

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 Friday, 29 January 2016
10 (The hearing starts in open session at 9.31 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: Good morning. Bonjour to everybody inside the
15 courtroom, in the public gallery and outside of the Court.
16 We continue this morning with the presentation of the case by the Office of The
17 Prosecutor. (Interpretation) Madam Prosecutor, you may proceed.
18 MS BENSOUDA: Mr President, the Office of The Prosecutor has the same representation
19 and Mr Eric MacDonald will continue with his opening remarks.
20 MR MACDONALD: Good morning. Sorry. Good morning, your Honours.
21 Yesterday I mentioned that we would be, when I was kindly requesting the
22 suspension, we were -- I was informing the Chamber that we would continue with
23 the incident of 16 December.
24 Now, before doing so, let me discuss a few or say a few words as to the Radio
25 Télévision Ivoirienne or the RTI or RTI, as we will know it in this case.

1 The RTI was Côte d'Ivoire's main media outlet controlled by Mr Gbagbo and of
2 crucial strategic importance to his regime. Mr Gbagbo's rise to power until his arrest
3 from Gbagbo -- sorry. From Mr Gbagbo's rise to power until his arrest, Mr Gbagbo,
4 Mr Blé Goudé, and members of Mr Gbagbo's inner circle used the RTI to disseminate
5 their messages.

6 The RTI was the main vehicle through which Mr Blé Goudé mobilised the youth,
7 announced his orders and instructions to the youth.

8 The Ouattara camp was, of course, aware of RTI's role in supporting Mr Gbagbo's
9 regime. And so Mr Ouattara's newly appointed prime minister, Mr. Guillaume Soro,
10 announced on 13 December 2010 that the Ouattara government would go to RTI
11 premises in Cocody in order to install a new director.

12 And this was to take place on 16 December.

13 We will now show slides. As your Honours can see, the location of the RTI on the
14 image before you, and like I was mentioning, the RTI is located in the commune of
15 Cocody.

16 On 14 December 2010, the Ouattara government called on their supporters to march
17 peacefully to the RTI on 16 December. Mr Gbagbo's regime reacted by:

18 First, the FDS elements surrounded and blockaded the Golf Hotel where Mr
19 Ouattara's government was based.

20 Second, that afternoon, Mr Blé Goudé presided over a meeting of youth leaders at the
21 Hotel de Ville in Cocody. Together with other youth leaders, they delivered the
22 message, this message: To prevent the demonstrators from reaching the RTI. Their
23 aim to mobilize the jeunes patriotes and use them to block the march with the RTI
24 along with the military.

25 Third, the evening the RTI broadcast of 8 p.m., they broadcast or showed an interview

1 of Mr Blé Goudé, who said he would remain active in his role of general of the street.
2 He said he would lead the youth to actions if the country came under threat. Let me
3 quote him in French:

4 (Interpretation) I would like to reassure the young people of Côte d'Ivoire, you have
5 not lost your general. I am a 100 percent general and 1 percent minister. That
6 clearly means I'm working to provide employment to young people; but at the same
7 time, if I sense that my country has come under threat, that someone is trying to
8 destabilize my country, I take off my suit, I put on my black hat, and I get things
9 under control. I take charge. That needs to be clear in everybody's mind.

10 Fourth, the following day, 15 December 2010, the FDS spokesperson condemned the
11 proposed march during the RTI 1 p.m. news bulletin stating:

12 (Interpretation) This must be said clearly. These marches mean serious
13 disturbances of the public order, and the only purpose is to pit innocent people
14 against the regular law enforcement forces, hoping that the defence and security
15 forces will end up in a clash with the people of Côte d'Ivoire.

16 (Speaks English) He also warned that, and I quote:

17 (Interpretation) Philip Mangou, chief of general staff, and all of security forces of
18 Côte d'Ivoire, hold Mr Choi responsible for the consequences that could result, these
19 consequences that cannot –

20 (Speaks English) And so the FDS delivered a veiled threat and planned justification
21 of the violent acts and crimes committed against peaceful civilian demonstrators on
22 16 December. They did that even before the march took place.

23 The act of denial was already engraved as part of the common plan.

24 Fifth, that afternoon of 15 December, Mr Blé Goudé gave a speech in Treichville
25 repeating the same aggressive message against the pro-Ouattara and ONUCI, I quote:

1 (Interpretation) "The road map that was given to ONUCI, which was given to the
2 Licorne Force, which was given to Guillaume Soro, was very clear, to take Mr Gbagbo
3 out. I am telling you, Mr Choi and the UN and France are preparing genocide in
4 Côte d'Ivoire."

5 (Speaks English) And he added:

6 (Interpretation) As of this time, the UN that we had up until that point was thought
7 of as a peacekeeping force, but now they are showing very clearly that they are no
8 longer a peacekeeping force. They are a force of war. They are an occupying force.

9 Choi is the one who is organising the rebellion. He is the one who is giving ideas to
10 the rebels. He is now to be considered as -- (Overlapping speakers)

11 (Speaks English) And, Your Honours, the crowd answered back in unison "rebel"
12 against this threatening language, language that can only have had one aim, to inspire
13 violence.

14 Mr Blé Goudé sought to absolve himself of responsibility for the violence which then
15 followed, saying that he would dislodge Soro and Ouattara with his bare hands, "a
16 mains nues," and showing his empty hands to the crowd, galvanising the youth
17 groups as he did between 2003 and 2006.

18 Your Honours, by "bare hands," Blé Goudé meant without the use of weapons. But
19 these words were calculated and meaningless in light of what he also said. We shall
20 come back later in this presentation on the recurring message of fighting with bare
21 hands and during the trial itself.

22 Finally, on the evening of 15 December, Mr Gbagbo met with the army chief of staff,
23 Mr Mangou, the chief of the gendarmerie, Mr Kassaraté, and the chief of police, Mr
24 M'bia.

25 Your Honours, these coordinated efforts by Mr Gbagbo, Blé Goudé and the inner

1 circle led to the commission of the crimes as charged in relation to the first incident of
2 16 December.

