

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing - Courtroom 2
9 Tuesday, 6 December 2016
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:56] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:34] Good morning. Good morning to
15 everybody.
16 I thought, Maître Altit, that you had finished your questioning, but no, you have not, as I
17 see.
18 Good morning also to you in the field. Court officer, can you hear me because I cannot
19 hear anything now?
20 THE COURT OFFICER: [9:34:02] (Via video link) Yes, your Honours, I hear you
21 clearly.
22 PRESIDING JUDGE TARFUSSER: [9:34:06] Now I can hear you as well.
23 Could you please escort in the witness so that we can continue.
24 THE COURT OFFICER: [9:34:16] (Via video link) Yes. Right away.
25 (The witness enters the video-link room)

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- 1 PRESIDING JUDGE TARFUSSER: [9:34:55] Good morning, Mr Witness.
- 2 WITNESS: CIV-OTP-P-0555 (On former oath)
- 3 (The witness speaks French)
- 4 (The witness gives evidence via video link)
- 5 THE WITNESS: [9:35:01](Via video link)(Interpretation) Good morning.
- 6 PRESIDING JUDGE TARFUSSER: [9:35:05] It will be a long day for you, but I think
- 7 you should just concentrate on the questions and respond truly to the questions which the
- 8 Defence of Mr Gbagbo and then of Mr Blé Goudé will put to you, and then we will be fine
- 9 and go ahead smoothly and hopefully finish during the day.
- 10 I'm waiting because Maître Gbougnon wants to address the Court.
- 11 MR GBOUGNON: [9:35:41] (Interpretation) Good morning, your Honour. I am
- 12 sorry, I apologise, but we are having problems with the computers and we are -- even the
- 13 computers behind us are not operating properly. We do not have access to the French
- 14 transcript.
- 15 PRESIDING JUDGE TARFUSSER: [9:35:59] We will deal with it. Today is a bit of a
- 16 particular day because we have three trials, all three courtrooms ongoing, so probably this
- 17 court is not used to have three trials ongoing at the same time, so probably there is a bit of
- 18 confusion, but we'll deal with it, but I think we continue. Okay.
- 19 So Mr Witness, I give now the floor to Maître Altit for his questioning, and if you have
- 20 any problems address them to me, okay?
- 21 THE WITNESS: [9:36:43](Via video link)(Interpretation) Okay, no problem.
- 22 MR ALTIT: [9:36:52] (Interpretation) Thank you, your Honour.
- 23 QUESTIONED BY MR ALTIT: (Continuing)(Interpretation)
- 24 Q. [9:36:55] Good morning to everyone. Good morning to you, sir, Mr Sanogo. I
- 25 hope you are well rested?

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1 A. [9:37:05] Yes, thank you very much.

2 Q. [9:37:09] If you don't mind we will continue with what we were dealing with
3 yesterday. We are trying to understand what happened to you and better comprehend
4 the content of your statement; do you understand?

5 A. [9:37:26] Mm-hmm.

6 Q. [9:37:29] Now, yesterday just as we left the -- ended the sitting you were saying
7 that your group was taking a taxi headed towards Cocody Saint-Jean to rejoin the
8 demonstration that was heading towards the RTI; is that correct?

9 A. [9:37:54] Mm-hmm.

10 Q. [9:37:58] Is that a yes?

11 MR ALTIT: (Interpretation) If I could just cross-check something with your leave. Is
12 the interpret -- English interpretation, channel 1.

13 Q. [9:38:29] So was that a yes?

14 A. [9:38:32] Yes.

15 Q. [9:38:32] Very well. So I was asking you, sir, what was the route you took to get
16 to the location you were with your two friends to Cocody Saint-Jean? Yesterday you
17 said that it was a distance, but do you have any idea how many kilometres the distance
18 was?

19 A. [9:38:57] No, no. I really couldn't -- the number of kilometres from *Treichville all
20 the way to Cocody I can't say, but it was kilometres, kilometres.

21 Q. [9:39:10] Very well. Do you have any idea how much time it would take to travel
22 that distance on foot?

23 A. [9:39:26] 12, 12 kilometres from my point of view.

24 Q. [9:39:33] Very well. So you're telling us it's 12 kilometres.

25 A. [9:39:38] That's my opinion. I'm not so sure about kilometres.

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1 Q. [9:39:44] So it's an approximation?

2 A. [9:39:48] Mm-hmm.

3 Q. [9:39:49] So now my first question to you, sir, along the way, along this long
4 distance, did you see any police officers or other law enforcement officials?

5 A. [9:40:04] Well, we got to Cocody, Cocody Saint-Jean where the station is, where the
6 passengers get out, that is where we saw the policemen everywhere, so we were afraid.

7 We --

8 THE INTERPRETER: [9:40:22] Inaudible.

9 THE WITNESS: [9:40:23](Via video link)(Interpretation) So that is how it came to be
10 that --

11 MR ALTIT: [9:40:29] (Interpretation)

12 Q. [9:40:29] Very well. Mr Witness, if you could, so that we can move quickly, as
13 quickly as possible, I'd like to remind you that we already have your statement, we
14 already know what you told the OTP investigators, all of us here we all have the
15 statement, so I was asking you if I could ask you to listen to the question very carefully
16 and just answer my question and that way we can move forward, make progress together
17 and it will go faster.

18 So my question to you is this, sir: Along the way, not when you got there, but along the
19 way, between the time you left Treichville and the moment you got to Cocody Saint-Jean
20 did you see police officers?

21 A. [9:41:19] *No, no, no, we did not see any forces of law and order on the way. No,
22 it was when we got to Cocody Saint-Jean that I saw the policemen and the law
23 enforcement people. Just there. I did not see any forces of law while on the road.

24 Q. [9:41:30] Very well. So could you tell us how much time it took to get to Cocody
25 Saint-Jean? You were in a taxi. In approximate terms how long did it take you to get

1 there?

2 A. [9:41:47] I beg your pardon? The distance? The route?

3 Q. [9:41:51] You were in a taxi?

4 A. [9:41:52] Yes, yes.

5 Q. [9:41:54] How much time were you in the taxi for from Treichville to Cocody
6 Saint-Jean approximately?

7 A. [9:42:06] I would say about 30 to 40 minutes.

8 Q. [9:42:17] Very well. So let's try to reconstitute the journey. One step at a time.
9 That's our aim. And if by any chance I put a question to you and it's not clear, just tell
10 me and I will rephrase my question, okay?

11 A. [9:42:39] Yes.

12 Q. [9:42:39] Very well. So you got to Cocody Saint-Jean and you were not very far
13 from the RTI; is that true?

14 A. [9:42:52] Yes, that's so.

15 Q. [9:42:54] And if my memory of Abidjan is correct, we're actually facing the RTI,
16 opposite? *So one would have to go straight forward to get to the RTI, is that correct?

17 A. [9:43:03] Yes.

18 Q. [9:43:11] But you told us that instead of going straight towards the RTI, in
19 paragraph 30 you said, and I'm going to quote, in paragraph 30 of your statement you
20 said this:

21 "We had to take another taxi to go to the Golf."

22 I'll repeat: "We had to take another taxi to go to the Golf." End of quote.

23 So when you say the Golf do you mean the Golf Hotel?

24 A. [9:43:49] No. We got out at Saint Jean, we saw the police, the police were everywhere,
25 *the forces of order, so we were afraid, and instead of going directly to the RTI, *or to the

1 Golf, we said to ourselves it's not worth it. We decided to go back to *Treichville. But
2 then the taxi we took started to deviate from the usual route and the driver said that he
3 would not be taking us to Treichville but to Adjamé.

4 Q. [9:44:26] Very well, sir. So what you are telling us today, if I've understood
5 correctly, is that once you got to Cocody you decided to turn back and go back to
6 Treichville?

7 A. [9:44:44] Yes.

8 Q. [9:44:45] Very well. So if you don't mind I'm going to quote you again, and once
9 again this is paragraph 30 of your statement. I quote:
10 "We were supposed to take another taxi to go to the Golf, but when we saw that the
11 situation was not good, we thought it would be better to go back to the neighbourhood."
12 End of quote.

13 Do you remember saying that?

14 A. [9:45:16] Yes.

15 Q. [9:45:18] Very well. So, you see, that's a bit different because a few moments ago
16 you said that you got to Cocody and then you wanted to immediately go back to where
17 you came from, but in the statement you said that you were supposed to go to the Golf
18 but it was only when you saw that the situation was not good that you decided to go back
19 to the neighbourhood. So, do you see the difference?

20 A. [9:45:47] Yes.

21 Q. [9:45:48] Well, which account is the correct one? Which version is correct?

22 A. [9:45:57] When we got out of the taxi, we took another taxi, we took another one,
23 and we said we'll go back to Treichville, the place we had left from. And the driver
24 then -- you see there were so many policemen everywhere, he himself was afraid so he
25 started to deviate from the usual route. Instead of taking the main road, he started to

1 deviate because there were roadblocks. *He said he couldn't take us to Treichville, but
2 *that he would drop us off in Adjamé, and he had to deviate from the normal route
3 because you see there were policemen and law enforcement people everywhere. *But if
4 we got to Adjamé, it would be as good as being back home. That's when it all started.

5 Q. [9:46:50] Very well. Now, if I understand what you've said you were telling us
6 that there were many policemen and the driver got scared and instead of turning
7 back -- and instead of turning back and taking the same path back, you all decided to go
8 to Adjamé by way of Cocody; is that correct?

9 A. [9:47:16] *It was while in Cocody, that we had to get to Adjamé. The taxi that
10 brought us left us. We took another taxi, another taxi, another woro-woro --

11 Q. [9:47:27] Very well. Now, sir, isn't Cocody the place where there were the most
12 policemen and law enforcement people?

13 A. [9:47:44] Saint Jean at the station where the taxis drop off their passengers, that is
14 where there were too many police.

15 Q. [9:47:55] Very well.

16 A. [9:47:58] *We then got into the second vehicle, we took another deviation and while
17 in it we took different roads and we saw the various roadblocks. There you have it.

18 Q. [9:48:09] So you went towards the Golf Hotel; is that correct, yes?

19 A. [9:48:18] Since we weren't able --

20 Q. [9:48:20] But towards, towards.

21 A. [9:48:23] *Yes, in that direction -- since we were not familiar with Cocody. There
22 were law enforcement elements everywhere in that neighbourhood and he was not able to
23 take us there but since he was from Adjamé, he said he could drop us off in Adjamé. So
24 he said in any event there was no problem since we had already left Cocody. That is
25 when it all began, and while we were in the taxi there were various roadblocks and we

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1 could see them and then at one roadblock we were stopped.

2 Q. [9:48:55] Very well. Very well. Now since this is not very clear we're going to
3 go one step at a time, right?

4 A. [9:49:05] Yes.

5 Q. [9:49:06] So first of all, you said that you wanted to avoid the policemen and you
6 headed towards the Golf Hotel, the Riviera, and my question is this: Wasn't that the part
7 of Cocody where there were many important things going -- important places, for
8 example, the Golf Hotel, with the RHDP people inside? Wasn't that the area with the
9 most policemen and soldiers --

10 MS CHUBIN: [9:49:37] Objection.

11 PRESIDING JUDGE TARFUSSER: [9:49:37] Please just wait, yes, because of the -- now
12 please.

13 MS CHUBIN: [9:49:45] The question is speculative. The witness is not in a position to
14 know which part of Abidjan had the most FDS that morning.

15 PRESIDING JUDGE TARFUSSER: [9:49:55] Yes, I would say you can't ask where the
16 most were. You can ask if there were many, but not where the most were because he
17 cannot know.

18 Another thing what I just, because I have the floor is, when you ask him but you deviated,
19 but he was in a taxi, it is not him deviating, but the taxi driver deviating, so.

20 THE WITNESS: [9:50:34](Via video link)(Interpretation) That's true.

21 MR ALTIT: [9:50:37] (Interpretation) Your Honour, you've put a number of questions,
22 I believe. I believe I've understood.

23 Q. Now, the first thing, Mr Witness, so when you were heading towards the Golf Hotel,
24 didn't you see a lot of police officers along the way behind Cocody Saint-Jean and the
25 Golf Hotel over --

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1 THE INTERPRETER: [9:51:03] Message from the interpreters: We have some
2 overlapping.

3 PRESIDING JUDGE TARFUSSER: [9:51:08] Overlapping. Mr Witness, please let the
4 counsel finish to speak and then start, otherwise you overlap and we do not understand,
5 get what you are saying, okay? Thank you.
6 So now you can respond to the question.

7 THE WITNESS: [9:51:36](Via video link)(Interpretation) It was in Cocody, yes, that is
8 when we saw the policemen. Along the way I didn't see policemen.

9 MR ALTIT: [9:51:49] (Interpretation)

10 Q. [9:51:50] Now, Mr Sanogo, *the question now is not about between Treichville and
11 Cocody, I'm asking you about Cocody Saint Jean and the direction in which you went,
12 namely the hotel -- the Golf Hotel. Can --

13 A. [9:52:04] *No, no, no, not towards the Golf Hotel, it was toward Adjamé. When we
14 got to Cocody, there were policemen everywhere --

15 THE INTERPRETER: [9:52:14] Inaudible.

16 THE WITNESS: [9:52:15](Via video link)(Interpretation) *-- so we said we wanted to go
17 to the house, but the driver said he could take us back but only to Adjamé and that is
18 when he started to deviate from the usual --

19 MR ALTIT: [9:52:26] (Interpretation)

20 Q. [9:52:26] Wait, because I'm asking you a question in response to the guidance
21 given from the Presiding Judge.

22 Now, the three of you were in this taxi and the three of you decided to leave the place
23 where you were; is that correct?

24 A. [9:52:46] It wasn't us. That was what we suggested to the driver and it was kind
25 of a coincidence. You see, the driver, he was heading towards Adjamé because he, too,

1 didn't want to work there. He said there was no customers, police everywhere, he
2 wanted to leave the area. He wanted to go to Adjamé and we said, well, we're from
3 Treichville and -- so you see, the driver decided to depart from the usual route.

4 Q. [9:53:22] Okay, okay, but the three of you agreed?

5 A. [9:53:25] Yes, yes, yes, we were in *agreement with the driver. We had no choice.
6 There were no vehicles there to take us to Adjamé from Treichville. He is the only one
7 who took pity on us and then said: "Well, I will drop you off at Adjamé".

8 THE INTERPRETER: [9:53:37] Message from the interpreter: Could the witness be
9 asked to slow down.

10 PRESIDING JUDGE TARFUSSER: [9:53:42] Mr Witness, can you also slow down a
11 little bit when you speak because you're speaking very fast and not always the
12 interpreters are getting everything you are saying.

13 THE INTERPRETER: [9:53:58] Many thanks from the interpreters.

14 PRESIDING JUDGE TARFUSSER: [9:54:05] Yes, please.

15 MR ALTIT: [9:54:06] (Interpretation) Thank you, your Honours.

16 Q. [9:54:11] So you were in Cocody Saint-Jean and you've been telling us that you're
17 heading towards Adjamé, right? Right?

18 A. [9:54:20] Yes, yes.

19 Q. [9:54:22] Okay. This is what you're telling us now, but I don't quite understand
20 your statement because in your statement in paragraph 30, which I read out to you, you
21 said and I'll quote once again:

22 "We had to take another taxi to go to the Golf."

23 So can we agree that you were in Cocody Saint-Jean and Adjamé is to the left *and the
24 Golf is to the right, so those are two complete opposites? Can we agree on that?

25 A. [9:54:59] Yes.

1 Q. [9:55:01] So let me put the question to you again: Why did you have to go
2 towards the Golf, or why were you supposed to go that way?

3 A. [9:55:18] We couldn't go to the Golf.

4 Q. [9:55:20] Let me rephrase. I'll try to put it better. Don't worry. Now, you told
5 the OTP investigators that you had to take another taxi to go to the Golf, and I understand
6 that today you're saying ultimately you headed in the opposite direction towards Adjamé,
7 but all the same, you were supposed to take a taxi to go to the Golf even if -- well, my
8 question is why did you have to go towards the Golf Hotel?

9 A. [9:55:59] No, we didn't go towards the Golf, but since -- we didn't head towards
10 the Golf, we didn't get to the Golf, I don't -- we didn't get -- we intended to get to the
11 RTI and see if it was calm. And we thought we would visit the Golf and then go back
12 home. So that's what we said to ourselves, otherwise we didn't go to the Golf and, you
13 know, the -- what's that? The politicians and all that stuff.

14 PRESIDING JUDGE TARFUSSER: [9:56:41] Mr Witness, we know that you didn't go to
15 the Golf, but reading your statement it seems that you wanted to go to the Golf, that your
16 intention was to go to the Golf but then you could not reach the Golf. The question is
17 was it your intention to go to the Golf, and if yes, why?

18 THE WITNESS: [9:57:16](Via video link)(Interpretation) Yes, I did intend. Yes, I did
19 intend. I did intend to go and visit *because people were talking about it in the
20 neighbourhood. I had never been to the Golf. So I wanted to take advantage of things to
21 visit it and have a look and see how it is. We had nothing to do. We were in the
22 neighbourhood. There was no work, nothing, so that's why we decided to head out
23 towards the RTI and the Golf. That's what we had in mind. But you see, not as
24 pro-Ouattara or pro-Gbagbo, no, we weren't part of that.

25 PRESIDING JUDGE TARFUSSER: [9:57:56] So was it out of curiosity that you wanted

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1 to visit those places?

2 THE WITNESS: [9:58:12](Via video link)(Interpretation) Yes, yes, yes, yes, it was a way
3 of going to visit, check it out. Since we didn't know anyone in the Golf, no one knew us
4 there, so we were going to go and see. So it was a way to go and visit and see the
5 RTI and then go back, something like that.

6 PRESIDING JUDGE TARFUSSER: [9:58:32] Okay, thank you.

7 Maître Altit.

8 MR ALTIT: [9:58:41] (Interpretation) Thank you, your Honour.

9 Q. [9:58:42] So the idea was to go and see the *Golf. And were you hoping to pick
10 up some work as well?

11 A. [9:58:50] I beg your pardon?

12 Q. [9:58:52] You just told us that your thought was that you would go, you would go
13 and visit the Golf Hotel. Did you want to go there and perhaps find work? Were you
14 hoping to find some work there? Or -- well, what was the purpose of your visit?

