

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Thursday, 28 January 2016
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: (Interpretation) Good morning, ladies and gentlemen.
15 (Speaks English) I must take away my English.
16 (Interpretation) In the courtroom in the public gallery we have the media, we have
17 our various listeners. The first thing to be done today is to have the members of the
18 parties and participants introduce themselves. I shall now begin with the Office of
19 The Prosecutor. Please proceed.
20 MS BENSOU DA: Mr President, your Honours. The Office of the Prosecutor is represented
21 today by Mr Eric MacDonald, Melissa Pack, Alexis Demirdjian, Krisztina Varga, Yasmine
22 Chubin, Maria Berdennikova, Claire Henderson, Andreina Rodriguez and myself, Fatou
23 Bensouda, Prosecutor.
24 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you very much.
25 Mr Gbagbo's Defence, please. Mr Altit.

1 MR ALTIT: (Interpretation) Good morning, your Honour. I think you already know
2 Agathe Baroan, who is a former member of the Constitutional Committee; Jennifer Naouri;
3 behind me, Professor Jacobs, Barbara Le Guennec; and as for myself -- furthermore, rather, we
4 have Andreas O'Shea, a member of the Great Britain Bar.

5 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you very much. Could the
6 Defence team of Mr Charles Blé Goudé introduce themselves.

7 MR KNOOPS: Your Honours, good morning. On my right hand, co-counsel Mr
8 Claver N'Dry; my left side, Mr Serge Gbougnon, legal assistant; Mr Zokou, legal assistant; and
9 our two case manager, Nina Dyk and Phoebe Oyugi. Thank you.

10 PRESIDING JUDGE TARFUSSER: Thank you, Mr Knoops.
11 (Interpretation) Please proceed, Ms Massidda.

12 MS MASSIDDA: Good morning, your Honours. The OPCV is represented by Mr Brahim
13 Sako, who is based in Abidjan; Mr Enrique Carnero Rojo, who is legal officer; behind me we
14 have Ms Vetrucchio, assistant legal officer; Mr Patrick Tchidimbo, case manager; Ms
15 Hernandez, an intern; and I am Paolina Massidda, chief counsel.

16 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you very much. The Chamber
17 today is composed of Judge Olga Herrera Carbuccion and to my left Judge Geoffrey Henderson.
18 I am Judge Cuno Tarfusser.

19 The legal team working with the Chamber is made up of the following people:
20 Frederica Gioia, Cynthia Chamberlain, Elisabeth Little, Mr Bedoucha, and Sarah
21 Raveling and Mr Gerhard Kreutzer.

22 The presentations will occur today and -- rather, the introductions, and I would prefer
23 that henceforth the parties and participants provide the names of any new members
24 of their team in the morning before hearings begin. We shall proceed in that
25 manner.

1 And now, before the trial begins, I would like to make two statements. First of all,
2 speaking on my own behalf, and my second statement will be more general in nature,
3 and now for my own personal remarks. It is a shame that I am not in a position to
4 conduct the trial in the French language. I understand French to some extent. I can
5 read French somewhat, well enough; but to actually conduct a full trial and have a
6 full mastery of legal French is quite another matter. My colleague, Judge Herrera
7 Carbuccia is also a speaker of French. Judge Henderson finds himself in the same
8 situation as me.

9 In contrast, I can assure you that the legal team working with us is fluent in both
10 languages. What is more, we have a number of interpreters, excellent interpreters,
11 with us today. Consequently, I shall conduct the trial in English, and I would ask
12 you to always speak slowly so as to facilitate proper and accurate and complete
13 interpretation.

14 My second statement is more general in nature. This is a criminal trial. This is not
15 a political demonstration. This is not a game in which one side wants to win and the
16 other side shall be defeated. Côte d'Ivoire is not on trial either here. The people of
17 Côte d'Ivoire are not on trial. Rather, this is a trial dealing with two individuals who
18 have been charged by the Office of The Prosecutor with a number of crimes.

19 The task of this bench is to determine on the basis of the evidence adduced by the
20 parties and participants for our assessment whether the charges are, indeed,
21 well-established or not.

22 I can assure everyone that the Chamber shall assess all evidence in a completely
23 impartial fashion and will be guided only by the law. And furthermore, the
24 Chamber will not allow this trial to be used as a political tool or instrument in any
25 way whatsoever.

1 The trial now begins.

2 And now, in accordance with Article 64(8)(a) of the Rome Statute, I would like to ask
3 the court officer to read out the charges. He shall read the charges in French.

4 Mr Courtroom Officer, please go ahead. You may address the Court.

5 THE COURT OFFICER: (Interpretation) Thank you, your Honour.

6 Good morning, everyone. I will now read out the charges as confirmed in the
7 decision relating to the confirmation of charges against Mr Laurent Gbagbo and
8 Mr Blé Goudé.

9 In a ruling from the preliminary -- rather, the Pre-Trial Chamber, and I'm referring to
10 rulings from 12 June 2014 and 25 -- correction, 11 of December 2014, I shall now read
11 from section 4 of the relevant rulings. I will begin by reading out the charges
12 relating to Mr Gbagbo.

13 The reference to this ruling is as follows: ICC-02/11-01/15, filing 656, public redacted
14 version, section 4, paragraph 266 and thereon. In this particular section, which is
15 entitled "Conclusion, Facts and Circumstances and Their Legal Characterisation
16 Confirmed by the Chamber," the Chamber found as follows: There is sufficient
17 evidence to establish substantial grounds to believe that Laurent Gbagbo, born on 31
18 May 1945 in Mama, Côte d'Ivoire, is criminally responsible for the crimes against
19 humanity of murder, rape, other inhumane acts; or, in the alternative, attempted
20 murder and persecution in Abidjan, Côte d'Ivoire, committed between 16 and 19
21 December 2010 during and after a pro-Ouattara march on the RTI headquarters; on 3
22 March 2011 at a women's demonstration in Abobo; on 17 March 2011, by shelling a
23 densely populated area in Abobo; and on or around 12 April 2011 in Yopougon,
24 under Article 25(3)(a) of the Statute for committing these crimes, jointly with
25 members of his inner circle and through members of the pro-Gbagbo forces; or in the

1 alternative, under Article 25(3)(b) of the Statute; or in the alternative, under Article
2 25(3)(d) of the Statute for contributing in any other way to the commission of these
3 crimes.

4 First of all, facts and circumstances described in the charges confirmed by the
5 Chamber. The facts and circumstances described by the Prosecutor in the charges
6 brought against Laurent Gbagbo, section 9 of the amended DCC, confirmed by the
7 Chamber under Article 61(7)(a) of the Statute are as follows:

8 In advance of the presidential election of 2010, Laurent Gbagbo and his inner circle
9 jointly designed and implemented a common plan to maintain him as president by all
10 necessary means, including by committing the crimes charged by 27 November 2010.

11 The implementation of the common plan had evolved to include a state or
12 organisational policy to launch a widespread and systematic attack against civilians
13 perceived to support Alassane Ouattara. Pursuance of this common plan and policy
14 was criminal in nature. Implementation of the widespread or systematic attack
15 comprised multiple criminal acts, such as murder, rape, other inhumane acts and
16 persecution of the civilian population; hence, the crimes charged resulted from the
17 implementation of the common plan.

18 At the relevant time, Laurent Gbagbo exercised command, control and authority over
19 the Defence and Security Forces referred to as the "FDS." At that time he also
20 exercised control and authority directly and through his inner circle on pro-Gbagbo
21 youth, militia members and mercenaries who lent their support to the FDS, jointly
22 referred to as the "pro-Gbagbo forces."

23 The pro-Gbagbo forces constituted an organised and hierarchical apparatus of power
24 by virtue of their position of authority and the contributions they made to the
25 common plan and the policy. Laurent Gbagbo and his inner circle could use these

1 forces to implement the plan and the policy by committing the crimes charged.

2 Between 16 December 2010 and on or around 12 April 2011, pro-Gbagbo forces killed
3 at least 160 people in the following four incidents:

4 First of all, (a) Between 16 and 19 of December 2010 they killed at least 45 people in
5 Abidjan during and after a pro-Ouattara march on the RTI headquarters;

6 (b) On 3 March 2011, they killed seven women who had participated in a
7 pro-Ouattara demonstration in Abobo commune;

8 (c) On 17 March 2011, they killed at least 40 people in or near Abobo market by
9 shelling a densely populated area;

10 (d) On or around 12 April 2011 in the Yopougon commune of Abidjan they killed at
11 least 68 people hailing primarily from northern Côte d'Ivoire and neighbouring West
12 African countries.

13 Between 16 December 2010 and on or around April 2011, pro-Gbagbo forces raped at
14 least 38 women and girls during two incidents: First of all, (a) Between 16 and 19
15 December 2010, pro-Gbagbo forces raped at least 126 women and girls in Abidjan
16 during and after a pro-Ouattara march on the RTI headquarters;

17 (b) On or around 20 April 2011, they raped at least 20 women in Yopougon.

18 Between 16 December 2010 and on or around 12 April 2011, pro-Gbagbo forces
19 inflicted great suffering and serious bodily harm on at least 118 persons in the
20 following four incidents: (a) Between 16 and 19 December 2010, they wounded at
21 least 54 persons in Abidjan during and after a pro-Ouattara march on the RTI
22 headquarters;

23 On 3 March 2011, they wounded at least three persons who had participated in a
24 pro-Ouattara women's demonstration in Abobo;

25 (c) On 17 March 2011, they wounded at least 60 persons in or near Abobo market by

1 shelling a densely populated area;

2 (d) On or around 12 April 2011, they wounded at least one person in Yopougon.

3 The crimes charged were committed on political, national, ethnic or religious grounds.

4 The victims of these crimes were targeted because they were perceived to be members
5 of Ouattara's political groups or his supporters or because they lived in

6 neighbourhoods of Abidjan believed to be Ouattara's strongholds. Often, they were
7 also targeted on ethnic grounds, mainly the Dioula and Baoulé people; religious

8 grounds, namely Muslim people; or national grounds, citizens of West African

9 countries such as Mali, Burkina Faso and Nigeria as well as Ivorians of West African
10 dissent.

11 Laurent Gbagbo and other members of the common plan perceived members of these
12 political, ethnic, national and religious groups as supporters of Mr Ouattara.

13 From 27 November 2010 until on or around 12 April 2011 in Abidjan, the pro-Gbagbo
14 forces carried out a widespread and systematic attack on the civilian population

15 perceived as supporting Alassane Ouattara, involving the multiple commission of
16 criminal crimes pursuant to a policy of the pro-Gbagbo forces and his inner circle.

17 The crimes charged were committed as part of this attack. Laurent Gbagbo
18 contributed to the commission of the crimes charged as follows:

19 (a) Laurent Gbagbo designed and implemented the common plan, which resulted in
20 the commission of the crimes;

21 (b) Laurent Gbagbo created a structure, which enabled him to implement the common
22 plan, which resulted in the commission of the crimes by appointing or promoting
23 persons loyal to him to key posts in the government and the FDS, by tasking his
24 subordinates with the recruitment of additional members, including pro-Gbagbo
25 youth and militia member to the FDS, and by supervising the recruitment of these

1 people;

2 (c) Laurent Gbagbo armed the forces who were loyal to him and which committed the
3 crimes charged by placing weapons which he controlled at their disposal, by tasking
4 his subordinates with purchasing additional weapons, by providing the necessary
5 funding, and by ensuring that weapons and ammunition were supplied to these
6 forces;

7 (d) Laurent Gbagbo coordinated the implementation of the common plan, which
8 resulted in the commission of the crimes, by holding frequent meetings and regular
9 dialogue with his inner circle and other members of his support network on the
10 subject in order to be briefed about the situation on the ground by his commanders,
11 and to issue them with operational instructions. Laurent Gbagbo, either directly or
12 through other members of his inner circle, tasked his subordinates with implementing
13 or incited them to implement the common plan, which resulted in the commission of
14 the crimes; and (i), he ordered the deployment of armed forces against demonstrators
15 opposed to his politics; secondly, instructed the forces loyal to him to stop the
16 pro-Ouattara march on the RTI headquarters on 16 December 2010;

17 (iii), ordered these forces to lay siege to the Golf hotel and its residents; (iv), directed
18 these forces to stand fast and not to lose Abobo; (v), used pejorative and hate
19 language against political opponents, among other things, referring to them as
20 bandits, enemies, terrorists; and (vi), incited the Yopougon pro-Gbagbo youth and
21 militia member, either directly or through Charles Blé Goudé, to fight to protect the
22 nation and not to let it fall into the hands of the enemy, and called on his supporters
23 to continue to resist and to fight Alassane Ouattara and his terrorists;

24 (e) Laurent Gbagbo incited the forces loyal to him to commit crimes: (i), by ordering
25 them not to question the lawfulness of the orders they had received, by making it

1 clear to them that they would not be punished for the crimes committed; (ii), by
2 failing to take the measures within his power to prevent or halt the commission of
3 these crimes during the post-election crisis or to punish the perpetrators; and (iii), by
4 failing to refer the matter to the competent authorities for investigation and
5 prosecution.

6 In performing these actions and omissions, Laurent Gbagbo had the requisite intent
7 and knowledge in relation to the crimes charged. He also knew that his conduct was
8 or intended it to be part of a widespread or systematic attack against a civilian
9 population pursuant to or in furtherance of the policy.

10 I shall now read out part two, Legal Characterisation of the Facts. The legal
11 characterisation of the facts described by the Prosecutor in the charges brought
12 against Laurent Gbagbo, section 9 of the amended DCC, confirmed by the Chamber
13 under Article 61(7)(a) of the Statute is as follows:

14 Count 1. Murder constituting a crime against humanity. In light of the facts and
15 circumstances set forth above, Laurent Gbagbo is liable under Article 7(1)(a) and
16 Article 25(3)(a), (b) or (d) of the Statute, in the alternative, for the crimes against
17 humanity of murder of at least 160 persons committed by pro-Gbagbo forces.

18 Count number 2. Rape constituting a crime against humanity.

19 In light of the facts and circumstances set forth above, Laurent Gbagbo is liable under
20 Article 7(1)(g) and Article 25(3)(a), (b) or (d) of the Statute, in the alternative, for the
21 crimes against humanity of rape of at least 38 persons committed by pro-Gbagbo
22 forces.

23 Count 3. Other inhumane acts or attempted murder constituting a crime against
24 humanity.

25 In light of the facts and circumstances set forth above, Laurent Gbagbo is liable under

Article 7(1)(k) and Article 25(3)(a), (b) or (d) of the Statute, in the alternative, for the crimes against humanity of other inhumane acts, that is, acts causing great suffering and serious injury to body against at least 118 persons committed by pro-Gbagbo forces; or, in the alternative, liable under Articles 7(1)(a) and 25(3)(f) and Article 25(a), (b) or (d) of the Statute in the alternative for the crime against humanity of attempted murder committed by pro-Gbagbo forces.

Count 4. Persecution constituting a crime against humanity. In light of the facts and circumstances set forth above, Laurent Gbagbo is liable under Article 7(1)(h) and Article 25(3)(a), (b) or (d) of the Statute, in the alternative, for the crimes against humanity of persecution on political, national, ethnic and religious grounds against at least 316 persons committed by pro-Gbagbo forces.

I am now going to read the official translation in the French version of the ruling of the decision containing the charges against Mr Blé Goudé.

The reference here is ICC-02/11-02/11-186 dated December 11, 2014.

Section 4, Facts and Circumstances and Their Legal Characterisation Confirmed by the Chamber. In light of the above, the Chamber finds that there is sufficient evidence to establish substantial grounds to believe that Charles Blé Goudé, born on January 1, 1972, in Niagbrahio, Côte d'Ivoire, is individually criminally responsible for crimes against humanity of murder, rape and other inhumane acts or, in the alternative, attempted murder and persecution under Article 7 of the Statute committed in Abidjan, Côte d'Ivoire, between December 16, 2010, and on or around April 12, 2011, as specified below.

I, facts and circumstances described in the charges confirmed by the Chamber.

The facts and circumstances described by the Prosecutor in the charges brought against Charles Blé Goudé (section 9 of the DCC) confirmed by the Chamber under

1 Article 61(7)(a) of the Statute are as follows:

2 In advance of the presidential election of 2010, Charles Blé Goudé, Laurent Gbagbo,
3 and Laurent Gbagbo's inner circle jointly conceived and implemented a common plan
4 to keep Laurent Gbagbo in office by all means, including by committing the crimes
5 charged.