3 We will now be displaying a slide which will -- it's a presentation that will follow my
4 description of the events of 16 December.

5 Starting early in the morning of 16 December, you will hear from witnesses how
6 scores of Ouattara supporters gathered at various assembly points across Abidjan.

7 These assembly points now appear as blue dots on your screen. The demonstrators
8 then begin their walk towards the RTI.

9 From early in the morning, marchers ran into pro-Gbagbo forces who either blocked
10 their way or warned them of severe consequences if they carried on. Some of the
11 positions of the pro-Gbagbo forces are marked in orange squares on your screen.

12 The pro-Gbagbo forces were composed, among others that day, of the police, the
13 CECOS, the Republican Guard together with pro-Gbagbo youth, militia members and
14 mercenaries. They were in key positions patrolling the area around the RTI as well
15 as other communes of Abidjan such as Cocody, Abobo, Adjamé, Koumassi and
16 Yopougon.

17 Pro-Gbagbo forces set up checkpoints at roadblocks on the major access leading to the
18 RTI in order to control civilians, arresting, beating and detaining many of them.

19 They also shot at crowds of unarmed civilians heading towards the RTI, causing
20 death and grave bodily injuries.

21 This violence occurred in the following locations, which are identified in red on your
22 screen. In Abobo, many of the perceived Gbagbo -- pro-Ouattara supporters reside
23 and were -- sorry. I will start again.

24 In Abobo, where many of the perceived pro-Ouattara supporters reside and where
25 many of the known meeting points were located; in Adjamé, along its major axes,

1 such as the Autoroute Abobo and the Route du Zoo. They also were present at
2 various key points in Williamsville, such as Djeni Kobina intersection, and a
3 pedestrian overpass on the Autoroute du Nord.

4 Your Honours, we will introduce video evidence demonstrating actions of the FDS.

5 We will now play footage of demonstrators walking on an overpass across the
6 Autoroute du Nord. Heavy shooting can be heard on this clip, and two CECOS
7 vehicles appear on the footage from your left-hand side.

8 Your Honours, these demonstrators were simply showing their support to Ouattara
9 by marching on their way to the RTI. Also notice how a red taxi backs up, most
10 likely at the site of the CECOS vehicles arriving.

11 (Playing of the video excerpt)

12 MR MACDONALD: Meanwhile, at Cocody and at every intersection around the RTI, the
13 security presence was heavily reinforced. Pro-Gbagbo forces opened fire on crowds of
14 demonstrators in numerous locations in Abidjan.

15 I will now show you an excerpt from a video filmed at the intersection of Boulevard
16 Latrille and Rue du Lycee Technique.

17 (Playing of the video excerpt)

18 MR MACDONALD: As the image that you can see on your screen - if we can bring it up on
19 the live feed - shows these crimes occurred all over Abidjan on 16 December.

20 Your Honours, you will also hear of five women who were stopped on that day as
21 they were walking or making their way towards the RTI as to how they were raped
22 by pro-Gbagbo forces. All but one of these witnesses was held for hours in the
23 company of other victims. As the Prosecutor mentioned in her opening, some were
24 raped repeatedly, others gang raped, sometimes in the presence of others.

25 A rape victim was asking for forgiveness and her rapist told her, and I quote in

1 French -- in French, sorry (Interpretation) "Ask President Alassane to come and help
2 you since he's the one that you're marching for."

3 (Speaks English) The violence and persecution continued in the days that followed
4 the 16 December killings in different neighbourhoods of Abidjan.

5 Your Honours, around that time, the FDS did suffer casualties, but far from the seat of
6 the RTI in clashes unrelated to the civilian demonstrators. However, original
7 documents that we seized focused on FDS casualties and minimised the civilian
8 casualties suffered that same day within the context of the demonstration.

9 That afternoon, Mr Gbagbo met with his cabinet. The Ministers of the Interior and
10 Defence both reported on the demonstration and the number of civilians and FDS
11 casualties.

12 That evening, on the 8 p.m. news, the RTI broadcast excerpts of Mr Blé Goudé's
13 speech and FDS statement previously aired on the 15th. So the message I referred to
14 earlier were again shown that evening on the 8 p.m. news.

15 According to the logbooks that evening, Mr Gbagbo also received his close associates:
16 Mr Blé Goudé; Mr Bertin Kadet, who was back in early 2000 Minister of Defence for a
17 while; Mr Alain Dogou; FPI president, Mr Affi N'Guessan; hardliner Aboudramane
18 Sangaré; Désiré Tagro; and personal lawyer of Mr Gbagbo, Mr Géraldine Odéhour, his
19 personal legal counsel.

20 The only FDS general visiting Mr Gbagbo that evening, as you can or eventually
21 guess in this case was Mr Dogbo Blé, the commander of the Republican Guard. All
22 these persons I just named were members of the inner circle and of the parallel
23 structure.

24 And on 17 December, Mr Blé Goudé visited Gbagbo again for almost six hours.

25 Violent crackdown of Mr Ouattara's supporters carried on in the following days,

1 involving members of the FDS and armed persons in civilian clothes raiding several
2 areas of Abidjan, particularly Abobo, breaking into civilian houses and killing and
3 raping civilians.

4 On 17 December 2010, FDS soldiers, together with a member of the jeunes patriotes,
5 gang raped a woman in her Abobo home before forcing her to witness the murder of
6 her husband, a member of Mr Ouattara's party, the RDR. Afterwards, the rapist told
7 the victim, who was wearing a Ouattara T-shirt, they told her that she should go and
8 tell him who had raped her.

9 On 17 and 18 December, the FDS personnel, including from the CRS, stormed four
10 mosques in Grand Bassam, Abobo and Williamsville, killing 1 person and wounding
11 29 others, including 14 women.

12 On 18 December 2010 in Abobo, about 10 police officers pursued and abducted from
13 their homes two RHDP activists. The RHDP was a coalition party, which included
14 Mr Ouattara's RDR. One week later, their bodies were found in Yopougon morgue
15 with gunshot wounds to their chest.