15 A. [9:59:14] The purpose of the visit was to go and check it out, to look because people
16 in the neighbourhoods were talking about it, everyone was talking about it, everyone was
17 talking about it, we just wanted to go and see and -- you know, it's kind of like fireworks,
18 you know, the fireworks they put on in Abidjan. So I didn't expect that anything else
19 was going on like that.

20 Q. [9:59:42] Very well. So I understand what you're telling us, you were in Cocody.

21 A. [9:59:52] Yes.

22 Q. [9:59:53] Saint Jean and you wanted to head towards the Golf, you couldn't, so you
23 headed in the other direction, Adjamé, do we agree?

24 A. [10:00:01] Mm-hmm.

25 Q. [10:00:02] Okay. Just for the record the witness said "yes".

1 My question: If you wanted to go back home to the neighbourhood, you said several
2 times, why didn't you go the same way back instead of going to Adjamé which is not at all
3 in the same direction as your neighbourhood?

4 A. [10:00:28] Well, it was down to the driver, the driver was saying that he couldn't
5 work, that his day was done with. He comes from Adjamé himself, you see. *He said,
6 in view of the fact that he comes from Adjamé he could drop us off in Adjamé but not in
7 Treichville, because there were too many policemen around in Cocody and he was going
8 to try and divert. But we did not know Cocody and we were not the driver, we're just
9 passengers and we offered to pay the driver. He accepted, and said that he would drop
10 us off in Adjamé. And the fourth person in there was a lady.

11 Q. [10:01:13] Mr Witness, you're asking me whether I'm following what you're saying
12 and I'm not really following what you're saying in fact, because what stopped him from
13 going back in the direction once he came -- wait, wait, let me finish my question - in view
14 of the fact that you very clearly told us that there were no law enforcement on that
15 journey, so nothing stopped you from turning back once you had come, did it?

16 Well, that was on the way there, but then we heard in Cocody there was law
17 enforcement present. Before even -- it wasn't easy, you know, so the driver took pity
18 on us and he said, "Well, where do you want to go?" And we said, "We want to go
19 to Treichville," and he said, "I'm going to Adjamé." So that was him saying that. It
20 was his car and he said he was going to Adjamé. But he couldn't go and take us in
21 Treichville because he was going to go and park up. So that's what happened.

22 *The driver, instead of taking the road that we had come by, he didn't do that, he
23 wanted to take another road to divert towards Adjamé. We said, "Okay, fine.

24 We'll follow you." And we said, "It's your job. It's not our job. You know the area
25 better than we do. So that's then how we entered the car and the driver took another

1 route. There you have it.

2 Q. [10:02:44] Very well. So you went to Adjamé; is that correct?

3 A. [10:02:51] Yes, yes, because the driver said that he was -- he wanted to go to
4 Adjamé, so he wanted to park up. So we said, Okay, fine, no problem.

5 Q. [10:03:02] I do apologise, I didn't really understand your answer. You went to
6 Adjamé; is that right?

7 A. [10:03:08] Yes, yes, yes.

8 Q. [10:03:10] Very well. And then you stopped at the Marie-Thérèse intersection in
9 Cocody in proximity of the hôtel du Golf in the opposite direction. So by what miracle
10 did that happen?

11 A. [10:03:34] Well, there were roadblocks. They had set up roadblocks with bits of
12 wood, tyres and the driver parked up. And people approached the car and when they
13 over, the licence notably, and when they looked at it, I was seated next to the driver and I
14 was asked for my ID and I gave it, and somebody looked it, they looked at my name, my
15 first name and they took put it -- and they told us to get out of the car.

16 Q. [10:04:23] Very well, Mr Witness. I'm going to put my question to you once again,
17 and I'm going to ask you to listen very carefully. We can come back to the events and
18 themselves later, all right?

19 So you stopped, if I understand you correctly, from what you said to the OTP
20 investigators, at the Marie-Thérèse intersection not afield from the hôtel du Golf; is that
21 correct?

22 A. [10:04:51] Mm-hmm.

23 Q. [10:04:52] You were stopped by law enforcement. Could you please describe
24 what they were wearing, the colour for example, the type of uniform they were wearing?

25 A. [10:05:01] Well, it wasn't *the fatigues of the current President but they were

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1 wearing fatigues --

2 THE INTERPRETER: [10:05:10] Inaudible.

3 THE WITNESS: [10:05:11](Via video link)(Interpretation) *-- I think FDS was even
4 written on some of the fatigues. *I read that clearly. And there were other guys who
5 were wearing balaclavas, we couldn't even see their faces. *So they were a bit of a
6 mixture, bit mixed. There you have it.

7 MR ALTIT: (Interpretation)

8 Q. [10:05:28] Very well. What colour were the uniforms?

9 A. [10:05:36] I no longer recall. I've got a bit of a dry memory. I think they had
10 fatigues on, but not the fatigues that were current at the time. It was FDS I think.

11 Q. [10:06:02] Okay. You said that some of them were wearing -- or bearing, carrying
12 Kalashnikovs, can you confirm that?

13 A. [10:06:11] Yes.

14 Q. [10:06:14] How are you able to recognize a Kalash? How do you know it is a
15 Kalash?

16 A. [10:06:26] Hmm, hmm, hmm, well, you can see that. We can see that in people's
17 hands.

18 THE INTERPRETER: [10:06:37] Inaudible. Incomprehensible.

19 PRESIDING JUDGE TARFUSSER: [10:06:40] Excuse me, Witness. Please slowly,
20 otherwise we do not understand you.

21 MR ALTIT: [10:06:56] (Interpretation)

22 Q. [10:06:59] Very well, Mr Witness. So you stated in your statement that there were two
23 cargo trucks at the roadblock. Could you quite simply tell us what a cargo is?

24 A. [10:07:12] Well, I don't remember but there were lots of them. The car parked up there,
25 there were lots of uniformed officers, more than two cargo trucks full. There were lots of them.

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(Open Session)

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1 Q. [10:07:25] Very well.

2 PRESIDING JUDGE TARFUSSER: [10:07:27] The question was what is a cargo truck?

3 THE WITNESS: [10:07:48](Via video link)(Interpretation) This is a truck that can take
4 12 -- oh, no, it is a bus.

5 THE INTERPRETER: Says the witness.

6 THE WITNESS: That can take, or a minibus that can take 10 or 12 people. That's a
7 cargo.

8 MR ALTIT: [10:08:04] (Interpretation)

9 Q. [10:08:08] Very well. And what colour were those cargoes?

10 A. [10:08:12] Well, it was a fatigue colour. These were fatigue colours, camouflage
11 colours, those cargoes.

12 Q. [10:08:24] Very well. Was there anything written on these cargoes?

13 A. [10:08:35] I didn't notice that.

14 Q. [10:08:41] Very well. To your knowledge, at that time, who was at the hôtel du
15 Golf?

16 A. [10:09:01] To our knowledge? Hmm. I don't know anybody at the Golf. I don't
17 know anybody. It was just a way of going to visit because nobody there knows me.

18 PRESIDING JUDGE TARFUSSER: [10:09:18] Mr Witness, the question was not if you
19 know anybody in the Golf, but who you know was there in the Golf.

20 THE WITNESS: [10:09:40](Via video link)(Interpretation) Who was present there? No,
21 no, no.

22 PRESIDING JUDGE TARFUSSER: [10:09:59] Do you know somebody, not because you
23 know him personally, but from news from what you heard, do you know who was in the
24 Golf Hotel?

25 THE WITNESS: [10:10:22](Via video link)(Interpretation) Yes, I did know somebody,

- 1 somebody who was at the hôtel du Golf but it wasn't because of him that we went. He
2 was at the Golf. I don't know which room he's in, or which house he's in. I don't know.
3 And it wasn't because of him that we were going, we weren't going to look for him. It
4 was just a way to go and visit the place.
- 5 PRESIDING JUDGE TARFUSSER: [10:10:45] But there must be a reason why you go
6 and visit a place like the Golf Hotel. What was the reason you went there?
- 7 THE WITNESS: [10:11:00](Via video link)(Interpretation) No, there's no real reason.
8 That's what I've just said. People were talking about it, you know.
- 9 PRESIDING JUDGE TARFUSSER: [10:11:14] People were talking about it.
- 10 THE WITNESS: [10:11:16](Via video link)(Interpretation) People were talking about it.
11 We noticed that people were talking about it, so -- and in -- there were friends who had
12 gone to visit the Golf saying, oh, it's nice, you know. Everyone was talking about what
13 they'd seen. So we also decided to go and have a look at the -- we went -- at the RTI we
14 thought that on our way we would go and have a look at all of that. Otherwise we didn't
15 go to the Golf to see such-and-such an individual. No, no, no. I don't know anyone
16 there. My acquaintance, as I said, who was there, I didn't know where -- what storey he
17 was on or anything, so it wasn't because of him that we went, so.
- 18 MR ALTIT: [10:12:13] (Interpretation)
- 19 Q. [10:12:18] Very well. And your acquaintance who was at the hôtel du Golf at the
20 time, the person you've just talked to us about, who was that?
- 21 A. [10:12:29] Well, this was an acquaintance whom I knew, he was Fofana Vier.
- 22 Q. [10:12:38] Was this a man who was politically committed?
- 23 A. [10:12:45] Well, I don't know anything about his life, but he *must have been...
24 And he was in those meetings several years ago -- I don't know what he was up to there,
25 whether he was a driver or something else -- I don't know. I don't know.

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1 Q. [10:13:07] Very well. So a moment ago you told us that the hôtel du Golf in fact
2 was quite a frequented place in terms of visits and that there were people who had gone
3 from your neighbourhood to visit and who had come back to the neighbourhood, so what
4 did they say when they came back to the neighbourhood?

5 A. [10:13:30] They said that there was quite an ambiance there, they talked about
6 what they had seen. They -- each of them explained what they'd seen.

7 Q. [10:13:54] You said there was a little ambiance. What type of ambiance?

8 A. [10:13:58] Well, the ambiance that they could -- they saw there, that's what they
9 came and told us about, otherwise, well ...

10 THE INTERPRETER: [10:14:10] The witness trails off.

11 THE WITNESS: [10:14:12](Via video link)(Interpretation) This was what they saw, and
12 they came to explain it to us and we thought to ourselves, well, when we were going to
13 the RTI, you know, these were unforeseen things. I don't quite know how to tell you,
14 how to explain it to you. It wasn't part of our programme. It wasn't really part of our
15 programme.

16 MR ALTIT: [10:14:33] (Interpretation)

17 Q. [10:14:35] Very well. So those people who came back to the neighbourhood after
18 having visited the hôtel du Golf were they happy or not happy?

19 A. [10:14:43] They came back happy. Well, they came to explain that it's nice there,
20 this is what we saw. They explained the -- what they saw and how. And as we'd never
21 visited the place we thought, well, why don't we go and have a look at it whilst we're in
22 the vicinity and see what kind of ambiance they're talking about.

23 Q. [10:15:17] At the time were you listening to the news over the radio or over the
24 television and did you discuss the news with your friends?

25 A. [10:15:36] No, I never talked to a friend about politics. No, no.

1 Q. [10:15:45] So you didn't really know what was going on in the country and more
2 particularly in Abidjan?

3 A. [10:15:52] Yes. But I didn't have any discussions *at any time in the
4 neighbourhood to be able to say that this or that had never happened there. However,
5 when they took me -- well, people came to accuse me of certain things, and when they got
6 hold of me one of them said that they knew me, that I had been in Bouaké. How could
7 that be? I've never been to Bouaké. Never, never. And another guy said, well, that he
8 knows me, that we killed his parents or relatives in the west and stuff like that. So they
9 took, dropped me down and beat me up so my teeth fell out, and things like that.

10 Q. [10:16:46] All right, sir. Just listen to my questions. We'll come back to what
11 happened to you, but for the time being my questions are with regard to your knowledge
12 in general. My question was simple: Did you listen to the radio, the TV, and more
13 specifically the news?

14 A. [10:17:03] Well, I did watch TV and the radio -- listen to the radio, but as for the
15 news I -- I don't follow that. I don't follow that.

16 Q. [10:17:25] Very well. At the time, were you aware of whether there were any
17 rebels holed up in the hôtel du Golf?

18 A. [10:17:40] I didn't know anything about that. I don't know. Now, I don't know
19 whether there were any rebels there, I don't know.

20 Q. [10:17:57] Very well. Had you heard anything about battles or skirmishes in the
21 vicinity of the hôtel du Golf between the rebel soldiers at the hôtel du Golf and the
22 governmental soldiers outside of the hôtel du Golf?

23 A. [10:18:18] I didn't see that.

24 Q. [10:18:21] My question is a little bit different: Did you hear about it?

25 A. [10:18:25] No, I didn't hear about it and I didn't see it.

1 Q. [10:18:30] Very well. Today you know *all about that, do you? That there were
2 soldiers, that there were skirmishes? You know about that, *don't you?

3 A. [10:18:48] At the Golf? No. As I didn't get to the Golf, so I didn't hear anything
4 about what happened there, nor did I see it. So I don't know. I can't answer that. I
5 wasn't there. I wasn't able to get there, so I can't answer that.

6 Q. [10:19:13] Very well. I am trying -- well, I shall try to specify my question a little
7 bit more: You said that you -- more or less you said that you didn't know anything at the
8 time. Do we agree?

9 A. [10:19:24] Yes, I didn't know.

10 Q. [10:19:25] And my question now is a little bit different. Now, today, that is years
11 after, do you know what you did not know at the time; namely, that there were rebel
12 soldiers at the Golf, that there were soldiers from the government outside it? Do you
13 know more today or do you still know nothing about the situation that was prevailing in
14 the field at the time? Listen to me carefully.

15 A. [10:19:58] Before I didn't know that. And to date it is true that I -- I often read and
16 see things, but with regard to rebels, we don't hear people talking about them anymore.
17 I haven't heard anything about rebels since then.

18 Q. [10:20:28] Very well. So the taxi that you were in with your two friends was
19 stopped by soldiers at the intersection of Marie-Thérèse close to the hôtel du Golf; is that
20 correct?

21 A. [10:20:40] Mm-hmm. Marie-Thérèse intersection.

22 Q. [10:20:49] So you said in your statement, paragraph 36 that when you were
23 questioned by the law enforcement who were asking you who you were and where you
24 were going you lied to them; is that correct?

25 A. [10:21:13] Mm-hmm. Yes, I did lie to them because they beat us up so badly that

1 we had to lie to them. We weren't going to give them our real name, our real identity
2 because even after that when they released me, I had problems, I couldn't stay at home, so
3 you know sometimes I was moving around, I couldn't stay at home, I would sleep here
4 and there. You know, if I -- can you imagine what would have happened to me if I had
5 given my real name after prison when I came out. *They put me in jail. Despite the fact
6 that I didn't give them my real name after leaving prison, they still came looking for me.
7 Some would come looking for me at home and those guys who come they were often in
8 dark tinted four-by-fours with fatigues. Whenever they came people around would even
9 be frightened. That is why I didn't sleep at home, I'd sleep here today and there
10 tomorrow and everywhere, in friend's houses and that's how I would live.

11 Q. [10:22:19] Very well. Now, Mr Witness, listen carefully to my question, please.
12 I'm going to put a very simple question to you: You didn't give them your real name,
13 which name did you give them then?

14 A. [10:22:37] As I was *nervous, I gave them a name. It was not Abdoulaye. I can't
15 really remember. But I did give them a name. Maybe Abdoulaye. I'm not sure.
16 I don't really remember the surname because I was a bit angry and I was tired and I was
17 really suffering. I couldn't drink a glass of water. I was in a lot of pain.

18 Q. [10:23:06] The name that you gave, please try and remember, what was it?

19 A. [10:23:12] To my mind it was Abdoulaye Sanogo to my mind, but you know it was
20 a long time ago.

21 Q. [10:23:20] Very well. So you say that you were tired and you've just told us that
22 you lied because you had been beaten up, but in your statement, paragraph 36, you say,
23 and I shall quote to you:

24 "An FDS asked me for my ID. He looked at it, then he asked me where I was coming
25 back from, I took fright, so I lied." End of quote.

1 So you see there, sir, you do not say that you were beaten up, you said that you were
2 afraid and that's why you lied, and today you say that you were beaten up and you lied,
3 so which is the correct version?

4 A. [10:24:16] Well, when I got in the taxi in order to go -- or, to go back to Adjamé, that
5 was when they whistled us, they stopped the car, the policeman came up towards the driver
6 first, this was before we went to the préfecture, this was before we went to the préfecture and
7 then on to the MACA, so that was a long time before. So that was well beforehand.

8 Q. [10:24:55] Very well. So in the same excerpt that I read or read from you, you say
9 that you gave your ID?

10 A. [10:25:02] Yes.

11 Q. [10:25:03] So you do agree with me?

12 A. [10:25:05] Yes, I did give the ID to the FDS who had *whistled the car down and
13 had it parked, and he took my ID and took it away and didn't give it back to me, until I
14 ended up in jail. And that's how it all started and I ended up in jail.

15 Q. [10:25:24] Well, I don't understand something, how can you lie about your name to
16 somebody who's reading your real name on your ID?

17 A. [10:25:39] I didn't lie, I was afraid because, you know, people were being killed, if
18 you come from the north, so you walk around a bit and you -- you see people with names
19 like yours who are being killed, so you could see what your reaction would be.
20 Somehow to see how you can save your skin, that's all. I didn't lie about my name
21 because I'm happy to lie about my name, it's fear, it's based on what I was seeing. I
22 couldn't handle it and that's why I gave a different name.

23 Q. [10:26:26] Very well. So you then went on to explain in your statement that the members
24 of the law enforcement *forces *got you and your two friends out of the car, but that the other
25 occupants of the car were allowed to freely go on their way; *that is at paragraph 39, correct?

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1 A. [10:26:48] Yes.