6 By November 27, 2010, the implementation of the common plan had developed to
7 include a State or organisational policy whose purpose was a widespread and
8 systematic attack against civilians considered to support Alassane Ouattara.

9 Furtherance of the common plan and the policy was criminal in nature. The
10 implementation of widespread or systematic attack comprised multiple criminal acts
11 such as murder, rape, other inhumane acts and persecution of the civilian population.

12 The crimes charged resulted, therefore, from the implementation of the common plan.

13 During the material time, Charles Blé Goudé, Laurent Gbagbo, and the other
14 members of Laurent Gbagbo's inner circle exerted joint control and authority over the
15 Forces de Défense et de Sécurité, abbreviated FDS, the pro-Gbagbo group, the militia
16 members and mercenaries, all of which formed the pro-Gbagbo forces. Charles Blé
17 Goudé was the leader of the pro-Gbagbo youth and wielded control and direct
18 authority over them. Through him, Laurent Gbagbo controlled these youths who
19 were devoted to his cause.

20 The pro-Gbagbo forces constituted and organised a hierarchical apparatus of power.

21 By virtue of their position of authority and their contributions to common plan and
22 the policy, Charles Blé Goudé, Laurent Gbagbo and the other members of
23 Laurent Gbagbo's inner circle were able to make use of the forces to implement the
24 plan and the policy by, inter alia, committing the crimes charged.

25 Between December 16, 2010, and on or around April 12, 2011, pro-Gbagbo forces

1 killed at least 184 people during the following five events:

2 (a) Between December 16 and 19, 2010, they killed at least 45 persons in Abidjan
3 during and after the pro-Ouattara march heading to the RTI headquarters;

4 (b) Between February 25 and 28, 2011, they killed at least 24 persons, primarily from
5 northern Côte d'Ivoire and neighbouring West African countries, in Yopougon
6 commune, Abidjan;

7 (c) On March 3, 2011, they killed seven women who had participated in a women's
8 pro-Ouattara demonstration in Abobo commune, Abidjan;

9 (d) On March 17, 2011, they killed at least 40 persons in or near Abobo market by
10 subjecting a densely populated area to mortar shelling;

11 (e) On or around April 12, 2011, in Yopougon commune, Abidjan, they killed at least
12 68 persons, mainly from northern Côte d'Ivoire and neighbouring West African
13 countries.

14 Between December 16, 2010, and on or around April 12, 2011, pro-Gbagbo forces
15 raped at least 38 women and girls in the following two events:

16 (a) Between December 16 and 19, 2010, pro-Gbagbo forces raped at least 16 women
17 and girls in Abidjan during and after the pro-Ouattara march heading to the RTI
18 headquarters.

19 (b) On or around April 12, 2011, they raped at least 22 women in Yopougon.

20 Between December 16, 2010, and on or around April 12, 2010, pro-Gbagbo forces
21 created great suffering and serious injury to body on at least 126 persons during the
22 following five events:

23 (a) Between December 16 and 19, 2010, they wounded at least 54 persons in Abidjan
24 during and after the pro-Ouattara march heading to the RTI headquarters;

25 (b) Between February 25th and 28th, 2011, they wounded at least seven persons in

1 Yopougon commune, Abidjan;

2 (c) On March 3, 2011, they wounded at least three persons who had participated in a
3 pro-Ouattara women's demonstration in Abobo;

4 (d) On March 17, 2011, they wounded at least 60 persons in or near Abobo market by
5 subjecting a densely populated area to mortar shelling.

6 (e) On or around April 12, 2011, they wounded at least two persons in Yopougon.

7 The crimes charged were committed on political, national, ethnic or religious grounds.

8 The victims of these crimes were targeted because they were regarded as synonymous
9 with members of Alassane Ouattara's political groups or his supporters, or because
10 they lived in neighbourhoods of Abidjan perceived as Ouattara strongholds.

11 Furthermore, they were often targeted on ethnic grounds (mainly the Dioula and the
12 Baoulé), religious grounds (Muslims), or national grounds (citizens of West African
13 states such as Mali, Burkina Faso and Nigerian and Ivorians of West African dissent).
14 Charles Blé Goudé, Laurent Gbagbo and the other participants in the common plan
15 considered the members of the above-mentioned political, ethnic, national and
16 religious groups to be Alassane Ouattara supporters.

17 From November 27, 2010, until or on or around April 12, 2011, in Abidjan, the
18 pro-Gbagbo forces carried out a widespread and systematic attack on the civilian
19 population perceived as supporting Alassane Ouattara, involving the multiple
20 commission of criminal acts pursuant to the policy of the pro-Gbagbo forces led by
21 Laurent Gbagbo and his inner circle, including Charles Blé Goudé. The crimes
22 charged were committed as part of this attack.

23 Charles Blé Goudé contributed to the commission of the crimes charged as follows:

24 (a) Charles Blé Goudé had a part in conceding and implementing the common plan,
25 which resulted in the commission of the crimes charged.

1 (b) Charles Blé Goudé contributed to the establishment and organisation of a
2 structure which allowed the execution of the common plan, occasioning the
3 commission of the crimes.

4 Charles Blé Goudé: (i) secured the allegiance of the youth to him and their
5 compliance with his instructions by galvanising them; (ii) ensured, through his
6 leadership, that the pro-Gbagbo youth groups acted in unity; (iii) acted as a vital
7 intermediary between Laurent Gbagbo and the pro-Gbagbo youth; (iv) organised the
8 dissemination of instructions through various channels of communication; (v)
9 mobilised the youth to commit violent acts;
10 (vi) contributed to the financing of the activities of the pro-Gbagbo youth; (vii) played
11 an essential role in the recruitment and enlistment of the pro-Gbagbo youth into the
12 FDS; (viii) provided support for the military training and arming of pro-Gbagbo
13 youth; (ix) contributed to the recruitment of pro-Gbagbo mercenaries; and (x)
14 supported and encouraged cooperation between the pro-Gbagbo youth, the militias
15 and the FDS.

16 (c) Charles Blé Goudé contributed to the implementation of the common plan, which
17 resulted in the commission of crimes. Charles Blé Goudé: (i) frequently met
18 Laurent Gbagbo and other members of the inner circle to adapt their strategy as the
19 crisis developed; (ii) through his speeches, he conveyed the determination of the
20 Gbagbo government to remain in power at any cost, including by the use of force; (iii)
21 maintained close ties with FDS officers and encouraged collaboration between the
22 FDS and the other pro-Gbagbo forces; (iv) maintained ties with the other pro-Gbagbo
23 youth leaders and conveyed to them the decisions of Laurent Gbagbo and the inner
24 circle; (v) held mass rallies to mobilise the pro-Gbagbo youth and to issue
25 mot d'ordres to them; motivated the pro-Gbagbo youth, directed their actions and

1 prepared them for combat; (vii) encouraged and endorsed the actions of the
2 pro-Gbagbo forces; (viii) prompted the pro-Gbagbo youth to enlist in the FDS and
3 contributed to the reorganisation of pro-Gbagbo forces; (ix) created an environment
4 conducive to the commission of crimes.

5 (d) Charles Blé Goudé incited the pro-Gbagbo forces and the pro-Gbagbo youth in
6 particular to commit crimes or otherwise facilitated their commission: (i) used
7 xenophobic rhetoric; (ii) laid responsibility for the violence during the post-election
8 crisis on the Ouattara camp; (iii) accused Ouattara supporters and the international
9 community of harbouring genocidal intentions against Ivorians; (iv) singled out
10 civilians perceived as supporting pro-Ouattara as the targets for attacks by the
11 perpetrators of the crimes; (v) called on the youth to erect roadblocks, keep watch in
12 their neighbourhood and identify and report any étrangers - in French foreigners - in
13 their neighbourhoods; commended pro-Gbagbo youth on their actions and asked
14 them to continue fighting for Laurent Gbagbo and defend the population against the
15 rebels; legitimated the actions of the pro-Gbagbo youth; (viii) used the media and
16 other channels of communication to propagate such messages of hate.

17 In performing these actions, Charles Blé Goudé had the requisite intent and
18 knowledge in relation to the crimes charged.

19 He also knew that his conduct was or intended it to be part of a widespread or
20 systematic attack against a civilian population pursuant to or in furtherance of the
21 policy.

22 II, Legal characterisation of the facts.

23 The legal characterisation of the facts described by the Prosecutor in the charges
24 brought against Charles Blé Goudé (section 9 of the DCC) confirmed by the Chamber
25 under Article 61(7)(a) of the Statute is as follows:

1 Murder constituting a crime against humanity. Having regard to the facts and
2 circumstances set forth above, Charles Blé Goudé is responsible under Article 7(1)(a)
3 of the Statute for the crime against humanity of the murder of at least 184 persons
4 committed by pro-Gbagbo forces. He is responsible alternatively, as detailed below,
5 under Article 25(3)(a) (indirect co-perpetration), 25(3)(b) (ordering, soliciting or
6 inducing), Article 25(3)(c) (aiding, abetting or otherwise assisting) or Article 25(3)(d)
7 of the Statute:

8 Under Article 25(3)(a), (b), (c) or (d) of the Statute for the crime against humanity of
9 the murder of at least 92 persons committed between February 25 and February 28,
10 2011, and on or around April 12, 2011, in Yopougon commune, Abidjan;

11 Under Article 25(3)(b), (c) or (d) of the Statute for the crime against humanity of the
12 murder of at least 45 persons committed between December 16 and 19, 2010, during
13 and after the pro-Ouattara march heading to the RTI headquarters;

14 Under Article 25(3)(c) or (d) of the Statute for the crime against humanity of the
15 murder of at least 47 persons committed on March 3, 2011, in the context of a
16 women's pro-Ouattara demonstration in Abobo commune and on March 17, 2011, in
17 or near Abobo market, by subjecting a densely populated area to mortar shelling.

18 Count 2. Rape constituting a crime against humanity.

19 Having regard to the facts and circumstances set forth above, Charles Blé Goudé is
20 responsible under Article 7(1)(g) of the Statute for the crime against humanity of the
21 rape of at least 38 persons committed by pro-Gbagbo forces. He is responsible,
22 alternatively, as detailed below under Article 25(3)(a) (indirect co-perpetration),
23 25(3)(b) (ordering, soliciting or inducing), 25(3)(c) (aiding abetting or otherwise
24 assisting) or Article 25(3)(d) of the Statute:

25 Under Article 25(3)(a), (b), (c) or (d) of the Statute for the crime against humanity of

1 the rape of at least 22 women committed on or around April 12, 2011, in Yopougon
2 commune, Abidjan;

3 Under Article 25(3)(b), (c) or (d) of the Statute for the crime against humanity of the
4 rape of at least 16 women and girls committed between December 16 and 19, 2010,
5 during and after the pro-Ouattara march heading to the RTI headquarters.

6 Count 3. Other inhumane acts or attempted murder constituting a crime against
7 humanity.

8 Having regard to the facts and circumstances set forth above, Charles Blé Goudé is
9 responsible under Article 7(1)(k) of the Statute for the crime against humanity of other
10 inhumane acts, viz. acts which caused great suffering and serious injury to body to at
11 least 126 persons committed by the pro-Gbagbo forces; or, is responsible under
12 Article 7(1)(a) and 25(3)(f) of the Statute for the crime against humanity of attempted
13 murder committed by pro-Gbagbo forces.

14 He is responsible alternatively, as detailed below, under Article 25(3)(a) (indirect
15 co-perpetration), 25(3)(b) (ordering, soliciting or inducing), Article 25(3)(c) (aiding,
16 abetting or otherwise assisting) or Article 25(3)(d) of the Statute:

17 Under Article 25(3)(a), (b), (c) or (d) of the Statute for the crime against humanity of
18 other inhumane acts or the crime against humanity of attempted murder of at least
19 nine persons committed between February 25th and 28th, 2011, and on or around
20 April 12, 2011, in Yopougon commune, Abidjan;

21 Under Article 25(3)(b), (c) or (d) of the Statute for the crime against humanity of other
22 inhumane acts or the crime against humanity of attempted murder of at least 54
23 persons committed between December 16 and 19, 2010, during and after the
24 pro-Ouattara march heading to the RTI headquarters;

25 Under Article 25(3)(c) or (d) of the Statute for the crime against humanity of other

1 inhumane acts or the crime against humanity of attempted murder of at least 63
2 persons committed on March 3, 2011, in the context of women's pro-Ouattara
3 demonstration in Abobo commune and on March 17, 2011, in or near Abobo market
4 by subjecting a densely populated area to mortar shelling.

5 Count 4. Persecution constituting a crime against humanity. Having regard to the
6 facts and circumstances set forth above, Charles Blé Goudé is responsible under
7 Article 7(1)(h) of the Statute for the crime against humanity of the persecution of at
8 least 348 persons on political, national, ethnic and religious grounds committed by
9 pro-Gbagbo forces. He is responsible alternatively, as detailed below under, 25(3)(a)
10 "indirect co-perpetration"), 25(3)(b) (ordering soliciting or inducing), 25(3)(c) (aiding
11 abetting or otherwise assisting) or 25(3)(d) of the Statute:

12 Under Article 25(3)(a), (b), (c), or (d) of the Statute for the crime against humanity of
13 the persecution of at least 123 persons committed between February 25th and 28th,
14 2011, and on or around April 12, 2011, in Yopougon commune, Abidjan;

15 Under Article 25(3)(b), (c), or (d) of the Statute for the crime against humanity of the
16 persecution of at least 115 persons committed between December 16 and 19, 2010,
17 during and after the pro-Ouattara march heading to the RTI headquarters;

18 Under Article 25(3)(c) or (d) of the Statute for the crime against humanity of the
19 persecution of at least 110 persons committed on March 3, 2011, in the context of the
20 women's pro-Ouattara demonstration in Abobo commune and on March 17, 2011, in
21 or near Abobo market by subjecting a densely populated area to mortar shelling.

22 Thank you, your Honour.

23 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you to the court officer.

24 Now that the charges have been read out, and in keeping with Article 64(8)(a) of the
25 Rome Statute, it is up to the Chamber to ask the accused if they have understood the

1 charges well.

2 Mr Laurent Gbagbo, have you understood the nature of the charges against you?

3 MR GBAGBO: (Interpretation) Yes, I have understood the nature of the charges.

4 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you very much, Mr Gbagbo.

5 Mr Charles Blé Goudé, have you understood the nature of the charges?

6 MR BLÉ GOUDÉ: (Interpretation) Yes, your Honour, I have understood the charges.

7 Thank you.

8 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you. The Chamber would now
9 like to ask each of the accused whether they would like to plead guilty or not guilty, which is
10 also provided for in Article 64(8)(a) of the Rome Statute.

11 Mr Gbagbo, do you plead guilty or not guilty?

12 MR GBAGBO: (Interpretation) I plead not guilty.

13 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you very much.

14 I have the same question for Mr Blé Goudé. Do you plead guilty or not guilty?

15 MR BLÉ GOUDÉ: (Interpretation) Thank you, your Honour. I do not recognize these
16 charges and, therefore, I plead not guilty.

17 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you very much.

18 In keeping with Rule 134(2) of the Statute, the Chamber would now like to ask the
19 parties whether they have any motions to present at this time regarding the
20 organisation of the trial since the confirmation of charges. I'd like to ask the parties
21 and participants whether you have any motions to present at this time.

22 The Prosecutor. Madam Prosecutor.

23 MS BENSOUA: We do not have any at this time.

24 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you very much.

25 The Gbagbo Defence?

1 MR ALTIT: (Interpretation) Thank you, your Honour. We do have some observations to
2 make. Professor Jacobs will present these comments on behalf of the Defence.

3 PRESIDING JUDGE TARFUSSER: Yes, thank you.

4 Mr Knoops for the Defence of Mr Blé Goudé.

5 MR KNOOPS: (Interpretation) No. No observations, your Honour.

6 PRESIDING JUDGE TARFUSSER: Legal Representatives of Victims.

7 MS MASSIDDA: (Interpretation) We have no motions to file at this time.

8 PRESIDING JUDGE TARFUSSER: (Interpretation) The Gbagbo Defence then has the floor.
9 You may speak.

10 MR JACOBS: (Interpretation) Thank you, your Honour.

11 Your Honour, ladies and gentlemen, your Honours, in application of Rule 134(2) of
12 the Rules of Procedure and Evidence, the Defence would like to make a number of
13 comments regarding the procedure that has taken place since the confirmation of
14 charges.

15 First of all, it's important to note that this is not just a series of technical rules, which
16 would be aimed at taking our attention away from the essentials of the substance of
17 the case.