16 On 19 December 2010, six men, claiming to be policemen, gang raped three young
17 women in that Abobo home. They told the victims that they should complain to
18 Ouattara.

19 The violent repression of the 16 December 2010 was condemned by international
20 NGOs, the media, and the international community. In the days that followed the 16
21 December demonstration, Mr Gbagbo, Mr Blé Goudé and members of the inner circle
22 went on the offensive in response to increasing criticism from international
23 organisations such as the UN, the international community and the media more
24 widely.

25 To justify their action, the accused, together with the inner circle, aimed to convince

1 Gbagbo's supporters that he was the legitimate winner of the presidential elections,
2 that anyone who did not support Gbagbo was an enemy of the State, just as he had
3 done on 4 December 2000 and that I referred you to yesterday.

4 They also hammered that the sovereignty of the Republic of Côte d'Ivoire was at risk,
5 that Gbagbo's supporters suffered an existential threat - existential threat meaning
6 they were facing genocide - that they had to protect themselves and the Republic of
7 Côte d'Ivoire, again, just as Gbagbo had said at Divo in August 2010.

8 Mr Blé Goudé organised a series of rallies in support of Mr Gbagbo. From that point
9 on, after that incident, in the following two weeks, there are rallies almost every day.

10 And we do have the footage of that, and we will show you that footage. Between 18
11 and 21 December, Mr Gbagbo held daily rallies before large crowds of youth in
12 different neighbourhoods of Abidjan. Other youth leaders and inner circle members,
13 such as Navigué Konaté, Idriss Ouattara, Augustin Mian, Serge Koffi or Madam
14 Geneviève Bro Grébé, the leader of the femmes patriotes - she was the women side of
15 Blé Goudé - gave speeches essentially mirroring Blé Goudé's messages,
16 demonstrating a coordinated effort in the implementation of the common plan.

17 Mr Gbagbo and Madam Simone Gbagbo also made the same public accusations
18 against their opponents. The FDS and government spokespersons regularly
19 addressed the Ivorians on RTI in an effort to legitimise their actions, the actions of the
20 armed forces. They denied responsibility on the part of the armed forces for any
21 crimes.

22 The operation press was shut down by the Republican Guard at this time, 17th, the
23 evening of 17, I believe 16 to 17 of December.

24 On 18 December, Mr Gbagbo formally requested, via a press communiqué, the
25 immediate departure of UN and French forces from Côte d'Ivoire.

1 That same day on 18 December, Mr Gbagbo gave his first address to the nation since
2 being sworn as president. He blamed the unfolding unrest in Côte d'Ivoire on the
3 refusal of his opponent to submit himself to the laws of the country.

4 During his speech, Mr Gbagbo acknowledged that at least 20 persons died during the
5 16 December demonstration, but only emphasised the 10 FDS members who died,
6 saluting their memory and calling them martyrs of the Republic.

7 Mr Gbagbo further said that insurrectional elements from within and outside Côte
8 d'Ivoire were, and I quote: "waging war against us," and blamed them for the
9 killings committed in the course of the 16 December demonstration.

10 Meanwhile, at a rally in Yopougon, Mr Blé Goudé accused the French president and
11 the UN of supporting the rebels and blamed them for the incident of 16 December.

12 Like Mr Gbagbo, Mr Blé Goudé also called for the immediate departure of ONUCI
13 and French troops and told the youth to be on standby to receive his orders, which he
14 would issue in due course.

15 The inner circle's hostility and demonising towards the UN is due to several factors
16 that I want to touch upon now.

17 First, the UN, as I mentioned yesterday, had recognized Mr Ouattara as the legitimate
18 winner of the elections and President of Côte d'Ivoire.

19 Second, the UN had a large peacekeeping operation in Côte d'Ivoire and in Abidjan
20 where they were conducting patrols.

21 Third, the UNOCI had the capacity to monitor, investigate and report on the
22 unfolding events.

23 In fact, on 23 December, the UNOCI's Human Rights Division publicly reported on
24 the human rights abuses in the country occurring since 16 December, including 173
25 cases of summary executions. This was publicly denied two days later by the

1 minister of the interior.

2 By 23 December, your Honours, most international and African organisations like the
3 UN, the CEDEAO and the African Union, recognized Ouattara as the legitimate
4 president of Côte d'Ivoire. Nevertheless, Mr Gbagbo and his inner circle continued
5 to publicly condemn endorsement of Mr Ouattara and verbally attack those who
6 recognized him as president.

7 On 24 December, the leader of the ECOWAS, known as the Economic Community of
8 West African States, expressed concerns over the fast deterioration of the situation
9 and that if Mr Gbagbo did not accept ECOWAS' call to step down, he would
10 have -- sorry -- they would have no alternative but to take other measures, including
11 the use of legitimate force, the ECOWAS.

12 On 28 December, the presidents of Benin, Sierra Leone and Cap Vert visited Ivory
13 Coast and met with Mr Gbagbo and Mr Ouattara.

14 In a telling interview recorded on 29 December and aired on 31 December,
15 Mr Gbagbo made clear that although he did not believe that the crisis would lead to
16 civil war, the unrelenting pressure by his political opponents, including the UN,
17 would, and I quote, make confrontation more likely. Note his answer when he is
18 reminded that the situation is tense: "It is not the first time there have been tensions
19 in Côte d'Ivoire."

20 Asked if the international community continues to put pressure will he resign, on the
21 video we will show you with a certain carelessness he answers: "But why would
22 they put such unfair pressure on me?"

23 At the end of his interview, Mr Gbagbo brings you back to his campaign speeches
24 when he says the following: "I told the Ivorian people at the start of my campaign
25 that they would have the choice between a candidate for Ivory Coast and a candidate

1 for foreigners. That appears to be something of a caricature, but it is the reality."

2 Those speeches in November exist and, indeed, this is what Mr Gbagbo was saying in
3 November 2010; a president for Côte d'Ivoire or a president for foreigners.

4 This interview -- the fact, actually, is that all perceived Ouattara supporters were
5 deliberately being persecuted based on political, ethnic, national and religious
6 grounds. This interview, we will submit, is very telling indeed because it
7 demonstrates that on 29 December, Mr Gbagbo never intended to resign.