2 Q. [10:26:50] Did your two friends have IDs that were okay?

3 A. [10:27:05] Yes.

4 Q. [10:27:06] At paragraph 42 of your statement you say that one of the
5 representatives of law enforcement said to you, and I quote --

6 MS CHUBIN: [10:27:17] Objection. We've had a --

7 PRESIDING JUDGE TARFUSSER: [10:27:18] Yes.

8 MS CHUBIN: [10:27:20] -- few quotes and I would ask that we read the whole sentence
9 or the whole paragraph in fairness to the witness.

10 MR ALTIT: [10:27:34] (Interpretation) I believe that with regard to the fairness,
11 fairness towards the witness we are upholding that with regard to the quote. I don't see
12 whether you can say it is insufficient or not because I haven't yet given it, the quote.
13 So with view of the fact that the quote -- well, I quote what is relevant with regard to the
14 discussion and I'm going to be quoting what is relevant to my mind.

15 Now, if after I have provided the quotation on the other side they believe I need to add
16 something then I'm quite willing to do so but I think I need to be listened to first.

17 PRESIDING JUDGE TARFUSSER: [10:28:17] Please go ahead.

18 MR ALTIT: [10:28:29] (Interpretation)

19 Q. [10:28:30] So you said at paragraph 42 that one of the representatives of law
20 enforcement said to you, I quote, and for the benefit of my learned friends I'm quoting
21 what you yourself quoted that he allegedly said. I quote:

22 "We know that you are the spies from the Golf." End of quote.

23 Do you recall that?

24 A. [10:28:58] Yes, yes, yes.

25 Q. [10:29:00] Now, I'd like to check something with you, Mr Witness.

- 1 PRESIDING JUDGE TARFUSSER: [10:29:04] Here I think the quote is a little bit longer.
2 The quote of the quote.
- 3 MR ALTIT: [10:29:17] (Interpretation) Yes, but the relevant part is "We know that you
4 are the spies from the Golf." And this is with regard to my question. The other part
5 "you can say your last prayer" does not really have any interest with regard to what I am
6 saying. If you want me to read the whole sentence, I will.
- 7 PRESIDING JUDGE TARFUSSER: [10:29:35] Yes, I would like you so to get him in the
8 picture.
- 9 MR ALTIT: [10:29:44] (Interpretation) Very well.
- 10 Q. [10:29:45] Now, sir, you said to the investigators of the OTP that one of the
11 members of law enforcement who arrested you or stopped you, said to you, and this is the
12 entire quote, this is everything that you said he said:
13 "Just say your last prayer. We know that you are the spies from the Golf."
14 Do you remember that?
- 15 A. [10:30:07] Yes, I remember that only too well.
- 16 Q. [10:30:10] Very well. So my question is to verify with you and understand things.
17 You -- in what direction were you coming when you were stopped, were you coming
18 from the hôtel du Golf or from another direction?
- 19 A. [10:30:29] The taxi stopped, they stopped the taxi. It wasn't -- it wasn't so far from
20 the Golf, not so far away from the Golf. Not too far from the Golf because you see the
21 driver was going off the usual route.
- 22 Q. [10:30:47] Okay, yes, but listen to the question:
23 When you stopped, you were on the road and you got to a place and you're coming from
24 a particular direction. Which direction were you coming from, from the Golf Hotel, from
25 another direction? That is my question.

1 A. [10:31:09] *I was not the driver. The driver, the driver was going off the usual
2 route. I was just a passenger. *I was heading to Adjamé, I was trying to save my skin.
3 He was the one driving. So I really can't be expected to know the neighbourhood. The
4 guys were the ones who said: "This is Marie-Thérèse intersection" That is all I know.
5 And the Golf Hotel could be seen close by, somewhere down the slope, but the direction,
6 whether it was le Plateau or Adjamé – I would be lying if I said I knew. All I know is
7 that the car was stopped at Marie-Thérèse intersection.

8 MR ALTIT: [10:32:00] (Interpretation)

9 Q. [10:32:01] To your knowledge, sir, were there any caches of weapons in your
10 neighbourhood at the time?

11 A. [10:32:08] Huh?

12 Q. [10:32:09] To your knowledge, were there any weapons hidden somewhere in your
13 neighbourhood at that time?

14 A. [10:32:17] No, no, no. I did not see any caches of weapons in the neighbourhood.
15 I didn't see that.

16 Q. [10:32:31] Very well. So you didn't see any. Did you hear about weapons
17 being --

18 A. [10:32:39] Yes, yes, there was talk of that. People were saying that Blé Goudé was
19 handing out weapons to the young people, but I didn't actually see that -- any of that. I
20 did not see that.

21 Q. [10:32:55] Very well. Let's go back to your account. So you were stopped and
22 you explained that your two friends were able to flee; is that correct?

23 A. [10:33:12] Mm-hmm.

24 Q. [10:33:19] And then you, yourself, you ran away but you fell. Well, as you were
25 fleeing the place, that location, you ended up at another roadblock?

1 A. [10:33:36] Yes. Yes, that's right.

2 Q. [10:33:38] Very well. And at the other roadblock you said that there were white
3 vehicles that were marked ONUCI, do you remember saying that?

4 A. [10:33:53] Yes, yes, I remember that very well. I remember saying that. *They
5 were the very ones who arrested me. And they were the ones whom I went to confide in
6 and I thought that they were UN people, hoping they would do something for me. But,
7 no, it was the opposite. They instead caught me. They were the rebel militiamen.
8 Some spoke English and some spoke French. I don't understand English, and we are in a
9 French speaking country. Some were wearing balaclavas. And on the vehicles it was
10 marked ONUCI, and from a distance when one saw that one would think it was the UN
11 but when you got closer you saw what it really was. That is how they caught me and
12 they handed me back over to the person who had been running after me. They handed
13 me back to him and the guy said, this one can go.

14 Q. *Let us start by making sure that we have understood. So you're saying that it was
15 people from the UN who arrested you, is that correct?

16 A. [10:34:49] No, no, no, they weren't UN people because ultimately when they
17 caught me, I saw a difference, *I saw the real UN people -- you see it would have been too
18 easy, the ONUCI people could not catch civilians and hand them over to a dictator. They
19 are supposed to defend. But if they caught me and gave me over -- they weren't ONUCI
20 people. You see, they did not dress and behave like ONUCI people.

21 Q. [10:35:19] Now, you've told us, sir, you have told us, sir, you have told us that you
22 were detained at the second roadblock because a police officer had asked why you were
23 running and you said that you were running away from some other policemen; is that
24 correct?

25 A. [10:35:59] Yes, yes. Exactly, that's what I told them and they said to me, "Stop."

1 And so I stopped and the last one who was running after me he got there and he said to
2 the guy, "Oh, thank goodness. We've caught him." Immediately he took out his
3 weapon and he actually hit me in the mouth and one of my teeth fell out.

4 Q. [10:36:25] So you were running, the police officer asked you --

5 A. [10:36:29] *No, no, no, he did not ask me. No, I was the one, I went up to him
6 thinking it was ONUCI but when I got there I saw that it was not the UN. It was the
7 same team. And then he handed me over to the guy who was running after me.

8 Q. [10:36:49] But you were running away from some policemen and you explained to
9 the police officer that you were running away from some other police officer and you
10 were surprised that he stopped you?

11 A. [10:37:05] Yes, and then he handed me over to the other one. That's what -- that's
12 what -- that's why I knew that he wasn't from the UN force because if that had been the
13 case he might have saved my skin. But, you see, they were -- they were very strict.
14 They were badly dressed. They were just dressed in black. They had all the appearance
15 of being from ONUCI; the white, the trucks, the -- but when I got up I saw they weren't.

16 Q. [10:37:48] And were you carrying a weapon when this happened? Did you hear
17 the question?

18 A. [10:38:03] No, no.

19 Q. [10:38:04] I'll repeat. Don't worry. As you were running did you have a weapon?

20 A. [10:38:10] No, no. I never had a weapon. *I didn't need a weapon. I did not
21 even have a nail trimmer like most people would. Nothing. I just had my ID. I had
22 nothing. And I had my ID and that's what they took from me at the road block."

23 Q. [10:38:31] Yes, yes, but you didn't even have a what like --

24 A. [10:38:36] No.

25 Q. [10:38:38] I beg your pardon.

1 A. Could you repeat?

2 Q. [10:38:42] You said -- I beg your pardon, I'll just read the transcript and see. You
3 said line 11, *page 34 of the French transcript you said, "I didn't even have a nail trimmer."
4 Oh, I see, you said I believe "like most people". Is that correct or am I mistaken?

5 A. [10:39:21] No, you didn't get it wrong.

6 Q. [10:39:22] Very well. So you did say like most people, but it wasn't transcribed.
7 So could you repeat the sentence because I think there -- not everything was recorded.
8 Could you please repeat so what you're saying is recorded. Now, when I asked you
9 whether you were armed you said, "No, I didn't even have" -- and then what was --

10 A. [10:39:49] I didn't have a weapon, that's all. I had nothing.

11 In Africa we have quite often a nail trimmer that you attach to your keys and you use it to
12 trim your nails. But I had absolutely nothing, nothing, nothing, nothing.

13 Q. [10:40:09] Very well. Now, sir, when you explained to the investigators why you had
14 ended up at the second roadblock you said that you turned, went back after the first one and
15 you had gone back along that same street, so you ran back following the same route.

16 A. [10:40:38] Yes, yes, that's right.

17 Q. [10:40:40] Oh, so you're confirming that? Can you confirm that?

18 A. [10:40:44] Yes, yes, yeah, that's right. They got me and they took me back to
19 where we had parked the vehicle.

20 Q. [10:40:54] Very well. Very well. But this is what I don't understand, you see,
21 you didn't see that roadblock as you were headed *out...

22 *A. [10:41:16] Running?

23 Q. [10:41:18] No. In the taxi, when you travelled on the same road to the intersection.

24 A. [10:41:28] They were -- the driver was starting to deviate. I don't know Cocody.
25 I don't know Cocody. And so we ended up at this roadblock. I -- we didn't see the

1 roadblock as we were heading towards it in the taxi, we hadn't gone that way.

2 Q. [10:41:40] Very well, sir. Very well, very well. So I will read out something from
3 your statement, paragraph 44, and obviously my learned friends opposite will monitor
4 my reading of the passage. Since -- you said this: Since -- can you hear this, quote --

5 A. [10:42:10] Yes, yes.

6 Q. [10:42:11] Quote: "Since I didn't know the neighbourhood I took the road that the
7 taxi had taken before coming across the roadblock, that the taxi had taken before coming
8 across the roadblock." So that's the contrary. You said that you took the same route, so
9 which version is right? Did you take the same route or another one?

10 A. [10:42:35] I've explained. The car coming up, we didn't see the police at -- upon the
11 road -- once we got to Cocody that is when we saw the route and then we took another taxi,
12 another taxi, and we said, "We're going back to Treichville", and the driver said, "No, I'm not
13 going to Treichville, I'm going *to Adjamé where I live." So we said, in any event if we get to
14 Adjamé, we can make it back to our home. And so he was -- he took another way, another
15 route, completely different to the route we had taken, a completely different *route when
16 coming from Treichville, he took another route still in Cocody.

17 Q. [10:43:24] Very well. Very well. You've understood my question. It's not
18 necessary to repeat it. You've understood it.

19 A. [10:43:31] Yes, yes.

20 Q. [10:43:34] Okay. Thus, if I understand correctly, sir, at the second roadblock -- or, rather,
21 from the second roadblock you were taken to the first roadblock on foot; is that correct?

22 A. [10:43:51] Yes. Yes, that's right.

23 Q. [10:43:58] Okay. Okay. But your two friends they were able to get away; is that right?

24 A. [10:44:08] Well, as I was running there *were shots, there was shooting behind me. I
25 didn't look behind. And I told my two friends -- if we follow each other, if we follow each --

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- 1 there will be no one to tell people in the neighbourhood the problem we have encountered.
- 2 So we must separate. I will be the first one to run. I said that to them. I said, I will be the
- 3 first to run but you guys do not follow me. You too try to spread out. Maybe God will
- 4 make it possible for someone to survive and that survivor can go back with the news to the
- 5 neighbourhood. And that's when it started. And when we arrived -- the guy who caught me,
- 6 asked "Where are the other two?" And he said, "I shot and shot but they were able to get away."
- 7 Q. [10:44:55] Very well. So the others fled?
- 8 A. [10:44:58] He acknowledged that he had shot at them, but they had fled.
- 9 Q. [10:45:07] Very well. Very well. At that time, at that time, according to what
- 10 you told the OTP investigators, the police -- were they police officers?
- 11 A. [10:45:21] No, they weren't police officers; they were -- they were -- well, they -- they were
- 12 wearing military fatigues. Some of them had balaclavas on, some were wearing civilian --
- 13 THE INTERPRETER: [10:45:41] Overlapping speakers.
- 14 THE WITNESS: [10:45:43](Via video link)(Interpretation) Colour, colour green. All
- 15 kinds of different clothing. You know, in Africa you never see soldiers wearing shorts,
- 16 but some had shorts, some were wearing hoods, all kinds of different.
- 17 MR ALTIT: [10:46:09] (Interpretation)
- 18 Q. [10:46:10] Yes, yes, I think we've been speaking quickly, but I think you said, if I've
- 19 understood, you said green fatigues; are we in agreement?
- 20 A. [10:46:18] Yes.
- 21 Q. [10:46:19] Very well. So then you were saying to the investigators from the OTP that the
- 22 FDS actually tied you up, made you sit down and then I'm going to quote what you said:
- 23 "Then" -- paragraph 45: "Then they put some pistols and gris-gris in front of me."
- 24 A. [10:46:48] Yes, yes.
- 25 Q. [10:46:49] End of quote. Is that correct?

1 A. [10:46:51] Yes.

2 Q. [10:46:52] What are these gris-gris you're talking about?

3 A. [10:46:56] They were the ones who had them. *It was their way of charging us by
4 pinning it on me. Those are things that are in leather or otherwise, which in Africa are known as
5 gris-gris, they're not necessarily – useful for others but sometimes people are given them for
6 protection from sickness like epilepsy or other illness. For example, someone gives you a gris-gris
7 and, well, some – get smaller ones and then they see how things gradually shape up as the days go
8 by and they do not have any seizure. So that is how it was. Those people had gris gris but others
9 did not. I didn't have a gris-gris I was not wearing a gris-gris, nothing, not even a ring. All I had
10 was my ID papers that they took. But they took the gris gris from their vehicle and put them in
11 front of me along with some Kalashes and magazines and they tied me up, my hands and my feet,
12 and then they called a photographer to take a photograph of me.

13 Q. [10:48:10] Very well. Just a moment, sir. You've said quite a few things right
14 now, all very interesting. Now, the gris-gris that they placed *around you, they *were to
15 make you fall ill, for example?

16 A. [10:48:23] No, no, no, no. No. It's a way, it's a way *to charge me. They already thought
17 that I would say that I was not one of the spies from the Golf. They were -- basically, those fake
18 soldiers were saying that they had picked me up there and that I was ... a spy from the Golf. So
19 that's why they took theirs -- they didn't take mine, they took, as far as I know, they took their
20 own gris gris and placed them in front of me. It was -- it was like a roadblock with weapons, a
21 lot of weapons placed there. They then tied up my hands and they would say: Oh, we caught a
22 rebel. There he is. We tied up his feet and that is what we found on him"

23 Q. [10:49:08] Mm hmm

24 A. That sort of thing. That was part of their training. So they were trying to pin it on me.

25 Q. [10:49:17] And where did the gris-gris come from if they weren't your gris-gris?

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1 A. [10:49:24] They weren't mine. They weren't mine, those gris-gris. They
2 belonged to them.

3 Q. [10:49:36] Very well. Thus, then you told the investigators that you were put in a
4 vehicle. Now, was this one of the cargo vehicles?

5 A. [10:49:46] Yes. Yes, it was a cargo vehicle.

6 Q. [10:49:50] And when you were in the vehicle you heard shooting; is that right?

7 A. [10:49:55] Mm-hmm.

8 Q. [10:49:56] Very well. And where did those shots come from, from the Golf Hotel?

9 A. [10:50:03] I was lying down. First of all, I was lying down and then I heard
10 the -- and one of them put his foot right on my head. I couldn't even raise my head and
11 see what was going on. He didn't let me. He really -- he actually put *foot on my, right
12 on my head so I couldn't look up and see what was going on. He had his weapon and was
13 fighting back, defending himself. I couldn't -- There you have it.

14 Q. [10:50:35] Very well. Very well. And this exchange of shots, between whom?

15 A. [10:50:41] That's what I just told you. I was down on the ground. He put his ranger
16 boot right on my head, but I do know that something was going on. They were in conflict
17 with someone because there was shooting. And people -- I think people were shooting at
18 them and they were responding but he put his foot right on my head so I couldn't see.

19 Q. [10:51:17] Very well. Very well. So you are saying that some people were
20 shooting them and they returned fire. You couldn't see, but maybe the people in the
21 vehicle, maybe they told you afterwards who was shooting at whom? What about that?

22 A. [10:51:34] No. No. That would have been difficult because when they caught
23 me I was *alone, before we met up with the others.

24 THE INTERPRETER: [10:51:46] Inaudible.

25 THE WITNESS: [10:51:47](Via video link)(Interpretation) -- *I was alone when they

1 caught me. Then they took me to a police brigade, to a gendarmerie or something like
2 that in Cocody, and I met up with the old man, Diaby Koné Mamadou. But when I was
3 alone at the place where gun shots were exchanged. As for the rest, it was those guys who
4 were doing those things and exchanging gun fire.

5 Q. [10:52:18] Very well. So to your knowledge, on that day, was there a battle
6 between the rebel --

7 A. [10:52:29] Huh.

8 Q. [10:52:30] To your knowledge, do you know if that day, the day we're talking
9 about, there was a battle between the rebel soldiers from the Golf Hotel and the security
10 forces at the Marie-Thérèse intersection? Do you know about any such battle between
11 these two forces at the Marie-Thérèse, do you know or not?