18 Procedure, procedural rules, are a way of ascertaining that the international criminal
19 Judge is, indeed, able to judge individuals while respecting their fundamental rights
20 in a very strict fashion.

21 A fair trial necessarily means a fair procedure, which enables the accused to defend
22 himself in the best possible conditions, which is the consequence of the presumption
23 of innocence.

24 Therefore, the respect of the rights of President Gbagbo is not an option nor a
25 question of courtesy. It is a non-negotiable requirement upon which the legitimacy

1 of international criminal justice lies.

2 This being said, the Defence would like to raise three points: The role of the Legal
3 Representative of Victims, the time provided and facilities made available for the
4 preparation of the Defence; and thirdly, the Prosecutor's obligations in regards to the
5 investigation.

6 As for the role of the legal representative, although the Rome Statute, for the very first
7 time, allows victims not to be excluded from international legal incidences, they do
8 not enjoy unlimited participation, and this has to be in full compliance with the rights
9 of the Defence.

10 Above all, victims are not parties to the proceedings. They are participants and may
11 not enjoy the same prerogatives as those of the parties, in other words Defence and
12 Prosecution.

13 It should be noted that the legal representative in the context of these proceedings
14 occupies a place which is similar to that of a party.

15 Let me give you an example. The Single Judge in this case has laid down a principle,
16 and that is that the legal representative could, as a principle, have access to the entire
17 case file, including confidential case elements. Such a decision is based on the
18 incorrect apprehension of the nature of confidentiality. The different classifications
19 concerning the documents can only be explained by there being a fundamental
20 difference between the protagonists. On the one hand you have the parties; on the
21 other hand, you have participating third parties.

22 The Chamber has done away with this clear distinction. Let me give you an example.
23 If Defence now wants to file a document that's not accessible to the Legal
24 Representative of Victims, the Defence is invited to do so ex parte. Let me say once
25 again ex parte, which is proof that the LRV is deemed by the Chamber to be a party.

1 In more general terms, according to the case law of this Chamber as regards
2 participation of victims and contrary to the spirit of the Statute, the very fact of being
3 able to participate is deemed by the Bench to be in the personal interests of the victims,
4 which justifies, in itself, their participation. So you can see where the problem lies,
5 and you see we are facing a circular argument.

6 It is an irrefutable presumption of participation that has been created. And as we
7 move from one ruling to the next, it means that the legal representative has been
8 transformed into a veritable party to the proceedings with quasi-automatic rights to
9 participate.

10 The consequence of this is that Defence is, henceforth, facing each time around two
11 prosecutors, two legal arguments, and the balance instituted by the Statute between
12 the parties is thus broken.

13 In this respect, Defence notes what has been said by the legal representative at
14 yesterday's press conference, and these are particularly enlightening. It said that it
15 shared the objectives of the Prosecutor; in other words, to see the accused sentenced.

16 If the legal representative is attached to justice, then it must be attached to the
17 presumption of innocence, which implies that the accused should naturally be
18 acquitted if the Prosecutor has not satisfied obligations as regards incriminating
19 evidence.

20 That is what is meant by being attached to justice and not that at all costs the accused
21 should be sentenced because that is what the legal representative desires. In that
22 case, what is the point of holding a trial?

23 I come now to my second point; in other words, the necessary time for preparation by
24 Defence. Now, this right is enshrined by all international instruments concerning
25 human rights, and it's also recognized by the Rome Statute. Compliance with this

1 right is essential if we're to have a truly fair trial. It should be noted that the time
2 and the facilities have not to be understood in theory but in actual concrete practise
3 depending on the complexity of the case, the institute difficulties and the resources
4 available to the Defence teams.

5 In other words, the time is to be calculated on the basis of clear and concrete elements
6 because otherwise the actual exercise of this right would be a mere illusion.

7 This has been recalled several times over by the European Court of Human Rights,
8 which I would like to quote: "The objective of the convention is to protect not

9 theoretical or illusory rights, but rights that are concrete and effective." This

10 comment applies specifically to the rights of the Defence, given the essential role

11 played by the entitlement to a fair trial in a democratic society. In this spirit, the

12 Defence has, several times over, made submissions that are clear and detailed in

13 explaining the time required in order to prepare the trial in the light particularly of

14 the complex nature of this case and the resources available.

15 It is worth recalling that this case is the most important and the most complex that the

16 ICC has had before it so far. If we take the evidence around about 12,000 elements

17 have been disclosed so far, 12,000, of which more than 10,000 for the Prosecutor,

18 which is tantamount to over 70,000 pages of documents and several hundred hours of

19 audio footage.

20 And then when it comes to the witnesses, in this case the number of witnesses to be

21 called by the Prosecutor bears no relation to the number called in other cases. In fact,

22 the 138 witnesses to be called by the Prosecutor is equivalent to the sum total of

23 witnesses called in Lubanga, Katanga and Chui, Bemba and Ruto all taken together.

24 Lastly, whilst saying nothing about the calculations presented by Defence, the

25 Chamber has made the general estimate, and it is deemed that Defence should have

1 six months preparation time, six months from the end of the Prosecutor's disclosure of
2 evidence and the start of the presentation of its own case. It's been decided,
3 therefore, that the disclosure of evidence by the Prosecutor was to be on 30 June 2015
4 and that the first witnesses were to be heard in January 2016.

5 Now, what happened after 30 June 2015? After 30 June 2015, what happened is as
6 follows: The Prosecutor continued investigating right until the very last moment
7 and had no intention of complying with this date of 30 June; and some eight late
8 requests for disclosure came in, and they were all accepted.

9 The elements disclosed, some 662 in total, correspond to over 8,000 pages, 8,500 odd,
10 8,500 and 5 hours of video footage. And according to the Prosecutor himself, they're
11 all important. After 30 June 2015, what happened is that the Prosecutor obtained the
12 inclusion of a mode of liability in the charges through standard 55, a mode of liability
13 that was expressly excluded in the ruling on the confirmation of charges.

14 After 30 June 2015, what happened is that the Prosecutor submitted 250 pages, a
15 pre-trial brief, which was supposed to set out the way in which it saw the case and
16 saw the structure of the presentation of the case, and this was done in English.

17 Common sense and particularly respect of the accused's rights would have required
18 the brief to be submitted in the language of the accused, in other words, French, when
19 the Prosecutor came to filing the evidence, and that really would have given the
20 Defence six months to prepare.

21 The final translation of the pre-trial brief was communicated to Laurent Gbagbo as
22 late as 23 October 2015. After 30 June 2015, what happened was that the value of this
23 pre-trial brief from the point of view of the work of the Defence team was
24 questionable.

25 According to all logic, the Prosecutor should have referred to all evidence and all

1 witnesses therein.

2 If the Prosecutor doesn't know how a piece of evidence or the testimony of a witness
3 that is supporting its demonstration, how it supports it, how then can the Defence,
4 how can the Bench even hazard a guess?

5 We see that of the 4,790 elements of evidence as of 30 June 2015, 2,576 - 2,576 - which
6 is roundabout 55 percent, more than half were not included in the pre-trial brief.

7 And of the 138 witnesses, 11 are not included in the pre-trial brief.

8 After 30 June 2015, what happened is that whereas on the basis of what I've just said,
9 logically, additional time should have been granted to the Defence, not a single one of
10 the numerous requests made was accepted.

11 After 30 June 2015, what happened is that whereas here we're talking about a
12 fundamental right of the accused; in other words, the question of the fair trial, the
13 Defence were never allowed to appeal the different rulings of the judges concerning
14 the preparation of the trial.

15 An immediate resolution of these matters by the Appeals Chamber would clearly
16 have made it possible to do away with any risk of infringement of the accused's rights
17 prior to the start of the trial.

18 In these conditions, we note that after 30 June 2015, what happened was that the
19 six-month period, which in itself is short and which was granted to the Defence for
20 preparation, mechanically was gradually whittled down, and more time was granted
21 to the Prosecutor.

22 The third and last point that the Defence would like to raise is that of the Prosecutor's
23 investigations. Under Article 55 of the Statute, and I'll quote it: "In order to
24 establish the truth, the Prosecutor shall extend the investigation to all elements of
25 evidence that could be useful in order to determine whether the criminal liability

1 under the Statute exists and, in so doing, shall carry out an investigation into
2 incriminating and also exonerating evidence.

3 First of all, we just need to consult the pre-trial brief to see the shortcomings of the
4 Prosecutor's investigations and the fact that the investigation was not in line with
5 Article 54 and was not extended to all useful evidence.

6 There is an obligation incumbent upon the Prosecution to provide to the judges all
7 elements that can be used to establish the truth and not just bits and bobs of
8 information that might be called upon to support exclusively his arguments.

9 A contrario, it cannot be considered that there is any readiness to start the trial. Let's
10 recall that in other cases, such as Katanga and Chui, the Prosecutor was called to
11 order by the judges because significant elements were not brought to the attention of
12 the judges. Notwithstanding that warning, the Prosecutor did not deem it
13 worthwhile to change method, so it can be seen clearly that the Prosecutor has not
14 made the effort to obtain the essential elements inter alia from France, from the UN
15 that would make it possible to shed light on the post-electoral crisis and did not take
16 the necessary time to try to understand the context of the armed conflict that existed
17 at the time in Côte d'Ivoire.

18 In such conditions one can but note the noncompliance with these obligations
19 concerning investigation on the part of the Prosecutor, and our fear is that the trial
20 will begin on the basis of piecemeal elements that will not make it possible for the
21 Judges to rule in full knowledge of the facts.

22 Secondly, not only are there deficiencies in the investigations of the Prosecutor, but
23 we can see there has been noncompliance with the obligation to investigate both
24 incriminating and exonerating evidence.

25 What do we see if we consult the pre-trial brief? We see that the Prosecutor has

1 knowingly ignored evidence that could be deemed to be exonerating evidence. This
2 attitude on the part of the Prosecutor is all the more regrettable as Defence submitted
3 a number of elements at the hearing confirming the charges which called into
4 question the narrative of the Prosecutor.

5 Did the Prosecutor verify these? Were they included in the investigation? No.

6 Above all, the Pre-Trial Chamber itself when it ruled on the adjournment in June 2013
7 deemed that the elements provided could not, and I quote, "... in any way be
8 presented as the result of a full and due investigation carried out by the Prosecutor in
9 line with Article 54(1)(a) of the Statute" and asked the Prosecutor to provide to the
10 Chamber a full list of the missing elements. In other words, the Pre-Trial Chamber
11 asked the Prosecutor to go over this work again; otherwise the charges could not be
12 confirmed.

13 So where are all of these elements in the pre-trial brief? Nowhere. These
14 shortcomings are far more than disturbing infringement of the Statute; they
15 symbolize the approach of the Prosecutor in this case.

16 My last point, Mr President, your Honours, is that in actual reality, for four years now
17 the Prosecutor has adopted a certain vision of the Côte d'Ivoire, a certain vision of the
18 post-electoral crisis, and a certain vision of the role played by Laurent Gbagbo and is
19 incapable of moving away from that notwithstanding any elements to the contrary.
20 So we are moving out of the realm of law to enter that of belief, which has no role to
21 play in a courtroom.

22 Thank you.

23 PRESIDING JUDGE TARFUSSER: (Interpretation) Thank you very much, Maître Jacob.

24 (Speaks English) I would now give obviously the floor to the other parties to

25 respond, if they wish so, to what was the observations just made. But I see it's 5 to

1 11, and I would now suspend, give the opportunity then to the parties and then
2 continue at 11.30. The hearing is suspended and will be resumed at 11.30. Thank
3 you.

4 THE COURT USHER: All rise.

5 (Recess taken at 10.55 a.m.)

6 (Upon resuming in open session at 11.32 a.m.)

7 THE COURT USHER: All rise.

8 Please be seated.

9 PRESIDING JUDGE TARFUSSER: So we start now with the second session, and I give the
10 floor to the parties and participants for the reply to the observations made. The floor to the
11 Office of the Prosecutor, to Madam Prosecutor.

12 MS BENSOUDA: Thank you, Mr President. Mr Eric MacDonald, trial lawyer, will respond
13 to the issues raised by the Defence of Mr Gbagbo.

14 PRESIDING JUDGE TARFUSSER: Thank you very much.

15 Mr MacDonald.

16 MR MACDONALD: Thank you, your Honour. On the first point -- (Interpretation) I beg
17 your pardon. I will address the Chamber in French.

18 Regarding the first point, I will let my colleague speak, but I would like to make one
19 particular point. 134(2) makes mention of objections or observations. I don't have
20 the French version right at hand, but I would like to stress that there is --

21 PRESIDING JUDGE TARFUSSER: Exceptions ou observations?

22 MR MACDONALD: Exceptions ou observations.

23 (Interpretation) I do note there has been no specific application related to these
24 observations and exceptions. That's my first point.

25 Now, secondly, regarding the issue of confidentiality of access, which necessarily

1 means access to items disclosed by the Prosecution in this case to the parties, which
2 the Legal Representative of Victims has access to, all these items are confidential in
3 nature.

4 This issue was dealt with on numerous occasions by this Chamber in a number of
5 proceedings leading up to the beginning of this trial, in other words, right up until
6 today, be it the Presiding Judge, Judge Henderson, when he was Presiding Judge at
7 that time, or others. I do wish to note that the Defence have made their views
8 known on several occasions. They have filed applications. They have asked for
9 leave to appeal decisions which were dismissed. So, once again, we are harking
10 back to an issue that has been dealt with by the Chamber on several occasions. That
11 is my first point.

12 Now, my second point is this, the entire issue of preparation time. The OTP wishes
13 to point out, and I will give you a brief overview of the many, many documents that
14 the Defence had access to in this case so they could prepare, namely, in January 2013,
15 the first Document Containing the Charges was provided.

16 Secondly, in January 2014, the second DCC, greatly improved, was provided with
17 access to footnotes with hyperlinks to all the evidence, all the items of evidence
18 including the element based chart that has been mentioned so many times. And the
19 elements based chart was also provided to each one of the disclosures in question,
20 and I believe that you can see from the tone I'm taking that once again this is an issue
21 that has been dealt with on several occasions once again.

22 In May 2014, a decision was handed down confirming charges in the Gbagbo case,
23 and once again notification was given of the charges. Charges were confirmed. In
24 May 2014, more than 18 months ago, in August 2014, with regard to the Blé Goudé
25 case, he is now a co-accused, the Prosecution also provided another Document

1 Containing the Charges, which the Defence had access to dealing with the same facts,
2 the same events, and a number of items that had not been disclosed in Gbagbo were
3 disclosed in this case. They have everything in December 2014. A decision came
4 down confirming the charges in the Blé Goudé case. So, once again, the charges
5 were notified regarding Mr Blé Goudé, but dealing with the same events and crimes
6 for which Mr Gbagbo is charged in 2015. And the Chamber noted that this was not a
7 requirement.

8 The Prosecution filed a pre-trial brief, more than 250 pages in length, with more than
9 5,000 footnotes, and the Defence raised an objection at that time back then, and the
10 Chamber dismissed that. The Defence wished to appeal and the Chamber ruled
11 against them.

12 When it comes to this particular case, your Honour, I must say, your Honours, I must
13 say that the Defence will benefit and has benefited over the past four years from
14 disclosure of -- well, most information has been disclosed, whether incriminatory or
15 exonerating.

16 After the application, yes, there were requests for a number of items, items that we
17 had mentioned earlier that we were working on. Other items came into our
18 possession after the various deadlines had expired. Each time we made applications,
19 some were approved, others were dismissed, but most were accepted and we
20 provided the necessary grounds which were upheld and accepted by the Chamber.
21 During all that time, the Defence had time to prepare on a rolling basis.

22 I do note that there have been a number of breaks during the course of the trial. In
23 April, for example, we have been told that we will be sitting for two or three weeks
24 and then there will be one free week. The Chamber has already provided additional
25 time in the course of the proceedings so that the parties, including the Defence, can

1 prepare. It is always possible for the Defence to request on an ad hoc basis more
2 time, and the Chamber will make a determination. In other words, you are in a
3 position to preserve the Defence's rights in this regard.

4 My last point, and once again I hark back to the same issues, allow me to make this
5 point, when it comes to exonerating items, we have disclosed more than 5,000 items
6 of evidence that are exonerating in nature. As for incriminating evidence, we have
7 more than 5,300 incriminating items of evidence. It is important to note that even
8 when we look at these items themselves, there may be exonerating aspects to them.
9 It is possible and indeed you will see for yourselves, in other words, we cannot look
10 at the issue from a purely mathematical point of view.