8 On 29 December, Mr Blé Goudé calls on the youth to invade the Golf Hotel with bare
9 hands in order to dislodge Mr Soro and everyone present. Mr Ouattara was present.

10 On 31 December 2010, the UN High Commissioner for Human Rights wrote to
11 Mr Gbagbo and to several high commanders of the armed forces to put them on
12 notice of their obligations under international human rights and humanitarian law.
13 You can see on the screen a letter addressed to Mr Dogbo Blé that was found at the
14 residence of Mr Gbagbo, the presidential residence. However, at no point did
15 Mr Gbagbo's government make any serious attempt to publicly condemn or to
16 investigate the crimes committed against civilians during the electoral and
17 post-electoral period. I will address this in more detail later when discussing the
18 criminal responsibility of both accused.

19 The coordinated actions to keep Mr Gbagbo in power by all means carried on into
20 2011.

21 Mr Blé Goudé continued his mobilisation, rallies into January, keeping the youth
22 mobilised and ready to receive his instructions.

23 On 4 January, Mr Blé Goudé declared on French TV network, France 24, that he
24 would continue with his mobilisations. When asked about the abuses, the exactions
25 committed in the course of the crisis, asked about 173 deaths on the Ouattara side,

1 asked if he feared being prosecuted, what is Mr Blé Goudé's reaction? He blames Mr
2 Ouattara and his supporters who, in turn -- who turned, sorry, the country into an
3 urban guerrilla.

4 On 5 January 2011 in Koumassi, Mr Blé Goudé informs the youth that his threat to
5 invade the Golf Hotel prompted reaction from African representatives who asked him
6 to give dialogue a chance. He asked the youth to remain quiet, to resist provocation,
7 and to (Interpretation) Listen to the general.

8 (Speaks English) Once again, Mr Blé Goudé demonstrates his influence over the
9 youth. This also shows the coordinated efforts of Mr Gbagbo and his inner circle,
10 telling the youth to stay ready.

11 Your Honours, January also marked a turning point as to the nature of the FDS
12 operations in Abidjan. The army began conducting operations alongside regular law
13 enforcement elements. They began conducting raids mainly in PK18 neighbourhood
14 of Abobo where local resistance groups had emerged and became better organised in
15 the following weeks. These groups were later referred to generically as the
16 "commando invisible."

17 On 11 January, during a raid, the FDS came under attack by local assailants in PK18.
18 Eight persons were killed, among them two members of the FDS.

19 This incident triggered a more robust approach by Gbagbo and the members of his
20 inner circle in his quest to remain in power, including an orchestrated campaign of
21 support to the FDS.

22 For example, the next day, on 12 January 2011, the CEMA, Philippe Mangou,
23 announced on State television that the armed attacks against the FDS were, and I
24 quote, "akin to acts of war." The FDS considered itself to be in a position of
25 self-defense. Consequently, it reserves the right to respond henceforth with all

1 means at its disposal to all attacks from any quarters.

2 He announced that a curfew had been ordered and would take effect in Abobo and in
3 Anyama commune until 15 January.

4 That same evening, the FDS command met with Mr Gbagbo at the presidential
5 residence. Mr Blé Goudé and other cabinet members were in attendance. The
6 meeting is recorded in the logbook.

7 On 18 January, a cabinet meeting was held in the presence of Mr Gbagbo. And the
8 very next day, the government's spokesperson announced on RTI that the
9 government would do everything to neutralise the rebels.

10 On 15 January, madam Simone Gbagbo spoke at a rally organised by the Congr s
11 National de la R sistance D mocratique, known by the acronym CNRD, a political
12 platform, headed by Madam Gbagbo that included Mr Bl  Goud  and several
13 pro-Gbagbo parties and youth organisations. Addressing about 4 thousand
14 supporters in the presence of inner circle members, including Mr Bl  Goud , she
15 announced that the time of the grigris was over. She associated persons wearing
16 grigris with rebels, and she described Mr Ouattara as the bandit ring leaders. She
17 called on the Gbagbo supporters to join in on the task of regaining their land from
18 foreigners.

19 Your Honours, grigris are amulets worn by northerners, persons of the Muslim faith,
20 by Dioulas. When you say the word "grigris," you know exactly who you're talking
21 about.

22 Your Honours, at this stage of the crisis, an essential element of the inner circle's
23 strategy was to reinforce the FDS and the trust of the pro-Gbagbo supporters in the
24 loyalty of the armed forces. An orchestrated and deliberate campaign of support to
25 the FDS began. Mr Bl  Goud , once again, is at the forefront.

1 For instance, on 20 January Mr Blé Goudé and other youth leaders with the Chef
2 d'État Major Mangou and other generals of the FDS. The minister of youth is
3 meeting with the FDS.

4 During this meeting, partially televised on RTI, Mr Blé Goudé assured the generals
5 that it is together that we defend our country, each in his domain. He then
6 announced that a large gathering to pay homage to the army would take place 23
7 January at Champroux stadium.

8 At the conclusion of the meeting, General Mangou addressed the press with
9 Mr Blé Goudé and the generals at his side. He said that the FDS were ready for
10 combat, ready to die to defend the institutions of the Republic.

11 On 21 January, the very next day, about 2,000 excited youths gathered at the army
12 headquarters demanding to enrol in the army. General Mangou reinforced the
13 message: "We won't allow people from the outside to impose their laws on us" and
14 told them: "If we want to fight to death, we will do so."

15 On 22 January, the next day, approximately 500 youths from Yopougon gathered this
16 time outside Mr Blé Goudé's residence in Yopougon to show their readiness to join
17 the army.

18 And I quote these youths (Interpretation) "Today we've come to see our general to
19 tell him we are ready. We are ready to join the army to defend our mother country
20 because we are tired of being attacked for no reason."