12 A. [10:52:57] I didn't know. I didn't know. I don't know whether there was a battle.
13 Even if there had been a battle I didn't see one. I -- there was no -- I didn't -- I -- it was
14 calm, but there were people in uniforms everywhere, everywhere. But when they caught
15 us there wasn't a lot of shooting, but I couldn't really see because the guy he had his
16 ranger boot on my head.

17 Q. [10:53:38] Very well. So you can confirm what you said in paragraph 49, namely,
18 and I quote: "Since I was inside the cargo vehicle, I can't say where the shooting came
19 from, but one thing for sure is that they shot at the uniformed people and then they shot
20 in turn."

21 Can you confirm that?

22 A. [10:54:07] Mm-hmm.

23 Q. [10:54:08] Yes?

24 A. [10:54:09] Yes.

25 Q. [10:54:10] Very well. And you specified, once again paragraph 49 of your

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1 statement, you said that an FDS police officer or a soldier who was in the cargo vehicle
2 with you was shot in the arm.

3 A. [10:54:29] Yes, yes; shoulder.

4 Q. [10:54:34] Oh, a bullet to the shoulder? So the attackers shot at him and he was
5 shot in the shoulder; we agree?

6 A. [10:54:42] Yes, yes.

7 Q. [10:54:43] Okay. And you were not shot? You, yourself, you were protected,
8 you didn't take a bullet?

9 Oh, your Honour, I fear that -- I believe we have lost -- I think there's a technical problem.

10 PRESIDING JUDGE TARFUSSER: [10:55:06] Me too. I think also that we can break
11 now, so instead of re-doing everything. It is five to 11. Just to check if everything is
12 working properly, or -- so I think we break until 11.30 for the normal break, and we'll be
13 communicated by the court officer to the remote location. Thank you.

14 THE COURT USHER: [10:56:03] All rise.

15 (Recess taken at 10.56 a.m.)

16 (Upon resuming in open session at 11.33 a.m.)

17 THE COURT USHER: [11:33:38] All rise. Please be seated.

18 SPEAKER: [11:33:56] Mr President.

19 PRESIDING JUDGE TARFUSSER: [11:33:57] Good morning once again. Before
20 bringing in the witness.

21 THE COURT OFFICER: [11:34:04] (Via video link) Good morning.

22 PRESIDING JUDGE TARFUSSER: [11:34:05] Good morning also to you. Before
23 bringing in the witness, I want to give the floor who requested it, to the Office of the
24 Prosecutor.

25 MR. DEMIRDJIAN: [11:34:11] I didn't want you to launch into the witness before I got to

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1 say what I -- just for planning purposes, Mr President, can we have an indication as to
2 whether the next witness should be prepared to testify today.

3 PRESIDING JUDGE TARFUSSER: [11:34:23] Yes, but -- I do know that this is an issue
4 and I also have it very much present. I wanted to ask at the end of this session, if
5 Maître Altit has not yet finished, how long it would take him into the third session, but as
6 we still hope that he has finished I -- we see at the end of this session where we stand.
7 So madam court officer, please can you introduce the witness to the stand.

8 THE COURT OFFICER: (Via video link) Yes.

9 PRESIDING JUDGE TARFUSSER: Bring the witness to the stand. Thank you.

10 THE COURT OFFICER: [11:35:06] (Via video link) Right away. Thank you.

11 (The witness enters the video-link room)

12 PRESIDING JUDGE TARFUSSER: [11:35:34] Yes, once again, good morning,
13 Mr Witness. Good morning to you.

14 THE WITNESS: [11:35:38](Via video link)(Interpretation) Good morning.

15 PRESIDING JUDGE TARFUSSER: [11:35:42] Now we start that what we call the
16 second session, which is an hour and a half, one session about.

17 And I give the floor immediately to Maître Altit for his questioning.

18 And you please continue to respond to the questions, and the better you respond, the
19 clearer you respond the earlier you are finished, or we are finished with your questioning,
20 with your testimony.

21 Maître Altit.

22 MR ALTIT: [11:36:21] (Interpretation) Thank you. Mr President.

23 Q. [11:36:23] Good morning again, Mr Witness.

24 A. [11:36:26] Good morning.

25 Q. [11:36:27] So when we rose we were talking about this policeman or soldier who

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1 was in your company in the cargo truck, according to your account, and who had received
2 a bullet in the arm from the assailants; do you recall?

3 A. [11:36:46] Yes.

4 Q. [11:36:46] Or rather in the shoulder; is that correct?

5 A. [11:36:50] Mm-hmm.

6 Q. [11:36:51] Very well. And I put a question to you as to how you, yourself, were
7 not hit by a bullet?

8 A. [11:37:03] They had me lie down flat in the car and *they put their rangers on my
9 head. So the fact that I was lying down flat saved me somewhat. It saved me, but the
10 manner in which they went about it they hadn't come to help me, because when you have
11 somebody lie down with your foot on their head in the cargo, so I couldn't even put my
12 head up to see what was going on, so that's how I was able to save my skin.

13 Q. [11:37:43] Very well. Then you said that the FDS left the area. Do you mean by
14 that -- do you recall saying that to the investigators of the OTP, that the FDS left? Well,
15 I'll put my question to you once again. If you didn't hear it properly, I'll put it again.

16 MS CHUBIN: [11:38:13] Could we have the whole quote for the witness, please?

17 MR ALTIT: [11:38:17] (Interpretation) We can, we can. We can have everything.

18 So I had requested of the witness just now, you said that in your statement that the FDS
19 left the area and he said, and I quote, paragraph 49:

20 "The FDS left the area and gunshot became fewer and further between." End of quote.

21 Does that respond to your concern?

22 Q. Sorry, Mr Witness, I was not talking to you actually, but you're right, let's go on.

23 So you said that the FDS left the area. And my question is as follows: Did you mean by
24 that that they had fled, or had they simply withdrawn or they had something else to do,
25 or were they fleeing in the face of the attack that they were coming under? I just want to

1 know how things unfolded.

2 A. [11:39:39] Well, there were sustained exchange of gunfire. And when that other
3 chap was hit by a bullet I was lying flat, but the car was moving around. So they left the
4 area. I was lying down in the car. When the other guy got a bullet in his shoulder they
5 were retaliating, but I couldn't see what was going on, I saw that the car left and went in
6 another direction. We left that area, but I was still lying down in the cargo and that
7 ranger was still on my head. That's how we left the area. And then I was sent to a villa
8 in Cocody belonging to the gendarmerie brigade allegedly.

9 Q. [11:40:29] Very well. So you were taken to the gendarmerie brigade in Cocody?

10 A. [11:40:36] Mm-hmm.

11 Q. [11:40:38] And you were taken out of the cargo in order to go inside the building?

12 A. [11:40:45] Yes, somebody came into the car, took me out and took -- and sent me
13 into the gendarmerie brigade's courtyard.

14 Q. [11:40:55] Very well. So when you were in that courtyard, what could you see,
15 were there any trees, what was it like, what did it look like? Wait a minute. Wait, wait.
16 So I'm asking you what you can see and what you recall of course, what the facade looked
17 like, were there any trees, were there any cars, anything you recall?

18 A. [11:41:24] They did have weapons. They had weapons in that courtyard there.

19 Q. [11:41:27] Mr Witness, I apologise. One moment, Mr Witness, I think there's a
20 problem. I talked about trees, trees.

21 A. [11:41:36] Trees, trees. Well, I don't know. I don't remember the trees.

22 Q. [11:41:53] Very well. So once in the gendarmerie you told the OTP investigators
23 that you were hit and that some of them, thinking that you were a spy, wanted to execute
24 you, but that one of them explained that he had received the order to take all the people
25 arrested to the préfecture, the police préfecture; do you recall that? Can you confirm

1 that?

2 A. [11:42:26] Yes, yes, that's right.

3 Q. [11:42:28] So for everyone's benefit, I'm going to be reading what you said, this is
4 what you said, but this way we'll know exactly what we're talking about, all right?

5 A. [11:42:39] Yes, yes.

6 Q. [11:42:40] So you said to the OTP investigators, and I quote you:

7 "A gendarme" -- yes, sorry, sorry, that's paragraph 52:

8 "A gendarme with a pink head band -- or band around his arm joined them a little time
9 thereafter and explained to them that the order received was to bring all the people who
10 had been arrested during the march on the RTI to the Haut Plateau police préfecture. He
11 didn't specify, however, who had given that order." End of quote.

12 So you can confirm all of that, can you?

13 A. [11:43:31] Yes.

14 Q. [11:43:32] Very well. So was it at the end of the day that you were taken to the
15 police station or police préfecture?

16 A. [11:43:45] Yes, it was on that same day.

17 Q. [11:43:48] But when?

18 A. [11:43:50] It was the same day before arriving in Cocody, at approximately 9,
19 10 o'clock, around then. When I was sent to the gendarmerie brigade I think it was
20 12 o'clock, approximately.

21 Q. [11:44:14] Very well.

22 A. So it was that same day.

23 Q. [11:44:19] So for things to be clear, you were transferred to the gendarmerie
24 brigade at approximately 11, 12 o'clock; is that correct?

25 A. [11:44:30] Mm-hmm.

- 1 Q. [11:44:32] And then when did you get to the police préfecture, approximately what time?
- 2 A. [11:44:37] At the police *préfecture, well, the other one who was up and we
- 3 were sent to the préfecture and there was gun fire exchange amongst them as a quarrel
- 4 broke out amongst them. One of them said that we were (inaudible) and the old man
- 5 Diaby Koné Mamadou was there at the gendarmerie brigade.
- 6 Q. [11:45:00] Mr Witness, Mr Witness. I do apologise for interrupting you, but we've
- 7 already got the whole story in our heads, I'm just honing in on a few points. My
- 8 question is simple: At approximately what time, I know it's difficult to recall the precise
- 9 hour, but approximately what time were you transferred to the préfecture de police?
- 10 A. [11:45:26] The préfecture de police, what time? Well, I don't remember the time,
- 11 but I know that it was on the same day, that same day, as I just said, 2 p.m.
- 12 Q. [11:45:49] You say 2 p.m.?
- 13 A. [11:45:50] Yes. Well, I don't remember the time, but it was on the same day. It
- 14 was the same day.
- 15 Q. [11:46:00] Very well. So you arrive at the police préfecture, you get out of the
- 16 vehicle that brought you there and what do you see then? Can you describe to us?
- 17 You're in the courtyard, I imagine, are there any trees - trees - were there any cars? What
- 18 was the facade of the police préfecture like? Tell us what you saw?
- 19 A. [11:46:25] There were gendarmes who had weapons, they were guarding the
- 20 gendarmerie, they were wearing red clothing.
- 21 Q. [11:46:34] Okay.
- 22 A. [11:46:36] *So then the others ... the ones who dropped us off left immediately.
- 23 Once they had dropped us off those who were there in the gendarmerie took us and
- 24 placed us next to the old man Diaby Koné Mamadou — They had weapons.
- 25 MR ALTIT: [11:47:00] (Interpretation)

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1 Q. [11:47:00] Now, Mr Witness, I'm not talking about arms, I'm talking about trees.

2 Were there any trees in the courtyard?

3 A. [11:47:10] No, I do not remember any trees.

4 Q. [11:47:17] And what about the facade of the préfecture, what did it look like?

5 A. [11:47:23] Well, it's a villa with iron gates. There's a courtyard. And there are
6 two doors; there's a small door, there's a bigger door through which the cars can come in.

7 I remember that. As for the rest, well --

8 Q. [11:47:42] Very well. So it's a villa; is that right?

9 A. [11:47:47] Yes, yes, that's right, in Cocody.

10 Q. [11:47:51] Is there a second storey?

11 A. [11:47:54] No, it is a single-storey villa.

12 Q. [11:47:58] Very well. So you say in your account to the OTP investigators that
13 there were three cells in the basement, each occupied by 20 people; do you remember
14 having said that?

15 A. [11:48:20] Mm-hmm.

16 Q. [11:48:21] And were you, yourself, put in one of those cells?

17 A. [11:48:28] Well, when they sent me to the préfecture there were people who were
18 in the cells and those cells were full. And in the courtyard, you know, it's the -- there are
19 houses all around, and in the middle there's a space, and in that space that's where we
20 were put. There were no -- there was no place in their houses around. You can see
21 empty houses around you. So when parents come to get their children, then they look
22 around and you -- they see nobody.

23 Q. [11:49:10] Very well. Now, I'm trying to understand. You, yourself, were not
24 placed in a cell but, if I understand you correctly, you remained in the courtyard; is that
25 correct?

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1 A. [11:49:23] Well, it's a cell. You know, it's a cell. I don't quite know how to
2 explain it to you. All the cells were full up. There was no place. So they had to put us
3 in the courtyard, right in front of everyone's -- or, right under everybody's nose. So we
4 were in the courtyard, we were dropped off there, first day, second day some people were
5 evacuated and we were then placed in the cell and other people who then arrived were
6 placed in the courtyard.

7 Q. [11:50:02] Very well. So that cell that you were placed in on that second day,
8 from what I understand, was there a window?

9 A. [11:50:12] No, there was no window.

10 Q. [11:50:13] Very well. You told us, or rather you told the investigators from the
11 OTP, paragraph 70, that on every day at 8 a.m. the policemen would come and wake you
12 up and they took you into the courtyard, and then you could go about your business
13 freely in the courtyard and you could go to the toilet and you could drink from the tap; is
14 that correct?

15 A. [11:50:48] That is correct.

16 Q. [11:50:49] Very well. In that courtyard amongst those detainees, were there any
17 individuals selling food?

18 A. [11:51:07] No, no, no, there was nothing like that. There wasn't any food. There
19 was only water. There was a tap in the courtyard and that's where we could get water.
20 We weren't given any food.

21 Q. [11:51:20] Very well. Did you talk to each other in that courtyard?

22 A. [11:51:25] I did talk to other people, with other people there. I came across a chap
23 called Cherif, but he died in front of me there, he -- I asked him "What about your third
24 degree burns on your thighs?"

25 Q. [11:51:54] We'll come to that, sir. I just want to know, because in your statement

1 you talked about this gentleman, indeed, but I'd like to know a little bit more about
2 whether you talked to other people. Did you comment, exchange comments on people
3 with you about events? What was going on in that courtyard?

4 A. [11:52:25] I talked to a lady, a white lady who came with a gentleman --

5 Q. [11:52:36] I apologise, I'm interrupting you, I'm sorry. I maybe misspoke. I just
6 wanted to know whether you talked with other detainees?

7 A. [11:52:49] With other detainees? Yes, yes, there were exchanges or discussions
8 with others, they explained their case to me, I explained my case to them, but he explained
9 to me that he was taken in Abobo, this chap, and the other one was taken from Adjamé,
10 vers gare Nord, and the other guy was taken from Yopougon.

11 Q. [11:53:18] Very well. To your knowledge, amongst the detainees were there any
12 rebel combatants?

13 A. [11:53:29] No, I didn't see that. I didn't see any rebels there. I didn't see any
14 rebels in the courtyard. No.

15 Q. [11:53:41] Very well. At paragraph 71 of your statement you state that with the
16 exception of the policeman on duty there was no other policemen present during the day
17 that you were able to see; is that correct?

18 A. [11:53:57] Yes.

19 Q. [11:53:59] And those policemen, what colour was their uniform?

20 A. [11:54:09] They were wearing *policeman fatigues. It was khaki on top and the
21 bottom half was in fatigues colours. What?

22 Q. [11:54:20] Mm Hmm

23 A. [11:54:22] Often they would wear white T-shirts,

24 Q. [11:54:35] Mm Hmm

25 A. white or green T-shirts with the bottom in fatigues colours. And I would see that prison

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1 guard on guard in the Courtyard and other guards. I'd see him, that one chap, whenever
2 there were errands, he was the one who would come and say this and that to us about it.

3 Q. [11:54:54] At paragraph 72 you explained to the investigators of the OTP that a
4 detainee had retained his mobile telephone; do you remember that?

5 A. [11:55:03] Yes.

6 Q. [11:55:05] Did many detainees have mobile telephones on them?

7 A. [11:55:11] No, there was just one, the one who said that he came from gare Nord
8 who explained his case to me, saying he came from gare Nord. He had in his
9 pocket -- they beat him up but they didn't see his mobile phone. And when he arrived,
10 he was able to send an SMS without having any credit, so that's how I used his telephone
11 and tried to reach my relatives to say where I was.

12 Q. [11:55:55] Very well. So you used your -- his telephone to tell your relatives?

13 A. [11:56:08] Yes.

14 Q. [11:56:08] Very well. And this gentleman who had a cell phone, to your
15 knowledge, did he receive any information or instructions from the outside?

16 A. [11:56:19] No, he would hide in order to call his relatives, and we all did, so did I.
17 And I think that we hadn't been able to charge it yet.

18 Q. [11:56:44] So you say or you said to the investigators, this is in paragraph 77, that
19 after three days white people from the Red Cross came to distribute food, medicines and
20 soap. And in your statement you mention a lady whose name you provide; do you
21 remember that?

22 A. [11:57:04] Yes, I do. Yes, I do remember that.

23 Q. [11:57:08] Very well. Do you remember her name today?

24 A. [11:57:11] Yes. Well, the name in my head is Donatella Riviera. That's Donatella
25 Riviera.

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1 Q. [11:57:35] Very well. Very well. Do you remember any other *names of persons
2 from the Red Cross?

3 A. [11:57:44] No.

4 Q. [11:57:45] Any other names of people from the Red Cross?

5 A. [11:57:48] No. I can say that her name stayed in my head because after the
6 préfecture, when we were transferred to the MACA, she came to see me once again there
7 in the civilian penitentiary. She came two or three times, that's why I remember her
8 name. And even after I was released she came to my house, she came to conduct some
9 interviews with me.

10 Q. [11:58:16] Mm-hmm. She came to your house to conduct interviews, was that just
11 after you were released; is that right?