11 And I do wish to point out one thing and I'm going to quote in English now, and I'm
12 quoting from the English transcript, I'm quoting from Professor Jacob's submissions,
13 and furthermore in relation to the remarks of the Presiding Judge:

14 "My last point, Mr President, your Honours, is that in actual reality, for four years
15 now the Prosecutor has adopted a certain vision of Côte d'Ivoire, a certain vision of
16 the post-electoral crisis, and a certain vision of the role played by Laurent Gbagbo and
17 is incapable of moving away from that notwithstanding any elements to the contrary.
18 So we are moving out of the realm of law to enter that of belief, which has no role to
19 play in a courtroom."

20 Let me go to the opening remarks, your Honour, that you made earlier where you
21 actually stated that this is the trial of two men. This is not the trial of Côte d'Ivoire.
22 This is not the trial of the people of Côte d'Ivoire. This trial is not about a vision of
23 one party over the vision of another.

24 Let me be very clear that we cannot agree more, and this is why we will have a trial in
25 a court of law and not a court of public opinion.

1 But my colleague by raising this this morning brings it into the arena, while looking at
2 the gallery, into the arena of public opinion. He is the one going outside of the law.
3 Thank you, your Honour.

4 PRESIDING JUDGE TARFUSSER: Thank you, Mr MacDonald.

5 The floor to Mr Knoops, if he has something to add or make observations on the
6 observations made by the other Defence team.

7 MR KNOOPS: Thank you, your Honour. No observations.

8 PRESIDING JUDGE TARFUSSER: Thank you.

9 The Legal Representative of Victims, Mrs Massidda, please, you have the floor.

10 MS MASSIDDA: (Interpretation) Obviously I do have a few remarks to make about the
11 first issue raised by the Defence this morning. The Defence is trying to liken our role in the
12 trial to one of its hobby horses during the entire lead-up to the trial. The whole issue of the
13 role of victims and their access to confidential items has been dealt with in multiple rulings
14 from the Pre-Trial Chamber and from the Trial Chamber.

15 The Defence has had ample opportunities and have taken these opportunities to
16 challenge the rulings from the various chambers in relation to the role of the victims
17 and the Legal Representatives of Victims' access to documents. The chambers have
18 systematically dismissed the applications for leave to appeal. Not only that, the
19 chambers in question have also made their views known regarding requests for
20 reconsideration of certain decisions that granted access to a number of documents or
21 which allowed the victims to play a certain role in the course of the proceedings.
22 Thus, your Honour, I don't see any particular point in raising this issue once again
23 before the Chamber today. I really don't see how this is a new issue. I don't see
24 why this issue needs to be looked at today. Perhaps the only explanation I can see is
25 that the Defence is wishing to engage in a little bit of courtroom theatrics.

1 Furthermore, the chambers of this Court on multiple occasions said and have been
2 quite constant in their rulings that the participation of victims must be effective, not
3 merely symbolic in nature. Thus, the Chamber has granted a number of procedural
4 rights to the victims in these proceedings.

5 I will not dwell on the dual nature, so to speak, of the two parties. And I think if we
6 look back all the way to the Lubanga case, Judge Fulford made a distinction between
7 what parties are and what participants are. This was not particularly set out in the
8 Rome Statute.

9 Finally, a few words regarding my remarks during yesterday's press conference.

10 Your Honours, it seems quite clear to me that the victims want to see the people that
11 they think are responsible for the crimes that they were subjected to to be found
12 guilty in a court of justice. And I really do not see what was unusual or out of the
13 ordinary in my remarks. We share the interests of the Prosecution in a number of
14 ways.

15 I believe another part of my remarks was glossed over by the Defence. During the
16 press conference I also stated that the victims wanted to make a contribution to the
17 demonstration of the truth. If that means the accused will not be found guilty, well,
18 the victims will duly take note.

19 And I thank you, your Honours.

20 PRESIDING JUDGE TARFUSSER: Thank you very much, Ms Massidda.

21 The Chamber, having taken note of the observations submitted by the Defence for
22 Mr Gbagbo and having heard the responses given by parties and participants to that
23 observation observes as follows:

24 As a general remark, it must be said that most, if not all, of the arguments raised are
25 not new to this Court. They have already been submitted in various forms at an

1 earlier stage of the proceedings, some of them as early as at the pre-trial stage, and
2 some of them have already been ruled upon as appropriate.

3 To Mr MacDonald I want to say there is no need for any specific application, because
4 the application can be made orally in the courtroom as it was made.

5 At this stage the Chamber will not entertain the same arguments anew, but just some
6 thoughts. First, on point one, an application for leave to appeal the Chamber's
7 decision on this issue has been rejected, I mean Legal Representative of Victims' issue.
8 Nevertheless and, furthermore, the Chamber is very much mindful of the statutory
9 framework governing the role, the powers and the prerogatives of the Legal
10 Representative of Victims. It will be applied in a way that the Chamber considers
11 balanced in light of the general principles, of the general principles set out in the
12 Rome Statute.

13 And let me add that be it as it may, victims must have a meaningful role. They have
14 a meaningful role. It is a different role to the role of the parties, but still meaningful.

15 And this is the balance the Chamber has to strike.

16 On the second point, and I randomly quote, "12,000 items of evidence, 70,000 pages of
17 documents, 138 witnesses, hours of video material and hundreds of photos," end of
18 quote, these are numbers, only numbers; high figures, but figures. They sound
19 impressive, but by themselves, they do not mean too much. They do not give any
20 indication as to the substance.

21 Nevertheless, this Chamber said in its Decision Number 205, already emphasised,
22 emphasised that the accused's right to be tried without undue delay and the Chamber
23 and the Presiding Judge's trial management powers to ensure that proceedings are
24 fair and expeditious, so rest assured that these rights will indeed be enforced in a way
25 which is as correct and effective, that's a quotation, as possible, and certainly not in a

1 way which is, and I quote again Mr Jacobs, "theoretical and illusory."

2 The Chamber likewise is perfectly -- is likewise perfectly mindful of the complexity of
3 this case. As it will also be said, furthermore, before giving the floor for the opening
4 statements to the parties, it will exercise its management powers in the fairest and
5 most effective way as possible and as we are capable to do.

6 Third, to the third point, as I said earlier, and it was also repeated now by
7 Mr MacDonald, and I want again emphasise this part, because it seems to me very
8 important: These are criminal proceedings against two individuals against whom
9 the Prosecutor brought specific charges and in the course of this trial will present
10 evidence which will be duly evaluated by the Chamber. Other considerations, any
11 other considerations made are not for this proceedings.

12 This said, I will now give some statements of the Chamber on the conduct of the
13 proceedings. The directions on the conduct of the proceedings issued by the
14 Chamber on 3 September 2015, and I'm referring to filing number 205 I just referred to
15 before, will be supplemented and amended during the course of this trial as
16 appropriate.

17 It is important to highlight that a trial is a dynamic process which constantly evolves.
18 Accordingly, the conduct of the proceedings has to be adjusted as required and as
19 appropriate during the course of the hearing in accordance with Article 64(8)(b) and
20 Rule 140 of the Rules of Procedure and Evidence, which set forth the power of the
21 Presiding Judge to give directions.

22 As a general rule, these directions must and will be given orally, promptly and in
23 accordance with the statutory work. But still some general principles are
24 nevertheless worth highlighting now.

25 First, the right, the rights of the Defence. These proceedings will be conducted with

1 full respect for the rights of the Defence.

2 (Interpretation) This Chamber shall ensure that the trial, shall ensure that the trial is
3 conducted fairly and without undue delays, fully respecting the right of the accused
4 persons and also having regard to the need to ensure protection of victims and
5 witnesses.

6 (Speaks English) The accused are presumed innocent until proven guilty. Pursuant
7 to Article 66(1) of the Statute, the Prosecutor bears the burden of proof, of proving the
8 charges beyond reasonable doubt.

9 It is a fundamental right of the accused to have a trial which is fair and expeditious.

10 The principle of orality. This Chamber will uphold the principle of orality. The
11 arguments of the parties and their requests will be presented in the courtroom as
12 much as feasible.

13 Counsels must be prepared to address orally any and all issues which may arise in
14 the courtroom.

15 Short breaks for consultation among the teams will be allowed if and when required.

16 However, parties should not expect to be granted adjournments or interruptions as
17 soon as a contentious issue arises as a matter of course.

18 Oral decisions will also be issued in the course of the hearings as appropriate.

19 The principle -- third, the principle of publicity of the proceedings.

20 (Interpretation) The trial shall be public.

21 (Speaks English) The Chamber will do its utmost to uphold the principle of the
22 publicity of the proceedings, a staple of the fairness of the trial.

23 Private and closed sessions as well as the adoption of protective measures restricting
24 public access to what is happening in the courtroom will be limited to what is strictly
25 necessary to preserve the security of victims and witnesses.

1 Witness testimony shall be given in public insofar as this is possible. Requests for
2 private and/or closed session shall be made publicly, but in a neutral and objective
3 way referring to the topics that will be covered.

4 The parties are, nevertheless, directed to group the questions, to group security
5 sensitive questions together to avoid unnecessary recourse to or undue extension of
6 closed and/or private session. We cannot go up and down. We have to try to think
7 about the publicity also in this direction.

8 The parties and participants are directed to file public redacted versions of their
9 confidential or confidential ex parte filings as soon as feasible, ideally simultaneously
10 with or consecutively to the original filing.

11 Fourth, principle of expeditiousness of the proceedings.

12 (Interpretation) The Chamber shall provide that the trial be carried out diligently.

13 (Speaks English) This Chamber is determined to do and will do its utmost to ensure
14 that proceedings are efficient and expeditious. It will make use of all its trial
15 management powers to enhance efficiency and expeditiousness to the extent which is
16 allowed by and consistent with the need to ensure their fairness. In this perspective
17 the parties and participants shall be expected to always be prepared well in advance
18 of schedule or advanced enough, I should say.

19 If discussion of an item in the schedule is exhausted in a shorter time as foreseen
20 originally, the Chamber will immediately proceed to the next following item on the
21 schedule, which will be adjusted as required. This rule also applies to witnesses as
22 we will reiterate prior to the start of the first testimony.

23 The parties and participants are expected to be precise, concise and to the point.

24 The Defence teams for each accused should use their time wisely. Submissions by
25 one Defence team should not be reiterated or simply reiterated by the other Defence

1 team.

2 In the same spirit, the time limit for responses pursuant to Regulation 24 of the
3 Regulations of the Court shall be shortened to eight days.

4 This also applies to any reports to be submitted by the Registry.

5 The parties are entitled, of course, to request leave to appeal of the Chamber's
6 decisions pursuant to Article 82(1)(d) of the Statute. Nevertheless, the Chamber
7 would like to highlight that the remedy of interlocutory appeals is and should remain
8 exceptional.

9 As stated by Trial Chamber VII, parties should not resort to making an application
10 under Article 82(1)(d) as an, and I quote "an automated reflex." And I fully agree on
11 this, it's wise. Interlocutory appeals are not to be used as a request for
12 reconsideration in disguise or for expressing mere disagreement with the Chamber's
13 determinations. There will always be one who is not happy with a decision on the
14 Chamber.

15 So no false urgencies shall be entertained by the Chamber. Parties are expected to
16 promptly raise before the Chamber any difficulty, obstacle or issues including those
17 of technical nature as soon as they arise as opposed, as it happened recently I would
18 say, to waiting until the difficulty may translate into an obstacle for them to meet their
19 obligations within the relevant deadlines.

20 The Registry is expected to promptly assist the parties, expected and instructed to
21 promptly assist the parties and the participants at its best with a view to facilitating
22 the smooth ongoing of the proceedings.

23 The Prosecutor has provided her estimate as to the number of witnesses, the amount
24 of items she expects to rely on and the amount of time that she will require for the
25 presentation of her case. The Chamber takes note of this and will of course apply its

1 trial management powers also to this aspect when and as appropriate.

2 Last point is the schedule of the trial, how it will continue after, the hearings we have
3 already settled. So the Chamber has already stated that starting today it will sit
4 every day until 17 February 2016, and then from Thursday, 3 March until Wednesday,
5 23 March 2016, except Friday 11 and Monday, 14 March.

6 The current availability of only two courtrooms simultaneously makes it necessary to
7 alternate sitting days among the three pending trials and to suspend one of the
8 ongoing trials. So this is an agreement which came out from work, speaking
9 together with the two, the Presiding Judges of the other two trials.

10 Accordingly, following the adjournment on Wednesday, 23 March 2016, the trial will
11 resume on Monday, 9 May 2016, and in principle proceed uninterrupted towards the
12 summer recess. More specifically, before the summer recess, the Chamber will sit
13 during the following weeks: 9 to 13 May, 16 to 20 May, 23 to 27 May, 6 to 10 June, 13
14 to 17 June, 27 June to 1 July, 6 to 8 July, 11 to 15 July. This, of course, without
15 prejudice to unforeseen things which can happen.

16 Following the summer recess, the trial will resume on Tuesday, 30 August 2016.

17 Additional details to the schedule will be provided if, and as necessary, closer to the
18 relevant dates.

19 So this brings me now to the opening statements, if everything is clear, obviously, and
20 I hope. I see nobody requests to intervene, so I give the floor to Mrs Prosecutor for
21 the opening statement of the Prosecution.

22 I don't know how long you will speak, but we have 50 minutes in any case. Thank
23 you very much. Yours the floor.

24 MS BENSOUA: Thank you, Mr President.

25 (Interpretation) Mr Presiding Judge, your Honours, Mr Laurent Gbagbo and Mr

1 Charles Blé Goudé must be held to account for crimes against humanity, murder, rape,
2 serious bodily harm and persecution, crimes which were committed in Abidjan
3 subsequent to the presidential elections which were held in Côte d'Ivoire in 2010.

4 Let me be very clear right from the start, the purpose of this case is not to determine
5 who won the elections in 2010, nor who should have won the elections. The purpose
6 here is to establish individual criminal responsibility of the two accused for crimes
7 committed in the framework of post-electoral violence which took place in 2010 and
8 which comes under the jurisdiction of this Court.

9 The purpose is to establish their responsibility regarding crimes committed by the
10 armed forces of Côte d'Ivoire, as well as by youth groups, militias and mercenaries by
11 way of the execution of a plan, the purpose of which was to maintain Laurent Gbagbo
12 in power no matter what.

13 Mainly because of the political and military crisis in Côte d'Ivoire in the period
14 2002-2007, the 2010 elections were the first elections which had been held during a
15 period of 10 years when Mr Gbagbo was in power. These elections were to represent
16 the unity of the country, but that was not to be the case.

17 In fact, during a period of five years, from November 27, 2010 to April 12, 2011, Côte
18 d'Ivoire succumbed to chaos and was the theatre of unspeakable violence launched by
19 divisive discourse according to which only the Ivorians who wanted or who
20 supported Laurent Gbagbo were true patriots, all the others were considered as
21 enemies of the republic.

22 Mr Laurent Gbagbo did not intend to leave power. He had prepared for a potential
23 electoral defeat by laying the foundations of recourse to violence; and then when he
24 understood that he was going to lose the Presidency, with the help of his inner circle,
25 he launched a campaign of orchestrated attacks against assimilated -- or, rather,

1 against civilians that he assimilated to his opponents, first of all, the supporters of the
2 political opponent of Mr Gbagbo, that is Mr Alassane Ouattara, and then later anyone
3 who was deemed to support Ouattara because of their ethnic origin, because of their
4 religion or their nationality or because of all three of these criteria at the same time.

5 The ethnic group such as the Dioula, generally Muslims, and the Ivoirians of West
6 African origin or citizens of other countries in West Africa such as Mali and Burkina
7 Faso were all considered as being Ouattara supporters.

8 The members of these ethnic groups, national groups and religious groups were all
9 targeted during political demonstrations, at roadblocks and in the most populated
10 towns or communes within Abidjan, such as Abobo, their homes, the markets that
11 they went to frequently were shelled and their places of worship were attacked.

12 Your Honours, in light of the evidence that has been collected, the Prosecution today
13 is here to prosecute two individuals: Mr Laurent Gbagbo, former president of Côte
14 d'Ivoire, and Mr Charles Blé Goudé, long-standing ally of Mr Gbagbo and leaders of
15 the latter's young followers, in fact, whom he appointed minister of youth, vocational
16 training and employment after the elections.

