do ordinary
22 activities. I had to stop working as a mechanic and so I got a second job and
23 now --

24 THE INTERPRETER: [10:07:43] Inaudible.

25 A. [10:07:47] -- my arm has no strength. It used to be strong but not

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 anymore. All the fingers work correctly.

2 PRESIDING JUDGE TARFUSSER: [10:07:53] Mr Witness, can you please
3 speak more clearly because sometimes the interpreters have difficulties to
4 understand you and to -- obviously then also to translate what you say. So
5 please speak clearly and not in your -- I would say in your beard, but you
6 have no beard. Thank you.

7 MS HENDERSON: [10:08:22]

8 Q. [10:08:22] Mr Witness, you were telling us about how you have no
9 more strength in your arm. Was there anything else you wanted to say
10 about that before we go on to the next question?

11 A. [10:08:33] No.

12 Q. [10:08:41] Thank you. Now, Mr Witness, do you remember seeing a
13 Belgian doctor called Professor Bonbled in October of 2013, a doctor who
14 examined you?

15 A. [10:08:58] Yes. A doctor did come and take a photograph of my arm,
16 but I don't remember his name right now.

17 Q. [10:09:15] That's not a problem. Thank you, Mr Witness. Do you
18 remember signing a form saying that you agreed for him to examine you?

19 A. [10:09:25] My French is not all that good. I don't really understand.

20 Q. [10:09:37] That's okay.

21 MS HENDERSON: [10:09:39] I would just ask for the witness to be shown
22 confidential document CIV-OTP-0056-0030, shown confidentially to the
23 witness, please.

24 Just one moment, Mr Witness.

25 Your Honours, we can provide a hard copy to the witness if that assists.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [10:11:41] Provide a hard copy and ask
2 if -- and put the question. I mean, the question seems to be quite obvious.
- 3 MS HENDERSON: [10:11:53] Thank you, your Honour. It's a short
4 question.
- 5 PRESIDING JUDGE TARFUSSER: [10:11:56] Yes, I can imagine.
- 6 MS HENDERSON: [10:12:24]
- 7 Q. [10:12:25] Now, Mr Witness, you can see a document with two sides on
8 it there, and on the second side there is a little bit of handwriting. Do you
9 see your signature there?
- 10 A. [10:12:45] Yes.
- 11 Q. [10:12:50] Thank you, Mr Witness. That's all the questions that I have
12 for you. Thank you for your testimony so far.
- 13 MS HENDERSON: [10:12:58] That's it, your Honour.
- 14 PRESIDING JUDGE TARFUSSER: [10:13:00] Thank you very much.
15 Mr Witness, now I give the floor to the Defence counsel for Mr Gbagbo, who
16 will question you, and I give the floor to the Defence counsel.
- 17 MR ALTIT: [10:13:19] (Interpretation) Thank you, your Honour. Your
18 Honours, Mr O'Shea will be cross-examining this witness on behalf of the
19 Gbagbo Defence team.
- 20 PRESIDING JUDGE TARFUSSER: [10:13:41] Thank you very much.
21 Therefore, I give the floor to Mr O'Shea.
- 22 MR O'SHEA: [10:13:47] Good morning, your Honours, after this long break.
23 First of all, I apologise for the discourtesy of stepping in in the middle of your
24 Honours' ruling. Not good on the first day of school, I admit.
- 25 QUESTIONED BY MR O'SHEA:

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 Q. [10:13:58] Good morning, Mr Witness.

2 A. [10:14:12] Good morning.

3 Q. [10:14:13] Now, the learned Judge asked you a moment ago to confirm
4 that you had met with the Prosecutor on the 22nd, 24th, 25th, and 26th of
5 March of 2012, so that's on four separate occasions. Are you aware of any
6 other times when you met with the Office of the Prosecutor?

7 A. [10:14:55] Yes.

8 Q. [10:15:10] And was that before or after March 2012, or both?

9 A. [10:15:18] I don't remember the date.

10 PRESIDING JUDGE TARFUSSER: [10:15:30] It was not the question -- it is
11 not a question of the date; it's a question of the period. Before 2013, after
12 2013, the period of your questioning, or both?

13 THE WITNESS: [10:15:49] (Interpretation) After my injury, that is when I
14 met with them, but the actual date escapes me. That is when I met those
15 people from the OTP.

16 MR O'SHEA: [10:16:03]

17 Q. [10:16:04] Do you remember how many days or weeks after your
18 injury was incurred?

19 A. [10:16:13] It was a while before I met them or met up with them. But
20 so far I don't have the date written in my head.

21 Q. [10:16:36] How many times have you signed a statement for the Office
22 of the Prosecutor?

23 A. [10:16:47] I don't know how many times I signed. I signed several
24 times but I don't know how many times.

25 Q. [10:17:02] And these several times that you signed documents, were

1 they on different days -- on different dates?

2 A. [10:17:17] Yes.

3 Q. [10:17:28] And on these different occasions when you signed

4 documents, did you meet with the same individuals or different individuals?

5 A. [10:17:45] They were different people.

6 Q. [10:17:55] And on each of these different occasions when you signed

7 documents, the Judges asked you the general question whether you read

8 through your statement -- whether your statement was read through to you

9 and you confirmed that. Now, on these different occasions when you signed

10 documents, on each occasion was the document read back to you?

11 A. [10:18:36] Yes, but it took a lot of time. It took a while.

12 Q. [10:18:50] And do you remember if on each of these occasions you

13 were speaking in French or in another language?

14 A. [10:19:13] I was speaking French.

15 Q. [10:19:24] In the months that followed your injury, how would you say

16 was your level of French during that period of time? How good was it, in

17 your estimation?

18 A. [10:19:54] I speak some French, but I didn't go to school.

19 Q. [10:20:02] And today - today - is your level of French good or do you

20 still struggle?

21 A. [10:20:16] It's a bit better.

22 Q. [10:20:26] And while you were being questioned by these individuals

23 from the Office of the Prosecutor, were there any interpreters present?

24 A. [10:20:47] Yes.

25 Q. [10:20:59] And among those interpreters, was there anyone who spoke

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 your native tongue?

2 A. [10:21:12] No.

3 Q. [10:21:18] Have you had your -- any of those documents, have you had
4 any of those documents read back to you in the last few days or weeks?

5 THE INTERPRETER: [10:22:03] Inaudible. Could the witness be asked to
6 repeat his reply.

7 MR O'SHEA: [10:22:18]

8 Q. [10:22:19] Could you repeat your reply to my question. My question
9 was whether in the last few days or weeks you've had any of these documents
10 which you signed read back to you.

11 A. [10:22:34] Yes.

12 Q. [10:22:43] Can you say when?

13 A. [10:22:48] Wednesday. Wednesday, that's when.

14 Q. [10:23:08] Is that Wednesday of last week?

15 A. [10:23:18] Yes, Wednesday. I don't know if it was the first -- well,
16 when it falls -- exactly when it falls, but it was Wednesday.

17 Q. [10:23:29] And when you were having your signed document or
18 documents read back to you last Wednesday, did you have an interpreter
19 present?

20 A. [10:23:46] There was an interpreter.

21 Q. [10:23:56] And did that interpreter speak in your native tongue?

22 A. [10:24:05] Not my mother tongue. He explained to me. I understood.

23 PRESIDING JUDGE TARFUSSER: [10:24:19] What is your native tongue?

24 THE WITNESS: [10:24:25] (Interpretation) It is Mòoré.

25 MR O'SHEA: [10:24:33]

1 Q. [10:24:33] So this interpreter last Wednesday was speaking to you in
2 French, right, or in some other language?

3 A. [10:24:45] He spoke in French and then he repeated in Dioula.

4 Q. [10:24:52] Did you at any stage ask for an interpreter to speak in your
5 native tongue or to have an interpreter in Dioula?

6 A. [10:25:29] No. On Wednesday, I asked. They came with him and
7 they explained in French and he repeated in Dioula.

8 Q. [10:25:45] Do you have any reason to believe that there may be any
9 written mistakes in any of the documents which you signed?

10 A. [10:26:03] I don't think so.

11 Q. [10:26:14] You've also been questioned by individuals from ONUCI,
12 O-N-U-C-I. When you were questioned by ONUCI, did you receive copies
13 of any signed documents?

14 A. [10:27:18] No.

15 Q. [10:27:21] And when you were questioned by individuals from the
16 Office of the Prosecutor, did those individuals provide you or read to you any
17 documents coming from international organisations or NGOs who had
18 questioned you?

19 A. [10:27:51] I'm sorry, could you repeat your question.

20 Q. [10:28:08] You were at some stage questioned by ONUCI, were you
21 not?

22 A. [10:28:19] Yes.

23 Q. [10:28:23] You've confirmed to this Court that they did not provide you
24 with any documents containing your statements. So my question to you is
25 that when you met with the Office of the Prosecutor, did the Office of the

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 Prosecutor provide you with or read to you any documents which had been
2 prepared by ONUCI?

3 A. [10:29:01] No.

4 Q. [10:29:04] And did the Office of the Prosecutor provide you with any
5 documents prepared by any NGO which you had previously spoken to?

6 A. [10:29:24] No.

7 Q. [10:29:28] And were you at any stage told by the Office of the
8 Prosecutor that the Office of the Prosecutor would try to obtain those
9 documents?

10 A. [10:29:53] No.

11 Q. [10:29:57] Now, you've spoken a lot about Abobo in your statement,
12 the one statement which we have for you. Now, you say that you
13 were -- you had a shop in Abobo. In the area where your shop was, was it
14 very busy in terms of the traffic of people walking in front of your shop
15 during normal hours?

16 A. [10:31:14] Yes.

17 Q. [10:31:21] Do you know about any political meetings which were held
18 at Abobo during the time that you were there?

19 A. [10:31:51] Political meetings? What --

20 PRESIDING JUDGE TARFUSSER: [10:32:05] I mean, this is very generic.
21 Of course there were political meetings, discussions. I mean, I think we
22 should be more precise. Thank you.

23 MR O'SHEA: [10:32:17] Your Honour, yes.

24 Q. [10:32:25] You stated in your statement that there were many
25 supporters of Ouattara living in Abobo at the time you were working there.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 A. [10:32:44] Yes.

2 Q. [10:32:48] From the time that you were working there, do you have
3 knowledge of meetings between supporters of Ouattara?

4 A. [10:33:15] There were meetings, but I wasn't interested in that.

5 Q. [10:33:22] On the basis of your knowledge, were there many such
6 meetings?

7 A. [10:33:44] Well, really, I really don't know.

8 Q. [10:33:56] And is it your evidence that you have never attended such a
9 meeting?

10 A. [10:34:08] Yes. I never -- I never went to a political meeting before the
11 march --

12 THE INTERPRETER: Correction. Except for the march.

13 Could the witness be asked to speak clearly into the microphone, please.

14 MR O'SHEA: [10:35:18]

15 Q. [10:35:18] Now, when you say "except for the march," which march are
16 you referring to?

17 A. [10:35:31] The march on the RTI, for the liberation of the RTI.

18 Q. [10:35:45] And how did you come to know about that meeting or
19 meetings?

20 A. [10:36:01] On the national TV.

21 Q. [10:36:21] Which station?

22 A. [10:36:28] Channel 1, and TCI as well.

23 Q. [10:36:49] So you're saying that the meetings which you attended or the
24 meeting which you attended in relation to the march you found about on
25 these two TV channels; have I understood you correctly?

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 A. [10:37:10] Yes, if I remember correctly. That's correct, yes.

2 Q. [10:37:23] So what specifically was said about meetings on these TV
3 emissions? Not the march, but meetings.

4 A. [10:37:34] Thank you. Well, yes, we were asked to have a peaceful
5 march to liberate the RTI.

6 THE INTERPRETER: [10:38:02] Correction: It was the prime minister who
7 requested that.

8 MR O'SHEA: [10:38:10]

9 Q. [10:38:10] Yes, Witness. This is something that you've spoken about
10 before, about the announcement of the march on TV, but my question is:
11 You have said here today that the meetings which you attended, you found
12 out about those meetings through the television. So what specifically on the
13 television was said about attending meetings?

14 A. [10:38:51] Yes.

15 MS HENDERSON: [10:38:55] I hesitate to interrupt. I'm not sure when the
16 witness is here with his headphones on, but it might be resolved by looking
17 through the last two pages of transcript about whether the witness used a
18 certain word or not.

19 MR O'SHEA: [10:39:18] Well, I think I just have to -- I understand where my
20 learned friend is coming from, confusion between what and what, but I think
21 I just need to explore it and clarify it.

22 PRESIDING JUDGE TARFUSSER: [10:39:35] Please do so.

23 MR O'SHEA: [10:39:46]

24 Q. [10:39:47] Witness, one thing is the march itself, which you've
25 explained was announced on TV, and another thing is any meetings which

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 you attended before the march started.

2 A. [10:40:18] No. On the TV --

3 THE INTERPRETER: [10:40:26] The interpreter would like to state that the
4 answer was inaudible. Please ask the witness to repeat.

5 MR O'SHEA: [10:40:38]

6 Q. [10:40:38] Witness, try to --

7 MR O'SHEA: [10:40:40] Sorry, your Honour.

8 PRESIDING JUDGE TARFUSSER: [10:40:43] No. We have to repeat
9 because it was not understood by the interpreters. So I would like to ask you
10 to repeat the last answer and to speak in any case a little bit clearer so that the
11 interpreters have less problems to understand you and to translate. Thank
12 you.

13 And I think we should not in any case - this is to you, Mr O'Shea - I think we
14 should not bring the witness on the road where he is inclined to confuse the
15 march with the meetings. I mean, they are two different things. Thank
16 you.

17 MR O'SHEA: [10:41:25] Let me perhaps come back to this specific point.

18 Q. [10:41:36] Witness, as I said a moment ago, one thing is the march itself
19 and another thing is any meetings which you attended before the march
20 started.