12 A. [11:58:30] Yes, just after I was released.

13 Q. [11:58:33] She was working for the Red Cross, was she, or who was she working for?

14 A. [11:58:38] I do believe she was working for the Red Cross because on the day that she
15 came she was talking about the Red Cross and she had those patches, the Red Cross patches,
16 so that's how I knew she came from the Red Cross. And she told me that she came from the
17 Red Cross. And even on that first day she brought people with her, and then she left and
18 then she -- she came back the next day. There was -- she always would come every second
19 day and they would come and count how many people were there. They came to see
20 whether the numbers had diminished or not, and then they'd ask us *'Where are the others?''
21 We would say 'But the chief has said he wants them in court, he wants to hear them'' They
22 are here for a cause but they want to know what the case is. That is why roll call was done at
23 night not during the day. And when they did not see you anymore, they --

24 THE INTERPRETER: [11:59:44] Incomprehensible.

25 PRESIDING JUDGE TARFUSSER: [11:59:47] There was something not understood by

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1 the interpreter.

2 THE INTERPRETER: [11:59:51] Message from the English booth: The witness is rambling.

3 PRESIDING JUDGE TARFUSSER: [11:59:55] Mr Witness, please speak a little bit

4 clearer and slower because the more you speak the more you get unclear and this is not

5 good for us here because we are not able to understand you fully, okay?

6 THE WITNESS: [12:00:16](Via video link)(Interpretation) Yes, okay.

7 PRESIDING JUDGE TARFUSSER: [12:00:22] So you said something. "They came to

8 see", "they" meaning Red Cross, "They came to see whether the numbers had diminished

9 or not, and then they'd ask us where they were. And they wanted to wait for them and

10 they wanted to help their case." And then we didn't understand when you, or following,

11 when you said they came every day to count how many you were. So if you can

12 continue from there, thank you.

13 THE WITNESS: [12:01:08](Via video link)(Interpretation) Yes. Yes, yes. When she

14 came she would count us to see how many are there. And then she knows the number,

15 and then she would go, but the day afterwards she would come and count us again;

16 instead of 40 people, for example, she would see that there are 35, so the numbers have

17 reduced, then she would ask "Where are the others? I counted you and you were 40,

18 now there are 35. Where are the five others?"

19 So we would say, but it is the boss who sent an order saying that they need such-and-such

20 a person, there is a relative waiting, and when you go out you would explain to the boss

21 and after you finish explaining they no longer bring you back to the cell where they took

22 you from. I hope you have understood me now.

23 MR ALTIT: [12:02:17] (Interpretation) Thank you, your Honour.

24 PRESIDING JUDGE TARFUSSER: [12:02:20] We have understood you, yes. Thank you.

25 MR ALTIT: [12:02:27] (Interpretation)

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1 Q. [12:02:29] So that lady came to your house to interview you. Did she have you
2 sign any documents?

3 A. [12:02:42] No, I did not sign any documents. She listened to me, but she was
4 taking notes. She simply gave me her business card with her name Donatella Riviera
5 and her phone number. So she did not have me sign anything, no paper.

6 Q. [12:03:06] Very well. Did she put you in contact with anyone?

7 A. [12:03:13] No, no, no. Even if she put me in contact with someone, that I do not know.

8 Q. [12:03:25] Very well. Now, paragraph 82 of your statement you say you spent
9 two weeks at the police préfecture, and then later on you say, in the final analysis, it is
10 possible that you spent only one week. So my question is do you know precisely how
11 long you spent at the police préfecture?

12 PRESIDING JUDGE TARFUSSER: [12:03:53] Now please.

13 MS CHUBIN: [12:03:54] I understand that my learned friend may be trying to save
14 time by paraphrasing --

15 PRESIDING JUDGE TARFUSSER: [12:04:00] Yes, but --

16 MS CHUBIN: [12:04:01] -- but to situate the witness in the specific context if we could
17 ask -- if I could ask for a quote.

18 PRESIDING JUDGE TARFUSSER: [12:04:08] Witness, did you spend one or two weeks
19 at the préfecture de police?

20 THE WITNESS: [12:04:21](Via video link)(Interpretation) I believe it was two weeks.

21 MR ALTIT: [12:04:26] (Interpretation) Very well.

22 Q. [12:04:33] And then you were transferred to the MACA; is that correct?

23 A. [12:04:36] Yes.

24 Q. [12:04:37] Very well. Now, talking about the MACA, the only piece of evidence
25 that we have that you spent time there is the release form that you showed to the lawyer

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1 from the OTP. You were shown a piece of paper yesterday, a release form from MACA;
2 do you remember that?

3 A. [12:05:03] Yes, yes, yes.

4 Q. [12:05:05] Now that piece of paper is the only evidence we have that you spent
5 some time at the MACA. The Prosecution lawyer put some questions to you about that
6 yesterday and yet what is mentioned on this document does not correspond to your civil
7 status documents, apart from the name Sanogo, which is a very common name. So I'm
8 asking you is it correct that this document, the release form, is the only evidence we have,
9 but that release form is not consistent with the other documents?

10 A. [12:06:01] Yes. When I was caught, even at the MACA, we were beaten, I was
11 traumatised. I did not want to give my true name. And even when I left prison, even in
12 my neighbourhood, I was targeted, so I could not stay at home. Sometimes when those
13 people came and I was -- I fled.

14 Q. [12:06:29] Mr Witness, please, please, please, I would like to interrupt you once
15 again. And I'm sorry, but please let us stay with what happened at the MACA during
16 the two weeks that you have talked about. We can come back to the rest later, but for the
17 meantime let us focus on that.

18 The release form, which we have and which was shown to you yesterday, your correct first
19 name is not there, your mother's name is not there, your father's name is not there, your date of
20 birth is not there, so the information does not correspond to reality; is that correct?

21 A. [12:07:18] They were the ones who handed the document up to me --

22 PRESIDING JUDGE TARFUSSER: [12:07:27] Yes. No, but may I say it's not him that
23 produced this document. He didn't make this document, okay, so.

24 MR ALTIT: [12:07:49] (Interpretation) Mr President, I will cross-check but it seems that
25 he is the one who handed the document to the investigators of the OTP?

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1 PRESIDING JUDGE TARFUSSER: [12:07:54] I wanted to say it is not him that created
2 the document, he did not fabricate the document.

3 MR ALTIT: [12:08:12] (Interpretation) But that is the problem. We are trying to find
4 out whether that document corresponds to him or to someone else. So the first step is to
5 establish that the information on the document does not correspond to this gentleman,
6 and that includes the information on his name and his parents. That is the first thing I
7 want to cross-check.

8 PRESIDING JUDGE TARFUSSER: [12:08:39] I would just say in claris non fit
9 interpretatio, I could say what is clear. And the problem is who, where does this stem
10 from this document. This is the problem.

11 MR ALTIT: [12:09:02] (Interpretation) Thank you, Mr President.

12 Q. [12:09:04] Mr Witness, you do understand my question? In order for you to prove
13 that you were at the MACA you gave the investigators of the OTP a document that does not
14 concern you, at least it does not include information about you, not your first name, not
15 your date of birth? Please wait, we are going to try to understand precisely what
16 happened to get there. What you are telling us is that you did go into the MACA, not
17 under your correct identity, that is what you said, but as Abdoulaye Sanogo; is that correct?

18 A. [12:09:46] Yes.

19 Q. [12:09:47] So you gave a false identity; is that correct?

20 A. [12:09:51] *Because people were insulting us even in the civilian prisons, even the
21 warden. When we went in there to the MACA, on the first day the prison warden told
22 us that two of his sons had been killed in the West and asked why we were marching for
23 Ouattara. Why we had come there to march. So I told him we were not marchers. I told
24 him that we were innocent. So he started beating us up. This was at the MACA. The
25 prison guard did that to us.

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1 Q. [12:10:24] Very well. But when you arrived at the MACA, not only did you give a
2 false identity, but you gave false names for your father and mother, as well as a false date
3 of birth; are we agreed?

4 MS CHUBIN: [12:10:53] The question is misleading. Counsel hasn't established what
5 he's putting to the witness, he hasn't established the witness given false names --

6 PRESIDING JUDGE TARFUSSER: [12:11:01] Yes, I think that --

7 MS CHUBIN: [12:11:03] -- for his parents.

8 PRESIDING JUDGE TARFUSSER: [12:11:04] Well, I think that he sometimes gave his
9 false name that was established.

10 MS CHUBIN: [12:11:11] For his parents, Mr President. It was a compound question
11 with multiple -- his false name and false name of the parents, I don't think we have
12 established on the record that the witness gave false names for his parents.

13 MR ALTIT: [12:11:32] (Interpretation) Your Honour, with your leave, I will react
14 briefly. I do not understand the objection. We are trying to understand who is this
15 gentleman. We can of course ask for the sound to be cut off.

16 PRESIDING JUDGE TARFUSSER: [12:11:59] Well, I think it's better we cut off the
17 sound for a moment, yes.

18 Excuse me, Witness, we cut you off for five minutes, so you can have a break, short one,
19 then we come back.

20 THE COURT OFFICER: [12:12:23] The sound has been cut off.

21 PRESIDING JUDGE TARFUSSER: [12:12:26] Yes, please.

22 MR ALTIT: [12:12:28] (Interpretation) Much obliged, your Honour.

23 It is simple, we have this gentleman who claims that he was at the MACA and then we
24 have a document that says that it is not him, it is someone else. The information is not
25 consistent. So we are trying to understand what happened. I have asked questions and

1 he said, well, I'm the one who is at the root of all this because I gave false information,
2 particularly my name.

3 So the logical question is did you also give false information about your parents, the
4 names of your parents, the date of birth and so on? So we have to ask those questions
5 because he has already said that he provided false information.

6 So the justification for that objection is not clear to me, your Honours. So we are talking
7 about these falsehoods that the witness has accepted that he was at the origin of.

8 PRESIDING JUDGE TARFUSSER: [12:13:37] Now.

9 MS CHUBIN: [12:13:38] We have no objection to the way the question was framed this
10 time, but that's not how it was originally framed and that's why we objected to the
11 original question.

12 PRESIDING JUDGE TARFUSSER: [12:13:48] Yes, but may I say also mine. I think here
13 the point is if the witness gave this document he has seen yesterday to the OTP, and if this
14 document was given him by whom, he says allegedly by exiting the prison. That's it.
15 If the document is false or incomplete, I think it is somebody else who has to say, it is not
16 him who has to explain why it is incomplete, the document. This is what I think. I
17 mean we are going too far if we ask him things he can't know. He can only know if this
18 is the document he had in his hands, or he -- was given to him and he had it in his hands
19 while it was given to the police. This is how I see the things otherwise it is too
20 complicated for him to answer questions which he can't possibly answer because he's not
21 at the origin of it.

22 MR ALTIT: [12:14:52] (Interpretation) Mr President, just one word before we
23 reconnect. I believe there are two things here, if you allow I will try to clarify a bit more.
24 We know, based on what he has said, that he is at the origin of false information because
25 he said he gave false identity. So regardless of who at the MACA noted down this

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1 information, he is the one who was at the origin. But what we are trying to really find
2 out is whether he actually went to the MACA himself. We do not know whether that
3 release form corresponds to him, whether he was at the MACA at all. So we are just
4 trying to get more information.

5 PRESIDING JUDGE TARFUSSER: [12:15:44] Yes, but why don't you call somebody
6 from the MACA to tell you this? He already said that he was there, so but let's reconnect.
7 And I think we give too much burden on the witness. You are questioning, asking things
8 which he cannot know. You should ask him things which are originated by him and
9 not -- all right, so let's connect.

10 Okay, we are connected.

11 MR ALTIT: [12:17:01] (Interpretation) Thank you, your Honour.

12 Q. [12:17:05] Mr Witness, can you hear me?

13 A. [12:17:07] Yes.

14 Q. [12:17:10] Just to be clear, we will try to understand the reality. You told us that
15 you gave wrong information to the people at the MACA; is that correct?

16 A. [12:17:31] *Finally, I gave my name. I gave my first name. I really did not want
17 to give my real name. I was there. I did not know the reason why I was there, so I was
18 nervous. I started to say the name and they (inaudible) and I gave it. Ever since I was
19 born I had never gone to the MACA, I never saw it, but then I found myself inside the
20 MACA itself, I was beaten up and so I was distressed, and I was refusing to give my
21 name. I refused to give my name. But then I gave them my real name Abdoulaye
22 Sanogo. I was not even the one who wrote it down. They are the ones who wrote
23 down everything and brought to me and then afterwards they said I had been released,
24 and sorry, it was the next day, that's when they gave me my documents and I came.

25 Q. [12:18:30] Very well. Now, I will show you a document and it is CIV-OTP -- for

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1 the court officer, it is CIV-OTP-0045-1238. And first, the page 1240 and then 1241.

2 THE COURT OFFICER: [12:19:44] (Via video link) Your Honours, we have the
3 document CIV-OTP-0045-1238.

4 MR ALTIT: [12:19:49] (Interpretation) Can you kindly show the document to the witness,
5 it is a document that was shown to him yesterday by the representative of the OTP?

6 Q. [12:21:13] The document was shown to you, sir, by the representative of the OTP.
7 The first page is 1238 that I would like to talk about. It is written that this document
8 includes the list of demonstrators referred on 22 December 2010 to the Prosecution
9 department of the court of first instance at the Plateau? Now, what does that mean? It
10 means that the document explains to the person to whom it was sent that there were
11 people who had been arrested and were being referred to the department of public
12 prosecutions on 22 December 2010.

13 The question is were you questioned by a representative of the prosecutor's department,
14 and if so was it approximately around 22 December?

15 A. [12:22:22] Can you repeat the question?

16 Q. [12:22:30] Very well. This document that was shown to you yesterday mentions a
17 group of people who had been arrested and who would be *brought to book or presented
18 to the department of public prosecutions and would be questioned or heard by a judge.
19 And it is indicated that it was on 22 December 2010. Now, you, yourself, were you
20 questioned at that time by a representative of the prosecution?

21 A. [12:23:05] No, no, no. It was on the 24th in the court that I was asked questions.
22 They asked me a question, I did not even understand and they said, "Well, well, that's fine,
23 that's fine, *just go on. I was charged and then I was at MACA" And that was
24 on 24 December, not on the 22nd.

25 Q. [12:23:25] Very well. So to be clear, the only time that you were questioned by a

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1 judge or a prosecutor, or whoever, it was on 24 December, not at another time?

2 A. [12:23:39] Yes. It was on 24 December. I talked with somebody, I don't know
3 whether it was a judge or a prosecutor, they were wearing civilian clothes. I did not
4 quite understand the question and they just said, "Well, it's fine. Please leave." It was
5 on 24 December and not on the 22nd.

6 Q. [12:24:06] Very well. Now, on that document it is indicated that a person called
7 Abdoulaye Sanogo, and that is the 21st -- the 28th name on that list, that is *page 1241
8 appeared before the prosecutor on 22 December. Now, Abdoulaye Sanogo is you, based
9 on what you have told us?

10 A. [12:24:36] Yes, yes, it is me.

11 Q. [12:24:40] It is also indicated -- that was page 1241, and I want it to be displayed for
12 the Court. And Abdoulaye Sanogo is number 28 on the list of names.

13 Now, Mr Witness, it is pointed out, in any case, from the last name, that is Cherif
14 Mamadou, on page 1240, to number 29, and that is Daouda Koné, all of these people,
15 including number 28, Sanogo Abdoulaye, are being prosecuted for, and I quote, and that
16 is at -- in the last column of the document:

17 "They attacked a vehicle, a patrol vehicle belonging to CECOS."

18 So now I will ask you, sir, and it is quite simple: Do you know these people who were
19 suspected of having attacked that CECOS patrol vehicle together with you? Please just
20 wait, just wait, and please just tell me whether you know these people or not? The first
21 person is Cherif Mamadou.

22 A. [12:26:38] The first person I knew, Cherif, he died at the police préfecture. He did
23 not even reach the MACA. That is the Cherif who was with me. He died at the police
24 préfecture. He died there. Now, I don't know whether there is another Cherif who was
25 there, I do not know.

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- 1 Q. [12:27:03] Sanogo Daouda?
- 2 A. [12:27:05] I do not know him.
- 3 Q. [12:27:09] Koné Souleymane?
- 4 A. [12:27:17] *Yes. I know him.
- 5 Q. [12:27:19] Sidibe Abdoul Karim?
- 6 A. [12:27:22] No, no, I do not know any of those people.
- 7 Q. [12:27:26] Moumouni Zorgo? Moumouni Zorgo?
- 8 A. [12:27:30] No, I do not know all these people.
- 9 Q. [12:27:33] And Koné Daouda?
- 10 A. [12:27:36] No, no, no.
- 11 Q. [12:27:47] Mr Witness, on this document it is indicated that all these people,
12 including Sanogo Abdoulaye, were arrested at the Cité des Arts. Now, do you know
13 where the Cité des Arts is located?
- 14 A. [12:28:09] Cité des Arts? No, I do not know that location.
- 15 PRESIDING JUDGE TARFUSSER: [12:28:11] In Cocody. Cité des Arts in Cocody.
- 16 THE WITNESS: [12:28:25](Via video link)(Interpretation) Yes, yes. Yes, I was arrested
17 in Cocody.
- 18 MR ALTIT: [12:28:30] (Interpretation)
- 19 Q. [12:28:30] Very well. So we have a Sanogo Abdoulaye prosecuted for having
20 attacked a CECOS vehicle at the Cité des Arts. And the civil status information does not
21 correspond to you but, you see, you are the one but you have nothing to do with this
22 incident reported in the document of people sent to the department of public prosecutions;
23 is that correct?
- 24 A. [12:29:27] Yes.
- 25 Q. [12:29:27] Very well. Now, later on *you told us that – in fact today you told us after

1 two weeks; and I believe at some point in your statement you said one week, but never mind,
2 since in your testimony you say two weeks, you say that you were tried at the court, that
3 there were then accused and that you were released the next day; and that's at paragraph 97.

4 A. [12:29:59] It was at the MACA that I was released, it was there that I was given the
5 release form. *I was neither released at the préfecture nor at Central. It was at MACA.

6 Q. [12:30:12] Very well. I will ask you short questions and it will be simpler. You
7 were sent to the court and after the court you were transferred to the MACA. And you
8 say there were 10 accused people alongside you at the court?