17 We are here today to send a very strong message, a firm message to all those who plot
18 to take power and to maintain themselves in power through the use of force and
19 brutality, in other words, they must realise that they must and will be held to account
20 for their acts in accordance with the provisions of the Rome Statute.

21 (Speaks English) Mr President, Honourable Judges, we're here to remind the world
22 that crimes such as those at the centre of this case - murder, rape, inhumane acts,
23 persecution, crimes against humanity - that threaten the peace, the security, and the
24 well-being of not only the affected communities but all of humanity, whoever
25 perpetrates mass violence does so against the world-entire.

1 Let me re-emphasise that this trial is not driven by political considerations. Our
2 mandate is strictly a legal one under the Rome Statute. Led by the evidence our
3 independent investigations have collected, our purpose is to prosecute crimes
4 committed during a period of post-election violence which took and destroyed the
5 lives of so many men, women and children in Côte d'Ivoire.

6 Many Ivorians will follow this trial. Some will wonder why the Prosecution has
7 charged these two men and not others, yet.

8 The Prosecution is firmly committed to ensuring that those most responsible for the
9 violence unleashed on civilians in Côte d'Ivoire in connection with the 2010 election
10 are brought to justice.

11 3,000 civilians were reportedly killed during the post-election violence in the country
12 by armed forces on both sides. Our investigations in the country are ongoing, but
13 they do take time. And I encourage the people of Côte d'Ivoire to be patient, and I
14 urge the national authorities to continue to cooperate with my office in its activities.
15 My office will seek to ensure justice and accountability on all sides. This should be
16 clear, my office is investigating both sides of the conflict. And this is what the
17 office's legal mandate requires, this is what the victims deserve, and that is what the
18 Prosecution is committed to and is working to achieve.

19 As my colleague, Mr MacDonald, senior trial lawyer of the case, will elaborate in his
20 part of the opening statement, the Prosecution will prove beyond a reasonable doubt
21 that Mr Laurent Gbagbo and Mr Charles Blé Goudé each bear individual criminal
22 responsibility for crimes against humanity committed against civilians in Abidjan
23 between 27 November 2010 and 12 April 2011.

24 The Prosecution will prove that Mr Laurent Gbagbo and Mr Charles Blé Goudé and
25 other members of Mr Gbagbo's inner circle conceived and implemented a common

1 plan to keep Mr Gbagbo in power by all means. These means, Mr President,
2 included the use of the armed forces and violence. By November of 2010 at the latest,
3 these means also included a policy to launch a widespread and systematic attack
4 against civilians, civilians who were perceived to be supporters of Mr Alassane
5 Ouattara.

6 As will be explained, this policy led to the commission of the crimes with which both
7 accused are charged under the Rome Statute.

8 Your Honours, let me begin with the accused Mr Laurent Gbagbo. From the
9 moment Mr Gbagbo took power after the presidential elections in 2000, he intended
10 to stay in power by all means, including resorting to violence as the events
11 surrounding the 2010 presidential elections in Côte d'Ivoire would come to
12 demonstrate.

13 He relied on discriminatory laws to prevent his political opponents from standing in
14 elections. He signed peace treaties, but obstructed their implementation. He used
15 the Ivorian armed forces and loyal militia, youth groups and mercenaries to crush
16 dissent through violent means and never held these groups or any individual
17 accountable for violent persecutory crimes perpetrated against civilians.

18 In the months prior to the elections in October of 2010, Mr Gbagbo took steps to
19 prepare for the possibility of political defeat; to ensure that there were structures in
20 place and that at his disposal to allow recourse to violence, if necessary. Nothing
21 would be allowed to defeat Mr Gbagbo. If politics failed, violence was seen as
22 politics by other means.

23 In claiming himself president of Côte d'Ivoire, Mr Gbagbo used the Ivorian Defence
24 and Security Forces, the FDS, to attack civilians. He used mercenaries to attack
25 civilians. He used youth groups and militia galvanized by the co-accused,

1 Mr Blé Goudé, Mr Blé Goudé's hateful rhetoric, to attack civilians.

2 Mr Laurent Gbagbo had control of the FDS for 10 years as president and
3 commander-in-chief of the armed forces. He continued to control the FDS in this
4 claimed capacity following the 2010 elections.

5 Your Honours, we will demonstrate that Mr Gbagbo exerted his control through the
6 former chain of command and through a parallel structure of military units led by
7 loyalist commanders.

8 Mr Gbagbo also controlled the pro-Gbagbo youth, militia and mercenaries. These
9 were either integrated into or collaborated with loyal FDS units in the parallel
10 structure. Again, Mr Gbagbo exercised control through the formal and parallel
11 chains of command and through his relationship with Mr Blé Goudé and other
12 members of his inner circle.

13 Let me now turn to Mr Charles Blé Goudé.

14 Mr Blé Goudé was Mr Gbagbo's mouthpiece, his spin doctor. He took pride in his
15 ability to spin Mr Gbagbo's messages to mobilise the masses and to issue mot d'ordres
16 or instructions. Mr Blé Goudé organised and led the pro-Gbagbo youth, known as
17 the Young Patriots or Jeunes Patriotes, he was the self-proclaimed general of the street,
18 général de la rue.

19 Mr Blé Goudé was the link between Mr Gbagbo and the Jeunes Patriotes. He
20 manipulated the youth with hateful rhetoric, identifying Ouattara supporters as the
21 enemy and the legitimate targets for attack, claiming a version of patriotism that was
22 a cover for persecution. He spread the belief that Mr Gbagbo's supporters were the
23 true patriots, the real Ivorians. Everyone else was an enemy of the republic, a
24 message that was repeated over and over through the State controlled and other
25 pro-Gbagbo media.

1 Mr Blé Goudé shared the intent to maintain Mr Gbagbo in power by all means. He
2 controlled the youth and he directed their actions through his speeches and specific
3 instructions. When he called upon them, the youth, they acted. Their response to
4 his calls was immediate and they complied with his instructions without hesitation.

5 Allow me to provide you with an example. You will hear evidence from the
6 Prosecution that on 25 February, Mr Blé Goudé instructed the pro-Gbagbo youth to
7 check comings and goings in their neighbourhoods and denounce any stranger or
8 foreigner entering.

9 Following this order, youth and militia set up roadblocks in the ethnically diverse
10 commune of Yopougon to control the passage of supposed foreigners, the ethnic
11 Dioula, West African nationals or Ivorians of West African descent.

12 And that day in Yopougon and in the following days and weeks, the areas where
13 ethnic Dioula lived came under violent attack. Men and women were killed as a
14 result, some were burned alive at roadblocks, others were severely wounded.

15 For their actions, both accused are jointly charged with crimes committed during four
16 incidents which led to the killing of at least 142 persons, the rapes of at least 24
17 women and girls, the infliction of serious bodily injury and suffering to at least 119
18 persons. They are also charged with the crime of persecution.

19 Mr Charles Blé Goudé is additionally charged with crimes committed during the
20 incident I just briefly described, the crimes that occurred between 25 and 28 February,
21 which led to the killing of at least 22 persons, the infliction of serious bodily injury
22 and suffering of at least seven persons, and the commission of the crime of
23 persecution.

24 Your Honours, in 2011, the Pre-Trial Chamber authorised my office to commence an
25 investigation of crimes within the jurisdiction of the Court committed in Côte d'Ivoire

1 during the post-election violence of 2010-2011.

2 Since then, and contrary to what the Defence of Mr Gbagbo is claiming, we have
3 obtained a vast body of evidence against these two accused. We have met with
4 numerous individuals, interviewed many witnesses, collected thousands of
5 documents and consulted many experts.

6 The Prosecution's List of Witnesses currently includes 138 witnesses. You will hear
7 from victims and witnesses of the horrific crimes which are at the focus of this case.

8 You will also hear from researchers and filmmakers, to insider witnesses close to the
9 accused, including politicians, members of the FDS and the pro-Gbagbo youth
10 militia -- youth, militia and mercenary groups.

11 You will hear evidence of the investigators and other staff from my office. They will
12 describe the crime scenes which they examined and photographed and the locations
13 in Abidjan where they collected FDS and government documents.

14 We will rely, Mr President, upon a significant body of documentary evidence, FDS
15 and government documents, video footage seized from Radio Télévision Ivoirienne,
16 the State-owned television station, video footage of crime scenes taken by witnesses
17 who were present, visitor logbooks found in Mr Gbagbo's presidential palace and
18 many, many diverse items of evidence.

19 We intend to call experts to testify on a range of issues: ballistics, digital forensics,
20 DNA analysis, forensic pathology.

21 Your Honours, allow me to briefly share the harrowing story of one of the witnesses
22 whom the Prosecution will call. She was a victim of rape. We call her P-0350 in
23 these proceedings to protect her identity.

24 P-350 will testify about how on 16 December 2010 she was marching towards the
25 headquarters of the RTI, RTI. She was supporting the Rassemblement des

1 Républicains, or the RDR, Ouattara's political party. Because of her political
2 affiliation, she was arrested by the gendarmerie. She was then detained at the
3 prefecture of the police with other civilians. She was held separately with other
4 women for three days. During those three dark days, she was raped, gang raped at
5 the prefecture of the police by armed gendarmes, whose very job it was to protect
6 civilians from violence. The other women detained with her were also repeatedly
7 gang raped.

8 P-350 was subjected to these heinous crimes because she merely joined a march in
9 support of Mr Ouattara.

10 This Court must give hope to the victims of such unspeakable crimes that justice will
11 be had and that justice will prevail.

12 Your Honours, you will hear evidence that on 24 February 2011, Mr Laurent Gbagbo
13 ordered his army not to lose Abobo. Your Honours, Abobo is a densely populated
14 neighbourhood of Abidjan. The majority of its inhabitants come from the northern
15 parts of Côte d'Ivoire. Following this order, Abobo became the theatre of
16 persecutory violence perpetrated by pro-Gbagbo forces.

17 On 3 March 2011, over 3,000 women gathered in Abobo to demand Mr Gbagbo's
18 resignation and to protest against human rights violations in their neighbourhood.

19 They carried only three -- tree branches and banners, tree branches and banners.
20 They were unarmed. They were peaceful.

21 Then an FDS convoy driving from an FDS camp based in Abobo opened fire at these
22 unarmed demonstrators. Seven women were murdered in cold blood, several others
23 were injured, their shattered bodies, bloodied bodies lay behind on the road.

24 You will hear how Mr Gbagbo's government and the FDS responded to this incident
25 at the time, denying on the State-controlled television any responsibility for the

1 killings.

2 You will hear how Mr Gbagbo's -- the pro-Gbagbo media claimed the incident was
3 staged, how Mr Gbagbo's Council of Ministers claimed that the allegations against the
4 FDS were fabricated, how Mr Charles Blé Goudé said on 23 March 2011 that the FDS
5 couldn't be responsible for this incident because Abobo was in rebel hands at the
6 time.

7 Your Honours, in the face of undeniable evidence that these women were killed by
8 shots fired from an FDS vehicle, these denials of FDS responsibility are betraying the
9 truth. And that, that truth is that Mr Gbagbo and his inner circle intended to cover
10 up these crimes; that these crimes were in fact perpetrated in furtherance of a
11 common plan.

12 Mr President, your Honours, the Prosecution will prove that these denials were a
13 coordinated fabrication. We will show from amongst the body of evidence in this
14 case high definition video footage, video footage of the demonstration.

15 The footage is distressing because it captures the violent truth of what happened on 3
16 March 2011.

17 You will see this footage and you will hear from an expert who will testify to its
18 authenticity. He will confirm that the video is not a montage. You will see how
19 smoke emerges from the cannon of an FDS armoured vehicle as it shoots at the
20 peaceful women demonstrators.

21 The Prosecution will prove beyond reasonable doubt that seven women were
22 murdered on 3 March 2011 by the FDS. We will prove who those victims were
23 through the evidence of their relatives and friends and through DNA analysis.

24 These women had names; they were mothers, daughters, sisters and wives. These
25 women who so violently died were very real. They also became victims of the

1 accused's resort to violence as politics by other means.

2 Mr President, despite the severity of the crime, there is no official investigation into
3 the murder of these seven women. In fact, there was no genuine investigation of any
4 of the crimes committed by the FDS or the pro-Gbagbo youth, militia and mercenaries,
5 all we had was cover-ups.

6 While in a position to do so, Mr Gbagbo never ordered the murder, physical violence,
7 rape and persecution of civilians carried out in his name to stop. His actions and
8 deliberate inaction led to the commission of crimes. As Mr Gbagbo told the FDS on
9 27 August 2010, "If errors were made, we will handle the situation," unquote. And
10 he did, and you will hear how he did so during this trial.

11 In such efforts, he was supported by Mr Charles Blé Goudé. Mr Blé Goudé never
12 instructed the youth to refrain from any kind of physical violence. On the contrary,
13 we will adduce evidence that he in fact intervened to direct their actions, to tell them
14 they should be better organised and carry out their "good work."

15 Your Honours, pro-Gbagbo forces, inter alia, injured, killed and raped peaceful
16 demonstrators; they shelled men, women and children in their neighbourhoods; and
17 they murdered men and boys at roadblocks merely because of their identity and
18 association, merely because of who they were.

19 These crimes were committed in furtherance of a common plan to keep Mr Gbagbo in
20 power by all means.

21 Mr President, your Honours, I will conclude by stating that this trial is about
22 obtaining justice for the many hundreds of victims of post-election violence in Côte
23 d'Ivoire and ensuring that there is no impunity for those responsible for such crimes,
24 regardless of their power or position.

25 As the Presiding Judge has observed during his opening remarks, I reiterate that the

1 charges will be the focus of this trial -- the charges that will be the focus of this trial
2 relate only to the acts and individual criminal responsibility of Mr Laurent Gbagbo
3 and Mr Charles Blé Goudé.

4 These charges are not brought against the people of Côte d'Ivoire, nor against one or
5 other segment of its population. These charges were not brought against any
6 political, national, ethnic or religious group within this country. They were brought
7 against two individuals charged under the Rome Statute based on the evidence
8 independently amassed by the Prosecution.

9 This is our first case to reach trial in the Situation of Côte d'Ivoire. There will be
10 others as our independent and impartial pursuit to hold those most responsible for
11 the post violence -- post-election violence in the country, irrespective of political
12 affiliation or side, remains firm. We will not falter, Mr President, until this work is
13 done.

14 Mr President, your Honours, I thank you for your attention. And with your leave,
15 Mr Eric MacDonald will now present a more detailed outline of the Prosecution's case
16 and the evidence that the Prosecution will present in support of the charges against
17 the two accused persons.

18 Thank you, Mr President.

19 PRESIDING JUDGE TARFUSSER: Thank you very much, Madam Prosecutor.

20 I invite Mr MacDonald to take the floor. We have about 20 minutes. But in 20
21 minutes one can say a lot. Thank you.

22 MR MACDONALD: (Microphone not activated)

23 THE INTERPRETER: Microphone, please.

24 MR MACDONALD: I'll start again. That was a false start.

25 I will, your Honours, addressing you in French to begin with. (Interpretation) "I

1 came to tell you this morning, to tell you, but also to tell the whole of the Côte d'Ivoire,
2 to tell the entire Côte d'Ivoire that the republic when it develops, it develops also with
3 combat forces, it develops too with combat forces. There are people who believe that
4 when the politician that I am makes concessions, has discussions, it's the entire
5 republic. But no, I also have arms. There are moments when I say to those arms,
6 'No, keep still, I will negotiate.' But when the time comes for those arms to be
7 unleashed, those arms are unleashed."

8 (Speaks English) These words I just quoted are not my words. They are the words
9 of the accused Laurent Gbagbo spoken on the 27th August 2010 as he addressed a
10 large crowd in the city of Divo. And Gbagbo did exactly that in November 2010
11 when he lost his grip on the presidency, he unleashed his arms. And by that I mean
12 the armed forces at his disposal, the army, the gendarmerie, the police, the Garde
13 Républicaine, the Young Patriots, the militia and mercenaries, what we will refer to in
14 this trial as the pro-Gbagbo forces.

15 And he unleashed his forces against civilians who were perceived to be supporters of
16 his political opponent Alassane Ouattara. Gbagbo and his co-accused Charles Blé
17 Goudé are charged, like Madam Prosecutor mentioned earlier, for murder, rape, other
18 inhumane acts and the persecution of innocent civilians on what defines us as human
19 beings, on political, ethnic, national and religious grounds. They were simply
20 persecuted because of who they were.

21 These crimes were committed as part of a widespread and systematic attack directed
22 against perceived supporters of Mr Ouattara.