21 Outside his residence, Mr Blé Goudé reasserted his position of authority over the
22 youth and his role in directing their actions by reassuring the CEMA that the youth
23 were behind the army. He said, and I quote (Interpretation) "It's my duty to relay
24 this message to the man who is at the head of our army so that he understands that
25 he's not alone and that behind him the youth are ready."

1 That same afternoon, Mr Blé Goudé was again meeting with Mr Gbagbo and the
2 Minister of Defence, Alain Dogou, at the presidential residence.

3 On 23 January at the Champroux rally, the general of the streets, Mr Blé Goudé, and
4 the general of the FDS, Mr Mangou, in the presence of other FDS senior officers took
5 the stage to renew their loyalty to Mr Gbagbo and reassure the crowd that the army
6 would not stop -- sorry, the army would not stage, sorry, a coup d'état.

7 Mr Blé Goudé told General Mangou that the youth were at his disposal. The two
8 generals together on a stage.

9 On 28 January 2011, the Peace and Security Council of the African Union announced
10 the creation of a panel composed of five African heads of state with the mandate to
11 find an overall political solution that would be binding on all parties.

12 On 31 January, the African Union announced, among the heads of state on the panel,
13 the nomination of Mr Blaise Compaoré, the then president of Burkina Faso. The
14 Heads of State were due to travel to Abidjan two weeks later.

15 Mr Blé Goudé reacted immediately by organising a week-long tour of Abidjan to
16 mobilise the youth against the nomination of Mr Compaoré on the panel. He called
17 for a great mobilisation at the Place de la République for 5 February. Major rallies
18 would be held at the Place de la République. When they could not bring such huge
19 crowds, then the second place they would go to or location was at la Place CP1 in
20 Yopougon.

21 An impressive number of youth gathered at the rally. Government members,
22 numerous youth leaders and Simone Gbagbo were also present. Speaking to the
23 crowd, Mr Blé Goudé welcomed the initiative of creating an AU panel to resolve the
24 crisis. However, he opposed Compaoré's presence on the panel and said that
25 Compaoré was not welcome in Côte d'Ivoire. Why? Because of his connections

1 with the French President and alleged role in organising the 2002 rebellion in Côte
2 d'Ivoire.

3 On 20 February, the jeunes patriotes, once again, mobilised at the airport or mobilised
4 at the airport to prevent the expected arrival of Mr Compaoré while the other Heads
5 of State on the panel arrived to conduct separate meeting with Mr Gbagbo and
6 Mr Ouattara. Mr Compaoré, in the end, never came.

7 In the meantime, during the month of February, the FDS operations in Abobo
8 intensified. In an attempt to crack down on any opposition encountered in Abobo.

9 In turn, emergence -- emerging, sorry, resistance groups in Abobo hampered FDS
10 movements by erecting roadblocks throughout Abobo. Occasionally these groups
11 managed to capture weaponry from the FDS and carried out sporadic attacks against
12 FDS positions with a number of FDS casualties. The FDS responded with a heavy
13 military intervention.

14 On 21 February, the commander of the ground forces ordered the recruitment of
15 hundreds of former militia members into the FDS, and we will show you, your
16 Honours, the documents to prove it.

17 On 22 February 2011, Mr Gbagbo's ministers discuss how to refer to pro-Ouattara
18 demonstrators from that point on. They should be referred as rebels or terrorists.

19 That discussion on how to name the demonstrators offers an insight into the
20 calculated use of rhetoric by Mr Gbagbo's closest allies, the inner circle.

21 During this same meeting, the minister of defence advocated for a new approach to
22 deal with the rebels and I quote from the minutes in French: (Interpretation) "Now
23 the issue is to oust them, and we need significant resources and a new discourse."

24 On 23 February, youth leader Serge Koffi of the CRAC made a speech, part of which
25 was retransmitted on State television. He asked the pro-Gbagbo youth to remain

1 loyal to Mr Gbagbo and called on them to rise up and use their lethal weapons
2 against their opponents, the population living in Abobo.
3 He said, and I quote, "There are no good ones in Abobo population. We must hit in
4 the stack and God will save the innocent ones."
5 He then called on all the Ivorians to rise up to use lethal weapons to describe the
6 urban guerrilla we must rise up and remove these anarchist killers.
7 That evening, ministers and prominent members of the inner circle, including
8 Mr Blé Goudé, were again present at the residence for several hours.
9 It is also during that period that the rebel forces, known at that time under the
10 acronym of FIFN, started a military offensive in the west of Côte d'Ivoire beyond the
11 former comfort zone separating the north and the south of the country.
12 On 24 February, Mr Gbagbo held a meeting with the FDS high command and ordered
13 the FDS to do everything to reconquer Abobo and normalise the security situation.
14 When it was proposed that Abobo should be declared a zone de guerre, Mr Gbagbo
15 decided against this course. He ordered the armed forces to retake key strategic axis
16 in Abobo.
17 During a cabinet meeting that day, Mr Gbagbo issued an instruction to neutralise
18 those rebels in Abobo.
19 These instructions were followed by a call of Mr Blé Goudé to the youth on the 8 p.m.
20 RTI's news bulletin to mobilise. He urged all the youth of Côte d'Ivoire to prevent
21 the UN from driving and moving throughout Abidjan communes.
22 In the same speech, he called on the pro-Gbagbo youth to take part in a mass general
23 meeting convened to issue the last instructions, 23 February -- sorry, 24 February,
24 convenes a meeting for the next day to issue the last instructions at the bar Le Baron
25 in Yopougon at 9 a.m. The hour is given.

1 I want to pause just here. You will see footage taken in March, second half of March,
2 where you can see on this footage an FDS member or youth, if I'm not mistaken, with
3 a piece of paper. On it the licence plates of UN vehicles and the date 24
4 February 2011, same day Mr Gbagbo is saying we need to stop vehicles of the UN.
5 There's a list. It's on video.

6 The presidential residence logbooks of that evening show that Mr Blé Goudé visited
7 Mr Gbagbo on that 24th from 9.34 to 23.06 -- sorry -- 21.34 to 23.06, 10 hours to giving
8 his mot d'ordre at the bar Le Baron. The final 20 minutes of this visit coincide with
9 the presence of the chief of staff of the army.