21 A. [10:41:57] No.

22 Q. [10:42:00] Do you -- sorry, do you mean that you did not attend any
23 meetings before the march, or what do you mean by "no"?

24 A. [10:42:13] I did not participate in any organisation or meetings before
25 the march.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 Q. [10:42:32] So if I can just come back to a question I asked earlier, have
2 you attended any meetings organised by supporters of Ouattara during the
3 events?

4 A. [10:42:54] No.

5 PRESIDING JUDGE TARFUSSER: [10:42:57] Here we don't know what
6 "during the events" means. The events lasted four or five months. Do you
7 mean the crisis or do you mean in respect to the march?

8 MR O'SHEA: [10:43:08] Well, I started broad, and if he said yes, I was going
9 to go narrow.

10 PRESIDING JUDGE TARFUSSER: [10:43:14] So by "the events" you mean
11 the crisis.

12 MR O'SHEA: [10:43:17] So I mean the crisis.

13 PRESIDING JUDGE TARFUSSER: [10:43:19] Okay.

14 MR O'SHEA: [10:43:20] His answer is no so I don't need to go narrow.

15 PRESIDING JUDGE TARFUSSER: [10:43:23] Okay. Of course, yes.

16 MR O'SHEA: [10:43:41]

17 Q. [10:43:42] Now, you have stated that there were foreigners living in
18 Abobo, and I take it by "foreigners" you mean people from other countries
19 other than Ivory Coast. Were there a lot of foreigners living in Abobo?

20 PRESIDING JUDGE TARFUSSER: [10:44:11] Can you give also always the
21 reference on the paragraph just to make it more easy for us than -- to make
22 the reference once we are -- in some time.

23 MR O'SHEA: [10:44:30] Your Honour, yes, I'll do my best.

24 PRESIDING JUDGE TARFUSSER: [10:45:18] Did you understand the
25 question? Can you answer, please, Mr Witness. The question about the

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 foreigners, what do you mean about foreigners -- by "foreigners"?

2 THE WITNESS: [10:45:39] (Interpretation) Well, for the march, we couldn't
3 identify who was Ivorian and who was a foreigner because I didn't see the ID.
4 A lot of people attended the march.

5 MR O'SHEA: [10:46:04]

6 Q. [10:46:04] You were working in Abobo in the months of October,
7 November and December of 2010. Were there foreigners living in Abobo?

8 A. [10:46:25] Abobo is a large town, and there is all kinds of people there
9 living in Abobo.

10 Q. [10:46:49] So is that a "yes" then?

11 PRESIDING JUDGE TARFUSSER: [10:47:05] Of course.

12 MR O'SHEA: [10:47:09] His Honour says "of course."

13 Q. [10:47:13] So I take it that that answer means there were foreigners
14 living in Abobo. Did you know some of those foreigners?

15 A. [10:47:31] When I mention Abobo, there's thousands of people. Of
16 course, there were all the different ethnic groups living there and foreigners
17 living there.

18 Q. [10:47:53] And did you know some of these foreigners living there?

19 A. [10:48:02] Well, there were foreigners in today -- even today. But
20 there is no such thing as a town without any foreigners. Whether it's a small
21 town or a big town, there are foreigners. Sometimes you hear people in the
22 street or you see them in restaurants eating, et cetera.

23 Q. [10:48:33] And my question is did you know some of those foreigners?

24 A. [10:48:42] Yes. Because I worked in Abobo, I knew the foreigners who
25 lived there, but that has nothing to do with politics.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 Q. [10:48:57] And did you just know one or two foreigners or did you
2 know a lot of them?

3 A. [10:49:18] I knew lots of them because I had lived there for a long time.
4 I repaired radiators, and sometimes there were foreign clients, Liberians.
5 Everybody came. And sometimes when you walk around the
6 neighbourhood, you would see foreigners. You'd see Ivorians. Abobo is a
7 big town with more than 2 million some inhabitants, so you can see all of the
8 various different communities there. And other times there are people you
9 don't know and you don't talk to them. But there are a lot of foreigners.

10 PRESIDING JUDGE TARFUSSER: [10:50:02] Now, please don't ask to name
11 them all, the foreign strangers he knows, with addresses and so. Thank you.

12 MR O'SHEA: [10:50:09] No need for that.

13 PRESIDING JUDGE TARFUSSER: [10:50:10] Thank you.

14 MR O'SHEA: [10:50:12]

15 Q. [10:50:13] On the basis of your interaction with these foreigners, the
16 ones that you knew, had some of them come into the Ivory Coast very
17 recently or are we talking about second-generation people?

18 A. [10:50:43] I really don't know. I went to Abobo and the people were
19 there. They were already there.

20 Q. [10:50:59] Now, you were doing a variety of jobs, as it were, weren't
21 you, in Abobo?

22 A. [10:51:21] Yes, yes.

23 Q. [10:51:26] Which included fixing radiators, fixing phones, and other
24 things.

25 A. [10:51:40] Yes.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 Q. [10:51:45] So your time while you were in Abobo, you were usually
2 very occupied, very busy; is that right?

3 A. [10:51:57] Well, even before I got to Abobo, I did odd jobs. I did
4 various odd jobs.

5 Q. [10:52:11] So in your normal working day in Abobo, you'd be dealing
6 with a lot of customers and you'd be very busy and you wouldn't have much
7 time to pay attention to other things; would that be correct?

8 A. [10:52:33] Well, when I was at work, I was working on a car as a
9 mechanic. On Sunday I didn't usually work but I might do odd jobs and I
10 might repair telephones or other things. If a phone was broken or a TV or
11 somebody who had a particular problem, I'd go and try to fix it for them. I
12 would do odd jobs.

13 Q. [10:53:08] And did you find that your days generally were very
14 occupied with these various jobs? Did you have a lot of customers?

15 A. [10:53:23] Yes, I had lots of clients. And I was a mechanic and I
16 repaired radiators.

17 Q. [10:53:43] The time when you were in Abobo, did you see individuals
18 with weapons who were supporters of Ouattara?

19 A. [10:54:18] I saw men with weapons, but they didn't say they were in
20 favour of Ouattara.

21 PRESIDING JUDGE TARFUSSER: [10:54:40] Can somebody -- somebody is
22 hammering on the keyboard with the microphone open. I hear it. I don't
23 know who. Okay. Madam Naouri, please hammer a little bit slower.

24 MS NAOURI: [10:54:59] Yes.

25 PRESIDING JUDGE TARFUSSER: [10:55:00] Okay. Thank you.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 THE INTERPRETER: [10:55:00] Your Honours, the interpreters thank you.

2 MR O'SHEA: [10:55:10]

3 Q. [10:55:10] So is it the position that when you saw men with weapons in
4 Abobo you did not know whether they were soldiers or rebels or Commando
5 Invisible?

6 A. [10:55:38] It was the Commando Invisible. We call them fognon.

7 Q. [10:55:53] And did you start seeing these men before the march of
8 December 2010?

9 A. [10:56:18] It was after the march.

10 Q. [10:56:28] When did you start to hear about them?

11 A. [10:56:39] I beg your pardon. Could you repeat. I couldn't hear that
12 question well.

13 Q. [10:56:57] When did you start to hear about the Commando Invisible?

14 A. [10:57:10] It was after the march that I heard about Commando
15 Invisible, but I had never seen them. Before the march, I heard -- I thought it
16 was Commando Invisible, and then after the march they referred to
17 Commando Invisible.

18 THE INTERPRETER: [10:57:56] Correction from the interpretation booth.

19 The witness said Commando Visible, he had heard, that is Visible
20 Commando, before the march, and Invisible after the march.

21 MR O'SHEA:

22 Q. [10:58:16] So did you hear the expression "Commando Visible" before
23 the march? Did you hear that expression?

24 A. [10:58:27] What do you mean by the word "expression"?

25 Q. [10:58:30] Well, you said that you'd heard of Commando Visible before

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 the march and Commando Invisible after the march. So my question to you
2 is, did you hear the words "Commando Visible" being used before the march?

3 A. [10:59:01] No. There is no Commando Visible. It's Commando
4 Invisible. We called them fognon. We heard them talk about it on the
5 radio, on Channel 1.

6 THE INTERPRETER: [10:59:20] Correction. On the TV. On Channel 1 on
7 the TV.

8 PRESIDING JUDGE TARFUSSER: [10:59:35] When you speak about
9 Commando Visible as opposed to Commando Invisible --

10 MR O'SHEA: [10:59:44] The witness spoke about it, your Honour.

11 PRESIDING JUDGE TARFUSSER: [10:59:45] No.

12 MR O'SHEA: [10:59:47] That's the translation I heard and that was what
13 was -- well, it was put in the transcript as "Invisible, Invisible," and then a
14 correction from the interpreter, it was Commando Visible.

15 PRESIDING JUDGE TARFUSSER: [10:59:59] I think he's never spoken about
16 Commando Visible but this is what I heard.

17 MR O'SHEA: [11:00:04] Well, it may be an interpretation problem but I
18 definitely had that coming through my earphones.

19 PRESIDING JUDGE TARFUSSER: [11:00:09] I did not, definitely.

20 MS HENDERSON: [11:00:12] Your Honour, if it assists, there is a correction
21 page 32, from line 4 of the English transcript.

22 PRESIDING JUDGE TARFUSSER: [11:00:25] Page and line? What did you
23 say?

24 MS HENDERSON: [11:00:29] Page 32, line 4 of the English transcript. "The
25 witness said Commando Invisible before the march and invisible before the

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 march."

2 PRESIDING JUDGE TARFUSSER: [11:00:45] So we take it that he never said

3 "Commando Visible," okay, because he did not. Please go ahead because --

4 MR O'SHEA: [11:00:54] Well, I'll take your word for it, your Honour. I'm

5 told it's 11 o'clock, although --

6 PRESIDING JUDGE TARFUSSER: [11:01:00] I do know it is 11 o'clock, but

7 the first guidance was that we go exactly one hour and a half, which is at 11

8 and 4 minutes.

9 MR O'SHEA: [11:01:11] I see.

10 PRESIDING JUDGE TARFUSSER: [11:01:12] We count the first -- I give

11 guidance and then I violate my own guidance. I think it shouldn't be the

12 best way to start. So you have another question and then we stop.

13 MR O'SHEA: [11:01:23] Your Honour, yes.

14 Q. [11:01:25] So you heard about the Commando Invisible on the TV.

15 When was the -- when was this? Was this in 2010?

16 A. [11:01:43] After the elections.

17 Q. [11:01:54] Was it in 2010? Was it -- let me put it this way: Was it in

18 December 2010?

19 A. [11:02:05] Well, I don't remember the date, but it was after the elections

20 that I heard about the Commando Invisible. I saw it with my own eyes on

21 channel 1, on TV.

22 Q. [11:02:21] And was it before the women's march?

23 A. [11:02:27] Well, Commando Invisible, it was before the women's

24 march.

25 PRESIDING JUDGE TARFUSSER: [11:02:40] You can stop now.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

- 1 MR O'SHEA: [11:02:42] Yes.
- 2 PRESIDING JUDGE TARFUSSER: [11:02:43] Thank you. The hearing is
3 adjourned to 11.35.
- 4 THE COURT USHER: [11:02:48] All rise.
- 5 (Recess taken at 11.02 a.m.)
- 6 (Upon resuming in open session at 11.38 a.m.)
- 7 THE COURT USHER: [11:38:16] All rise.
- 8 Please be seated.
- 9 PRESIDING JUDGE TARFUSSER: [11:38:39] Mr O'Shea, yours is the floor.
- 10 MR O'SHEA: [11:38:51] Your Honours, thank you.
- 11 Q. [11:39:02] Now, before the break, Witness, you said that you heard on
12 the television about the Commando Invisible before the marche des femmes,
13 the women's march.
- 14 A. [11:39:22] Yes.
- 15 Q. [11:39:22] We'll try to be a little bit more specific as to whether we're
16 talking about weeks or months before the women's march.
- 17 A. [11:39:43] We're talking of weeks.
- 18 Q. [11:39:46] And on the basis of what you know through the television or
19 through other people, what was the --
- 20 A. [11:40:20] Well, the fognon issue, I heard about it on TV. Then when
21 we returned to Abobo, I heard people talking about it.
- 22 PRESIDING JUDGE TARFUSSER: [11:40:31] But I don't think that counsel
23 had finished with the question.
- 24 MR O'SHEA: [11:41:04]
- 25 Q. [11:41:05] Yes. So on the basis of what you had heard, what was the

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 objective of the Commando Invisible? Do you know on the basis of what
2 you heard?

3 A. [11:41:13] That's what we heard.

4 Q. [11:41:29] What did you hear was the objective of the Commando
5 Invisible?

6 A. [11:41:37] What does "objective" mean?

7 Q. [11:41:45] What did you hear was the reason for their existence?

8 A. [11:41:53] Well, we heard that there was a Commando Invisible, but we
9 did not know what their purpose was right from the beginning.

10 PRESIDING JUDGE TARFUSSER: [11:42:16] But what was their purpose?

11 You were talking about their purpose. The question is: What, to your
12 knowledge, was their purpose?

13 MR O'SHEA: [11:42:30] I think he just said I don't know -- we didn't know
14 their purpose.

15 PRESIDING JUDGE TARFUSSER: [11:42:37] No. He said their purpose
16 was right from the beginning, so it's written here. "We did not know what
17 their purpose was right from the --" ah, was right from the beginning. Okay.
18 You're right. Thank you.