9 A. [12:30:32] Ten people. Well, I really do not remember.

10 Q. [12:30:35] That's all right, I shall read to you what you said, this is at paragraph 95
11 of your statement. You said, and I'll quote you: "I spent approximately a week at the
12 MACA. After that, I was taken with other detainees to the central tribunal at the Plateau
13 for judgment. There, there were lots of people present, there were judges and lawyers to
14 defend us. It was the RHDP who had sent these lawyers there to defend us. There
15 were more -- or, we were more than 10 accused persons."

16 So then you went on to say what happened during the hearing. That was the end of
17 quote. You went on to say what happened during the hearing. And I have here a
18 question for you: The RHDP had sent lawyers there to defend all of you; is that right?

19 A. [12:31:46] Well, I don't remember whether it was the RHDP. You know there
20 were lots of judges and lawyers there to defend us. I don't know whether it was the
21 RHDP that sent it there, well, it was the LMP. I'm not -- I don't know. There were lots
22 of lawyers around, lots of judges there to defend us. That's what happened.

23 Q. [12:32:07] Very well. You were then sent to the prison and a short time thereafter
24 you came out because this release form that we spoke about from the MACA is dated
25 31 December 2010, and it is relevant to Abdoulaye Sanogo; is that right?

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1 A. [12:32:31] Yes, 31 December.

2 Q. [12:32:34] Very well. You said that subsequently you remained in Treichville at
3 your house during the entire crisis; is that correct?

4 A. [12:32:46] Yes.

5 Q. [12:32:46] Did you not come out again?

6 A. [12:32:49] I never marched, I never --

7 THE INTERPRETER: [12:32:54] Incomprehensible.

8 PRESIDING JUDGE TARFUSSER: [12:32:57] You never? What was the other word?
9 I never marched, I never?

10 THE WITNESS: [12:33:14](Via video link)(Interpretation) I said that I never took part
11 in anything *with those politicians, be they of the LMP or the RHDP, all that stuff, I didn't
12 take part in it.

13 PRESIDING JUDGE TARFUSSER: [12:33:38] Okay, thank you.

14 MR ALTIT: [12:33:39] (Interpretation) Thank you, Mr President.

15 Q. [12:33:41] So, sir, paragraph 17 of your statement you say that you talked to people
16 from the ONUCI after having been released on 31 December. And you say that those
17 people from ONUCI came to see you at your home; do you recall that?

18 A. [12:33:59] No, that's not what happened. They came to see me -- well, they called
19 me and told me to meet them at the Sobroko in Abidjan, there's a base there, and that I
20 was supposed to tell them everything that had happened to me. I explained, they didn't
21 have me sign anything, they didn't give me a rendezvous. You know, I finished talking,
22 they gave me money for my transport and that was it. And to date, they've never called
23 me back. It was *Donatella Riviera who came to see me two or three times at home after
24 which nothing, nothing.

25 Q. [12:34:43] Very well. Did they say to you how they had gone about finding you?

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1 A. [12:34:50] I'm sorry?

2 Q. [12:34:51] Did the people from ONUCI tell you how they knew your name and
3 how they found you?

4 A. [12:34:57] Yes, because everybody knew. In Côte d'Ivoire it was in the papers. It
5 was said that they had *caught some marchers, that there had been some dead people. It
6 was written everywhere in the press. So I think that's how they learnt. And there were
7 also *two friends whom we no longer saw. So, well, all of that and the rumours that
8 were rife in the neighbourhood. Then there was a guy, an elder of the neighbourhood,
9 who was working at the UNO who told me no -- I'll explain myself. And he said "Come
10 explain yourself to the UN, tell what happened to you." And I said, "Okay, fine." And
11 he was the one who gave me the transport to go and explain everything, all the events
12 that had happened to me. And that -- when I had finished, I went back, otherwise it
13 wasn't the UN people who came to get me, no, not at all.

14 Q. [12:36:01] Very well. So it was this older brother who gave you the money for the
15 transport?

16 A. [12:36:08] Yes, he was the one who told me to go to the UN because he was
17 working there *at Sobroko. It wasn't --

18 THE INTERPRETER: [12:36:15] The witness is rambling.

19 THE WITNESS: [12:36:17](Via video link)(Interpretation) *-- clear to me whether he
20 was a driver there or worked as something else.

21 THE INTERPRETER: [12:36:21] *Incomprehensible. The witness needs to slow down.

22 *THE WITNESS: [12:36:22](Via video link)(Interpretation) So when I went there I
23 found others had been there before me, people who had similar issues to mine.

24 PRESIDING JUDGE TARFUSSER: [12:36:23] We do not understand you. Slow down,
25 be clear. Thank you.

1 MR ALTIT: [12:36:43] (Interpretation)

2 Q. [12:36:43] So, sir, it was that elder brother who told you to go to the Sebroko, we
3 understood that, so it was he, I think I understood, but I'd like you to confirm for us to be
4 sure, it was he who gave you the money for transport; is that correct?

5 A. [12:36:59] Yes, it was the elder brother, the young guy who gave me the money for
6 the transport, yes.

7 Q. [12:37:04] And what is his name this older brother?

8 A. [12:37:07] Well, he moved away a while back now. It's his nickname that I know.
9 He was called Djokoroba (phon), Djokoroba. As for his real name, I don't really know it,
10 his name and first name. Well, his nickname, yes.

11 Q. [12:37:32] He was a member of RHDP this older brother?

12 A. [12:37:37] Well, he was -- I don't know what activity he said but he was in the UN.
13 I don't know what position he occupied.

14 Q. [12:37:47] Very well. So I'm going to quote paragraph 17 from your statement. So
15 you said to the investigators of the OTP, quote:

16 "The first people I talked to worked for ONUCI. They had come to see me at my home a
17 week after my release from the MACA on 31 December 2010. The people from
18 the ONUCI were in civilian attire. They handed over a piece of paper to me and put some
19 questions to me. Then they took my telephone numbers and they left. I do not know for
20 which service of the ONUCI they were working." End of quote. That was in your
21 statement, and today you say no, it was I who went to see them at the Sebroko; is that right?

22 A. [12:38:55] Yes, I was the one who went to see them. And thanks to that older
23 brother, the young guy who was in the neighbourhood, it was thanks to him that I went to
24 see them. I don't know anybody at the UN. I don't have any relatives there. So it was
25 thanks to him that I went there.

1 Q. [12:39:16] Very well. So at paragraph 18 of your statement you indicate that you
2 went to the Treichville town hall after the crisis in 2013 in order to tell what had happened
3 to you; is that right?

4 A. [12:39:42] Yes.

5 Q. [12:39:49] Who did you talk to?

6 A. [12:39:59] Well, they said it was the human rights people who came to the town
7 hall and they were -- they were taking down the identities of all the victims, whether it be
8 north, south, east, west. They said they were working for human rights. They gave me
9 a form that I filled in and once I filled it in -- well, they didn't give me a number, they said
10 that they'd call me. I didn't see anything, I didn't receive anything up till today.

11 Q. [12:40:30] Very well. Did they talk to you about any form of compensation?

12 A. [12:40:33] Yes, they did. They did. We did talk about that. They talked about that.
13 But it was after that that I fell gravely ill in 2013-2014. And I spent a year and four months ill.

14 Q. [12:40:52] Very well. At paragraph 19 of your statement you indicated that you
15 had met Issiaka Diaby, the president of the CVCI, the victims collective, or victims
16 association, and you said that he came to your neighbourhood after the crisis in order to
17 gather information with regard to victims. This was, and this is my question to you, this
18 gentleman, was it before or after the arrest of President Gbagbo?

19 A. [12:41:36] It was afterwards.

20 Q. [12:41:37] Afterwards, okay. And this gentleman, Mr Diaby, who is it, is it a politician?

21 A. [12:41:44] No, he isn't a politician. He said -- he said that he was working for
22 the CVCI, so that gentleman he did something for us, but we were already in a desperate
23 state, but he was running around, he was encouraging us, he was motivating
24 us. *Chaka Diaby, president of the CVCI. I think I got to stay with him and I came
25 across the Achraf and some others -- who today are like the law.

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1 THE INTERPRETER: [12:42:23] Incomprehensible.

2 *Q. [12:42:23] Ok.

3 PRESIDING JUDGE TARFUSSER: [12:42:24] You came across some others? Now there
4 is again some -- the end of the sentence missing from the record. You said that he, this
5 Diaby, he was running around, he was encouraging you and motivating you, and then?

6 THE WITNESS: [12:43:08] (Via video link)(Interpretation) Well, Diaby, *I cannot soil his
7 name or spoil his name, he helped me a lot, he helped me morally and financially. Even
8 when I was travelling to the North, he helped me. He called me from time to time. As
9 a token of appreciation, I would go when he would call. When there was a ceremony,
10 he would call and I would go.

11 THE INTERPRETER: [12:43:34] Message from the English interpreter: The witness is
12 rambling and the sound is very bad. It is extremely difficult to interpret.

13 PRESIDING JUDGE TARFUSSER: [12:43:44] Okay. Mr Witness, but please speak
14 clearly. Thank you. Maître Altit.

15 MR ALTIT: [12:43:53] (Interpretation)

16 Q. [12:44:00] So in paragraph 19 you talk about an office of the CVCI in Marcory.
17 Does that office still exist?

18 A. [12:44:14] Well, now we don't see it anymore, it's still there but where in Marcory?
19 They're no longer in Marcory. I don't know whether the CVCI -- it does exist but as to
20 whether they are -- where they are now I don't know.

21 Q. [12:44:34] Very well. Very well. Now, did Issiaka Diaby, did he talk to you
22 about the ICC?

23 A. [12:44:43] Yes.

24 Q. [12:44:44] What did he say?

25 A. [12:44:46] He said that I was going to come and testify as to what happened to me.

1 He said, fine -- I said that "Fine, I'm ready, I'm ready." *No problem holding the line.
2 At that time I had a Koz simcard which they unfortunately took. They cancelled the Koz
3 so I had to change the number to Rouge. So to contact or see the guy again wasn't an
4 easy thing, but at the end of the -- in the end I did see him and we discussed somewhat.
5 And there was a young chap in Treichville who noticed that I was not seeing Diaby who
6 would see him and he said to Diaby "There's that guy there. I've got his number. And so
7 he doesn't know how to get hold of your number. So he gave him his number. He had
8 an Orange number. He gave me Diaby's Orange number since thereafter the Koz
9 network was shut down. So I took his number and jotted it in a notepad and put it in
10 my bag then I went to a call box and I called him and he gave me an appointment.

11 Q. [12:46:05] Very well. Did Diaby promise you anything if you were to testify?

12 A. [12:46:17] Diaby? Well, he didn't promise us anything. He just said if you come
13 and testify as to -- well, with regard to things that we have lost, then they *might find a
14 common ground of understanding for us and try to work things out for us. And I said fine.

15 Q. [12:46:53] Very well. So Diaby listened to you, encouraged you to go about doing things
16 and go to the ICC. Did you fill in any paperwork to be recognized as a victim by the ICC?

17 A. [12:47:10] Yes, Diaby did have me fill in the papers.

18 PRESIDING JUDGE TARFUSSER: [12:47:14] Yes, please now.

19 MR CARNERO ROJO: [12:47:19] When it comes to his questions, I can learn, I can
20 understand the interest of my learned colleague, but there is a ruling of your Chamber
21 yesterday that when it comes to how this witness, which was a victim, fill in the
22 application form for his participation who assisted him in filling the application form, I
23 mean the intermediary, should not be disclosed. So I am warning the Defence that the
24 ruling of the Chamber is still valid and therefore the question should not be put.

25 PRESIDING JUDGE TARFUSSER: [12:47:48] I think there is nothing to be warned at this time.

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1 MR ALTIT: Monsieur le Président.

2 PRESIDING JUDGE TARFUSSER: Yes, at this point in time, there is nothing to be
3 warned. And I think we are still within the framework and please go ahead.

4 MR ALTIT: [12:48:05] (Interpretation) But Mr President, I do believe -- well, thank
5 you first of all. But I do believe that there is a little misunderstanding. Redactions is
6 one thing, knowing the truth is listening to the testimony of somebody who has come to
7 give his version of the truth is another thing. The testimony is the testimony. If we
8 want to know how things --

9 PRESIDING JUDGE TARFUSSER: [12:48:32] Yes, but you don't have to explain it to me.

10 MR ALTIT: (Overlapping speakers)

11 PRESIDING JUDGE TARFUSSER: Okay, just go ahead. I just said go ahead with the
12 questioning.

13 MR ALTIT: [12:48:39] (Interpretation) Very well. Thank you, Mr President. And I'm
14 sorry for having turned to you, but I should really have been turned towards my learned
15 friend, it would have been more logical. Anyway. So I've lost my train of thought.

16 PRESIDING JUDGE TARFUSSER: [12:49:03] Well, I can help you that you have
17 another 11 minutes to go, so.

18 MR ALTIT: [12:49:11] (Interpretation) Thank you, Mr President.

19 Q. [12:49:18] You were saying at the moment in time, when my learned colleague got
20 to his feet, you said that Mr Diaby had helped you fill in some papers; is that what you
21 were saying?

22 A. [12:49:29] Yes.

23 Q. [12:49:30] I'm saying this because you said that but it wasn't transcribed, it wasn't
24 in the French version anyway, so I'm repeating it for the purposes of the transcript.

25 So was it via this Mr Diaby, Mr Witness, that you met the representative of the victims,

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1 Mr Witness?

2 PRESIDING JUDGE TARFUSSER: [12:49:56] The question should be how -- did you
3 meet the representative of the Legal Representative of Victims and how.

4 No, no, I mean.

5 MR CARNERO ROJO: [12:50:11] But excuse me, your Honour, I have a concern with
6 this because our activities should not be --

7 PRESIDING JUDGE TARFUSSER: [12:50:15] No, come on.

8 MR CARNERO ROJO: [12:50:17] -- at least should not be discussed in public. If this
9 question is allowed I request that it be made in private session, your Honour.

10 PRESIDING JUDGE TARFUSSER: [12:50:25] We can go in private session, that we can
11 do, but the question is allowed. Please let's go in private session.

12 (Private session at 12.50 p.m.)

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)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Open session at 12.53 p.m.)

18 THE COURT OFFICER: [12:54:00] We're in open session, your Honour.

19 PRESIDING JUDGE TARFUSSER: [12:54:01] We are in open session.

20 Maître Altit.

21 MR ALTIT: [12:54:07] (Interpretation) Thank you, Mr President. I have finished my
22 questions now.

23 Q. And with your leave, I'd like to thank you, Mr Witness, for having answered my
24 questions. Thank you.

25 A. [12:54:19] Thank you.

1 PRESIDING JUDGE TARFUSSER: [12:54:19] And I thank you for having finished the
2 questioning.

3 Thank you, Maître Altit. Thank you, Mr Witness. We have in the afternoon -- now we
4 break, in the afternoon we have another session with the Defence of Mr Blé Goudé. And
5 I would ask counsel to tell us if he has already, after having heard also the questions put
6 by Maître Altit, if he has an overview on the length?

7 MR GBOUGNON: [12:55:22] (Interpretation) Thank you, Mr President. I think the
8 last sentence you uttered is a subtle form of pressure.

9 Mr President, what I wanted, I have a maximum 15-20 minutes' worth, and if the
10 interpreters are not tired we might go on for another 15 minutes because then we don't
11 need to come back after the break. That's my request. There's just a couple of things I
12 want to seek clarification with the witness.

13 PRESIDING JUDGE TARFUSSER: [12:55:52] But I think, given this, and I
14 obviously -- it is very much appreciated, I would go in any case to -- after the break, finish
15 with this witness, start with the next one, which is another 68, probably finish the
16 Prosecution questioning, and then have a -- go to tomorrow for the questioning by the
17 Defence. So I think it would be probably the best way forward and it is the best way
18 because I say it.

19 Okay, thank you very much. And now we break, we come back at 2.30.

20 The hearing is adjourned.

21 THE COURT USHER: [12:56:35] All rise.

22 (Recess taken at 12.56 p.m.)

23 (Upon resuming in open session at 2.35 p.m.)

24 THE COURT USHER: [14:35:25] All rise.

25 Please be seated.

1 PRESIDING JUDGE TARFUSSER: So good afternoon. Now we are in open open.

2 And I would ask the court officer to bring in the witness. Thank you.

3 THE COURT OFFICER: (Via video link) [14:36:01] Yes, your Honours.

4 (The witness enters the video-link room)

5 PRESIDING JUDGE TARFUSSER: [14:36:41] Hello, Mr Witness.

6 THE WITNESS: (Via video link)(Interpretation) Good afternoon.

7 PRESIDING JUDGE TARFUSSER: Good afternoon to you. I think you are nearly
8 through.

9 I give now the floor to the defence of Mr Blé Goudé.

10 And the same recommendation, please answer clearly, slowly, and we will be through
11 quite quickly. Thank you.

12 Maître Gbougnon.

13 MR GBOUGNON: [14:37:25](Interpretation) Good afternoon, your Honours.

14 QUESTIONED BY MR GBOUGNON: (Interpretation)

15 Q. Good afternoon, Mr Witness.

16 A. [14:37:41] Good afternoon.

17 Q. [14:37:42] My name is Jean Serge Gbougnon, lawyer at the Abidjan bar and
18 member of the defence team of Mr Charles Blé Goudé. I will now be the one to put
19 questions to you, and since my excellent learned colleague has covered practically
20 everything with you, I am simply going to touch on two or three points so that the
21 Chamber should properly understand certain issues, so I would like to ask that we be
22 very precise and concise, and in that way we will take less than 15 minutes; is that okay?

23 A. [14:38:30] That is okay.

24 Q. [14:38:32] You said that on the morning of 16 December you and two friends
25 boarded a woro-woro in Treichville; is that correct?

1 A. [14:38:46] Yes, yes.

2 Q. [14:38:48] Please wait for me to finish my question, otherwise, we would be
3 overlapping.

4 You said there was one of those friends who worked in Cocody and that he knew it very
5 well; is that correct?

6 A. [14:39:08] Yes.

7 Q. [14:39:11] The woro-woro that you took in Treichville, it was at Nana Yamouso; is
8 that correct?

9 A. [14:39:24] Yes.

10 Q. [14:39:25] I want to move quickly. That's why I'm using specific locations since
11 I know the area. So you boarded this woro-woro in Treichville. It was an ordinary
12 colour; is that correct?