10 The scene was set for the 25 February incident. Now, your Honours, you will recall
11 that only Mr Blé Goudé stands accused of this incident.

12 On 25 February at Bar le Baron in Yopougon, a general meeting for pro-Gbagbo youth
13 took place from about 9 a.m. You can see on the slide a visual presentation. It was
14 led by Mr Blé Goudé, who was supported by other youth leaders. Mr Blé Goudé
15 issued his promised mot d'ordres to the assembled youth. He ordered them to check
16 the comings and goings in their neighbourhood and to report any stranger or
17 foreigner entering their neighbourhoods.

18 The Bar le Baron meeting was swiftly followed -- sorry. We'll play the video.

19 (Playing of the video excerpt)

20 MR MACDONALD: There is an inside part of the Bar le Baron, there's an outside part and
21 you have in that video footage the amount of youth that are present listening to the speech.

22 The bar Le Baron meeting was swiftly followed by another general meeting nearby at
23 Place CPI in Yopougon now marked on the screen. Place CPI was a regular meeting
24 place, like I said earlier, for rallies and speeches and the dissemination of pro-Gbagbo
25 messages by the Galaxie Patriotique.

1 At this second meeting, Mr Blé Goudé repeated his message about reporting strangers
2 or foreigners. At the end of the meeting at Place CP1, the pro-Gbagbo youth in
3 attendance walked down the Boulevard Principal of Yopougon to the edge of
4 Doukouré neighbourhood.

5 As your Honours can see or now see on the screen, the Boulevard Principal is the
6 road dividing the Doukouré neighbourhood and the Yaho Sehi neighbourhood; Yaho
7 Sehi being a pro-Gbagbo neighbourhood.

8 The Doukouré neighbourhood is a, like I mentioned, predominantly Dioula
9 neighbourhood. The inhabitants of the Yaho Sehi neighbourhoods are
10 predominantly Bété or Guéré.

11 Pro-Gbagbo youth began throwing stones at youths from the Doukouré
12 neighbourhood and a clash broke out on the Boulevard Principal near a mosque
13 known as the Lem or Doukouré mosque.

14 Elements from the police and militia members joined the clash in support of the
15 pro-Gbagbo youth. Your Honours, you can now see the 16 arrondissement police
16 station marked on the screen.

17 The police fired upon and threw grenades at the Doukouré youth. During the
18 attacks, the Doukouré youth sought shelter in the courtyard of the Lem mosque.

19 The pro-Gbagbo youth and militia groups supported by police as well as elements of
20 the FDS attacked the mosque. They burned sections of the mosque and burned to
21 death the mosque's watchman.

22 Throughout the attack on Doukouré of 25 February, pro-Gbagbo youth, militia
23 members and police killed at least 13 members of the community and wounded at
24 least seven. At least six people were killed by being burned to death because the
25 youth not only went and threw rocks and there was an exchange of rocks, they

1 started setting up roadblocks, blocking that neighbourhood of Doukouré.

2 As for Blé Goudé, he was never far from events. At the conclusion of the meeting at
3 Place CP1, a motorcade of four-wheel-drive vehicles stopped at the 16th district police
4 station on Boulevard Principal near the Doukouré neighbourhood. Upon seeing the
5 motorcade, pro-Gbagbo youth chanted Blé Goudé's nickname, "Général, Général,
6 Général," and some even ran after the motorcade when it left the police station
7 moments later. At this time, the pro-Gbagbo youth were burning a Doukouré youth
8 just outside the police station.

9 Over the following three days, pro-Gbagbo youth and militia members burned to
10 death a further nine members of the Doukouré community. A police report of these
11 events concluded that several civilians had been burnt at roadblocks erected by
12 pro-Gbagbo youth.

13 Referring to the jeunes patriotes, the report found, and I cite in French:

14 (Interpretation) "While they were looking for weapons and rebels, as soon as any
15 individual seemed to them to be suspicious, he was automatically lynched and set
16 alight."

17 He continued again, and I cite in French: (Interpretation) "Only an appeal on
18 national television by the person who set up the roadblocks can really put an end to
19 this.

20 "Only an appeal on national television by the person who set up the roadblocks can
21 really put an end to this."

22 Your Honours, the evidence will show that this initiator was no other than the
23 accused Blé Goudé.

24 We will now show you evidence of youth, themselves, acknowledging that they were
25 following Blé Goudé's order of 25 February and had set up roadblocks and were

1 conducting searches in the houses of pro-Ouattara supporters.

2 On 1 March in a video, a youth even explained that they were coordinating their
3 operations with the FDS. We will show you that during the trial.

4 In subsequent speeches on 14 and 19 March and again on 5 April, Mr Blé Goudé
5 congratulated the youth for their work at the roadblocks. He encouraged them to
6 continue fighting and manning the roadblocks because they were, effectively,
7 discouraging the rebels.

8 Let me now bring you to the events that unfolded in Abobo only a few days later to
9 which Madam Prosecutor referred to in her opening remarks.

10 We also have a visual support.

11 In the morning of 3 March, over 3,000 women gathered in Abobo for a peaceful
12 demonstration. These women wanted to protest against human rights violations in
13 their neighbourhood and to ban Gbagbo's -- and to demand Gbagbo's resignation.

14 They assembled at the Banco Anador roundabout, which now appears on your
15 screen.

16 These women had no weapons. They carried only tree branches and posters with
17 anti-Gbagbo slogans in their hands. Your Honours, you will see the women now in
18 video footage at the beginning of the demonstration.

19 (Playing of the video excerpt)

20 MR MACDONALD: As the women were gathering at the Banco Anador roundabout, FDS
21 units left in a military convoy from the nearby Camp Commando, which is where they were
22 based and which is an FDS military post. The location of the camp can now be seen on the
23 screen.

24 The military convoy, including members of the FDS, headed towards the women's
25 demonstration. Their itinerary can be seen on the map on your screen.