19 MR O'SHEA: [11:43:00]

20 Q. [11:43:01] So did you also not know on the basis of what you heard
21 why they started?

22 A. [11:43:10] At the beginning we did not know.

23 Q. [11:43:21] Did there come a time when you learnt why they started?

24 A. [11:43:34] Yes.

25 Q. [11:43:35] What did you learn?

1 A. [11:43:40] After the crisis worsened, we learnt that Commando

2 Invisible was fighting for another goal.

3 Q. [11:43:52] And did you hear what that goal was?

4 A. [11:44:11] Yes.

5 Q. [11:44:14] And what did you hear?

6 A. [11:44:18] I don't know the date.

7 Q. [11:44:25] The question was: What did you hear? What did you hear
8 was their goal?

9 A. [11:44:40] Their goal, well, there were forces of order at PK18 who
10 came and they were there to protect people. We also heard that there was a
11 chief who was there. They were not fighting for Ouattara; they were fighting
12 for their chief to provide protection at PK18.

13 Q. [11:45:00] And who was their chief?

14 A. [11:45:17] We later discovered that there was one IB who was their
15 chief, who even spoke on France 24, saying that he wasn't fighting for
16 Alassane. He said it on France 24 and this was heard by many people.
17 People said that there was a problem. But when he said this over France 24,
18 many people were surprised, and that is how we found out.

19 Q. [11:45:51] So what was the objective of their chief on the basis of what
20 you heard?

21 A. [11:46:11] At the time what we observed was that he wanted to become
22 the president of the republic because while he was there, people told him to
23 stop what he was doing but he did not listen to people. A delegation went to
24 meet him and ask why he was there, and he said he knew why he was there
25 but that he was not fighting for Alassane, Alassane.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 Q. [11:46:50] So he wanted to become president and the Commando

2 Invisible --

3 A. [11:46:56] Yes.

4 Q. [11:46:56] -- they were protecting him.

5 A. [11:47:04] No. Protecting the people, the population in Abobo,

6 because the official forces would come and arrest people and kill people

7 there. That is why they had the Commando Invisible whose chief was IB,

8 and their purpose was to protect local people. They also -- he was also

9 trying to make sure that if he ever became president, people would vote for

10 him.

11 Q. [11:47:36] Did you hear how the Commando Invisible started?

12 A. [11:47:46] What does "quoi que ce soit" mean in French?

13 Q. [11:48:04] The question is, did you hear how the Commando Invisible

14 started?

15 A. [11:48:18] Yes. Later we found out that the uniformed officers were

16 abducting people at PK18 and committing crimes at PK18. That is why a

17 group organised itself into what became known as the Commando Invisible.

18 Q. [11:48:40] Do you know anything else about the reasons for them

19 starting or is that all?

20 A. [11:48:51] That is all I know.

21 Q. [11:49:08] At paragraph 74 of the statement which you gave to the

22 Office of the Prosecutor, you said the following, you said:

23 (Interpretation) "The young people of the neighbourhood were angry after

24 some women died and after killings by the FDS in Abobo. That is how it

25 happened that from PK18 the youth of Abobo organised themselves to

1 defend themselves against Laurent Gbagbo's forces."

2 (Speaks English) Do you accept that you told the Office of the Prosecutor that
3 young people were angry with the death of the women and that this is how
4 they came to organise themselves? Do you accept that aspect of that
5 paragraph, that you told the Office of the Prosecutor that young people were
6 angry with the death of the women?

7 A. [11:51:00] Yes, but that had nothing to do with the rebellion. When
8 the women were killed, youth went to see -- we went to see what had
9 happened, and they were angry and they wanted to attack the people of the
10 LLP. And people came out and said, "No, don't do that, because attacking is
11 not a good thing."

12 Thereafter, people were courageous enough to join the Commando Invisible
13 because at that time people wanted to go to PK18 to take up arms, and it
14 happened at PK18. That's what I said.

15 Q. [11:51:42] Well, in the paragraph that I've just read out, Witness, you
16 give the killing of the women as one of the reasons for the fognon organising
17 themselves. So was the killing of the women one of the reasons for them
18 organising themselves?

19 A. [11:52:09] No.

20 Q. [11:52:16] So that part of your statement to the Office of the Prosecutor,
21 that aspect of your statement is incorrect, is it?

22 A. [11:52:29] There must have been a misunderstanding. What I said was
23 after the women died, the young -- the youth who were there were angry and
24 they wanted to retaliate immediately against the people of the LMP who were
25 near the surrounding buildings. And that has nothing, nothing to do with

1 the rebellion.

2 Q. [11:52:53] Now, you've already given evidence that at the time you
3 were talking to the Office of the Prosecutor you did not have an interpreter in
4 your mother tongue but the interpreter spoke French and then Dioula.

5 A. [11:53:26] Yes.

6 Q. [11:53:27] Was that situation in any way difficult for you, the way in
7 which the interpretation was being done? Could that explain this mistake?

8 A. [11:53:46] Maybe, maybe there was some discrepancy, but that's not
9 what I said. What I said was that after the women died, all those who came
10 to see the state in which they were discouraged. Many men had come to see
11 what had happened and they wanted to retaliate and attack the LMP. That's
12 what I said. And this has no connection with or to the rebellion.

13 Q. [11:54:24] Did the Commando Invisible kill people?

14 A. [11:54:45] Commando Invisible killing people? Well, I don't know. I
15 wasn't there. I wasn't at that location.

16 Q. [11:54:59] So is it the case that you were never present when the
17 Commando Invisible was in combat with the state's security forces?

18 A. [11:55:29] Yes. While people were there, there were ambushes.
19 There were killings. They took up weapons -- arms, rather, but I don't know
20 how it happened. The FDS, the official forces were there, but I also know
21 that the Commando Invisible ended up with a lot of weapons. That's what I
22 know.

23 Q. [11:55:57] But my question is quite specific. In any of these
24 confrontations between the Commando Invisible and the security forces of
25 the state, were you present or not?

1 A. [11:56:20] No.

2 Q. [11:56:29] At paragraph 76 of your statement, you say the following,

3 and I quote in French:

4 (Interpretation) "It was Gbagbo's forces that launched the attacks."

5 (Speaks English) But in reality, since you were never present during these

6 confrontations between the security forces of the state and the Commando

7 Invisible, you were not able to make that statement, were you?

8 A. [11:57:35] Well, I am not part of the army. When I hear these things, it

9 is what -- it is the things that people say -- said. I can only tell you the things

10 that I saw with my own eyes, so I did not say that.

11 PRESIDING JUDGE TARFUSSER: [11:58:04] In other words, how can you

12 state that the forces of Mr Gbagbo have started the attack? How can you say

13 this? How do you know?

14 THE WITNESS: [11:58:23] (Interpretation) Thank you, Mr President. You

15 see, after at my place of work, I had an apprentice who had joined the fognon

16 at PK18. They were there and he was the one who provided me with that

17 information at the beginning of the crisis. He said that people came and

18 attacked him. And so he decided that he was going to go back and defend

19 himself and then later on he also found out that weapons came in. I learnt

20 this from the apprentice.

21 MR O'SHEA: [11:58:58]

22 Q. [11:58:58] When did this apprentice join the fognon?

23 A. [11:59:07] When the crisis became more serious, I was surprised. Then

24 I heard rumours. You see, the fognon, you cannot identify them. They are

25 in civilian attire. I later found out that that apprentice was one of the

1 fognons. And when he provided me with the explanation, he said that it
2 was Laurent Gbagbo's forces which came and attacked.

3 And then one day I was waiting for him to get the key to my store. I was
4 waiting for him and he didn't come. So I went to PK18 and then I saw a
5 number of -- a series of cars that were parked there, and then I was able to
6 find out. Bako, Bako is his name.

7 Q. [12:00:25] So is the position that you don't know when Bako actually
8 joined the fognon. You just found out at some point that he was part of it
9 but you don't know when he joined it.

10 A. [12:00:40] Yes. Well, it's not that. Well, what happened was that
11 every now and then he would be absent from work and then I only found out
12 later.

13 Q. [12:00:50] When he was absent from work and you asked him why he
14 was absent from work, what would he say to you?

15 A. [12:01:09] He said he was tired, wasn't feeling well. That's why.
16 Those were the reasons. I didn't want to ask too much. But at one point,
17 keys of the neighbour and confirmed the keys and he didn't show up. And,
18 you see, I saw that he -- I found out he was part of the fognon.

19 Q. [12:01:41] Was there a time when someone approached you and asked
20 you to be part of the fognon?

21 A. [12:01:53] Fognon? No, I didn't.

22 Q. [12:02:00] In your statement at paragraph 75, you say the following,
23 and I quote in French:

24 (Interpretation) "As for myself, I did not join the fognon. I thought about
25 it, but since I have a large family and since my family is completely

1 dependent upon me, I didn't do it."

2 (Speaks English) So you didn't do it because of your family and the size of
3 your family. Did you want to do it?

4 A. [12:03:06] Sometimes you think about those things and a person does
5 what he wants to do. But when someone thinks, sometimes they decide not
6 to do something, and I didn't do it.

7 Q. [12:03:20] Well, you said that you thought about it. So when you were
8 thinking about it, was there a point at which you were seriously thinking
9 about it, joining the fognon?

10 A. [12:03:42] No. No, I couldn't. The fognon, they couldn't attack --

11 THE INTERPRETER: [12:03:52] Inaudible.

12 A. [12:03:55] -- and, you know, it would have been -- it would have meant
13 killing people.

14 MR MACDONALD: [12:04:12] Sorry, your Honour.

15 PRESIDING JUDGE TARFUSSER: [12:04:16] Mr MacDonald.

16 MR MACDONALD: [12:04:17] Just to clarify a word which should be
17 clarified on the record because I believe it's also a mistake in the statement
18 because it's a word in Dioula, "fognon," it's fognon, F-O-G-N-O-N. I just
19 want to clarify that. My colleagues can verify, but it's probably also a
20 mistake, the way it was pronounced presumably during the interview. But
21 in any event, it has a specific meaning in Dioula that the witness, I'm sure, can
22 explain if necessary.

23 PRESIDING JUDGE TARFUSSER: [12:04:53] What's important is that we
24 spell it or we use it knowing what's behind it.

25 But, Mr Witness, may I ask you, what does "fognon" mean?

1 THE WITNESS: [12:05:12] (Interpretation) It means "the wind."

2 PRESIDING JUDGE TARFUSSER: [12:05:18] Okay. Thank you.

3 Maître O'Shea.

4 MR O'SHEA: [12:05:27]

5 Q. [12:05:27] You just told the Chamber before my learned friend got on
6 his feet that you didn't want to kill people.

7 A. [12:05:42] Yes.

8 Q. [12:05:45] So if you were part of the fognon, you would have been
9 required to kill people, would you?

10 A. [12:05:52] If I have a weapon in my hand and -- well, it's not easy
11 if -- and the weapon -- since the crisis, I might come across someone and I
12 might have to -- or there are all kinds of possibilities. Anything is possible.
13 Anything could happen when you have a weapon in your hand.

14 Q. [12:06:24] When you found out that Bako was in the fognon, did you
15 discuss with him or did he discuss with you having had to kill people?

16 A. [12:06:47] He told me he had killed people. But then after a while,
17 really, I wasn't taking care of him. I had a big family. I had my own stuff to
18 deal with. I wasn't taking care of him.

19 Q. [12:07:04] Apart from Bako, did you know other people who had
20 joined the fognon?

21 A. [12:07:23] Truly, the one who was ahead of me, he was -- that didn't
22 interest me because after -- once the crisis exploded, people were going about
23 with handguns. But I wasn't interested in that. But it was -- it was Bako.

24 Q. [12:07:50] It was Bako. Do you mean that you didn't know anyone
25 else who had joined the fognon when you say "it was Bako"?

1 A. [12:08:05] Truly, I no longer recall. I would say -- well, I could have
2 put pressure on him. But to say that he and I were close to one another.
3 Amongst the fognon, I saw people like that, but, really, if you see someone
4 and you don't work together with them or -- well, you're not going to get
5 involved with that person's problems.

6 Q. [12:08:32] Is it right that there came a time when there were many
7 Commando Invisible present in Abobo?

8 A. [12:09:12] Yes. After, there were a lot.

9 Q. [12:09:25] And since you were there, you had your shop there, can you
10 try and give us a picture, a more detailed picture, of the kind of numbers
11 we're talking about.

12 A. [12:09:47] Really, I couldn't give you a number. I don't know.

13 Q. [12:09:55] So at this time when there were many and you were -- were
14 you still working in your shop at that time?

15 A. [12:10:10] Well, that store no longer mechanics, but I didn't handle that.

16 Q. [12:10:20] What were you doing at that time?

17 A. [12:10:26] I would take radiators and I would take the mechanics, but I
18 saw that the mechanics was more lucrative than the radiators. And, you see,
19 in the garages, there would be mechanics working. And, you see, if you
20 knew mechanics -- but I also did odd jobs. I was kind of a handyman and so
21 I managed to get by.

22 Q. [12:10:57] So if we can try and get the time frame as precise as possible,
23 when exactly would you say that there were many Commando Invisible, or
24 perhaps one can say when did the Commando Invisible become the
25 Commando Visible?

1 A. [12:11:29] Commando -- Invisible Commando? That was when the
2 crisis exploded strong, and there were groups of people called Commando
3 Invisible. And barricades were set up and the purpose was to keep people
4 out of Abobo. And if people fled, you see, sometimes the roads would be
5 blocked off and then a person would be stopped, and they might have a gun
6 or a knife or ...

7 Q. [12:12:12] So the point when you started to see many Commando
8 Invisible, was that before the women's march?

9 A. [12:12:28] After the women's march, that is when we saw a lot of
10 Invisible Commandos.

11 Q. [12:12:36] How long after?

12 A. [12:12:44] I really don't remember the time frame. What I do know is
13 that it was after.

14 Q. [12:12:54] And these Commando Invisible, they were erecting
15 barricades around Abobo, were they?

16 A. [12:13:07] Around Coco Service.

17 Q. [12:13:13] Did you have occasion to go through these barricades?

18 A. [12:13:20] Yes.

19 Q. [12:13:30] On a number of occasions or just occasionally?

20 A. [12:13:33] Several times when we would take the road.

21 Q. [12:13:44] So would you say that once these barricades were installed,
22 you would go through them regularly when you came from at Attecoubé to
23 Abobo or when you were moving within Abobo? Would that be fair to say
24 that you went through them regularly?