23 As Madam Prosecutor alluded to earlier, pro-Gbagbo forces implemented a common
24 plan or a policy that was conceived by Laurent Gbagbo and members of his inner
25 circle. And this inner circle included also Mr Charles Blé Goudé. I will come back

1 to what I mean by the inner circle in a moment.

2 But let's come back to the speech at Divo. This speech was given in front of a large
3 crowd including generals of the FDS high command, political figures and judicial
4 authorities. He is addressing in his speech the Compagnie Républicaine de Sécurité,
5 also known as the CRS.

6 Let us play for you a further extract.

7 I'm sorry, I thought we were given the floor with our -- we will need to get used to the
8 new technology in this courtroom, it seems.

9 PRESIDING JUDGE TARFUSSER: It's too new.

10 MR MACDONALD: So we have to be on the live feed?

11 PRESIDING JUDGE TARFUSSER: It's too new for our age, I would say.

12 MR MACDONALD: Maybe I should shave.

13 PRESIDING JUDGE TARFUSSER: So what I did. So we are in the hands of the technicians.

14 MR MACDONALD: I must confess that we did practise. We did test the system in order
15 not to face technical problems.

16 Now, your Honours, maybe what I would recommend in light --

17 PRESIDING JUDGE TARFUSSER: Patience, patience.

18 MR MACDONALD: Patience. Patience or that we suspend and come back at 1.30? There
19 is, I understand, just over 10 minutes, because if this cannot be resolved, then I can continue
20 by reading the quote itself and try to resolve this.

21 PRESIDING JUDGE TARFUSSER: I just wait for the court officer to tell me how to proceed.
22 We wait for the technician. If he resolves it immediately, we do, otherwise we
23 suspend for lunch. But give us another couple of minutes.

24 MR MACDONALD: I'll take my seat if you don't mind.

25 (Trial Chamber confers)

1 PRESIDING JUDGE TARFUSSER: After consultation with colleagues, we have decided to
2 take the lunch-break, to come back at 2.30. And I hope that in the meanwhile the technicians
3 come back and the technique works properly.

4 MR MACDONALD: Just to confirm, are you saying 2.30 or 1.30?

5 PRESIDING JUDGE TARFUSSER: No. 2.30, the lunch-break.

6 MR MACDONALD: I'm sorry. 2.30, 2.30.

7 PRESIDING JUDGE TARFUSSER: 2.30, the lunch-break is a little bit longer than the
8 ordinary breaks.

9 MR MACDONALD: I'm on an hour later, your Honour. I just realised it's 1 o'clock or close
10 to that time.

11 PRESIDING JUDGE TARFUSSER: It is, it is.

12 2.30. The hearing is adjourned. Thank you.

13 THE COURT USHER: All rise.

14 (Recess taken at 12.50 p.m.)

15 (Upon resuming in open session at 2.32 p.m.)

16 THE COURT USHER: All rise. Please be seated.

17 PRESIDING JUDGE TARFUSSER: Hoping that everybody -- everything is settled. Good
18 morning -- good afternoon. Hoping that everything is working now from the technical point
19 of view.

20 I give you the floor, Mr MacDonald.

21 MR MACDONALD: Thank you, Mr President. It should be working. We'll see. Let me
22 bring you back to where we were interrupted this morning. I would like to continue with
23 the same speech of Mr Gbagbo at Divo that I quoted when I first started.

24 Now, what is important to note in this footage that you'll be seeing is that this speech
25 was given or addressed to CRS or members of the CRS in the presence of generals of

1 the FDS, political figures and also judicial authorities. Now we'll play the extract.

2 They're supposed to push the video on live. There's no sound, there's nothing. The

3 images move, but the sound is not on. So I will stop the video and ask if we could

4 have a technician to come in, please.

5 PRESIDING JUDGE TARFUSSER: To break. You ask for a half an hour break now.

6 MR MACDONALD: No. Now it's really patience that is needed.

7 PRESIDING JUDGE TARFUSSER: Okay.

8 (Pause in proceedings)

9 MR MACDONALD: Your Honours, I'm very sorry. What I would propose is because we

10 are restarting the whole system, the computer and everything, so what we could do, and

11 I'm -- a proposal, I don't mind staying in the courtroom; but if not, we can maybe suspend five

12 minutes for -- because the presentation has to have this because then -- yeah. It worked five

13 minutes ago before entering now, so I don't understand. It worked yesterday, it works --

14 PRESIDING JUDGE TARFUSSER: Probably it's us --

15 MR MACDONALD: Yes.

16 PRESIDING JUDGE TARFUSSER: -- who have the negative impact on the technology.

17 MR MACDONALD: That's right.

18 PRESIDING JUDGE TARFUSSER: Can that be a good interpretation, I mean, or --

19 Can you ask the technician how long it takes because -- about?

20 MR MACDONALD: We're going to try one more time, and then if --

21 PRESIDING JUDGE TARFUSSER: I heard something.

22 MR MACDONALD: So we have to put it on the live feed, I heard. Okay. Your Honours,

23 it seems now the computer is frozen, so what I would -- now I'm asking for the patience of the

24 Chamber. Oh, it's unfrozen? We're good to go?

25 PRESIDING JUDGE TARFUSSER: The patience of the Chamber is there.

1 MR MACDONALD: Yeah. We're playing the video.

2 PRESIDING JUDGE TARFUSSER: Okay.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: "Between peace and disorder, you are for peace, and you fight against
5 all those who seek to sow disorder. Between lawfulness and unlawfulness, you are for
6 lawfulness, and you fight against all those who are for unlawfulness. That is your role.

7 There is a line of demarcation for the CRS. There's black and there's white. There's no in
8 between for the CRS. You aren't judges. It's the judges who look to see if there are
9 mitigating factors or if there are -- that's what judges do. You, you aren't judges, okay? You
10 are fighters for republican legality, as simple as that. When you are told that the republic is
11 under threat. That's your cue to come forward and restore order in the republic. If there
12 are any damages, the judges will put things right afterwards."

13 MR MACDONALD: Your Honours, this speech provides an insight into Gbagbo's state of
14 mind. This speech was given only three months before the presidential elections. Taken in
15 the context of the evidence in this case, Gbagbo was telling his subordinates to defend the
16 republic, that his political opponents are the enemies, that there will be transgressions,
17 literally damage or spoils, des dégâts, and to let the Judges deal with that.

18 Your Honours, the crimes committed during the post-election violence of 2010 and
19 2011 and the evidence in this case will demonstrate that with this speech, Gbagbo was
20 giving, in effect, carte blanche to the FDS to commit crimes.

21 When he gave this speech as President of Côte d'Ivoire, Laurent Gbagbo was also the
22 chef suprême des armées, the commander in chief of the armed forces.

23 Let me now turn briefly to some biographic information. By now, the Chamber
24 knows who Mr Gbagbo is. For instance, he was born in 1945. But for Mr Gbagbo's
25 background, what I would like the Chamber to remember is that it took Gbagbo over

1 20 years to reach the presidency, years of struggle during which he created the party,
2 the Front Populaire Ivoirien, the FPI, clandestinely. He was forced into exile. He
3 fought for democracy by fighting for multi-party elections. He saw periods of time
4 in detention, and years in the opposition before finally reaching the presidency of
5 Côte d'Ivoire.

6 On becoming president in October 2000, his plan was to stay in power by all means.
7 It took him so many years to reach the presidency that his intent was to remain in
8 power by all means. From 2000 onwards, he used the FDS forces under his control
9 to repress political demonstrations with violence. Following an attempted coup in
10 2002 and the separation of the country between the north and the south, he sought to
11 entrench his position of power through the use of militias, foreign mercenaries and
12 pro-Gbagbo youth.

13 In the following years, when he realized that a freely contested presidential election
14 was inevitable because of peace agreements, Gbagbo and his inner circle, including
15 Mr Blé Goudé, jointly conceived and implemented a common plan to keep him in
16 power by all means, which plan included the commission of the crimes charged.

17 The first round of the elections was held on 31 October 2010. Mr Gbagbo received 38
18 percent of the votes; Mr Ouattara, 32 percent; and the third main candidate, Mr Bédié,
19 received 25 percent or so of the votes. On 7 November 2010, Mr Bédié announced
20 his support for Mr Ouattara for the second round. With this support, Mr. Bédié -- of
21 Mr Bédié, sorry, Mr Ouattara was now the front runner to become Côte d'Ivoire's next
22 presidential -- next president. Sorry.

23 A week later, a week later, after this joinder of two candidates, on 4 of -- 14 November
24 2010, to be more precise, Mr Gbagbo ordered the requisition of the armed forces by
25 presidential decree. From that day, the entire FDS was placed on maximum alert.

1 And then on 26 November, he decreed a curfew over the entire Ivorian territory
2 effective from 27 November, the eve of the polling day of the second round, which
3 fuelled controversy.

4 Your Honours, it is in that context that the implementation of the common plan had,
5 by 27 November if not before, like I just described, developed to encompass a State or
6 organisational policy within the meaning of the Rome statute.

7 Your Honours, what is important to remember is that in November 2010, when
8 Gbagbo and his circle realized they would not win the elections, the common plan or
9 policy developed encompass a widespread or systematic attack against perceived
10 Ouattara supporters.

11 Let me now turn to Mr Charles Blé Goudé. Mr Charles Blé Goudé was a prominent
12 member of Laurent Gbagbo's inner circle. In 1998, he became the leader of the
13 student movement known as the Fédération estudiantine et scolaire de Côte d'Ivoire
14 under its acronym, the FESCI. In early 1990s, in the early 1990s, the FESCI had
15 started out as a student movement against the one-party rule - and we'll come back to
16 that - fighting alongside political leaders such as Mr Gbagbo, who also opposed the
17 one-party system. In the mid-1990s, the FESCI became an important force in Ivorian
18 political life because it controlled the students; university, colleges, high school,
19 unemployed. Everybody that would be basically under the age of 40 is a student, a
20 youth. On short notice, the FESCI could mobilise large numbers of youths into the
21 streets.

22 In 2001, Blé Goudé created his own organisation, the Congrès Panafricain des Jeunes Patriotes,
23 which will be known in this trial as the "COJEP." In 2002, he helped found the Alliance de la
24 Jeunesse Pour le Sursaut National, but that name was a bit too long, so it changed into the
25 Alliance des Jeunes Patriotes. It was an umbrella for various pro-Gbagbo organisations.

1 And in the early 2003, as the evidence will show, Mr Blé Goudé became president of this
2 alliance, Alliance of Jeunes Patriotes.

3 It is during that very period that he became known as the "general de la rue," the general of
4 the streets.

5 I will show you a video from that very period of early 2003 in which he confirms that he is the
6 general. He, as you will see, even dresses the part. Take note also of the youths that are
7 sitting with him in this video. These youth leaders that are with him are the same ones with
8 whom he will be touring Abidjan in order to mobilise and galvanize the crowds, inciting them
9 to violence during the post-election violence of 2010. These people will become also well
10 known to you throughout this trial. Here they are.

11 THE INTERPRETER: "I've been appointed general on behalf of the young people's alliance
12 and we say to the young people who came out this morning, you have to accept to die a
13 beautiful death. A beautiful death you can die for is dying for your country."

14 MR MACDONALD: And on 6 December 2010, Mr Blé Goudé, from his status as general of
15 the street, was named by Mr Gbagbo or politically promoted to minister of youth, vocational
16 training and employment within the government.

17 Mr Blé Goudé served well before his appointment to Mr Gbagbo's cabinet as a
18 conduit between Gbagbo's inner circle and the pro-Gbagbo youth. We have the
19 inner circle, we have the youth, and Mr Blé Goudé is the force that mobilised,
20 galvanizes these youths. Mr Blé Goudé was the mouthpiece of Gbagbo and his inner
21 circle, as the evidence will show, his chief propagandist. And during Mr Gbagbo's
22 presidency, his speeches dominated the media. Blé Goudé was a master of
23 spin - and we'll show you why - as he tellingly revealed in this documentary filmed in
24 June 2006. The interview itself is conducted in English.

25 (Viewing of the video excerpt)

1 Unidentified Speaker: Last time I interviewed you, I said what are you going to do after all
2 this is over; the war is finished, Ivory Coast starts. And you told me you were planning -- I
3 don't know if you remember this, you were planning a business where you would kind of
4 polish the images of people. Can you talk about that a little bit? That was very interesting.
5 Like kind of something like a spin doctor I think was the term you used.

6 Mr Blé Goudé: Something like a spin doctor. A spin doctor like Karl Rove, a spin doctor
7 like Alastair Campbell, a spin doctor Peter Mandelson and I like it. I like it because here
8 everyone want to be a politician. Everybody want to be a politician. They are always
9 talking about politics without knowing what politics is. They don't know that a politics -- I
10 mean, a political message needs a spin, need to be well organised. Now, when there's
11 someone, we teach them how to organise. How do we give a spin to a political message?
12 Before talking to people, before giving a message, before giving a speech, there is, I mean, a
13 shadow work to do, and I want to do that.

14 MR MACDONALD: It's actually the title of the documentary, "Shadow Work," and that is
15 exactly what Mr Blé Goudé did during the post-election violence. The general of the street
16 gave military-like orders to his army of youth. He mobilised and manipulated a generation
17 of youth through his speech and rhetoric. He used his charisma, his oratorical skills to
18 mobilise them; and not to deliver a message of peace and reconciliation, but rather
19 instructions to be prepared to be ready for violent acts, as the evidence will demonstrate.
20 Your Honours, let me now turn briefly to the crimes charged. Madam Prosecutor
21 referred to these, but I'll briefly go through them once more.

22 The Prosecution will prove beyond a reasonable doubt that the individual criminal
23 responsibility of each accused for the crimes charged relates to -- it's in respect to four
24 incidents: First, the repression of the demonstration on 16 December and the
25 following days lead to the number -- sorry -- the murder of 33 civilians, the rape of 16

1 women and girls, and wounded over 54 civilians. Now, these acts were committed
2 by pro-Gbagbo forces, which I remind you included the FDS, youth, militia and
3 mercenaries.

4 Now, we refer to this incident, although it starts on 16 and overlaps in the -- or
5 continues on the following days, internally we refer to this as the "16 December
6 incident." There's also the murder of 7 women, demonstrators in Abobo on 3 March.
7 As was stated, women marching to demand Gbagbo's resignation. This incident also
8 resulted in the physical injury of at least these others. These acts were also
9 committed by the FDS. This is what we refer to as the "3 March incident."

10 You also have the 17th of March incident, the shelling of Abobo, which resulted in the
11 murder of 40 civilians and the physical injury of at least 60 persons. And these acts
12 were committed by the FDS.

13 On 12 April 2011, the attack on pro-Ouattara neighbourhoods of Doukouré and
14 Mamie Fatai in Yopougon, another commune of Abidjan, resulting in the murder of
15 62 civilians, the rape of at least 8 women, and the physical injury of at least 2 civilians.
16 Now, these acts were also committed by pro-Gbagbo forces. And Mr Blé Goudé is
17 specifically charged with an additional crime in respect to the incidents or the crimes
18 that were committed between 25 and 28 of February 2011 in Doukouré and Yopougon
19 resulting in the murder of at least 22 civilians and the physical injury of at least 7
20 civilians. Now, these acts were committed by pro-Gbagbo forces also. All of the
21 crimes I just mentioned were committed in the implementation of the common plan.
22 All of these crimes were also persecutory in nature because, as we've mentioned, they
23 were committed on political, national, ethnic and religious grounds.

24 And the evidence you will hear at trial will show that both the accused -- both
25 accused, sorry, had the persecutory intent. They conceived and implemented a plan

1 whose aim was to attack supporters and perceived Ouattara supporters, Ivorians of
2 Muslim faith or dual ethnicity, Ivorians from northern Côte d'Ivoire or West African
3 countries such as Mali and Burkina Faso, as well as Ivorians of West African dissent.

4 We will now show you a map of Côte d'Ivoire and some of the locations I've just
5 mentioned. Now, this map of Côte d'Ivoire shows the north and the south of the
6 country, Abidjan situated at the southeast of the country on the coast, Yamoussoukro,
7 the capital, and Bouaké in the north. Bouaké, which was held by the rebels after the
8 attempted coup of 2002, which I will come back to later in my presentation.

9 So, essentially, the rebels controlled the north, and Mr Gbagbo the south.

10 When I talk about "northerners," I am referring to Ivorians who originate from the
11 north of the country.

12 You can see that the countries bordering Côte d'Ivoire include, apart from Ghana, Mali,
13 Burkina Faso and Liberia. As you will hear, nationals from Mali and Burkina Faso
14 were among those persecuted during the post-election violence.