13 A. [14:39:48] No, it was red in colour.

14 Q. [14:39:56] All the woro-woros in Treichville that traveled to Cocody, are they red in
15 colour?

16 A. [14:40:07] On that day the woro-woro that we took was red.

17 Q. [14:40:15] What I mean is all the woro-woros are not red. This means that these are
18 vehicles of any colour; is that correct?

19 A. [14:40:35] No. The woro-woro that we took is a taxi, a metered taxi, which was red
20 in colour. But the woro-woro that you would take from Treichville to Adjamé is yellow.

21 Q. [14:40:59] Very well. We are going to come to Cocody. For the time being we are
22 still in Treichville. On that day you took what we referred to as a taxi compteur in our
23 country, and it was red in colour and which was working as a woro-woro on that day; is
24 that correct?

25 A. [14:41:34] Yes.

1 Q. [14:41:36] Otherwise, the other vehicles that ply the woro-woro routes are not
2 necessarily metered taxis; is that correct?

3 A. [14:41:49] That is correct.

4 Q. [14:41:49] And then you*arrived Cocody Saint-Jean?

5 A. [14:41:53] Yes.

6 Q. [14:41:56] With a friend who worked in Cocody and who -- and then you know
7 Cocody very well; is that correct?

8 A. [14:42:04] No, I do not know Cocody very well.

9 Q. [14:42:08] I beg your pardon. You do not know Cocody very well, I understand
10 that very well. But you said that you were with a friend who worked in Cocody?

11 A. [14:42:30] Yes.

12 Q. [14:42:31] And he knew Cocody very well; is that correct?

13 A. [14:42:36] Yes.

14 Q. [14:42:40] And when you arrived at the woro-woro station and you saw the
15 uniformed persons, you did not spend long there before boarding a woro-woro; is that
16 correct?

17 A. Yes.

18 Q. [14:43:05] And you stated that in your mind you were trying to return home to
19 Treichville because you were afraid of the policemen, you were afraid of the uniformed
20 people; is that correct?

21 A. [14:43:34] Yes.

22 Q. [14:43:45] At the woro-woro station where you arrived, there were yellow
23 woro-woros and the metered taxis as well as regular-colour vehicles, ordinary vehicles; is
24 that correct?

25 A. [14:44:08] Yes, that is correct.

1 Q. [14:44:12] The yellow woro-woros that you spoke about, they don't leave Cocody; is
2 that correct?

3 A. [14:44:20] Yes.

4 Q. [14:44:23] You have just said that the yellow woro-woros never leave Cocody; is that
5 correct?

6 A. [14:44:34] Yes.

7 Q. [14:44:36] So if you boarded the yellow woro-woros, it would not have been your
8 intention to return to Adjamé; is that correct?

9 A. [14:44:49] No, I had the intention to return because the driver of the woro-woro was
10 going to Adjamé, and we asked him whether he wanted to drop us off in Treichville, and
11 he said no, he was going to Adjamé where he lived. But he told me, well, if we really
12 wanted to go to Adjamé, just board the vehicle, I will try to use a different road to drop
13 you off at Adjamé. That's how come we boarded that woro-woro.

14 Q. [14:45:28] Mr Witness, Mr Witness, let us answer one more question on that, and we
15 move on.

16 You have said several times already that on that day you arrived at the woro-woro station
17 at *Cocody Saint-Jean, right? And on your way you did not see any demonstrators or
18 security forces; is that correct?

19 A. [14:46:04] The security officers, the uniformed people, they were everywhere. It
20 was because we were afraid of them that we took another road.

21 Q. [14:46:13] What I said was that on your way from *Nana Yamouso to Cocody, you
22 crossed the Pont de Gaulle and you passed through the Corniche to get to Saint Jean de
23 Cocody, on your way you didn't see any uniformed people or demonstrators; is that correct?

24 A. [14:46:36] Yes.

25 Q. [14:46:37] When you alighted from the woro-woro at the Saint-Jean station in

1 Cocody, now, apart from the yellow woro-woros which circulate only in Cocody, were
2 there any other vehicles that you saw which were not yellow?

3 A. [14:47:03] Yes, that is true. It was in Cocody. There were other woro-woros which
4 were neither red nor yellow, which circulated in Cocody commune.

5 PRESIDING JUDGE TARFUSSER: [14:47:23] Wait, wait. It's always funny because
6 you always make recommendations to the -- all of you make recommendations to the
7 witness but then don't follow your own recommendations.

8 Now, please.

9 MR GBOUGNON: [14:47:39](Interpretation) I'm sorry, Your Honour. It is a passion for
10 the criminal proceedings.

11 Q. [14:47:49] Now, you said that when you arrived Cocody Saint-Jean, there were
12 yellow woro-woros that circulate only in Cocody commune, but that there were other
13 ordinary vehicles carrying out woro-woro activities. Now, let me put a question to you.
14 The transport vehicles at that station that plied the Adjamé, Treichville or Koumassi
15 routes, were they also yellow, just like the Cocody woro-woros?

16 A. [14:48:29] No.

17 Q. [14:48:31] Mr Witness, so that the Chamber should fully understand, if you had had
18 the intention of getting out of Cocody, you would not have taken a yellow woro-woro; is
19 that correct?

20 A. [14:48:50] I had the intention to leave because there were no vehicles. You couldn't
21 even see the ordinary regular vehicles. It was in Cocody, we saw only one yellow
22 vehicle, and the driver told us that he was going to Adjamé. There was a *woman inside,
23 and that's how come we boarded the vehicle with the agreement of the driver, because we
24 were fully aware that yellow woro-woros do not circulate outside of Cocody.

25 Q. [14:49:27] Mr Witness, we are talking here about December 2010, December 2010.

1 And you were seated in this vehicle with one of your friends who worked in Cocody, and
2 who knew Cocody; is that correct?

3 A. [14:49:48] Yes.

4 Q. [14:49:51] And you said that the vehicle you boarded or at least the driver told you
5 that he had to return to Adjamé and that he would drop you off at Adjamé; is that correct?

6 A. [14:50:09] Yes.

7 Q. [14:50:14] *In the end you found yourself at the Marie-Thérèse junction at the Riviera
8 not far away from the Golf Hotel; is that correct?

9 A. [14:50:31] Yes.

10 Q. [14:50:32] And your friend who was in the vehicle with you who knew Cocody, at
11 no time did he know that the driver was not going to Adjamé?

12 A. [14:50:41] Yes, he knew, because he asked the driver *which road they were going on.
13 He said there were too many uniformed people on the road, there was too much chaotic
14 roadblocks, and so he had to deviate to avoid hurting us in the car while running through
15 the roadblocks. So he could not do that. That is why he started to deviate. And my
16 friend said, "Well, there is no problem because it is your job, just do it. We just need you
17 to be dropped us off in Adjamé." That's how he remained calm in the vehicle. He did
18 ask the driver, "Which road are you taking?" And the driver said he had used a
19 different road so as to be able to go to Adjamé.

20 Q. [14:51:29] Mr Witness.

21 A. [14:51:31] Yes.

22 Q. [14:51:32] We are still talking about December 2010. You will agree with me that at
23 that time there was not a bridge?

24 A. [14:51:41] Yes, that is true.

25 Q. [14:51:44] So at that time there was no road leading from where you were, that is,

1 near *Marcory or Treichville; is that correct?

2 A. [14:51:59] Yes.

3 MR GBOUGNON: [14:52:12](Interpretation) My apologies, Your Honour.

4 Q. [14:52:16] Then you said that you were stopped by the uniformed officers. They
5 took your identity papers; is that correct?

6 A. [14:52:25] Yes.

7 Q. [14:52:28] Which document did they take, an attestation of your identity?

8 A. [14:52:35] Yes.

9 MR GBOUGNON: [14:52:36] I would like the following document to be displayed,
10 CIV-OTP-0069-0219.

11 THE COURT OFFICER: [14:53:42] Excuse me, counsel, is it 0069-0209?

12 MR GBOUGNON: [14:53:47](Interpretation) 19, please, 19.

13 THE COURT OFFICER: [14:54:06] Counsel, we are having difficulties in locating your
14 document. Is it the first page or?

15 MR GBOUGNON: [14:54:37](Interpretation) The first page of the document is
16 CIV-OTP-0069-0209. And I would like to have the last page.

17 PRESIDING JUDGE TARFUSSER: [14:55:55] Sorry, but we can't find the document
18 you're referring to. *It cannot not be in the system.

19 MR GBOUGNON: [14:56:09](Interpretation) Mr President, it is an OTP document that
20 we have in the system.

21 MS CHUBIN: [14:56:22] I don't believe it's in court -- in eCourt, because I don't think it's
22 classified as incrim. It's a Rule 77 document.

23 MR GBOUGNON: [14:57:02](Interpretation) Mr President, these are documents that
24 were included in the bundle of documents that had been presented by the Legal
25 Representative of Victims. I do not know whether they can be tendered now.

1 PRESIDING JUDGE TARFUSSER: [14:57:38] The only person I can refer to is the court
2 officer, so I don't know what -- I don't even know what documents we are talking about.

3 We confirmed it's not in the system.

4 We have only the title of the document "Formulaire de personnes physiques" or
5 something like this, but we don't have the document.

6 MR GBOUGNON: [14:58:38](Interpretation) Mr President, no problem. I will try to proceed.

7 Q. [14:58:45] Mr Witness, so it was the attestation of your ID document that the
8 uniformed officers checked on that day; is that correct?

9 A. [14:58:58] Yes, those were the documents that they took.

10 Q. [14:59:05] And on the attestation it is written Sanogo Broulaye; is that correct?

11 A. [14:59:15] Yes.

12 Q. [14:59:22] On that day when they were checking your identity, when they checked
13 your identity paper, did they hand it back to you?

14 A. [14:59:30] No.

15 Q. [14:59:32] It was with that identity card that the procedure was carried out right up
16 to the préfecture; is that correct?

17 A. [14:59:45] Well, when we were dropped off at the gendarmerie, the documents were still
18 with them, so I do not know what they did with them. All I know is that they took my
19 documents, and they did not give them back to me until I was released, up until I was released.

20 Q. [15:00:06] So it was when you were released from the MACA, the Abidjan central
21 prison, that you were given back your documents.

22 A. [15:00:24] I was not given *back my documents. They did not return my
23 documents. I was handed a release form indicating that I had been released. They did
24 not give me any attestation or documents. They gave me a release document on which it
25 was written that I had been released or something like that.

1 Q. [15:00:43] So your identity papers remained with them, is that it?

2 A. [15:00:47] Yes, yes.

3 Q. [15:00:50] Now, if they took *your identity papers, and I'm asking this question quite
4 deliberately, *because I know how things work. If they had your ID, they could not have
5 been mistaken as to the information on the release form, correct?

6 PRESIDING JUDGE TARFUSSER: [15:01:15] Please finish your question, otherwise we
7 don't know what the opposition would be.

8 MR GBOUGNON: [15:01:24](Interpretation) Thank you very much, Your Honour.

9 Q. [15:01:30] What I was asking you was ever since the first day you were arrested by
10 some uniformed men at a roadblock not far from the Golf hotel, and when they arrested
11 you they took your attestation of identity, and on that identity paper it was marked
12 Sanogo Broulaye born the 8th of May, et cetera?

13 A. [15:02:02] Yes.

14 Q. [15:02:03] Now, according to what you have been telling us, this identity form was
15 never given back to you?

16 A. [15:02:09] Yes.

17 Q. So that's from the Golf -- pardon me, rather, from the roadblock going by way of the
18 gendarmerie and then the préfecture and then the MACA prison, at these various stages
19 your name was always mentioned somewhere.

20 A. [15:02:33] Yes, yes, because when *we got to the gendarmerie brigade, the people
21 who came to drop us, they also dropped off even -- well, they had a number of documents,
22 the ID papers, various ones in hand. But we didn't have access and we couldn't go close
23 enough to and look. So they gave the papers, but we couldn't say anything. We
24 couldn't ask for anything. They just came up and said, "Who are you? What's your
25 name?" They put a question to us, and then immediately that's -- that's what the

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1 uniformed men did to us.

2 Q. [15:03:17] What I'm telling you, Mr Witness, is that the uniformed men had your
3 identity papers, ever since the morning of 16 December, they had the identity papers with
4 you ever since 16 December, papers that showed your identity, and, thus, those papers
5 were the ones that they used to draw up a list, wasn't it?

6 A. [15:03:51] Yes.

7 Q. [15:03:53] To identify you?

8 PRESIDING JUDGE TARFUSSER: [15:03:57] Yes, but how can -- excuse me. But how
9 can he respond on something what somebody else did?

10 MR GBOUGNON: [15:04:08](Interpretation) Your Honour, I have an explanation, but
11 would it be possible to disconnect the link to the remote location?

12 PRESIDING JUDGE TARFUSSER: [15:04:20] Of course we can disconnect. Please, can
13 we disconnect.

14 THE COURT OFFICER: [15:05:00] The sound is cut off.

15 PRESIDING JUDGE TARFUSSER: [15:05:04] I do understand that you have an
16 explanation, but the explanation is something for the discussion. But please explain.

17 MR GBOUGNON: [15:05:15](Interpretation) Your Honour, you know that, *I have the
18 good luck or ill luck, depending on which side of the fence you are on, of following the
19 proceedings in Abidjan, you see, and so I know how things are unfolding. But I'm not a
20 witness, so you see, I'm not a witness, so I have to go through the witness to determine
21 what happened. And we have a witness here, your Honour, who has a piece of identity
22 that apparently was taken away from him at a roadblock, taken away from him by the
23 security people. And then he leaves the MACA prison with a release form. And I know
24 what happens usually, but since I'm not the one giving testimony, I wish to elicit or, rather,
25 demonstrate that this witness never went to the MACA, because this document from the

1 MACA prison and this other document -- and the witness has just said something
2 extremely important. He said he left the MACA without the ID papers being given back
3 to him. I know that's not true, but how can I bring this before the Chamber? How can I
4 elicit this? It may seem a bit blurry or fuzzy, but a few more questions and I'll be done
5 with it. This is what I am trying to get the Bench to understand.

6 PRESIDING JUDGE TARFUSSER: Office of the Prosecutor.

7 MS CHUBIN: [15:06:58] If I may respond, Mr President, my learned friend is now
8 pleading from the bar. The submissions he's now making are more appropriate for final
9 submissions and the line of questioning is speculative. He's asking the witness to
10 comment on things the witness can't possibly give information about.

11 PRESIDING JUDGE TARFUSSER: [15:07:17] Maître Gbougnon, I think that we have
12 understood, the Chamber's understood perfectly what the line is. My problem is not
13 what you want to prove, but can you prove through a witness who is -- the witness can
14 only say what happened to the witness, the fact that the witness' self has experienced.
15 He can't say what happened behind or what other people believes or a detention centre
16 did. I think that is for the detention centre to come here or for people from the detention
17 centre to come here and prove. This is the only thing.

18 And then of course, you can ask questions, but questions which the witness can possibly
19 answer to. This is the only thing I'm saying, nothing more. So I would -- you're
20 obviously free to ask, but things which he is in a position to be able to answer.

21 Can we reconnect with the remote location? Thank you.

22 Okay. We are back. Mr Witness, we are back, and I give the floor back to Maître Gbougnon.

23 MR GBOUGNON: [15:09:08](Interpretation)

24 Q. [15:09:10] Mr Witness.

25 A. [15:09:13] Yes.

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1 Q. [15:09:14] A few moments ago you told my learned friend the name of an
2 acquaintance who apparently was at the Golf Hotel. Unfortunately that name was not
3 transcribed properly. Could you give us the name of that friend or your acquaintance
4 from the neighbourhood who was at the Golf hotel?

5 A. [15:09:39] Son nom.

6 MR GBOUGNON:

7 Q. [15:09:42] Yes, his name.

8 A. [15:09:44] Fofana.

9 THE INTERPRETER: Inaudible.

10 PRESIDING JUDGE TARFUSSER: [15:09:51] It was inaudible. Can you please repeat
11 it? We didn't hear it.

12 THE WITNESS: (Via video link)(Interpretation) [15:10:02] Fofana Vier.

13 MR GBOUGNON: [15:10:08](Interpretation)

14 Q. [15:10:09] Could you spell out that name?

15 A. [15:10:11] V-I-E-R, Vier. It's not Vieux, it's V-I-E-R.

16 Q. [15:10:28](Interpretation) Thank you very much, Mr Witness. I have no further
17 questions for you.

18 Your Honour, I have no further questions for this witness. I believe Mr Knoops wishes
19 to address the Court.

20 PRESIDING JUDGE TARFUSSER: [15:10:43] Thank you, very much, Mr Gbougnon.
21 Mr Knoops.

22 MR KNOOPS: Mr. President, the final questions of our team will be asked by Madam
23 Kadji of our team. Thank you.

24 PRESIDING JUDGE TARFUSSER: [15:10:57] Of course, yours the floor.

25 QUESTIONED BY MS KADJI: (Interpretation)

- 1 Q. Good afternoon, Mr Witness. My name is Maître Kadji. I'm a member of the Blé
2 Goudé defence team. I just have two questions for you to clear up two matters.
3 Now, you were arrested on 16 December; is that correct? You said that you spent two
4 weeks at the police préfecture. No, don't nod or -- please give a --
5 A. [15:11:31] Yes, yes, yes.
6 Q. [15:11:33] And then you say that you spent one week at the MACA prison.
7 A. [15:11:37] Yes.
8 Q. When we do the math, your Honour, we come to those three weeks. And this
9 takes us to the 5th or 6th of January, am I mistaken?
10 A. Yes, you're mistaken. It was the 24th or the 31st when they released me. It had
11 been a week.
12 Q. [15:12:02] Very well. Okay.
13 Another point to clear up. You said that when you were taken to the Court, after the
14 pleadings the Judges decided to suspend the case.
15 A. [15:12:22] Yes.
16 Q. [15:12:23] And then you said the next day, the day after that some police officers
17 came and they released you; is that correct?
18 A. [15:12:32] Yes, yes.
19 Q. [15:12:34] So you want to tell the Chamber that after the case was suspended you no
20 longer went back -- you never went back to the Court to hear any sort of ruling?
21 A. [15:12:45] No, I never went back.
22 MS KADJI: [15:12:48] (Interpretation) I have concluded my questioning, your Honour.
23 PRESIDING JUDGE TARFUSSER: Thank you very much. Mr Knoops.
24 MR KNOOPS: [15:13:04] Yes, that's right. That concludes the examination by the
25 Defence team of Mr Blé Goudé. Thank you very much.