25 A. [12:14:03] What does that mean, "regularly"?

1 Q. [12:14:10] Every day.

2 A. [12:14:14] Yes, many times.

3 Q. [12:14:18] Did these Commando Invisible who were at these barricades
4 sometimes ask people for money?

5 A. [12:14:31] Sometimes people -- well, they might give 50 francs, 100, 150,
6 and then people would be able to go by. And people would be frisked as
7 well, searched, to make sure that they didn't have any handguns.

8 Q. [12:14:57] So were the Commando Invisible visible everywhere in
9 Abobo?

10 A. [12:15:33] When the crisis truly exploded, that was when -- even at the
11 barricades. You see, at Abobo university, there were snipers. And Coco
12 Service there were many, and they were trying to keep people from going
13 into Abobo. There were snipers in Abobo university.

14 Q. [12:16:06] Is this something you heard?

15 A. [12:16:21] The snipers?

16 Q. [12:16:28] Yes.

17 A. [12:16:32] Because me, the way I went to get to Abobo, I would go in
18 front of the university in Abobo at Adjamé. One day I went by a number of
19 bodies there, and snipers had been shooting at people. So the Invisible
20 Commando had blocked off the road. I didn't see the people, but I saw the
21 bodies actually as I was going along there. Since then I've no longer gone
22 that way. I now go behind FILTISAC and then through the forest.

23 Q. [12:17:14] So you saw bodies and someone told you about these
24 snipers, did they?

25 A. [12:17:28] Yes, yes.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 Q. [12:17:33] Who told you about these snipers?

2 A. [12:17:36] I know that they went through in the morning. And when I
3 saw the bodies, I saw the bodies -- they had been left. Since that day the
4 road has been blocked off. No car even goes through.

5 Q. [12:17:58] You mentioned going through the forest. Did anything
6 happen when you went through the forest?

7 A. [12:18:19] No, nothing happened. But when people went through the
8 forest and also towards the forest, there were the fognon teams who were --

9 THE INTERPRETER: [12:18:32] Inaudible.

10 A. [12:18:35] -- the people. Sometimes the fognon would shoot, and you
11 actually could even take a bullet. They did not rape or steal, but they were
12 there in the bush, waiting for people to go by.

13 MR O'SHEA: [12:18:55]

14 Q. [12:18:55] So did you witness the fognon shooting when you were
15 going through the forest?

16 A. [12:19:05] I was told that they didn't steal. They didn't actually steal
17 or rape. That would spoil things.

18 Q. [12:19:31] Did you witness -- did you see Commando Invisible
19 shooting when you went through the forest?

20 A. [12:19:43] Shooting? No, I didn't see any of that.

21 Q. [12:19:51] Did you see anyone else shooting when you were in the
22 forest?

23 A. [12:20:00] At that time we would hear the noise of each battle in the
24 neighbourhood but, truly, I did not actually see.

25 Q. [12:20:14] In paragraph 81 of your statement to the Office of the

1 Prosecutor, you say the following in French, and I quote:

2 (Interpretation) "The Abobo situation was well-known to me because every
3 day I would go there to Abobo to see about my shop. I saw all those things
4 with my own eyes. To get to Abobo, sometimes one would have to go
5 through the forest, all along the railway lines, because it was no longer
6 possible to use the normal road. Snipers were posted at the FESCI student
7 base close to the FILTISAC company in Abobo, Adjamé. And these snipers
8 would fire upon passersby indiscriminately and would kill people. In the
9 morning when we went by, we would see the bodies of people in the yard of
10 the university. People had been killed by the snipers. To get away from
11 the snipers, we would go by way of the forest. Sometimes the fognon
12 would escort people who wanted to go through the forest in order to get to
13 Abobo."

14 (Speaks English) So when you told the Office of the Prosecutor that you saw
15 everything with your own eyes, that's not strictly correct, is it?

16 A. [12:22:37] I said that I saw the bodies when I would go by to get to
17 Abobo.

18 Q. [12:22:44] But to say that you saw everything with your own eyes is
19 incorrect, isn't it?

20 A. [12:22:56] I saw the bodies and the barricades in fognon -- of the
21 fognon and -- well, I saw all of that.

22 Q. [12:23:11] But you did not see the snipers.

23 A. [12:23:31] With the --

24 THE INTERPRETER: [12:23:36] Inaudible.

25 A. [12:23:39] -- no.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 THE INTERPRETER: [12:23:40] Correction from the interpreter: With my
2 own eyes, no.

3 PRESIDING JUDGE TARFUSSER: [12:23:44] Avec what? Can you repeat
4 the answer?

5 MR O'SHEA: [12:23:49] With his own eyes, no, was the interpretation.

6 THE INTERPRETER: [12:23:58] Interpreter correction: The last reply was
7 "With my own eyes, no."

8 MR O'SHEA: [12:24:11]

9 Q. [12:24:11] Did you -- you talked about money being given to the
10 fognon on request at the roadblocks. Did you make any voluntary
11 contributions to the fognon, financial contributions?

12 A. [12:24:40] Truly, truly, I no longer remember any of that.

13 Q. [12:24:43] Well, you were a businessman. You were doing a number
14 of jobs because it was hard to make a living. But it's your evidence that you
15 don't remember whether or not you made any financial contributions; is that
16 the truth?

17 A. [12:25:18] That might have lasted. Giving money, I don't know.

18 Q. [12:25:24] What happened to somebody at the roadblocks of the
19 Commando Invisible if they were considered as a suspect? Do you know?

20 A. [12:25:44] I don't know.

21 Q. [12:25:55] You said earlier in your evidence that the Commando
22 Invisible or the fognon were difficult to identify because they were in civilian
23 clothes.

24 A. [12:26:34] Yes.

25 Q. [12:26:35] So when you saw men in civilian clothes carrying a weapon,

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 is it the position that you thought that it was the Commando Invisible but
2 you did not know for sure?

3 A. [12:26:51] When the crisis broke out, we would see armed men and we
4 would consider them to be fognon.

5 Q. [12:27:10] And sometimes these fognon would hide their arms, correct?
6 They wouldn't always show them.

7 A. [12:27:19] Some hid their weapons; some didn't. I remember that.

8 THE INTERPRETER: [12:27:38] Interpreter correction: If I remember that
9 correctly.

10 MR O'SHEA: [12:27:43]

11 Q. [12:27:43] So given that you didn't know many of these fognon and
12 they were in civilian clothes and sometimes hid their weapons, you wouldn't
13 be able to say, would you, whether they were Commando Invisible or not
14 when a march was taking place?

15 MR MACDONALD: [12:28:23] Objection, your Honour.

16 PRESIDING JUDGE TARFUSSER: [12:28:24] It's a bit speculative.

17 MR MACDONALD: [12:28:26] It's opinion.

18 PRESIDING JUDGE TARFUSSER: [12:28:28] Well, and it's -- well, I think it's
19 very speculative.

20 MR O'SHEA: [12:28:47]

21 Q. [12:28:49] In the march on the RTI, do you know whether there were
22 Commando Invisible present or not?

23 A. [12:28:55] Which march on the RTI?

24 Q. [12:29:06] How many marches on the RTI do you know about?

25 A. [12:29:13] On the day of the march upon the RTI, there were people

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 who were frisking people to make sure they didn't have handguns. And
2 sometimes if a person had a bottle, they would say, "No, no," because a bottle
3 could be used to hurt someone. It was supposed to be a peaceful march.

4 No one was supposed to be going there with weapons.

5 Q. [12:29:44] Was there a direction given that nobody could carry bottles?

6 A. [12:29:55] Not to take a bottle or a knife or to provoke anyone. It was
7 supposed to be a peaceful march. That is why, you see, these older people
8 would frisk people.

9 Q. [12:30:18] It was a long walk to the RTI, wasn't it?

10 A. [12:30:23] Well, we weren't able to get all the way to the RTI.

11 Q. [12:30:38] Did people not need to drink water while they were
12 marching to the RTI?

13 PRESIDING JUDGE TARFUSSER: [12:30:51] How can he say if people want
14 to drink water, please.

15 MR O'SHEA: [12:30:56] Well, that's not the point, your Honour.

16 PRESIDING JUDGE TARFUSSER: [12:30:59] Yes, I do know what the point
17 is.

18 MR O'SHEA: [12:31:03] The point --

19 PRESIDING JUDGE TARFUSSER: [12:31:05] But how can the witness say
20 what all the people who went to the march had to drink water or not? If you
21 ask him --

22 MR O'SHEA: [12:31:11] I'll rephrase. I'll rephrase.

23 PRESIDING JUDGE TARFUSSER: [12:31:14] Yes.

24 MR O'SHEA: [12:31:16]

25 Q. [12:31:16] Did you see people drinking water on the way to the RTI?

1 A. [12:31:22] Well, we weren't actually able to get there. There were
2 several groups of marchers where I was. We weren't able to get to the RTI.

3 Q. [12:31:47] My question is, did you see people drinking water on the
4 way?

5 A. [12:32:00] Well, in a march, I didn't notice that. Maybe yes; maybe no.
6 But I really don't remember. I don't remember whether anybody was
7 drinking water. It's been a long time now.

8 Q. [12:32:16] Were you drinking water?

9 A. [12:32:21] Well, yes, I drank water.

10 Q. [12:32:35] What were you drinking it out of?

11 A. [12:32:37] Well, during the march -- of course, people drink water. But
12 during the march, I don't remember whether I drank water, whether people
13 were drinking water or not. I don't remember.

14 Q. [12:33:03] But this aspect of people not being allowed to have bottles is
15 not true, is it? That's something you've added, isn't it?

16 A. [12:33:22] No, I didn't add that.

17 THE INTERPRETER: [12:33:30] The end of the answer was inaudible.

18 MR O'SHEA: [12:33:42]

19 Q. [12:33:42] Now, a moment ago you spoke about older men who were
20 searching people for weapons.

21 A. [12:33:56] Yes.

22 Q. [12:33:57] Were these older men giving people instructions before or
23 during the march?

24 A. [12:34:07] Well, what do you mean by "instructions"?

25 Q. [12:34:11] Were they saying things to the marchers?

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 A. [12:34:17] Well, it was a peaceful march. They said it was a peaceful
2 march.

3 Q. [12:34:23] Were they also telling people not to carry weapons?

4 A. [12:34:26] Yes. Well, when you say "a peaceful march," you raise your
5 hands to show that you have nothing -- that you're holding nothing.

6 Q. [12:34:41] So who were these elders?

7 A. [12:34:48] Well, they were the older people amongst the marchers.
8 They were elders.

9 Q. [12:35:00] Were there --

10 MR O'SHEA: [12:35:03] Sorry, your Honour.

11 PRESIDING JUDGE TARFUSSER: [12:35:08] No, I just wanted to ask, did
12 they search you as well? And did they give you instructions? How do you
13 know that this happened?

14 THE WITNESS: [12:35:21] (Interpretation) Well, the search started in front of
15 me. I saw them searching people to be sure that -- to be sure that people
16 were reassured, if I remember correctly. Well, you know, when it's a
17 peaceful march, we knew what that meant, but I don't remember whether I
18 myself was searched.

19 PRESIDING JUDGE TARFUSSER: [12:36:11] And did they give you
20 instructions? Or how did they give the instructions, to everybody they
21 searched or with a megaphone or something like this?

22 THE WITNESS: [12:36:26] (Interpretation) Well, if I remember correctly,
23 someone spoke loud as they were searching people, and so that's how we
24 heard it.

25 PRESIDING JUDGE TARFUSSER: [12:36:51] Maître O'Shea.

1 MR O'SHEA: [12:36:53] Thank you very much, your Honour.

2 Q. [12:36:56] At the time that this searching was going on, how many
3 people were around you?

4 A. [12:37:04] Well, I would say 40 to 50 because there were several stages
5 in the march. They weren't all together. And gradually the different groups
6 of people came together. I would say 40 -- 40 at the beginning. That's how
7 it started.

8 Q. [12:37:31] And before these small groups started moving, did you meet
9 with these elders to discuss how the march would be conducted?

10 A. [12:37:41] Well, it simply -- what it means when you say "a peaceful
11 march" is that you march with your hands up without any weapons, without
12 anything that can injure someone. Those were the instructions that were
13 given. That's what I know.

14 Q. [12:38:13] Just listen to my question carefully. Before the marchers
15 started moving, did you meet with the elders to have a discussion as to how
16 the march should be conducted, or with anyone else?

17 A. [12:38:37] No, it was during the march that we saw the elders come
18 and give the instructions.

19 Q. [12:38:45] Can you state as far as you can remember in detail what
20 those instructions were. You've already given us some indication, I
21 understand. But what exactly did the elders say? Try and tell us everything
22 you remember of what they said.

23 A. [12:39:16] Well, when you talk about the elders -- well, by duty, if you
24 will, because they're older than I am, if you see an elder person that you know
25 and that elder person tells you what to do or not to do and says what you

1 shouldn't do, in other words, no weapons, it's a peaceful march, that was the
2 slogan. That's what we understood.

3 Q. [12:39:53] All right. But I'd like you to please tell the Chamber what
4 were the words used by the elders as far as you can remember them. Just tell
5 us exactly what was said. Without other explanations, just tell us what was
6 said by the elders.

7 A. [12:40:18] Not to have weapons. That was the instruction that was
8 given.

9 Q. [12:40:32] Is that all?

10 A. [12:40:36] That's all I remember.

11 Q. [12:40:46] Did they say "get rid of your bottles"?

12 A. [12:40:55] Well, all of that is part of the same instruction. The idea of
13 not having any weapons means that whatever you may be holding in your
14 hands, you have to get rid of it. You have to leave it.