15 In this trial, we will be talking about ethnicity. There are many ethnic groups that
16 compose the social fabric of Côte d'Ivoire, and certainly I do not want to oversimplify
17 this social fabric; but for now, I just want to highlight the following: The Dioula and
18 Malinké are predominantly of Muslim faith; and the Bété and Guéré, predominantly
19 Christians.

20 Now, the north of the country, as you see on the map, is predominantly Muslim and
21 the south predominantly Christian.

22 And your Honours, I know that both Mr Gbagbo and Blé Goudé are from the Bété
23 ethnic group and are Christians.

24 Let me now show you a map of Abidjan. We will come back to it in further detail
25 later, but I want to focus on two areas that I just mentioned, Abobo and Yopougon.

1 You will hear a lot about these neighbourhoods. Ivorians refer to them in French as
2 communes, la commune Abobo, la commune Yopougon. Abobo was known as a
3 pro-Ouattara neighbourhood since it was inhabited by Ivorians from the north,
4 Dioula and Malinké, immigrants from Mali and Burkina Faso and of the Muslim faith.
5 Yopougon was a pro-Gbagbo stronghold, but within Yopougon, the areas known as
6 Doukouré and Mamie Fitaï were inhabited also predominantly by Ivorians from the
7 north, Dioula and Malinké, immigrants from Mali and Burkina Faso and of the
8 Muslim faith. Finally, Abobo Doukouré and Mamie Fitaï were predominantly
9 pro-Ouattara neighbourhoods.

10 As I was stating earlier, our evidence will show that from November 27, 2010, to on or
11 about 12 April 2011, the pro-Gbagbo forces attacked perceived Ouattara supporters.
12 Now, in order to establish the chapeau elements of Article 7 of the Statute and prove
13 the commission of crimes against humanity, you will hear evidence to the effect that
14 both Mr Gbagbo and Mr Blé Goudé were acting with the full knowledge of the
15 charged crimes or the full knowledge that the charged crimes were committed as part
16 of a widespread and systematic attack against a civilian population.

17 Now, the five incidents that form the crux of our case fall within a wider context of
18 attacks committed by pro-Gbagbo forces against perceived Ouattara supporters.

19 The prosecution relies on acts committed during the course of 38 incidents which
20 occurred between 27 November and/or about -- on or about 12 April 2011. These 38
21 incidents constitute the course of conduct which amounts to an attack within the
22 meaning of Article 7 of the Statute.

23 The 38 incidents include the four incidents for which Mr Gbagbo and Blé Goudé bear criminal
24 responsibility and the additional incident for which Mr Blé Goudé is charged.

25 On this slide you can see on your screen shows the location where each of these

1 incidents occurred. Generally speaking, each red dot depicts one of the 38 incidents.
2 I say "generally" because a few of these incidents occurred in multiple locations.
3 Now, where these locations were distant from each other, we've depicted them with
4 multiple dots, but where they're proximate in distance, one dot depicts the incident
5 and its multiple locations. Also you'll note that the five main incidents on this slide
6 are depicted by one dot each, first in red and then in orange.
7 Now, the attack was widespread because, first, it involved a large number of acts, the
8 five charged incidents and the 33 others which demonstrate a pattern in this case.
9 The attack targeted, targeted -- sorry, and victimized a significant number of
10 individuals.
11 The attack extended over a period of four months. And the attack affected the entire
12 City of Abidjan.
13 The attack was also systematic because arming and preparation for the attacks were
14 conducted in advance. The attack was planned and coordinated. The acts of
15 violence demonstrate also a clear pattern of violence directed at perceived Ouattara
16 supporters. They are not spontaneous.
17 The acts of violence were committed generally in an area inhabited by perceived
18 Ouattara supporters.
19 Now, this slide before you goes some way in depicting the sheer number of incidents
20 and their geographic spread all across Abidjan during the bloody months that are the
21 subject of this case. What the slide does not convey, but the evidence will, are the
22 number of killings, serious bodily injuries, arbitrary arrests and rapes committed,
23 namely, the suffering brought upon the victims.
24 Let me now briefly address the evidence that we'll be presenting and the type of
25 evidence.

1 In this case you will hear evidence about the crimes themselves from Ivorian civilians,
2 overview evidence on the historical and political origins of the crisis, expert evidence,
3 and the evidence of many insider witnesses.

4 It has become customary to provide a word of caution about insider evidence, and
5 this case is no different. When testifying, some insiders may try to minimize their
6 own conduct to avoid incriminating themselves or to protect others. However, you
7 will see where their evidence is corroborated and, importantly, where they are telling
8 the truth or not about the acts and conduct of the accused.

9 You will have the opportunity to evaluate the evidence of witnesses within the
10 context of documentary evidence seized from such locations as the presidential palace,
11 the gendarmerie, the police, the army, the presidential residence, items in the
12 bedrooms of the accused Mr Gbagbo and his wife, Madame Gbagbo.

13 Significantly you will hear and see recordings of what the accused said themselves
14 via video evidence which you will see. And as Madam Prosecutor said, we will be
15 presenting expert evidence.

16 It is by the combined strength of all this evidence that we will prove beyond a
17 reasonable doubt the responsibility of each accused for the crimes charged.

18 Your Honours, in the next few hours I will address the following matters:

19 First, I will describe the membership of the inner circle and the forces used by the two
20 accused and the inner circle to implement the common plan. Who are these people?

21 Second, I will give some historical background and the context within which the
22 crimes were committed. The post-election violence comes from somewhere.

23 Third, I will turn to the post-election violence itself of 2010 and 2011 and the buildup
24 to it, like we saw the speech in Divo, that's the buildup to it.

25 In this part of my speech I will describe what happened in order of the chronology of

1 events. We'll go in sequence. Why do we do that? Because you see the evidence
2 unfolding, the events unfolding, and you understand what happened two weeks ago,
3 why. We understand better the evidence.

4 You will hear during this trial evidence of what the accused did and said and, more
5 particularly, what Gbagbo omitted to do. I will highlight some of the evidence in my
6 presentation. Obviously I'm highlighting some of it, not all of it.

7 Finally, I will address the individual criminal responsibility of each accused with
8 reference to some of the evidence that I have described.

9 I will now turn my attention to the inner circle and its members.

10 The membership of Mr Gbagbo's inner circle constituted an organisation within the
11 meaning of Article 7(2)(a) of the Statute. Its membership evolved over the years, it's
12 not static, including as events unfolded during the post-election violence. Madame
13 Simone Gbagbo and Mr Blé Goudé were at the very core of the inner circle. It
14 included also members of the FDS high command. It also included lower-ranking
15 officers linked to Mr Gbagbo through ethnic ties. Some leaders of youth groups
16 were also members.

17 Now, the evidence will show that ministers or former ministers, directors-general of
18 State-controlled companies were also members.

19 Now, finally, close collaborators that Mr Gbagbo would consult in times of crisis also
20 formed part of the inner circle. I will not cite all the names this morning, but for the
21 purposes of this opening statement, let's name the following persons: General
22 Brunot Dogbo Blé, the commander of the Republican Guard; the Minister of Defence,
23 Mr Alain Dogou; the Minister of the Interior, Mr Émile Guirieoulou; and the
24 government spokesperson, Mr Ahoua Don Mello.

25 Allow me to briefly describe the structure now of the armed forces of Côte d'Ivoire.

1 This structure remained in place after Mr Gbagbo claimed the presidency, despite
2 having lost the elections. We will be showing slides of this.

3 The Forces Armées Nationales de Côte d'Ivoire or FANCI consisted of several
4 components, the ground forces, the air force and the navy, the Republican Guard and
5 the gendarmerie. You can see that on your screen.

6 The national police consisted of regular police commissariats as well as special units
7 such as the Brigade Anti-Émeute or the BAE.

8 I think if you put it on your full screen of your screens you will see much better the
9 smaller boxes.

10 Now, like I was saying, the Brigade Anti-Émeute or BAE and the Compagnies
11 Républicaine de Sécurité, the CRS, which I alluded to earlier in my presentation.

12 The police reported to the Minister of the Interior.

13 Now, in addition, there were several mixed entities such as the Centre de
14 Commandement des Opérations, which is known as the CECOS, and the
15 Détachement Mobile d'Intervention Rapide, DMRIR.

16 Together during the crisis the FANCI, the police and the mixed entities formalized the
17 FDS, Forces de Défense et de Sécurité, with at its head Mr -- the chef d'état-major,
18 Mr Philippe Mangou, who had been in that position since 2004. Mr Mangou
19 reported to the Minister of Defence and to the commander-in-chief, Mr Gbagbo.

20 Subordinated to Mr Mangou were the heads of the components starting with the
21 general -- sorry, Deto Letho, the chief of the ground forces, General Aka Kadjo; chief
22 of the air force and -- chief of the air force, sorry, and Admiral Vagba Faussignaux, the
23 chief of the navy. Another pillar was the Garde Républicaine, and I must insist on
24 that, which was lead like I mentioned earlier by Mr General Dogbo Blé.

25 Now the mandate of the GR or Garde Républicaine was to defend the president and

1 the major institutions of the Republic.

2 Finally, there was the gendarmerie, which was led by General Kassaraté, and the
3 police headed by General M'Bia Bredou.

4 I will now describe this -- I will not describe -- sorry, this afternoon, we're not in the
5 morning anymore, the responsibilities of each. We will do that with our evidence.

6 We will do that during the trial, as you will hear of several other units subordinated
7 along these organisational lines, many of which were involved in the crimes charged

8 in the present case, units such as the Surface-to-Air Artillery Battalion, BASA, were

9 headquartered in the densely populated city of Abidjan and took part in repressing

10 targeted groups such as northerners, Muslim civilians and other perceived supporters

11 of Alassane Ouattara. I will not describe today the specific responsibilities of these

12 units. Again, we will do that during the trial.

13 Now the next part of this structure. Now, within the formal structure, and it was

14 alluded to this morning, over the years leading up to the 2010 elections, Mr Gbagbo

15 developed a parallel chain of command. It consisted mainly of officers of Bété and

16 related ethnic background that were loyal hardliners, loyalists, like Madam

17 Prosecutor mentioned. Such officers were found in every organisation within the

18 FDS, you can see that, and including -- included, sorry, high ranking officers such as

19 the commander of the Garde Républicaine, I mentioned them, the commander of the

20 navy, Mr Vagba Faussignaux, as well as the commander of the CECOS, Guiai Bi,

21 whose names are in red font on the slide that you see.

22 Within the other components, individual units were part of the parallel structure, as

23 were commanders of special units such as the Groupe Escadron Blindé and the

24 Brigade Anti-Émeute, as I indicated here with the dotted red lines.

25 Gbagbo could communicate directly with the officers of the parallel structure and

1 therefore bypass the official chain of command.

2 Mr Gbagbo already relied on these officers during the period of 2002 to 2010 to
3 repress political opposition, and these officers continued to remain loyal to
4 Mr Gbagbo until his arrest on the 11 April 2011, whereas some other senior officers
5 stepped down.

6 Now, in 2002-2003, the parallel structure recruited Jeunes Patriotes. So the youth
7 supplemented the forces, the FDS.

8 Now this group of Jeunes Patriotes that was recruited within became known as the
9 Blé Goudé contingent for obvious reasons as well as militias and mercenaries to
10 reinforce the FDS. Prior to the 2010 elections and during the post-election violence,
11 such recruitment was again carried out to reinforce this time the parallel structure
12 and to support Gbagbo's efforts to remain in power.

13 As I stated earlier, Mr Blé Goudé created the COJEP in 2001. And after the
14 attempted coup of September 2002, he created the AJSN. The COJEP became the
15 central and most powerful organisation within the alliance, and Blé Goudé became its
16 president.

17 The AJSN, so the alliance of youth groups, consisted of numerous -- sorry. The
18 Alliance of Jeunes Patriotes consisted of numerous pro-Gbagbo organisations, such as
19 the youth wing of political parties the FPI, the FPI had its youth wing, the JFPI, which
20 was headed by Navigué Konaté. Most of the parlements including the most
21 renowned parlement of all, La Sorbonne, run by Richard Dakoury as well as
22 FENAAPCI, the overarching organisation of parlements, and agoras headed by Idriss
23 Ouattara.

24 Let me pause here. What are agoras and parlements? Now, these are public
25 speakers' corners and served to galvanize and disseminate pro-Gbagbo information to

1 the youth, so they had a structure to disseminate the messages. And these were
2 locations known as agora and parlements.

3 Now, groups such as Solidarité Africaine of Jean-Yves Dibopieu were also part of the
4 AJSN.

5 I am not defining today the full names of these organisations. They can be found in
6 our pretrial brief, in our DCCs, and in our confirmation decisions.

7 Now, the AJSN, itself, was a dissenter of a large patriotic movement known as the
8 "Galaxie Patriotique." Now, this Galaxie was an umbrella organisation - it's like
9 Russian "Poupées Russes" almost - the umbrella organisation gathering a large
10 number of youth, organisation of varying types and sizes; youth wings of political
11 parties, civil society organisations, and student unions. Its supporters amongst the
12 youth were known as "jeunes patriotes."

13 Now, during the post-election violence it also included organisations such as FESCI
14 under the leadership of Augustin Mian, the CRAC of Serges Koffi to name you a few.
15 Now, the Galaxie Patriotique also included militia groups, such as the GPP of Zegen
16 Touré and Bouazo Yoko Yoko, and the UPLTCI of Eugène Djué, and finally the FLGO
17 of Maho Glofieh, among others.

18 Your Honours, rest assured that these are names that will become familiar during this
19 trial, and that is why I am naming them this afternoon. This is only to name a few of
20 the hundreds of groups and organisations that made up the Galaxie Patriotique.

21 Now, these organisations were competing for popular support as well as for political
22 and financial support from Mr Gbagbo. We have receipts, and we'll show those
23 receipts. These certainly -- there certainly was a rivalry between the organisation in
24 the Galaxie Patriotique as well as between their leaders who did not always see eye to
25 eye. However, they had one thing in common, their unwavering support for

1 Mr Gbagbo and their goal to keep him in power by all means.

2 Now, despite the rivalry between these leaders, Mr Blé Goudé was the acknowledged
3 and undisputed leader of the Galaxie Patriotique and its supporters, the jeunes
4 patriotes.

5 Your Honours, I will now highlight some of the historical background and context
6 that lead to the post-election violence. This context is not to establish the history of
7 Ivory Coast. It is not the purpose of this trial. This context is relevant to describe
8 the creation of the common plan and, more importantly, it shows evidence of
9 Mr Gbagbo and Mr Blé Goudé's intent and knowledge of past violence and how their
10 methods in the past evolve over the years. It will serve also as pattern evidence, the
11 "passé du futur," the awareness of their actions.

12 On the death of Côte d'Ivoire's first president, Mr Houphouët-Boigny in 1993, Henri
13 Konan Bédié became President. He introduced the concept of Ivoirité. What is
14 Ivoirité? Ivoirité distinguished between -- it distinguishes between those considered
15 to be native or pure Ivorians, predominantly southern and Christian, and those who
16 were described as non-native, usually of northern origin and of Muslim faith.

17 Mr Bédié, former president of Côte d'Ivoire, introduced the concept of Ivoirité in the
18 1990s as a means to undermine his main political rival at the time, Mr Ouattara, who
19 was of northern origin along with his supporters.