1 When the convoy reached Banco Anador roundabout, the roundabout was bustling
2 with women and men. Then the unthinkable happened. The convoy opened fire
3 directly into the crowd. There was no warning and the brief and intense gunfire was
4 aimed at unarmed demonstrators.

5 Your Honours you will now see the video footage which captures what happened.

6 (Playing of the video excerpt)

7 MR MACDONALD: (Microphone not activated)

8 THE INTERPRETER: Microphone, please.

9 MR MACDONALD: Sorry. The slow motion excerpt of this video, which you will see now,
10 demonstrates that it is the cannon of the BTR 80 armoured personnel carrier at the head of the
11 convoy which fired the initial shot at the women. We will now show you that excerpt.

12 (Playing of the video excerpt)

13 MR MACDONALD: The sound which you just heard was the sound in slow motion of the
14 cannon firing.

15 You can see smoke emerging from the cannon in the following four screenshots taken
16 immediately before and during the shooting.

17 As you have seen, the FDS convoy that shot at the women consisted of five vehicles.

18 The BTR 80, belonging to the Garde Républicaine leading the convoy, a pick-up with
19 a mounted machine gun, a white ambulance, a vehicle carrying troops and an -- sorry,
20 an armoured vehicle belonging to the police nationale.

21 Seven women were killed as a result of this brutal shooting by the FDS units in the
22 convoy. Several others were injured. The footage of the incident captures six of the
23 seven victims. One of these women was heavily injured and died later that day at
24 the Abobo Sud hospital. We will now show you an excerpt of the victims, and the
25 images can be a bit troubling. I just want to warn.

1 (Playing of the video excerpt)

2 MR MACDONALD: And quickly a slide freeze frame of the six victims, your Honours, that
3 we took from this video.

4 The Prosecution was able, during its investigation, to locate among hundreds of
5 bodies buried in a mass grave the corpses of some of the victims of the 3 March
6 incident. Today, with the use of DNA analysis, we are able to confirm the identity of
7 three of these women.

8 Your Honours, we were thorough in that incident. We were thorough in that
9 incident because there is a complete denial by Mr Ouattara and Mr Gbagbo in
10 response to this horrific crime. One word. Denial.

11 On 4 March 2011, the day after the shooting, the government's spokesperson and the
12 FDS spokesperson denied any FDS responsibility for the incident. The FDS
13 spokesperson went further saying that FDS troops had remained in their camp in
14 Abobo during the incident.

15 By 4 March, broadcasts on RTI were denouncing the incident as a set-up, a montage,
16 even claiming that these images were fake. The State television RTI controlled by
17 Mr Gbagbo is advocating giving message claiming that these images are fake. Why?
18 Because they had a YouTube version. We have the original HD version that was
19 uploaded on YouTube, and we will present it to you. You will hear expert evidence
20 that this video is authentic, that the images and the sound were not altered in any
21 way.

22 On 5 March 2011, the Ministers of Interior and of Defence called a press conference.
23 They said that the media was manipulating public opinion and making unfounded
24 allegations against Mr Gbagbo's government.

25 On 8 March 2011, the council of ministers, the cabinet, again denied all responsibility

1 and advanced that accusations against the FDS were pure fabrication. What did the
2 commander-in-chief of the army, Mr Gbagbo, say or do in the face of such violence?

3 Nothing.

4 On 23 March 2011, Mr Blé Goudé, now member circle -- inner circle member,
5 co-accused in this case conveyed the message of the inner circle that the FDS could
6 not be responsible for the women's death on 3 March 2011 because Abobo was in
7 rebel hands at the time.

8 Your Honours, the Prosecution will argue that these denials show undoubtedly in the
9 face of such evidence a group of persons acting in concert to cover up a crime
10 committed in furtherance of the common plan. The denials are the plan, an
11 indication of the existence of a plan, proof that Mr Gbagbo and members of his inner
12 circle had the intent to stay in power by all means.

13 I now want to bring you back, your Honours, to 10 March. On that day, the Peace
14 and Security Council of the African Union, the group that had announced the heads
15 of state at the end of January, the 28th, now after their consultations, their meetings,
16 their visits to Côte d'Ivoire met in Addis Ababa in Ethiopia to review the situation in
17 Côte d'Ivoire.

18 The meeting endorsed the recommendations of the AU high-level panel. The panel
19 had declared that Mr Ouattara was the president elect of Côte d'Ivoire and requested
20 the chairperson of the AU commission to appoint a high representative for the
21 implementation of the overall political solution endorsed by the council.

22 It was now clear that without the AU support, Mr Gbagbo's Presidency was doomed.
23 From that moment, Mr Gbagbo and members of his inner circle, including
24 Mr Blé Goudé, knew that no political solution was possible. No peaceful solution
25 was possible. And the events and acts that followed and that I will now describe

1 demonstrate this.

2 That same day, the CNRD of Madame Gbagbo met. Recorded notes of the meeting
3 in her diary that day, and I quote: (Interpretation) "Mobilising population and
4 teach them to fight. Mobilise them and arm them. Find weapons for the youth.
5 The war has already begun. Help the youth to get weapons, equipment and avoid
6 positions on the defensive."

7 These words found their echo in what then happened.

8 On 12 March 2011, the government spokesperson visited Madame Gbagbo at the
9 presidential residence. That evening FPI President N'Guessan, Affi N'Guessan, and
10 Prime Minister Ake N'Gbo, together with the minister of finance, minister of interior
11 and the minister of defence, also had a meeting with Madame Gbagbo.

12 You will hear evidence, your Honours, that around that time, unfortunately we're not
13 able to put a precise date on it, supporting it by documentary evidence I mean, but at
14 that moment the thought of resigning crossed Mr Gbagbo's mind. But as the events
15 demonstrate, he clung to power using all means at his disposal because it was not
16 over.

17 On 13 March 2011, the minister of defence met with Madam Gbagbo at the
18 presidential residence for four and a half hours and he returned on the 14th, this time
19 to meet Mr Gbagbo.

20 On 14 March, the RTI showed Blé Goudé congratulating the youth for their work at
21 the roadblocks and encouraging them to continue fighting. He informed them then,
22 I quote: "un appel historique will soon be announced."