15 Q. [12:41:12] Did they specifically talk about bottles?

16 A. [12:41:19] As far as I'm concerned, I remember somebody having a
17 bottle -- if they had a bottle in their hand, they had to get rid of it because it
18 could be used to injure someone.

19 Q. [12:41:44] Did the elders make a statement that you cannot have
20 bottles, or not?

21 A. [12:41:54] Well, I don't really remember. They said, "It's a peaceful
22 march. No weapons in your hands." And a bottle could be a weapon. A
23 knife is a weapon. A bottle is a weapon.

24 Q. [12:42:21] So tell us exactly --

25 PRESIDING JUDGE TARFUSSER: [12:42:48] No. I was waiting, but why

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 don't you confront him with the contradiction if you see a contradiction in it.

2 Otherwise, we continue with "exactly the words" and he says always exactly

3 the same thing. I would ask you, because he has --

4 MR O'SHEA: [12:43:04] I'm not talking about words. I'm talking about

5 something else.

6 PRESIDING JUDGE TARFUSSER: [12:43:07] Yes. But why don't you

7 confront him with the contradiction in the statement, if there is a

8 contradiction to your opinion?

9 MR O'SHEA: [12:43:17] Well, if the witness goes out, I'll explain.

10 PRESIDING JUDGE TARFUSSER: [12:43:22] We can't continue like this.

11 MR O'SHEA: [12:43:28] Your Honour, your Honour has to keep in mind that

12 this is a Rule 68 witness, right?

13 PRESIDING JUDGE TARFUSSER: [12:43:35] I do. I keep it in mind, don't

14 worry.

15 MR O'SHEA: [12:43:38] And your Honour also has to keep in mind that

16 when it's a 68 witness and everything in the statement is in evidence, the task

17 of the Defence counsel is not as simple as your Honour is making out.

18 PRESIDING JUDGE TARFUSSER: [12:43:49] No.

19 MR O'SHEA: [12:43:51] I can't just go to lines in the statement and put them

20 to him. It doesn't get me anywhere. I have to -- I have to lay a foundation

21 before I do that.

22 PRESIDING JUDGE TARFUSSER: [12:44:02] Well, we are of a different

23 opinion on this but --

24 MR O'SHEA: [12:44:07] Well, let me put it this way, your Honour: If I want

25 to achieve anything for my client, then I have to lay a foundation. If I just

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 simply go to his statement and put lines to the witness, I'm not going to get
2 anywhere in my task, not in the judges' task but in my task, because this is not
3 a witness that has given evidence orally. This is a situation where
4 everything in the statement is in evidence.

5 PRESIDING JUDGE TARFUSSER: [12:44:39] I do -- I do know it and I
6 perfectly realise this. But we cannot go around one single word all the time.

7 MR O'SHEA: [12:44:51] Well, I'm not going around one word.

8 PRESIDING JUDGE TARFUSSER: [12:44:55] Please continue but ...

9 MR O'SHEA: [12:45:03]

10 Q. [12:45:04] Witness, can you please tell us exactly what happened in
11 relation to bottles. What was the exact sequence of events in relation to
12 bottles? What do you remember, words and actions?

13 A. [12:45:31] Well, it was the instructions that were given. Beyond that, I
14 know nothing else.

15 Q. [12:45:48] So you only heard an instruction relating to bottles but you
16 did not see any incident relating to bottles.

17 PRESIDING JUDGE TARFUSSER: [12:46:07] The question is, was there any
18 event -- was there any event you have seen relating to a bottle?

19 THE WITNESS: [12:46:20] (Interpretation) No.

20 MR O'SHEA: [12:46:25]

21 Q. [12:46:26] In your statement at paragraph 29, you say this, and I quote
22 in French:

23 (Interpretation) "We had nothing on us, not even a bottle of water to drink
24 from. There was a young man in my group who was holding a bottle of
25 Coca-Cola. He had to drink it and throw away the empty bottle because it

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 could have been used as a weapon."

2 (Speaks English) Since you just told the Judge that you didn't see any
3 incident relating to a bottle, is that a misunderstanding between you and the
4 Office of the Prosecutor?

5 MR O'SHEA: [12:47:32] I can't see anything wrong with that.

6 PRESIDING JUDGE TARFUSSER: [12:47:36] No, not yet. Wait a minute
7 until he has -- until the witness has answered this question.

8 MR O'SHEA: [12:47:59]

9 Q. [12:47:59] Do you understand the question? Do you understand the
10 question?

11 A. [12:48:06] No.

12 Q. [12:48:12] Right. The question is this: The learned Presiding Judge
13 asked you the question, was there any incident relating to a bottle and you
14 said no -- "any event" was the word used relating to a bottle and you said no.
15 Now, I've just read out a passage from your statement about a young man
16 who had to throw away a Coca-Cola bottle. So my question to you is, was
17 that a misunderstanding between you and the Office of the Prosecutor?

18 A. [12:48:54] Well, when you referred to an incident, I understood you
19 meant, for example, somebody breaking a bottle. But if it's just emptying the
20 bottle and throwing it away, that's not what I would call an incident.

21 Q. [12:49:40] Was there any planning of this RTI march other than the
22 announcement on the television?

23 A. [12:50:23] Well, what I remember is that what I heard -- and, you know,
24 it's been four or five years and I don't really remember all the details, but I
25 remember hearing about it on the TV, as I said earlier.

1 Q. [12:50:52] So do you not remember if you had any discussions,
2 planning discussions yourself before the march started?

3 A. [12:51:22] I don't remember. I remember I turned on the TV.

4 Q. [12:51:34] Did you listen to the radio during that period of time?

5 A. [12:51:49] Well, frankly, I don't really remember whether or not I
6 listened to the radio. But it's what I said. I've already told you about the
7 march. That's what I said.

8 Q. [12:52:24] And when you started marching towards the RTI, were you
9 heading directly to the RTI or were you heading somewhere else first?

10 A. [12:52:41] Well, we wanted to go directly to the RTI. And when the
11 people began getting together in Abobo, well, we started marching and we
12 were not able to get as far as RTI. We got to the gendarmerie.

13 THE INTERPRETER: [12:53:31] Correction: We weren't even able to get to
14 the gendarmerie.

15 MR O'SHEA: [12:53:36]

16 Q. [12:53:36] Was there any, was there ever any suggestion that before
17 going to the RTI you should go to the headquarters of the RDR or the PDCI?

18 A. [12:53:51] Well, I didn't hear that. Well, what I saw many times is that
19 people got together at the town hall in Abobo, and I followed people on the
20 way to the RTI from the pharmacy.

21 Q. [12:54:35] And you personally, when you woke up in the morning,
22 where did you start from?

23 A. [12:54:43] Well, I left from the pharmacy and then ...

24 Q. [12:55:07] So had you spent the night in Abobo?

25 A. [12:55:10] Yes.

1 THE INTERPRETER: [12:55:18] Correction: It was the Dokui pharmacy.

2 Q. [12:55:25] Why did you not simply go home the day before and start
3 your journey from Attecoubé in the morning?

4 A. [12:55:33] Well, I don't know if I said that in my statement, but, you
5 know, when there is marches like that, if there are arrests that take place in
6 the neighbourhoods and so it's better not to start from there.

7 Q. [12:56:02] It is better not to start from Attecoubé?

8 A. [12:56:06] Yes.

9 Q. [12:56:13] But nothing was happening at Attecoubé, was it?

10 A. [12:56:17] It's not the first time. Sometimes when there is a march
11 starting at 6 o'clock, it's better to stay put where you are because you could be
12 arrested or rounded up on the road. Anything is possible when there is a
13 march. And if you're arrested, sometimes it can take a while.

14 Q. [12:56:44] So if you were -- if you spent the night at a house in Abobo,
15 you were safe, were you?

16 A. [12:56:59] Yes.

17 Q. [12:57:03] And you spent the night, you said at paragraph 27 of your
18 statement, you spent the night with a friend who lives near your shop. Who
19 is that friend?

20 A. [12:57:27] The friend said I could sleep over there, so I spent the night
21 there.

22 Q. [12:57:40] The question is, who was the friend? What was his name?

23 MS HENDERSON: [12:57:44] Your Honours, we'd just ask to go into private
24 session for that question, please.

25 MR O'SHEA: [12:57:51] This is a witness who has got no protective

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Private Session)

ICC-02/11-01/15

1 measures. If it was felt that there should have been protective measures,
2 then the Chamber would have ordered them.

3 PRESIDING JUDGE TARFUSSER: [12:58:02] Yes, but here it's a name who is
4 asked, right? So just for the name we go into private session because it's a
5 third person. It's not about him, this witness; it's about the third person. So
6 we go in private session just for the name and then we come back into open
7 session.

8 Let's go in private session, please.

9 (Private session at 12.58 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Private Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 1.00 p.m.)

5 THE COURT OFFICER: [13:00:12] We're back to open session.

6 PRESIDING JUDGE TARFUSSER: [13:00:14] Mr O'Shea. Thank you.

7 MR O'SHEA: [13:00:18] Your Honour, thank you.

8 Q. [13:00:20] Witness, can I just ask you, would you have any difficulty

9 with that name being said in public session? The Prosecutor asked for it to
10 be in private session.

11 MR MACDONALD: [13:00:30] Objection. Your Honour --

12 PRESIDING JUDGE TARFUSSER: [13:00:32] No. I know. It's been --

13 MR MACDONALD: [13:00:35] You've made a ruling.

14 PRESIDING JUDGE TARFUSSER: [13:00:36] Yes. There is no such thing

15 like you to ask him if we go in open session or if he speaks it out in open

16 session. It was in closed session -- it is in private session, full stop.

17 MR O'SHEA: [13:00:49] Your Honour, yes. I'm not going to ask him the

18 name in public session because your Honour has made a ruling. I just

19 simply wanted to know if he had any problem.

20 PRESIDING JUDGE TARFUSSER: [13:00:59] But --

21 MR MACDONALD: [13:01:00] Not relevant, your Honour.

22 PRESIDING JUDGE TARFUSSER: [13:01:01] Yes, please go ahead. We

23 don't --

24 MR O'SHEA: [13:01:04] Can I just say that your Honour has made a ruling

25 and I'm not in any way challenging that --

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [13:01:12] Yes.

2 MR O'SHEA: [13:01:12] -- just in case my learned friend thinks I am. But it
3 is, of course, in a situation like this with an unprotected witness not really for
4 my learned friend to say whether it should be in private session but rather for
5 the witness. I just note that for the record.

6 PRESIDING JUDGE TARFUSSER: [13:01:33] I do know. But here we are
7 protecting a third person who is not here and that's the only reason why we
8 went in private session. It's not a -- it's a protective measure for the third
9 person whose name was said here.

10 And I would like to ask you, without any comment on this, to go ahead.

11 MR O'SHEA: [13:01:54] Can I just ask at what time we're stopping?

12 PRESIDING JUDGE TARFUSSER: [13:01:58] At 8.

13 MR O'SHEA: [13:02:00] 8 minutes past?

14 PRESIDING JUDGE TARFUSSER: [13:02:05] 8 minutes past.

15 Maître Gbougnon.

16 MR GBOUGNON: [13:02:10] (Interpretation) Yes.

17 PRESIDING JUDGE TARFUSSER: [13:02:13] Not about the open or closed
18 session or the name or not the name?

19 MR GBOUGNON: [13:02:21] (Interpretation) Mr President, it's indeed
20 about that. I think there is a great misunderstanding because what the
21 witness said is not a name. He said he doesn't know the surname of that
22 person and he has provided a nickname which can be used by everybody.
23 So therefore we cannot identify anyone because of that nickname that has
24 been related to him. It cannot identify the person. That's all I wanted to
25 add, Mr President.

1 PRESIDING JUDGE TARFUSSER: [13:02:55] I would like to go ahead. And

2 I would also ask people in the public gallery not to applaud, just to be calm.

3 Okay? Otherwise we have to evacuate you.

4 Please, Mr O'Shea, another couple of minutes and then we go for a lunch

5 break.

6 MR O'SHEA: [13:03:17] I'd like to go into private session again to find out

7 what the real name is, please.

8 PRESIDING JUDGE TARFUSSER: [13:03:28] He said already that he doesn't

9 know.

10 MR O'SHEA: [13:03:29] Did he say that?

11 PRESIDING JUDGE TARFUSSER: [13:03:31] Yes. He said he didn't know

12 the name. He said only this, as far as I have understood.

13 MR O'SHEA: [13:03:50] Well, there is perhaps another way of identifying

14 this third person because of the pseudonym which was provided. So with

15 your Honour's leave, I'd like to just go briefly into private session to ask him a

16 question which will allow me to perhaps identify the person.

17 PRESIDING JUDGE TARFUSSER: [13:04:08] Okay. So let's go in private

18 session and then we go for lunch as soon as we come -- return in open

19 session.

20 (Private session at 1.04 p.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Private Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 1.05 p.m.)