- 1 PRESIDING JUDGE TARFUSSER: [15:13:10] Okay. Thank you very much.
- 2 Now I turn to the Office of the Prosecutor. Is there a request for re-questioning?
- 3 MS CHUBIN: [15:13:15] No request for re-examination, Mr President.
- 4 PRESIDING JUDGE TARFUSSER: [15:13:19] Thank you very much. This concludes
- 5 I would say because there is can't be -- you cannot have the last word on the last word, so.
- 6 This concludes, Mr Witness, your testimony. I hope, I think, you are relieved. You can
- 7 go back to your ordinary occupation. I thank you very much for having answered the
- 8 questions for all this time. And I wish you all the best. Thank you very much.
- 9 THE WITNESS: (Via video link)(Interpretation) [15:13:59] Thank you very much.
- 10 PRESIDING JUDGE TARFUSSER: [15:14:02] Now I would like to talk to the Court
- 11 officer in the remote location. (The witness is excused)
- 12 THE COURT OFFICER: [15:14:20] (Via video link) Yes, your Honour.
- 13 PRESIDING JUDGE TARFUSSER: [15:14:22] Yes, Madam court officer. I think we have
- 14 now the next witness. I would probably -- we'll see how far we go. We know that we
- 15 have to suspend for some time, half an hour, 20 minutes, as less as possible of course.
- 16 And as soon as you are ready, please call us back so that we can start with the next
- 17 witness, at least the introduction, so that tomorrow we -- or maybe still today we can ask
- 18 the questions by the Office of the Prosecutor.
- 19 So we disconnect for now, and you will be in touch with The Hague --
- 20 THE COURT OFFICER: (Via video link) [15:15:08] Yes.
- 21 PRESIDING JUDGE TARFUSSER: [15:15:09] -- for as soon as we have the witness in.
- 22 Thank you very much.
- 23 THE COURT OFFICER: [15:15:12] (Via video link) Yes, absolutely, we will.
- 24 PRESIDING JUDGE TARFUSSER: [15:15:21] Now, you all think -- now we are
- 25 disconnected from the remote location. But nevertheless, I will not suspend because I

1 will ask for the submissions on the video link for 106, for P-106 so that we can occupy this
2 time. As soon as we have finished the discussion on that, the request and submissions
3 on this, we will suspend until we are called by the remote location to continue with the
4 next witness, which is number 588. So I give the floor to the Office of the Prosecutor for
5 his submission. Mr MacDonald, we shouldn't be too long on this because I think we
6 know exactly what everybody is thinking about it.

7 MR MACDONALD: [15:16:37] I'm trying this microphone for the first time, your
8 Honour, so.

9 PRESIDING JUDGE TARFUSSER: It's very nice with this microphone.

10 MR MACDONALD: [15:16:44] Thank you. We understand that initially we wanted
11 the witness to appear in person. As you know, the witness encountered or the Victims
12 and Witnesses Unit outside of their control encountered some difficulties with obtaining
13 the passport from a third country. When it was obtained, there was then a mistake on
14 the name. It therefore had to be reissued, and once reissued the VWS could not obtain a
15 visa on time for the witness to travel to the seat of the Court.
16 Now, it is in those circumstances that we proposed as an alternative to have the witness
17 testify by video link so that he could testify this side of the proceedings, this year I mean.
18 So it's basically there is no other reason. Thank you, your Honour.

19 PRESIDING JUDGE TARFUSSER: Yes, just before giving the floor to the Defence, I just
20 want to say we do it out of caution. If we have still time we can, we will call this witness;
21 if we don't have, we will not, and then we -- the whole scenario changes, so it's just out of
22 caution that we do it.

23 MR MACDONALD: [15:18:31] On that point, your Honour, just to indeed confirm that if
24 the witness was not heard this year, then he would be our first witness in person?

25 PRESIDING JUDGE TARFUSSER: [15:18:42] Yes, absolutely, absolutely, we do it

1 out -- just for -- Maître Altit.

2 MR ALTIT: [15:18:49] (Interpretation) Thank you, your Honour. Professor Jacobs
3 will be saying a few words in this regard with your leave of course, your Honour.

4 PRESIDING JUDGE TARFUSSER: Of course. Mr Jacobs.

5 MR JACOBS: [15:19:04] (Interpretation) Good afternoon, your Honours. As Mr Altit said
6 the last time, we are opposed to this rather late request to hear the witness via video link.
7 First of all, we gathered last week that we would finish this block of witnesses with the three
8 witnesses in question and, thus, we made the necessary arrangements for our preparation.
9 Secondly, apparently the witness will be able to come in person after the break, which
10 would be preferable, except, well, you see, the rule is to hear witnesses at the seat of the
11 court, generally speaking, rather than by video link.

12 *We note that in its decision of 11 October 2016, Filing 721, the Chamber actually ordered
13 the witness to appear in person, and at the time the Chamber did not identify any
14 personal circumstances *of the witness that would warrant departing from the general
15 principle of appearing in court in person. But if today we -- if the Bench were minded to
16 agree to the suggestion that P-0106 be heard by video link, this would be really just a
17 convenient measure that would allow the Prosecution to squeeze in one more witness
18 before the break. However, this would be a purely administrative decision which would
19 not be in keeping with the criteria set by the Chamber in its decision of 11 October on
20 personal circumstances. Therefore, authorising a witness hearing by video link on that
21 basis alone would be in breach of that earlier ruling of 11 October 2011 and would open
22 the door to hearing all witnesses or a great many witnesses via video link, and this would
23 be setting a precedent that would be contrary to the general principle that a witness
24 should appear in person before a court. And I thank you, your Honour.

25 PRESIDING JUDGE TARFUSSER: Mr. Knoops.

1 MR KNOOPS: [15:21:19] Mr President, your Honours, a few observations. The first
2 observation is that, as Professor Jacobs already set out, the principle within the ICC
3 system is the principle of orality, which has also to do with the fairness of the proceedings.
4 Logistical reasons, how understandable they may be, cannot amount to an objective
5 reason related to personal restrictions of the witness and in principle are no justification to
6 deviate from the first main principle of the ICC system, namely, that of orality.

7 Second observation, there is a reasonable alternative being the witness is able to come to
8 the Court during the next year's session, and the video link system is a system which can
9 be seen as a system of last resort. If there is no other alternative available, the Court can
10 escape from being not able to hear a witness through a video-link conference.

11 A reasonable alternative is available, as mentioned, meaning that the Court can simply
12 postpone the testimony of this witness until next year's session, which also has the
13 advantage that it will not set a precedent which can be used in the future by the parties,
14 which could go to the detriment of the principle of orality.

15 In my submission the most important argument not to grant the Prosecution request even
16 if it's done by way of precaution is the witness has no personal restrictions, other than
17 apparently a problem with travel. Therefore, there is no objective reason to grant
18 protective measures or in this situation the video-link conference. Thank you.

19 PRESIDING JUDGE TARFUSSER: [15:23:39] Thank you very much. Just one thing.
20 It's not the Prosecutor squeezing in or wanting to squeeze in. It's the Chamber wanting
21 to squeeze in. So it's not about the Prosecutor.

22 I now suspend. Probably we have 20 minutes until the other witness is ready in the
23 remote location. and probably we will not have many other things to do than to identify
24 the witness and then adjourn to tomorrow morning with the starting of the questioning by
25 the Office of the Prosecutor.

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- 1 The hearing is adjourned for about 20 minutes. Thank you.
- 2 THE COURT USHER: All rise.
- 3 (Recess taken at 3.24 p.m.)
- 4 (The hearing resumes in open session at 3.46 p.m.)
- 5 THE COURT USHER: [15:46:24] All rise. Please be seated.
- 6 PRESIDING JUDGE TARFUSSER: [15:46:40] So we are again -- good afternoon. Good
- 7 afternoon to the remote location. I would like you to introduce or to bring in the --
- 8 THE COURT OFFICER: [15:46:52] Good afternoon, your Honour.
- 9 PRESIDING JUDGE TARFUSSER: [15:46:53] -- the Witness 588. Thank you.
- 10 THE COURT OFFICER: (Via video link) [15:47:05] Right away, your Honours.
- 11 PRESIDING JUDGE TARFUSSER: [15:47:06] I think we have only 15 minutes. I just
- 12 make the formalities, the identification, then we go to tomorrow, okay?
- 13 (The witness enters the video-link room)
- 14 PRESIDING JUDGE TARFUSSER: [15:47:41] Good afternoon, Mr Witness.
- 15 THE WITNESS: CIV-OTP-P-0588
- 16 (The witness speaks French)
- 17 (The witness gives evidence via video link)
- 18 THE WITNESS: (Via video link)(Interpretation) [15:47:46] Good afternoon, your
- 19 Honour.
- 20 PRESIDING JUDGE TARFUSSER: [15:47:49] This today will be a very short session with
- 21 you and limited to the recommendation to your identifications and some
- 22 recommendations, then we will adjourn to tomorrow when we start with the questioning,
- 23 okay?
- 24 THE WITNESS: [15:48:14] (Via video link) (Interpretation) Okay. Understood.
- 25 PRESIDING JUDGE TARFUSSER: [15:48:16] So, please, could you give us your full

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- 1 name.
- 2 THE WITNESS: (Via video link)(Interpretation) [15:48:24] Me?
- 3 PRESIDING JUDGE TARFUSSER: [15:48:27] Yes, you.
- 4 THE WITNESS: (Via video link)(Interpretation) [15:48:30] My name is Bakayoko
- 5 Kaladjy.
- 6 PRESIDING JUDGE TARFUSSER: [15:48:37] And you were born when?
- 7 THE WITNESS: (Via video link)(Interpretation) [15:48:42] 21 May 1985.
- 8 PRESIDING JUDGE TARFUSSER: [15:48:47] 21 May?
- 9 THE WITNESS: (Via video link)(Interpretation) [15:48:55] No, 21 September.
- 10 PRESIDING JUDGE TARFUSSER: [15:48:58] Okay. So you're younger. And where,
- 11 where?
- 12 THE WITNESS: (Via video link)(Interpretation) [15:49:07] I was born in Banzi, in the
- 13 sous-préfecture.
- 14 THE INTERPRETER: The name was not clear, your Honour.
- 15 PRESIDING JUDGE TARFUSSER: [15:49:21] Toubia.
- 16 THE WITNESS: (Via video link)(Interpretation) Oui.
- 17 PRESIDING JUDGE TARFUSSER: Okay. This is in Côte d'Ivoire and, therefore, you
- 18 are an Ivorian citizen.
- 19 THE WITNESS: (Via video link)(Interpretation) [15:49:32] Yes.
- 20 PRESIDING JUDGE TARFUSSER: [15:49:33] And what is your ethnicity?
- 21 THE WITNESS: (Via video link)(Interpretation) [15:49:39] I'm Tenega.
- 22 PRESIDING JUDGE TARFUSSER: [15:49:46] Tenega I have here. Tenega.
- 23 THE WITNESS: (Via video link)(Interpretation) [15:49:51] Yes.
- 24 PRESIDING JUDGE TARFUSSER: [15:49:52] And you are a Muslim, right, Muslim faith?
- 25 THE WITNESS: (Via video link)(Interpretation) [15:50:00] Yes.

1 PRESIDING JUDGE TARFUSSER: [15:50:03] The Chamber is informed that you need
2 reading assistance during your testimony if a document is submitted to you. So I just
3 wanted to assure you that you will have all the assistance you need and I will also -- and
4 also to assure you that in any moment if you have some queries, some problems, some
5 questions, just address me with these questions or problems you have. We will try to --

6 THE WITNESS: (Via video link) [15:50:44] Okay.

7 PRESIDING JUDGE TARFUSSER: [15:50:46] -- fix them, okay? I would now also ask
8 you not to talk while I'm talking, because otherwise we overlap. And that is the next
9 thing I'm telling you. You are speaking in French, and I'm speaking in English, so we
10 have to understand each other and that's why -- and we understand each other through
11 interpretation. Furthermore what we are saying has to be recorded/transcribed by the
12 court reporters, and in order to make sure that they can do a good job, we have to speak
13 slowly, we have to speak clearly into the microphone, okay?

14 And this is even more important when it comes to the questioning by the parties, because
15 some of those who will question you will speak in French, and therefore it's even more
16 important to speak slow because otherwise we who listen to you in English, we do not
17 understand because the interpreters are in difficulties, okay? So the rule is speak slowly
18 and clearly.

19 Now, we are coming to your testimony. You are a witness. This Chamber you are
20 speaking to has been established to try the case of the Prosecutor against Mr Gbagbo and
21 Mr Blé Goudé. I think you are perfectly aware of this. And you are called as a witness
22 to help us to find the truth, together with many other witnesses.

23 You will be asked questions by the lawyers here in the courtroom, and the only duty you
24 have is to say the truth, to respond to the questions in a clear and truthful manner. To
25 this effect the law requests you to make a solemn undertaking and, therefore, I ask you to

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

2 THE WITNESS: (Via video link)(Interpretation) [15:53:52] I have to repeat after you?

3 PRESIDING JUDGE TARFUSSER: Yes, you should repeat the following words: I
4 solemnly declare that I will speak the truth.

5 THE WITNESS: [15:54:07] (Via video link) (Interpretation) I solemnly declare that I will
6 speak the truth.

7 PRESIDING JUDGE TARFUSSER: [15:54:12] The whole truth and nothing but the truth.

8 THE WITNESS: (Via video link)(Interpretation) [15:54:18] The whole truth and nothing
9 but the truth.

10 PRESIDING JUDGE TARFUSSER: [15:54:22] Thank you. Now, I have to inform you
11 that giving false testimony or not saying the truth is an offence against the Court and as
12 such punishable. You understand this?

13 THE WITNESS: (Via video link)(Interpretation) [15:54:44] Yes.

14 PRESIDING JUDGE TARFUSSER: [15:54:45] Okay. Now, Mr Witness, the Chamber
15 has before it the written statement you gave to the Office of the Prosecutor on 29 May and
16 4 June 2015. You remember that on those days you gave a written statement to the Office
17 of the Prosecutor?

18 THE WITNESS: (Via video link)(Interpretation) [15:55:17] Yes.

19 PRESIDING JUDGE TARFUSSER: [15:55:19] I'm referring to the statement
20 CIV-OTP-0084-0079, and the annexes CIV-OTP-0084-0078, 0096, 0097, 0098 and 0102.
21 That's just for the record here.

22 Mr Witness, all these documents I've just mentioned, meaning your statement and the
23 annexes, are before you; is this correct?

24 THE WITNESS: (Via video link)(Interpretation) [15:56:21] Yes.

25 PRESIDING JUDGE TARFUSSER: [15:56:23] My question to you is: Have you had the

1 opportunity to read or has somebody read to you back the statements you gave, the
2 statement you gave to the Prosecutor in these last days?

3 THE WITNESS: (Via video link)(Interpretation) [15:56:42] Yes.

4 PRESIDING JUDGE TARFUSSER: [15:56:47] The Chamber has decided on the 9th of
5 June 2016 that your written statement and its annexes is suitable for introduction under
6 Rule 68(3) of the Rules of Procedure and Evidence into the record of the case. This
7 means that rather than you having to give the entirety of your evidence orally and once
8 again here, the Chamber can use your written statement.

9 Nevertheless, you will still be asked supplementary questions by the Prosecutor and you
10 will still be examined by the defence teams. Rule 68(3) states that the Chamber may
11 allow the introduction of previous recorded testimony if the witness does not object, if
12 you do not object, and if the Prosecutor, the Defence and the Chamber have the
13 opportunity to examine you, to examine the witness.

14 Therefore, I ask you, do you agree that your written statement is -- goes into the record of
15 the case? Do you agree with the introduction of your written statement?

16 THE WITNESS: (Via video link)(Interpretation) [15:58:37] Yes, I give my consent.

17 PRESIDING JUDGE TARFUSSER: [15:58:42] Okay. Thank you. And, therefore, in
18 light of the fact that you are also here today and available for examination by the parties
19 and by the Chamber if need be, the Chamber notes that all the requirement of Rule 68(3)
20 have been met. The introduction of the written statement of the witness is therefore
21 allowed, and I'm referring to the written statement I just mentioned before. Therefore,
22 these items, the statement and its annexes are considered submitted.

23 Now, we could start with the questioning by the Office of the Prosecutor, but we will not.
24 We will do this tomorrow morning because it is 4 o'clock and we have to break at this
25 point in time. Therefore, we meet each other again tomorrow morning at 9.30 our time,

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1 which is 8.30 your time.

2 Then I will give the floor to the Office of the Prosecutor and then to the Defence teams,
3 okay?

4 THE WITNESS: (Via video link)(Interpretation) [16:00:18] Okay.

5 PRESIDING JUDGE TARFUSSER: I wish you a good evening, afternoon and evening,
6 and see you tomorrow morning at 9.30 -- 8.30, 9.30, all depends. Thank you very much.
7 I would ask now the court officer in the remote location to escort you out from the
8 courtroom.

9 THE COURT OFFICER: (Via video link) [16:00:41] Yes, your Honours, right away.
10 (The witness stands down)

11 PRESIDING JUDGE TARFUSSER: [16:00:53] Thank you very much. We can now
12 adjourn the hearing to tomorrow morning, 9.30 and start with the questioning of the
13 Office of the Prosecutor. Thank you. The hearing is adjourned.

14 Thank you in the remote location. Thank you to you, Madam court officer. Thank you.

15 THE COURT USHER: [16:01:15] All rise.

16 (The hearing ends in open session at 4.01 p.m.)