20 Now, in 1995, Mr Gbagbo and Mr Ouattara were temporarily in alliance against
21 Mr Bédié. So in 1995, Mr Gbagbo and Mr Ouattara have a common fight, and at that
22 time Mr Gbagbo spoke out against ethnically divisive policy such as Ivoirité in the
23 following way, and I quote in French: The electoral law states, indeed, that in order
24 to stand for presidency of the Republic, you have to be at least 40 years of age and be
25 born Ivorian, but it's impossible today to be 40 years old and to be born Ivorian

1 because the Ivorian nationality has only existed for 35 years. Anyone today who is
2 40 years old, whether it's Konan Bédié, Alassane Ouattara, Laurent Gbagbo, Djéni
3 Kobina, all of us, 40 years ago we were born French and our fathers and mothers were
4 born French, and so this idea will disappear automatically. It has no meaning.
5 In 1999, Mr Bédié was overthrown in a coup lead by General Robert Guèï -- Guèï,
6 sorry. Guèï then called for a presidential election in 2000. Mr Ouattara was
7 excluded from standing on the grounds of ethnicity and Mr Bédié for not submitting
8 proper medical documents. The sole opponent at the time was Mr Gbagbo
9 who -- indeed, the sole important candidate was Mr Gbagbo who won the 2000
10 elections against Mr Guèï, but General Guèï still controlled elements of the military,
11 and he refused to concede power. So the elections take place, Mr Guèï contests, and
12 it was then that Mr Gbagbo used the power of street protests to force Guèï to step
13 down. On 24 October 2000, he called on Ivorian patriots from all cities and
14 neighbourhoods to take the streets until his election was recognized.
15 Once his election was recognized but still contested by the opposition, mainly
16 Ouattara supporters, Gbagbo portrayed the demonstrators as putschists, attempting a
17 coup d'état to topple his presidency. And on 4 December 2000, not only did
18 Mr Gbagbo order a curfew, but he confirmed on State television that he had
19 requisitioned the FDS, making it clear, and I quote: "police, gendarmes and soldiers
20 from all branches of the armed forces are ordered to use all means throughout the
21 country to oppose troublemakers."
22 If I highlight these events, your Honours, it is because we will demonstrate in this
23 trial that Mr Gbagbo did exactly the same thing in 2010.
24 Mr Gbagbo was also openly -- sorry. Mr Gbagbo also openly used ethnic -- ethnic
25 politics to deny Ouattara's right to stand for the presidency. While in the 1990s, as

1 we heard earlier, Mr Gbagbo was defending Mr Ouattara's right to run for president,
2 now he was saying the following in the audio recording, in this audio recording that
3 you will hear:

4 THE INTERPRETER: "Article 35 of the Constitution is meant to eliminate Ouattara. I'm not
5 surprised from the issues raised, it's the responses I often hear that surprise me. There are
6 some who say no, it isn't meant to eliminate Ouattara. Well, yes, it is meant to eliminate
7 Ouattara. Yes. What I mean is that a law is passed to fix a problem. This Constitution
8 was voted when the problem of Ouattara had become toxic for everyone. That's how it fixes
9 the problem of Ouattara in that he was a high-level official in another country. Therefore,
10 there is a sentence that states in order to run for president of the Republic, one must not have
11 availed themselves of another nationality. That was for Ouattara. Yes. That was for
12 Ouattara. In order to fix the issue of Ouattara, that's why the drafters wrote that. But
13 Ivorians must have the courage and honesty to take on what the people of Côte d'Ivoire voted
14 for."

15 MR MACDONALD: (Microphone not activated)

16 THE INTERPRETER: Microphone please.

17 MR MACDONALD: Yes. I will.

18 PRESIDING JUDGE TARFUSSER: You have to start again, otherwise we don't have a
19 transcript.

20 MR MACDONALD: And I've been informed that if ever your Honours want to keep the
21 slides or -- you can do that by putting -- pushing on the button evidence 2. And that
22 presentation remains, but the live feed, there's black separators.

23 I will start again. Mr Gbagbo's presidency, up until 2010, shows as I will describe,
24 first, a pattern of repression of opposition with repeated allegations of crimes
25 committed by pro-Gbagbo forces; two, a pattern of denial of these crimes by members

1 of Mr Gbagbo's inner circle; a pattern of failure to hold anyone accountable for these
2 crimes; a pattern -- you will also see, sorry, a pattern of divisive identity-based politics
3 and the use of speech by Blé Goudé and others to mobilize the youth and incite them
4 to violence. You will see how these patterns are repeated in 2010.
5 The injustice perceived by portions of the population which felt sidelined during the
6 elections fomented the creation of a rebellion. Rebels from within the armed forces
7 attempted a coup d'état on the night of 18, 19 September 2002. The rebellion
8 succeeded in the Bouaké in the north of Côte d'Ivoire but failed in Abidjan. The
9 rebellion turned into a prolonged armed conflict, which divided Côte d'Ivoire. The
10 north was held by the rebels and the south by Gbagbo's forces, as you can see here.
11 Now, this red line moved. The "confident zone," as it's called, will change a little bit through
12 time, so this is not exact, exact. It depends if it's 2004, 2005, 2006.
13 Now, during this conflict, both sides committed crimes against civilians. The
14 country remained divided from September 2002 until the end of the post-electoral
15 crisis in April 2011. And from 2002 to 2004, Mr Gbagbo's forces were repeatedly
16 accused of committing murder, rape, and other crimes against civilians.
17 For instance, in late 2002, Mr Gbagbo and his inner circle, provided money and
18 weapons to youth militia and Liberian mercenaries to fight against the rebels. These
19 militias and mercenaries carried out massacres of civilians in -- west of Côte d'Ivoire in
20 2002.
21 From 2003, pro-Gbagbo elements, which became known as the "Death squad," started
22 carrying out politically targeted assassinations. On March 2004, Mr Gbagbo's forces
23 opened fire on civilian demonstrators in Abobo and other areas of Abidjan with many
24 deaths.
25 Mr Gbagbo made a public statement on the RTI to compliment his forces and

1 denounce the demonstrators, just as he would do during the post-election violence in
2 2010, 2011. We will now show you a clip of that speech.

3 THE INTERPRETER: To the defence and security forces which have, once again, given proof
4 of their loyalty, I express my strong congratulations for their "sang-froid," cold blood with
5 which they have fulfilled their duties.

6 MR MACDONALD: Your Honours, over the years Mr Gbagbo signed peace agreements,
7 but he and his inner circle, including Mr Blé Goudé, obstructed their implementation through
8 a campaign of mass rallies, street violence, and hate speech in the media.

9 On 1 February 2003, Mr Blé Goudé organised a rally of around 1 million people at the
10 Place de la République to protest against the Linas Marcoussis peace accords.

11 As of 2010, Mr Gbagbo, Blé Goudé and their supporters portrayed France as being
12 allied with the rebels. Now, these messages were disseminated through the national
13 media and encouraged street violence against French nationals. Among the phrases
14 used was "à chacun son français," which meant that every Ivorian should aim to kill a
15 French person, as in this clip.

16 THE INTERPRETER: If the French are having a good time, if Côte d'Ivoire is threatened, if
17 it's all out war, for every Ivorian, a Frenchman. The message is clear, and it sends shivers
18 down the spine. At the beginning of January 2003, President Gbagbo's supporters don't
19 want any Frenchmen on their soil, civilian or military.

20 MR MACDONALD: In November 2004, Mr Blé Goudé led a campaign of further street
21 violence against the French. Mr Blé Goudé's supporter, whom he called "young patriots,"
22 attacked the homes and businesses of French citizens, many of whom were forced to flee Côte
23 d'Ivoire.

24 In April 2004, the Pretoria Accords called for free and fair elections under the
25 supervision of the UN. Mr Gbagbo sought to undermine the Pretoria Accords by

1 obstructing voter registration for people of northern ethnicity.

2 In 2006, Mr Blé Goudé paid a central role in this campaign by organising illegal
3 roadblocks to prevent the voter registration and force the postponement of the
4 elections.

5 When Mr Blé Goudé was forced to call the young patriots to stand down in 2006
6 following the international pressure, he would call on them again. And we will
7 show you another extract from the documentary Shadow Work:

8 Mr Blé Goudé: And I'm telling them to -- to rest because they need a rest. During four
9 years, they have showed people how determined they are, how well organised they are.

10 And then, during four years, they stop the progression of the rebels. They stop the
11 progression of, I mean, what the French wanted to do. Now I want them to rest, and I told
12 them, 'The day I will feel the danger, I will call you.' This why now -- now that the French
13 government is saying, you know, the movement is gone, there is no more determination, the
14 young patriots is finished. No. They're mistaken. They are mistaken. This is a strategy
15 of Charles Blé Goudé.

16 MR MACDONALD: As the evidence will show, that is exactly what he did during the
17 post-election violence of 2010, 2011. He called on the youth as he announced in 2006.

18 A final set of negotiations in 2007, in Ouagadougou, Burkina Faso, lead to a peace
19 agreement, as a result of which, Mr Gbagbo announced elections in 2010.

20 Mr President, your Honours, it is with that context in mind that I now turn to the
21 events that immediately preceded the presidential election of November 2010. I note
22 that there's 15 minutes left.

23 On 5 August 2010, after five years of postponement, Mr Laurent Gbagbo finally
24 signed the decree declaring that the first round of presidential election was to take
25 place on 31 October 2010.

1 That same day, that same day Mr Gbagbo promoted senior commanders of the FDS,
2 including General Mangou, the general chief of staff, Mr Kassaraté, Mr Guiai Bi,
3 Mr Vagba Faussignaux, Mr Deto Letho, Mr Dogbo Blé, to the highest military rank.
4 Two days later, on 7 August 2010, the day of the 50th anniversary of the
5 independence of Côte d'Ivoire, this speech was -- and it is important to know that this
6 speech was delivered before foreign and national dignitaries, such as - and prime
7 ministers, cabinet ministers - chief of staff and other generals of the FDS. And
8 during his speech, Mr Gbagbo called on the army's allegiance and he said, "If I fall,
9 you fall too." This meant that if Gbagbo lost the elections, the generals would lose
10 their positions. Why? Because the rebel forces would take over positions within
11 the FDS. Note the date. This is mentioned only two days after Mr Gbagbo
12 promoted them.

13 At the very beginning of my presentation, I quoted a speech given by Mr Gbagbo at
14 Divo where he is addressing the CRS, the speech we had problems playing. By his
15 own words, just two months before the elections, Mr Gbagbo conveyed to elements of
16 his armed forces that in repressing a perceived internal enemy, there would be no
17 punishment.

18 The second round took place on 28 November 2010. Several key actors of the
19 post-election violence visited Laurent Gbagbo at his residence. This is recorded in
20 the presidential residence visitor's logbook where the names of Mr Gbagbo's visitors
21 and the length of their visit is registered on a daily basis during the crisis, and we will
22 produce that register in evidence.

23 Also recorded the exits and arrivals of Mr Gbagbo from his residence. For instance,
24 as an example, on 28 of November on the slide that you see, on the day of the
25 elections it is recorded that he left his residence at 1526 to go and vote and was back at

1 1545. Slide that we have here before you.

2 The logbooks also record the visits of Mr Blé Goudé's members -- Mr Blé Goudé's
3 members of the inner circle and other close associates of Mr Gbagbo during the crisis.
4 The logbook indicates which inner circle members met with Mr Gbagbo when and for
5 how long.

6 According to the logbooks, on 29 November, the very next day after the elections,
7 Mr Blé Goudé visits Mr Gbagbo.

8 On 30 November, Mr Blé Goudé and General Dogbo Blé are there at the same time to
9 see Mr Gbagbo. From the times highlighted, you can see that Mr Blé Goudé arrived,
10 for instance, at 1849 and left at 2346. Mr Dogbo Blé arrived at -- two minutes earlier,
11 1847, and left just a bit earlier, at 2343.

12 This is an important date because the spokesperson of the Electoral Commission was
13 prevented to announce the partial results of the elections that very day. The results
14 were torn from his hands by Damana Pickass, another leader of the youth group
15 called the CONARECI, who was also central commissioner of the Independent
16 Electoral Commission.

17 Now, this incident was widely shown on international news bulletins. We will come
18 back to it during the trial.

19 In addition to the accused, Mr Blé Goudé, and General Dogbo Blé, several people
20 attended the presidential palace or the presidential residence, in particular Mr Paul
21 Yao N'Dré, president of the Constitutional Council who visits Mr Gbagbo again three
22 days later.

23 On 1 December, Mr Gbagbo received the visit again of various key members of the
24 inner circle, including Mr Blé Goudé and FDS commanders, such as chief staff
25 Mangou, Ms Guiai Bi, Kassaraté, Dogbo Blé, Bredou, Detoh Letho. Mr Choi, the

1 special representative of the secretary general of the UN operation in Côte

2 d'Ivoire - the UNOCI - also paid a visit to Mr Gbagbo.

3 Now, on 2 December, Mr Blé Goudé and his close associate, Richard Dakoury, leader

4 of La Sorbonne, like I said, the country's main speaker's corner, arrived together.

5 They stayed three hours. General Mangou was also there for a corresponding period
6 of time.

7 On the afternoon of 2 December, the president of the Electoral Commission declared

8 Mr Ouattara the winner of the elections from the Golf hotel where, yes, Mr Ouattara
9 was residing.

10 Now, these results at that moment were broadcast on international television and

11 retransmitted on an independent Ivorian network. The Gbagbo regime reacted
12 promptly.

13 How? By suspending the transmissions of this network; and by 8 p.m., the FDS had

14 closed down all land, air, maritime borders and the retransmission of foreign

15 television news chains were suspended. Essentially, Mr Gbagbo had isolated the
16 country.

17 The very next morning, 3 December, the next morning, the president of the

18 Constitutional Council visited Mr Gbagbo from 11.15 to noon. You have it on the

19 slide. This is from the logbook of the residence. Only four hours later, he declared

20 Mr Gbagbo the winner of the presidential elections. Mr Gbagbo's plan to remain in
21 power by all means had a long reach. It also included the judicial authority

22 responsible for upholding the Constitution, for declaring the results of the elections.

23 Mr Gbagbo had secured the efficiency of his campaign slogan, "on gagne - ou gagne"

24 THE INTERPRETER: We're winning or we're winning.

25 MR MACDONALD: That same day Mr Choi certified the results of the second round of the

1 elections, as announced by the Electoral Commission. These results recognized Mr Alassane
2 Ouattara as the winner.

3 That same day in New York, the Secretary General of the United Nations, Mr Ban
4 Ki-Moon, endorsed the certification and publicly congratulated Mr Ouattara for his
5 elections.

6 On 4 December 2010, Mr Gbagbo is sworn in as President by the President of the
7 Conseil Constitutionnel, and the ceremony took place at the Presidential Palace before
8 ministers, dignitaries, and the high command of the FDS, among others.

9 Now, before the ceremony, entries in the logbook show that Mr Gbagbo met with the
10 FDS high command at his residence. The evidence will show that they confirmed
11 their allegiance to Mr Gbagbo.

12 On 6 December, like I mentioned earlier, Mr Gbagbo chose his cabinet, and his prime
13 minister signed the decree appointing the new cabinet. Mr Blé Goudé, the "General
14 of the Streets," who at the time was still under UN sanctions, was appointed as
15 minister of youth, vocational training and employment. This appointment -- by this
16 appointment, Mr Gbagbo sent a clear message to the people of Côte d'Ivoire that the
17 man standing accused by the international community of inciting the youth to
18 violence and hatred would not be held accountable because he stood with
19 Mr Gbagbo.

20 Again, he was Mr Gbagbo's conduit to the youth.

21 Mr Blé Goudé's appointment conveyed a message of impunity to the Young Patriots,
22 to the youth galvanized to action by his rhetoric and mots d'ordre.

23 After he was sworn in, Mr Gbagbo maintained control over the FDS operations and
24 received daily reports from the FDS, both in person and on the phone. Mr Gbagbo's
25 directions and knowledge of developing events and operations of the FDS is

1 exemplified by the attack connected to the demonstrations out the RTI headquarters.

2 And I would propose, your Honours, with this that before going into the first incident
3 that we take a pause here and come back tomorrow because I understand that my
4 presentation is, indeed, factually dense.

5 PRESIDING JUDGE TARFUSSER: Thank you for taking over the lead, the lead of the
6 hearing, but I agree with you. We should close now for today, adjourn the hearing to
7 tomorrow morning at 9.30.

8 I just would like for housekeeping reasons to know about the time you still need
9 tomorrow.

10 MR MACDONALD: I would say maximum two hours, two and a half. So what I -- yes.

11 PRESIDING JUDGE TARFUSSER: Okay.

12 MR MACDONALD: On this pace, yes, I believe that two, two hours. So one session and a
13 half.

14 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much. I will then give the floor
15 to the Legal Representative of Victims which will need about?

16 MS MASSIDDA: I don't think -- not more than one hour, I think, your Honour.

17 PRESIDING JUDGE TARFUSSER: Okay. So we can say that we go to Monday for the
18 Defence and Monday and following Tuesday, whenever you finish. I think that who will
19 take the floor first is up to you, so whatever you decide is fine for the Chamber.

20 So with this, I thank all the parties and participants, the public, for listening and for
21 their speeches and adjourn the hearing to tomorrow morning at 9.30 for the
22 continuing of the presentation by the Prosecutor. Thank you very much.

23 THE COURT USHER: All rise.

24 (The hearing ends in open session 3.58 p.m.)