22 THE COURT OFFICER: [13:05:52] We are in open session, Mr President.

23 PRESIDING JUDGE TARFUSSER: [13:05:55] Thank you very much.

24 MR O'SHEA: [13:05:59] Yes, I'm suggesting that I stop there for now.

25 PRESIDING JUDGE TARFUSSER: [13:06:02] Okay. So I would just say to

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

- 1 the people in the public gallery that I try to keep this trial as open as much as
2 possible, and I would really ask very much for you to keep calm and let us
3 work in order to advance with the trial. Thank you.
4 Now we go for lunch and we come back at 2.45. Thank you.
5 THE COURT USHER: [13:06:30] All rise.
6 (Recess taken at 1.06 p.m.)
7 (Upon resuming in open session at 2.44 p.m.)
8 THE COURT USHER: [14:44:44] All rise.
9 Please be seated.
10 PRESIDING JUDGE TARFUSSER: [14:44:49] Mr O'Shea. Oh, he's not here.
11 MS NAOURI: [14:44:54] (Interpretation) Mr President, Mr O'Shea is not here
12 but it wouldn't be long. In five minutes or so we should be done. I don't
13 know why Maître O'Shea isn't here. I'm somewhat confused. He should be
14 here.
15 PRESIDING JUDGE TARFUSSER: [14:45:17] You could start. You could
16 continue.
17 MR KNOOPS: [14:45:20] You mean our team, Mr President?
18 PRESIDING JUDGE TARFUSSER: [14:45:32] He was late this morning, the
19 first school day, and now it's the second school day.
20 MR O'SHEA: [14:45:45] Sorry, your Honour. I'm gradually getting into lots
21 of trouble, I know.
22 PRESIDING JUDGE TARFUSSER: [14:45:52] Quickly, not gradually, very
23 quickly. Yours is the floor.
24 MR O'SHEA: [14:46:00] Thank you.
25 Q. [14:46:15] Good afternoon, Mr Witness.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

- 1 A. [14:46:23] Good afternoon.
- 2 Q. [14:46:30] Now, you say that the announcement of the march was by
- 3 Guillaume Soro and Patrick Achi. Do you remember what Patrick Achi
- 4 said?
- 5 A. [14:46:39] Yes.
- 6 Q. [14:46:44] What did he say?
- 7 A. [14:46:47] Yes.
- 8 Q. [14:46:55] And what did Guillaume Soro say?
- 9 A. [14:46:58] A peaceful march, a peaceful march.
- 10 Q. [14:47:06] Did they speak together or are these two separate
- 11 interviews?
- 12 A. [14:47:16] Guillaume Soro, well, I don't have a clear recollection, but I
- 13 think the two of them spoke. These things happened a long time ago.
- 14 Q. [14:47:35] Now, while you were conducting this peaceful march, what
- 15 were the soldiers under the control of Guillaume Soro doing, as far as you
- 16 know? Do you know?
- 17 A. [14:48:00] Well, Guillaume Soro's soldiers were not there.
- 18 Q. [14:48:13] But did you hear what activities they undertook that day?
- 19 A. [14:48:31] What type of activities?
- 20 Q. [14:48:33] Did you hear what they were doing that day, either through
- 21 the television or through other people?
- 22 A. [14:48:46] Are you talking about Guillaume Soro's people or the
- 23 march?
- 24 Q. [14:48:54] I'm talking about Guillaume Soro's people.
- 25 A. [14:49:04] It was announced on TV. Then we went out. We went out.

1 Q. [14:49:13] But did you hear what Guillaume Soro's people, as you put
2 it, were doing that day? Not you, the marchers.

3 A. [14:49:41] No.

4 Q. [14:49:44] And in these televised emissions that you saw, did they
5 show people in military uniform receiving directions from Guillaume Soro?

6 A. [14:50:05] Well, at least on TCI we saw people who were going to RTI
7 who were armed. But I don't know who they were, whose troops they were.
8 I was -- they left the Golf and were going to the RTI.

9 Q. [14:50:36] And were they wearing military attire?

10 A. [14:50:45] What we saw on TV, there were people with military
11 uniforms. We even saw some bullets. We saw that on TV.

12 Q. [14:51:05] And was it said that these people were going to liberate the
13 RTI?

14 A. [14:51:12] I really don't remember.

15 Q. [14:51:25] Now, just to come back for a moment to these old men,
16 you've explained that these old men were searching people, marchers, and
17 you've explained that you were a group of around 40, 40 or 50. Is it your
18 evidence that you only saw the old men searching your group?

19 A. [14:52:39] No. They searched everybody who was around.

20 Q. [14:52:49] Well, what do you mean by "everybody who was around"?
21 Do you mean everybody that was in your line of vision? Is that what you
22 mean?

23 A. [14:53:04] When people stopped and assembled to march, then the
24 elder people started to search them to determine whether they didn't possess
25 anything that could be harmful to others.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [14:53:24] Yes, but, Mr Witness,

2 Mr Witness --

3 THE WITNESS: [14:53:32] (Interpretation) Yes.

4 PRESIDING JUDGE TARFUSSER: [14:53:33] -- the question was if you saw

5 only the search by these elder people of your group, of the 40, 50 people,

6 which you saw because they were around you, or if you saw also elderly

7 people searching other groups?

8 THE WITNESS: [14:54:00] (Interpretation) They searched those of us who

9 had assembled. We were the ones who were searched.

10 PRESIDING JUDGE TARFUSSER: [14:54:08] So the 40, 50 you were talking

11 about.

12 THE WITNESS: [14:54:14] (Interpretation) Yes.

13 MR O'SHEA: [14:54:19]

14 Q. [14:54:19] Where was this gathering of the 40, 50, when this searching

15 was going on?

16 A. [14:54:23] It was at Pharmacie Dokui that we had gathered.

17 Q. [14:54:39] Now, at paragraph 31 of your statement, you said the

18 following, and I quote in French:

19 (Interpretation) "We were not ready for a fight, because the march was a

20 peaceful march and we did not know that things were going to unfold that

21 way."

22 (Speaks English) Now, when you say that you "did not know that things

23 were going to unfold that way," are you saying that you did not expect

24 trouble that day?

25 A. [14:55:37] Yes.

1 Q. [14:55:44] So the sort of thing that you experienced that day, you had
2 not experienced before; is that right?

3 A. [14:55:54] Yes.

4 Q. [14:55:58] Now, you've spoken about people that you've referred to as
5 the BMO and you say at paragraph 43 that they used tear gas, among other
6 things. Was it the tear gas that was used first?

7 A. [14:56:45] They used tear gas. That's what they used first.

8 Q. [14:56:58] And did this tear gas cause a lot of smoke around you?

9 A. [14:57:06] Yes. When it is lobbed, it produces smoke.

10 Q. [14:57:23] Now, paragraph 38 of your statement, you talk about the fact
11 that other marchers told you about the CRS. Now, these are the marchers
12 who spoke about the CRS. Were these people you knew or not?

13 A. [14:58:05] No.

14 Q. [14:58:12] At paragraph 42 of your statement, you talk about an
15 incident that you experienced involving the BMO, and as part of a description
16 of that incident, you say the following, and I quote in French:

17 (Interpretation) "One of them said to the driver, 'Driver, it's not good.'"

18 (Speaks English) Do you remember those exact words being said?

19 A. [14:59:17] Yes.

20 Q. [14:59:19] Now, at some point you get injured and you say that your
21 friends take you to the CHU. Can you explain in a bit more detail how you
22 get from where you're injured to the CHU.

23 A. [15:00:09] I did not provide all the details because I wasn't very
24 conscious.

25 PRESIDING JUDGE TARFUSSER: [15:00:25] Where you say "at some point,"

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 it's paragraph 37, right --

2 MR O'SHEA: [15:00:30] Your Honour, yes.

3 PRESIDING JUDGE TARFUSSER: [15:00:32] -- for the record?

4 MR O'SHEA: [15:00:37]

5 Q. [15:00:38] And the friends who helped you, were they also marchers?

6 A. [15:00:47] Yes.

7 Q. [15:00:51] And did they tell you afterwards why they took you to the

8 CHU in Yopougon?

9 A. [15:01:13] Yes.

10 Q. [15:01:18] What did they say?

11 A. [15:01:26] They said they would take me to ONUCI to begin with, but
12 then the Republican Guard was firing. And then my family and my brothers
13 came and they helped me to take me to Yopougon.

14 Q. [15:01:46] And did your brothers, when they made that decision, think
15 that you would be safe at Yopougon?

16 A. [15:02:01] We had no choice.

17 Q. [15:02:09] Now, what is the name of the road that runs in front of your
18 shop?

19 A. [15:02:51] I don't know. It really doesn't have a name.

20 PRESIDING JUDGE TARFUSSER: [15:03:00] Can you speak clear in the
21 microphone, please, and not mumble. Thank you.

22 THE WITNESS: [15:03:08] (Interpretation) Thank you. The road in front of
23 my shop does not have a name.

24 MR O'SHEA: [15:03:17]

25 Q. [15:03:18] Now, on the day when the women went marching, you said

1 that you saw women in that road in front of your shop, right?

2 A. [15:03:44] Yes, because the women came out of various
3 neighbourhoods and gathered on the main road. They came out of the
4 neighbourhoods passing in front of the shop. They came from everywhere
5 to go to the -- to go there.

6 Q. [15:04:16] Were you working that day?

7 A. [15:04:21] I went to the shop. Sometimes you go there to sit down and
8 then people might bring a few jobs. Sometimes nothing happens and you
9 don't get a job. But what you do is you go to the shop and sit there. If there
10 is business, fine; if there is no business, fine.

11 Q. [15:04:48] And during the course of that day, did you have business?

12 A. [15:04:59] Well, no, I don't remember. It happened such a long time
13 ago.

14 Q. [15:05:11] So do you have some difficulty remembering the events of
15 that day?

16 A. [15:05:45] Not too much.

17 Q. [15:05:52] But you don't remember whether you were doing any work
18 or not, so are there things about what happened --

19 A. [15:06:07] They came and when -- when we heard the shots and the
20 women had been killed, we decided to go back.

21 Q. [15:06:27] In terms of the events of that day, do you remember
22 anything before hearing the shots?

23 A. [15:06:44] Yes.

24 Q. [15:06:52] What things do you remember?

25 A. [15:07:03] The women were holding banners saying "Gbagbo dégage,"

1 Gbagbo leave.

2 Q. [15:07:11] And do you remember everything you saw in detail or are
3 there gaps in your memory about what you saw?

4 A. [15:07:25] A little bit.

5 Q. [15:07:54] Now, when you -- at the time that you heard the noises, the
6 shots, as you put it a moment ago, were you able to say with any precision
7 where the shots were coming from?

8 A. [15:08:28] From the Banco roundabout, that's where we heard the
9 firing, but we didn't know where the shots were coming from. People were
10 running. They were coming and so we also went to find out where the
11 fire -- the shots were coming from.

12 Q. [15:08:54] And I'm not talking about now, but at that time - I'm talking
13 about your state of mind at that time when you heard the shots - when you
14 heard those shots, did you know what kind of shots they were or you just
15 heard noises?

16 A. [15:09:22] The noise was very strong, too strong. Boom. So people
17 fled and we went to see.

18 Q. [15:09:34] And when you heard these strong noises, did you know at
19 the moment you heard them what was causing them, or is that something
20 you found out later?

21 A. [15:09:52] When we heard the noise, we saw people running towards
22 where we were working and we ran out to see what was happening. People
23 didn't know what was happening. And then we heard people saying, "Oh,
24 they have shot at the women. They have shot at the women." So we went
25 out to see what was happening.

1 Q. [15:10:22] Now, at that time, at the time of the women's march, had you
2 heard of the International Criminal Court?

3 A. [15:11:13] What did you say? The existence of what? What does that
4 mean?

5 Q. [15:11:22] At the time of the women's march, did you know of
6 something called the International Criminal Court?

7 A. [15:11:32] We had heard mention of it.

8 Q. [15:11:44] And at that time, at the time of the women's march, did you
9 know that if crimes were committed, they could lead to punishment of the
10 perpetrators of those crimes? Is that something you knew at the time?

11 A. [15:12:18] Well, I used to listen to Radio ONUCI where I heard a
12 statement that the people in power had lost the election, but that if anybody
13 was involved in violence, they will become victims of everything or, rather,
14 that they will be punished by the International Criminal Court, by Luis
15 Moreno.

16 Q. [15:12:59] Now, on 3 March, did you take some photos?

17 A. [15:13:19] Photos of what?

18 Q. [15:13:21] At the time of the women's march, did you take any photos?

19 A. [15:13:26] I took some photographs, but I cleaned them up. I deleted
20 them. I deleted them because they were rather disgusting.

21 Q. [15:13:48] Before you deleted them, did you try to communicate them
22 to the authorities who supported Ouattara, like Guillaume Soro or to
23 anybody else who supported Ouattara? Did you try to communicate those
24 photos to anybody in the authorities of the rebels or of the Commando
25 Invisible or those close to Guillaume Soro? Did you take any steps of that

1 nature?

2 A. [15:14:48] Thank you. When we took those photographs and we got
3 to the neighbourhoods, people wanted to look at them. So people were
4 looking, coming to see, and that was the first time I was seeing photographs
5 of that -- such gory photographs with people's heads having been exploded
6 and all of that. And so everybody said we should delete the pictures because
7 they were rather disgusting.

8 Q. [15:15:31] Did any of those pictures survive?

9 A. [15:15:46] Survive? What do you mean? What does that
10 word -- what does that word mean, "survive"?

11 Q. [15:15:56] Did any copies of the photographs which you took continue
12 to exist, as far as you know?

13 A. [15:16:10] I no longer have the photographs. I saw and I was there,
14 and perhaps maybe I think they went onto RTI, France 24, some other
15 stations. I think those photographs ended up on the television.

16 Q. [15:16:38] When you say you think, do you remember seeing any of
17 those photographs on the television?

18 A. [15:16:50] The images on the television? Yes.

19 Q. [15:17:00] So you remember seeing copies of your photographs on the
20 television?

21 A. [15:17:15] When you say a copy, I'm not the one who gave copies to the
22 television stations. But, you see, on the front page of France 24, the photos
23 were there. And the people, you see, they brought all those images together.
24 And actually some people were saying that the blood -- some people said that
25 the blood actually was the juice from a particular fruit. It was not blood, you

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 see.

2 THE INTERPRETER: [15:18:15] Interpreter correction: The witness made
3 reference to a particular kind of juice, red sorrel juice.

4 MR O'SHEA: [15:18:30]

5 Q. [15:18:32] In paragraph 49 of your statement, you say the following,
6 and I quote in French:

7 (Interpretation) "That is why later I deleted them from my phone. If those
8 photographs can be useful for your investigation, I know the people who
9 had taken copies. I can contact them and try to get those photographs back,
10 to give them to you."

11 (Speaks English) When you asked -- sorry, when you said this to the Office of
12 the Prosecutor, did the Office of Prosecutor ask you to take that step, to try
13 and get those copies?

14 A. [15:19:59] Well, it was a long time ago. I forget. I can't remember. It
15 was a long time ago. After five years, so I really don't remember anymore.

16 Q. [15:20:25] Do you remember if you actually did take any steps to try
17 and get those copies?

18 A. [15:20:47] Even today the copies -- well, I don't think you can get the
19 copies. It was the beginning. That is when they were deleted. We were
20 there with -- well, you see, with the situation in Côte d'Ivoire, there's a great
21 deal of hatred, violence, so it wouldn't be easy to find a copy of those
22 photographs. People have forgotten everything that has happened. It's all
23 been forgotten.

24 Q. [15:21:32] You see, Witness, you said in your interview with the
25 Prosecutor that you would try and get copies of these photos, of these images

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 which you took because you'd given the photos to other people. So the
2 question is, did you, after speaking with the Office of the Prosecutor, take any
3 steps to try and get those copies?

4 A. [15:22:12] I think you're mixing up the photographs that I took during
5 the crisis of the women and the time when people were burnt. I don't have
6 pictures of those people anymore to provide to the Prosecution. So those are
7 different photographs.

8 Q. [15:22:42] Well, at the moment I'm talking about the women's march
9 and that quotation that I read out was in the context of you talking about the
10 women's march.

11 A. [15:23:13] If there was not --

12 THE INTERPRETER: [15:23:16] Inaudible.

13 A. [15:23:18] -- with the photographs that I took with my phone, when
14 they beat up the women, the copies, I deleted them. But maybe,
15 maybe -- well, you see, that was the beginning. All I can say is that.

16 Q. [15:23:43] So before you deleted these photos, did you transmit the
17 photos to anyone else before you deleted them?

18 A. [15:24:00] Yes. Some people wanted the photographs, so they were
19 given to people. And because of the pressure of the imam and the family
20 members, the photographs were erased for the most part. But perhaps it
21 might be possible to find the photographs somewhere. So far, you see, when
22 hatred exists, you want to get revenge. I can say that.

23 Q. [15:24:31] But when you were speaking to the Office of the Prosecutor
24 at that time in 2012, did you at that time believe that copies of these photos
25 still existed?

1 A. [15:25:03] Yes, 2012, the photos still were around.

2 Q. [15:25:12] So I'm just going to ask this one last time: Did you do
3 anything to try and get them after speaking to the Prosecutor?

4 A. [15:25:29] Those photographs of the women, I didn't give them to the
5 Prosecution.

6 Q. [15:25:47] In paragraph 50 of your statement, you say the following,
7 and I quote in French -- and just to contextualise things, this is still in the
8 context of the women's march. You say the following, and I quote in French:
9 (Interpretation) "After that incident, young people from Abobo-Anador
10 wanted to go out and wreak vengeance and take on the young people from
11 the LMP who were based in the large building at the roundabout that is close
12 to the place where Kia trucks are sold, but the family members kept the
13 young people from going out to wreak vengeance. The family members
14 told the young people not to seek revenge."

15 (Speaks English) My first question is, was this the reaction of all the parents
16 or were there some parents who said this to their youngsters and others who
17 didn't, who perhaps had an opposite view?

18 A. [15:27:48] Thank you. With the anger today, there are some places
19 where parents and family members speak, and when they speak, people
20 listen, because not everyone is -- well, sometimes the children listen;
21 sometimes they don't. But they listened to what the parents were saying.
22 Otherwise, if -- otherwise, there would have been massacres; for example,
23 you see, a great many men were killed that day because people wanted
24 revenge.

25 Q. [15:28:37] Well, you've made a distinction between the views of the

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 youngsters and the views of the parents, and you've said that the parents
2 tried to persuade the youngsters not to exact revenge. And my question is,
3 were there any parents who took the opposite view, who took the view like
4 their children, that revenge was the appropriate course?

5 A. [15:29:05] The young people had a certain idea that they were going to
6 attack, but the parents said no, they didn't want them to go and retaliate.

7 PRESIDING JUDGE TARFUSSER: [15:29:47] Excuse me.

8 Mr Witness, my question is, how can you speak so generally about "the
9 parents" and "the children"? I mean, how do you know these things? And
10 from which parents and which young people are you speaking about?

11 THE WITNESS: [15:30:13] (Interpretation) Thank you, your Honour.

12 When they killed the women, some parents went into the neighbourhoods to
13 come and see us and to look for proof. So everyone was involved, women,
14 old men. But at the roundabouts there were many supporters of the LMP
15 and they wanted to attack there, but some parents who were there right
16 away, they -- in some cases, they were talking about mothers and fathers and
17 they said, "No, don't do that. Don't do it." So, you see, they were parents
18 who prohibited. And some young people even didn't want to retaliate. So
19 there you have it.

20 PRESIDING JUDGE TARFUSSER: [15:31:03] Thank you.

21 Mr O'Shea.

22 MR O'SHEA: [15:31:06] Your Honour, thank you. Sorry, just a moment,
23 your Honour. My attention has been drawn.

24 (Counsel confer)

25 MR O'SHEA: [15:32:31]

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 Q. [15:32:32] Now, you've explained how parents explained -- persuaded
2 the youngsters not to commit revenge and so forth. But to your knowledge,
3 when that occurred or afterwards, were there acts of revenge? Were there
4 killings?

5 A. [15:32:55] Really, I didn't see any murders. I didn't see that myself.

6 Q. [15:33:12] Did you hear of anything like that?

7 A. [15:33:18] Retaliation? No.

8 Q. [15:33:24] Now, if I'm to understand you correctly based upon what we
9 know about you, you have no military experience; is that right?

10 A. [15:33:57] No.

11 Q. [15:34:05] And you said at the beginning of your testimony that you
12 were not interested in politics.

13 A. [15:34:19] Yes.

14 Q. [15:34:21] So would it be fair to say that you personally know very little
15 about actual military structures?

16 A. [15:34:45] What does that mean? What word? The -- I haven't quite
17 understood.

18 Q. [15:34:54] Would it be fair comment to say that you personally know
19 very little about how the military is structured in Ivory Coast?

20 A. [15:35:11] What does that mean, "the military"? What does that word
21 mean?

22 Q. [15:35:28] Witness, you don't know what the word "military" means?

23 A. [15:35:36] Yes, I do know what that word means. I know the word
24 "military".

25 Q. [15:35:46] So is it right that you know very little about military

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 structures?

2 A. [15:35:55] Yes. I'm not a military man, so I don't know how the
3 military is organised.

4 Q. [15:36:10] So it follows, does it, that you did not know the details of
5 how CECOS was started or how it was structured?

6 A. [15:36:32] CECOS, they were bandits. That is what they said on the
7 television. That is what they showed on the television every day, that they
8 were bandits. Every day you would see that. And when things would
9 happen, CECOS would come out -- they were a bunch of bandits, really.
10 That's what we saw on the television every day.

11 THE INTERPRETER: [15:37:09] Interpreter correction: CECOS was
12 tracking down the bandits.

13 PRESIDING JUDGE TARFUSSER: [15:37:25] Yes, but -- excuse me, but this
14 is quite different, I would say. So all the translation has to be adapted. I
15 mean, they are bandits or they are tracking down the bandits, which is
16 something different, I would say.

17 MR O'SHEA: [15:37:50] It would be useful, your Honours, just to know from
18 the interpreters whether this was a change in what the witness said or
19 whether this was a mistaken interpretation which was corrected.

20 THE INTERPRETER: [15:38:07] Message from the interpreters: The
21 interpreter did not hear one verb particularly clearly, and the interpreter then
22 corrected himself.

23 PRESIDING JUDGE TARFUSSER: [15:38:18] I think, Mr Witness, can you
24 repeat what CECOS, to your knowledge, is or was?

25 THE WITNESS: [15:38:37] (Interpretation) On the television there was

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 CECOS, and they said they were an army that would catch the bandits, that
2 were working to get those bandits.

3 MR O'SHEA: [15:39:02]

4 Q. [15:39:02] And by "bandits," are we talking about the rebels?

5 A. [15:39:09] No.

6 PRESIDING JUDGE TARFUSSER: [15:39:14] Well, who are the bandits then?

7 THE WITNESS: [15:39:17] (Interpretation) The people who were holding
8 people up, engaging in robbery. Sometimes the people who would assault
9 people with knives, that sort of thing, those were the bandits.

10 MR MACDONALD: [15:39:34] I have to intervene, your Honour, at this
11 stage. I think the information has already been on record via prior witnesses,
12 if I'm not mistaken, as to the mandate of the CECOS, and the answer was
13 provided at that time, your Honour.

14 PRESIDING JUDGE TARFUSSER: [15:39:49] Yes, we do know. We do
15 know.

16 MR MACDONALD: [15:39:52] Okay. Thank you.

17 PRESIDING JUDGE TARFUSSER: [15:39:53] We know exactly. The
18 problem is what the witness knows or has perceived or has -- what
19 knowledge he has on the CECOS because, obviously, he talked quite
20 some -- extensively about CECOS in the statement. So please, Mr O'Shea.

21 MR O'SHEA: [15:40:18]

22 Q. [15:40:18] So this thing that you heard about the CECOS, is that
23 everything you knew about CECOS, you personally?

24 A. [15:40:31] Yes, that is what we were told on television. Sometimes
25 even when events occurred, we would see people. And we see people in

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 cars who were being held, they were suspects, and we would see those things
2 on the television.

3 Q. [15:41:00] But because you were not in the military and did not know
4 much about the military, you did not know who gave instructions to the
5 people within CECOS, do you?

6 A. [15:41:26] What does "instructions" mean? What does -- what's the
7 meaning of "instructions"? I want to know what that means. My French is
8 not very good.

9 Q. [15:41:53] Well, when CECOS was going on operations, you did not
10 know who was giving orders within CECOS or to CECOS.

11 A. [15:42:19] Really, if I recall -- I no longer recall the person who was
12 giving the orders. Really, it was a while ago. I don't remember who -- I
13 don't remember who was giving the orders in CECOS. It was a long time
14 ago. I no longer recall the person who was giving the orders to CECOS.

15 PRESIDING JUDGE TARFUSSER: [15:42:47] Do you know who was the
16 head of CECOS or the commanders -- the commander or the other
17 commanders within CECOS?

18 THE WITNESS: [15:43:03] (Interpretation) The commanders whom I
19 knew -- well, once there was a Guiai Bi Poin, Guiai Bi Poin, and he was the
20 head of CECOS. I don't know if he was the commander or if he was one of
21 the leaders of CECOS.

22 MR O'SHEA: [15:43:50]

23 Q. [15:43:51] Now, you only saw President Laurent Gbagbo on television;
24 is that right?

25 A. [15:44:32] I saw him on the television and I saw him outside as well.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 Q. [15:45:01] But you've never been up close to him, have you?

2 A. [15:45:17] Since 1990, I've seen him since that time, when I was a child,
3 but he wasn't the president then.

4 Q. [15:45:30] But at the time he was president and during the crisis, you
5 were never up close to him, were you?

6 A. [15:45:41] I saw him. I did see him clearly.

7 PRESIDING JUDGE TARFUSSER: [15:45:50] Yes, but -- excuse me, did you
8 see him on television or did you see him personally? And if personally, did
9 you see him close because you spoke to him or because you saw him from
10 afar, from a distance?

11 THE WITNESS: [15:46:10] (Interpretation) I saw him from afar. I never
12 spoke to him.

13 MR O'SHEA: [15:46:22]

14 Q. [15:46:22] And when you saw him from afar, the people that you saw
15 with him, were they people that you did not know?

16 A. [15:46:47] He was with his bodyguards. He was with his guards but I
17 didn't know them; his bodyguards, some in civilian clothing, people from the
18 Presidency. But I never spoke to him.

19 Q. [15:47:15] And it follows you never spoke to his guards and you didn't
20 know who his guards were, so --

21 A. [15:47:38] I didn't know his guards. They were wearing ties and they
22 were bodyguards. I never spoke to him.

23 Q. [15:47:52] So would it be fair to say that you knew nothing about his
24 guards?

25 A. [15:47:59] I don't know his bodyguards. I don't know them.

1 Q. [15:48:07] Would it be fair to say that you knew nothing about them?

2 PRESIDING JUDGE TARFUSSER: [15:48:14] I would say that this is clear.

3 Excuse me, but --

4 MR O'SHEA: [15:48:21] Does your Honour know why I'm asking this
5 question?

6 PRESIDING JUDGE TARFUSSER: [15:48:25] I can imagine, yes. But please,
7 go ahead.

8 MR O'SHEA: [15:48:39] Did I get an answer?

9 With your Honour's leave, I'll put the question because it's important to me.

10 Q. [15:49:12] Would it be fair to say that you knew nothing about the
11 guards of President Laurent Gbagbo?

12 A. [15:49:22] Well, to see a man, to know what his function is and actually
13 know the person, it's a different thing. We saw them. They were
14 bodyguards with a president. All of the men who were wearing jackets, who
15 were carrying briefcases, those were the people we refer to as the president's
16 bodyguards. But we don't see everything. Some of them carry briefcases.
17 Some of them have walkie-talkies or little telephones. And all of those
18 people we refer to as the president's bodyguards.

19 Q. [15:50:08] But is it right that you knew nothing about where they came
20 from?

21 A. [15:50:44] Well, as regards the bodyguards? No.

22 Q. [15:50:56] So when it's stated at paragraph 40 that --

23 I won't ask the question. I'll just allow your Honours to look at paragraph
24 40.

25 Now, when, in your statement, you talk about things that you've heard

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 President Gbagbo say, you talk about "a thousand dead to the right, a
2 thousand dead to the left." Can you tell us exactly the expression that you
3 say is attributable to Laurent Gbagbo?

4 A. [15:54:35] Well, what do you mean by "attributable"?

5 Q. [15:55:06] Did you say something to the Office of the Prosecutor about
6 Laurent Gbagbo saying "a thousand to the right, a thousand to the left"? Do
7 you remember saying anything like that?

8 A. [15:55:21] Yes.

9 Q. [15:55:29] What is the exact expression that you say you heard?

10 MS HENDERSON: [15:55:51] Your Honours, if a passage is to be referred to
11 from the statement, especially words attributed to another person, I'd really
12 request that the exact wording be read out for the witness.

13 MR O'SHEA: [15:56:03] With respect --

14 PRESIDING JUDGE TARFUSSER: [15:56:05] 24. 24.

15 MR O'SHEA: [15:56:06] With respect, I don't want to read out the exact
16 wording. I want to hear from the witness what he says --

17 PRESIDING JUDGE TARFUSSER: [15:56:12] Yes, I agree. I agree.

18 MR O'SHEA: [15:56:17] -- that Laurent Gbagbo said.

19 Q. [15:56:28] Yes, Mr Witness, we're waiting.

20 A. [15:56:44] Yes. We heard talk about that. And I saw someone with a
21 T-shirt in favour of Laurent Gbagbo, and it said "A thousand dead to the left,
22 a thousand dead to the right," and I asked her if that was normal. It was on
23 the TV channel TCI that I had seen that.

24 PRESIDING JUDGE TARFUSSER: [15:57:10] No. But here I think there is
25 some confusion. Did you see that on TV or did somebody with a T-shirt say

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 this to you?

2 THE WITNESS: [15:57:24] (Interpretation) I saw it on TV. And I saw
3 someone with a pro-Gbagbo shirt and I said, "Well, a president who says 'a
4 thousand dead to the left, a thousand dead to the right,' is that normal?"
5 And otherwise, yes, I saw it on TCI, the TV channel TCI.

6 PRESIDING JUDGE TARFUSSER: [15:57:46] But the question is, who spoke
7 out these words on television? What did you see? Who did you see
8 speaking, saying these words?

9 MR O'SHEA: [15:57:58] He said that it was on the T-shirt, your Honour.

10 PRESIDING JUDGE TARFUSSER: [15:58:02] No. TV. No, no.

11 MR O'SHEA: [15:58:04] On the T-shirt.

12 PRESIDING JUDGE TARFUSSER: [15:58:05] Yes.

13 MR O'SHEA: [15:58:06] On the TV he saw on the T-shirt those words.

14 PRESIDING JUDGE TARFUSSER: [15:58:09] Well --

15 MR O'SHEA: [15:58:10] I'm just telling your Honour what's written in the
16 transcript.

17 PRESIDING JUDGE TARFUSSER: [15:58:13] Yes, yes.

18 MR O'SHEA: [15:58:14] So he hasn't -- so far he hasn't said anyone said it.

19 PRESIDING JUDGE TARFUSSER: [15:58:19] No, no. That's why I asked
20 who said this. Who said these words?

21 MS HENDERSON: [15:58:25] Your Honours, we don't agree that the last
22 characterisation my learned friend just gave is what is written in the
23 statement.

24 MR O'SHEA: [15:58:33] That's not what I said. I said in the transcript.

25 PRESIDING JUDGE TARFUSSER: [15:58:35] Excuse me. For the moment, I

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 do not care. I asked a question to the witness.

2 MR MACDONALD: [15:58:40] But my colleague is misleading --

3 PRESIDING JUDGE TARFUSSER: [15:58:43] Let me please put this question.

4 MR MACDONALD: [15:58:45] He said TV and T-shirt, your Honour.

5 PRESIDING JUDGE TARFUSSER: [15:58:48] I do know. I hear.

6 Who said these words? Where did you see this? Who did -- who spoke

7 these words? And which words exactly?

8 THE WITNESS: [15:59:03] (Interpretation) TCI is a TV channel and a news
9 channel.

10 PRESIDING JUDGE TARFUSSER: [15:59:14] And on that channel, what did
11 you see and hear?

12 THE WITNESS: [15:59:19] (Interpretation) "A thousand dead to the left, a
13 thousand dead to the right. I don't give a damn. I'm moving forward."

14 And the journalist was saying -- we could hear the slogan, "A thousand dead
15 to the left, a thousand dead to the right. I couldn't give a damn. I'm moving
16 forward."

17 And then when I saw someone with a Gbagbo T-shirt, I said, "Well, a
18 president who says something like that, 'a thousand dead to the left, a
19 thousand dead to the right,' is that normal?" But TCI is not a T-shirt. TCI is
20 a TV channel.

21 PRESIDING JUDGE TARFUSSER: [16:00:06] Yes. But you have not yet said
22 who spoke this -- these words on the TV channel.

23 THE WITNESS: [16:00:17] (Interpretation) It was the journalist who spoke
24 those words on the TV channel, as we could see the images of President
25 Gbagbo.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [16:00:31] Okay. Thank you.

2 Mr O'Shea.

3 MR O'SHEA: [16:00:34] Thank you, your Honour.

4 Q. [16:00:39] And just a point of clarification, Witness. Did you say that
5 these words, you saw them on a T-shirt or not?

6 A. [16:00:49] No, no.

7 Q. [16:01:19] So you heard these words out of the journalist's mouth.

8 Was it only on that occasion?

9 A. [16:01:34] The image that we could see on TV showed the president in
10 his car, and then the journalist said, "A president who says 'A thousand dead
11 to the left, a thousand dead to the right,'" he was making a comment and he
12 repeated, "A thousand dead to the left, a thousand dead to the right. I don't
13 give a damn. I'm moving forward." And those images from TCI were
14 shown, were broadcast the world around. And TCI broadcast those images.
15 And we were -- we saw those images time and time again.

16 PRESIDING JUDGE TARFUSSER: [16:02:20] So we should have them, these
17 images somewhere, I would say.

18 MR O'SHEA: [16:02:25] We don't. That's the point. That's the point I'm
19 getting at.

20 PRESIDING JUDGE TARFUSSER: [16:02:30] So we don't have those and we
21 don't have the photos, if I'm correct.

22 MR O'SHEA: [16:02:34] Yes. This is the purpose of these questions.

23 PRESIDING JUDGE TARFUSSER: [16:02:38] Okay.

24 MR MACDONALD: [16:02:45] Your Honours, I'm not (inaudible) but all in
25 due course.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [16:02:55] Yes. The problem is what is
2 due course? I mean, we have to understand each other because now it's
3 relevant, I would say. Anyhow, if the Prosecutor says "in due course," it will
4 be in due course.

5 Please, Mr O'Shea, go ahead.

6 MR O'SHEA: [16:03:12]

7 Q. [16:03:12] So how many times did you see these images that you are
8 talking about?

9 A. [16:03:20] Well, more than four. Maybe six times. Every day they
10 were showing them.

11 Q. [16:03:35] Witness, you appreciate that there is a little difference
12 between four to six times and every day. Can you help us a bit better than
13 that? Is it every day or four to six times?

14 A. [16:03:52] Well, I saw them more than four or six times, and I would
15 see that when I watched the news. It was on the news. More than four to
16 six times. I already said that. I saw it on the news.

17 Q. [16:04:22] And in each of these times that you saw it, was it the same
18 journalist talking? Is it the same images that are being repeated?

19 A. [16:04:39] Yes, it was the same images that were repeated.

20 Q. [16:04:45] And in those images, it is only the journalist who is talking;
21 is that right?

22 A. [16:04:56] Yes.

23 Q. [16:05:01] And apart from these images that you've seen on TV, you
24 haven't heard these words elsewhere, just in those same images that you've
25 seen repeatedly on TV; is that right?

1 A. [16:05:29] Those images, around all the neighbourhoods, everybody
2 was talking about it.

3 THE INTERPRETER: [16:06:02] Correction: Everybody saw those images
4 in all the neighbourhoods.

5 MR O'SHEA: [16:06:09] I think your Honour yourself pointed out that it's
6 paragraph 24, so I don't need to draw that to your Honour's attention.

7 PRESIDING JUDGE TARFUSSER: [16:06:28] I did it because you forgot.
8 That's why.

9 MR O'SHEA: [16:06:31] Then your Honour is psychic.

10 Q. [16:07:14] Now, in your statement you talk about fetish. You talk
11 about fetish being something which was used to make people immune from
12 being shot. Can you explain that to the Chamber.

13 A. [16:07:29] Yes, because it was the fognon who used those fetishes, and
14 they didn't want any rape or theft because rape and theft would jinx the
15 fetishes.

16 Q. [16:07:52] So what was the effect of the fetish? What did it achieve?

17 A. [16:08:08] Well, the fetish, the people who make those fetishes, they use
18 panther skin or other materials. And there is a mirror inside and people
19 wear them, the people who wear them out of pleasure because they like them.
20 It's part of traditional attire.

21 Q. [16:08:48] And is the idea that it will stop bullets, or what's the idea?

22 A. [16:08:57] Yes. Yes, that's exactly the case.

23 Q. [16:09:09] Does it work?

24 A. [16:09:13] Well, some work and some don't.

25 Q. [16:09:24] Have you seen it work?

- 1 A. [16:09:29] I have seen cases where it worked but not during the crisis.
- 2 Q. [16:09:41] Can you give us an example.
- 3 A. [16:09:46] Yes. There was a bousho (phon) who sold coffee, and he
- 4 had a little shop in the street which was working really well. And there were
- 5 some thieves who came with a gun and they wanted to rob him. And he was
- 6 upstairs. And they tried to shoot at him, and it was as if he were made of
- 7 wood and the bullet just didn't go in. And afterwards he said he had a good
- 8 fetish.
- 9 And a second time, three months later, there were thieves to came to attack.
- 10 And they shot on him and once again the bullets didn't hurt him. And so he
- 11 said, again, "You see, I believe in those fetishes."
- 12 But in other cases they don't work because if you believe in it, you know -- in
- 13 particular the elders believe that if you believe in it, then the fetish will work.
- 14 But if not, then they don't. If you speak the truth, it works.
- 15 PRESIDING JUDGE TARFUSSER: [16:11:15] I think that on this fetish we
- 16 can stop and go for today.
- 17 MR O'SHEA: [16:11:26] Agreed. Agreed, your Honour. Yes.
- 18 PRESIDING JUDGE TARFUSSER: [16:11:28] Okay. So we have finished for
- 19 today. I would really ask now the Defence how long it will take you to
- 20 finish, because I would like just to say what the Chamber would like to do to
- 21 finish by tomorrow with this witness and to start on Wednesday with 45, and
- 22 to start on Friday with number -- I can't remember, but with the third
- 23 number. So this is the wish of the Chamber. I would just like to ask you
- 24 how long it will take for you.
- 25 MR O'SHEA: [16:12:13] Well, I have to have some consultations with Maître

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

- 1 Altit after these proceedings, but let us say for the time being, the first session.
- 2 PRESIDING JUDGE TARFUSSER: [16:12:25] Okay.
- 3 MR MACDONALD: [16:12:27] With your permission, your Honour.
- 4 PRESIDING JUDGE TARFUSSER: [16:12:29] Yes.
- 5 MR MACDONALD: [16:12:30] We'll have to discuss how long the Defence
- 6 has for these witnesses when initially we had announced if we would have
- 7 done the witness in full, three hours. I think the Defence is beyond that for
- 8 one thing.
- 9 PRESIDING JUDGE TARFUSSER: [16:12:46] No, it's three hours.
- 10 MR MACDONALD: [16:12:47] It's three hours sharp now?
- 11 PRESIDING JUDGE TARFUSSER: [16:12:49] Yes.
- 12 MR MACDONALD: [16:12:50] So half an hour session is 150 per cent of the
- 13 time just for Altit Defence -- sorry, Mr Gbagbo's Defence team and therefore
- 14 going over your directives. And then there is the cross-examination by the
- 15 Defence team of Mr Blé Goudé.
- 16 PRESIDING JUDGE TARFUSSER: [16:13:05] I do know. That's why I say
- 17 by tomorrow we should be through with this witness.
- 18 MR O'SHEA: [16:13:11] Your Honour, there is a big difference between --
- 19 PRESIDING JUDGE TARFUSSER: [16:13:17] Yes, I do know.
- 20 MR O'SHEA: [16:13:17] Yes.
- 21 PRESIDING JUDGE TARFUSSER: [16:13:18] I know exactly. As I say, the
- 22 directive, the double is not really applying on 68, Rule 68 witnesses.
- 23 MR O'SHEA: [16:13:26] Thank you, yes.
- 24 PRESIDING JUDGE TARFUSSER: [16:13:27] We of course would not be
- 25 very -- I was not very strict.

Trial Hearing
WITNESS: CIV-OTP-P-0106

(Open Session)

ICC-02/11-01/15

- 1 MR O'SHEA: [16:13:30] Yes.
- 2 PRESIDING JUDGE TARFUSSER: [16:13:31] But still --
- 3 MR O'SHEA: [16:13:32] Yes.
- 4 PRESIDING JUDGE TARFUSSER: [16:13:33] -- the wish of the Chamber is to
- 5 finish tomorrow with this witness and then to have for two days the next
- 6 witness and then on Friday to start with the third. This is how we see it and
- 7 therefore I would ask you, all of you, to -- because we have to be also more
- 8 strict with the timing. We will be more strict in the spirit of expeditiousness
- 9 which has started with the January order, okay?
- 10 MR O'SHEA: [16:14:03] We'll do our best to keep within that.
- 11 PRESIDING JUDGE TARFUSSER: [16:14:06] Okay. So thank you very
- 12 much. The hearing is adjourned till tomorrow, 9.30.
- 13 THE COURT USHER: [16:14:14] All rise.
- 14 (The hearing ends in open session at 4.14 p.m.)