23 That evening, on 14 March, Laurent Gbagbo, Mr Gbagbo, met with 8 of his FDS
24 generals. Some cabinet ministers, including Mr Blé Goudé, also visited the residence.
25 The presence of the general was to reaffirm their loyalty to Mr Gbagbo and silence

1 rumours of defections within the ranks of the high command. We have the footage
2 of that. It was shown on RTI. And we have almost every single RTI news bulletin
3 of that period. We're missing 10, to be more precise.

4 And this brings me to the fourth incident, the shelling of Abobo, which I should be
5 able to present in the last 10 minutes. On 17 March, the FDS, based at Camp
6 Commando, launched several mortar shells onto a densely populated area in the
7 heart of Abobo, hitting at least three areas, the Derrière Rails neighbourhood, the
8 Siaka Koné market and the Abobo SOS neighbourhood. At least, if not more - that's
9 why we say at least - people, 30 people died and over 60 were injured.

10 A shell landed in the Derrière Rails neighbourhood and killed a woman as she was
11 walking home from the market.

12 Two more shells landed in the busy Siaka Koné market just opposite the mayor's
13 office.

14 One shell landed on the asphalt close to the main road and did not cause casualties.

15 The other shell landed next to a small market passage and instantly killed over a
16 dozen civilians. Many others were wounded and maimed by the explosion.

17 We will now, your Honours, present video footage of this incident, which again, I
18 warn you is distressing.

19 (Playing of the video excerpt)

20 MR MACDONALD: Not too far from the market, more shells were fired on at least four
21 locations in the Abobo SOS neighbourhood. One shell destroyed a house that was vacant at
22 the time. Fortunately, there were no casualties.

23 Another shell landed in front of a mosque in construction, injuring several civilians as
24 they were taking refuge inside the building. During the trial, you will hear from the
25 survivors.

1 A few metres away in the neighbouring street another shell hit a housing complex,
2 which has a communal inside garden, what we say in French "cour commune."
3 The explosion killed one man, your Honours. We will hear the evidence of an
4 elderly woman who was injured in the same explosion. Shrapnel marks are still
5 visible today on the walls of her home.
6 Another shell landed on a perpendicular street. A young mother and her
7 five-year-old boy were walking down the street when the shell landed right in front
8 of them. Her body was riddled with shrapnel, but she survived.
9 She will testify about how she watched her five-year-old son die in front of her eyes.
10 I will now show a picture of the child. Again, I warn you.
11 I will continue. With your leave, your Honour, I would kindly request that we break
12 here because we have a technical problem, so I propose, if you accept, that we break
13 and come back at --
14 PRESIDING JUDGE TARFUSSER: I say that.
15 MR MACDONALD: You say that.
16 PRESIDING JUDGE TARFUSSER: Okay. So yes, we have the break now and we come
17 back at 11.30 for the last -- probably the last part. Quite probably the last part, yes.
18 MR MACDONALD: I would think I would have around 30 minutes --
19 PRESIDING JUDGE TARFUSSER: Okay.
20 MR MACDONALD: -- maximum.
21 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much. So the hearing is
22 adjourned until 11.30.
23 THE COURT USHER: All rise.
24 (Recess taken at 10.55 a.m.)
25 (Upon resuming in open session at 11.31 a.m.)

1 THE COURT USHER: All rise.

2 Please be seated.

3 PRESIDING JUDGE TARFUSSER: Good morning again.

4 Mr MacDonald, the floor is yours to continue with your presentation. Thank you.

5 MR MACDONALD: Thank you, Mr President, your Honours.

6 I discussed it with my colleagues, and what we decided to do is the picture, we'll
7 show it during the trial, but not during the opening. What I will do is instead quote
8 from the testimony of that mother or statement, sorry:

9 (Interpretation) "There were injured and dead people everywhere around me as
10 well as people from the neighbourhood who had come to look. I looked around me
11 hoping to see my son. Despite my injuries, I got up to look for him. When I saw
12 him, I saw that his nose had been blown off and a bullet had hit his head. Some of
13 his brains were coming out. He was in the middle of the bodies of other people.
14 Just then he had the time to say 'Momma' and then he died."

15 At least one more person died at that location and many others were injured. Your
16 Honours, these innocent victims were civilians attending to their normal business.
17 They were targeted because they lived in Abobo and were therefore identified by
18 Mr Gbagbo and his inner circle as the enemy, as perceived supporters of Mr Ouattara.
19 How did Mr Gbagbo and members of his inner circle react? On 18 March on RTI,
20 the government spokesperson read a final communiqué which not only ignored the
21 incident completely, but instead put the emphasis on losses within the ranks of the
22 FDS and called on the Ivorians, and I quote in French: (Interpretation) "To show
23 greater responsibility and greater cooperation, we must have greater cooperation
24 between the citizens and the Defence and security forces so that all suspicious people
25 within our environment are neutralised."

1 On 22 March, the government spokesperson on RTI denied the crimes and accused
2 the international media of fabricating false information. He even claimed that the
3 government ordered an investigation and did not find any evidence of destruction
4 caused by mortar fire or any victims of the attack. They investigated and didn't find
5 anything.

6 The Prosecution's evidence will show, it will show you that this day, even today, to
7 this day, shrapnel marks are still visible on walls at the Siaka Koné market and in the
8 Abobo SOS. The surviving victims still bear the physical scars left by their wounds,
9 and we will present that evidence to you.

10 The Prosecution's evidence will demonstrate that by opening mortar fire on a densely
11 populated area, area -- knowing that mortars by their very nature preclude
12 discriminate targeting, the FDS' intent to kill civilians in Abobo was clear.

13 Let me come back to Mr Gbagbo's message conveyed through his spokespersons on
14 18 March, calling for a greater collaboration between Ivorians and the FDS so that all
15 suspicious presences in our environment are neutralised.

16 You may recall that Mr Blé Goudé had delivered a similar message on 24, 25 February
17 leading to the erections of roadblocks by the youth and the killing, burning and
18 persecution of perceived Ouattara supporters in total impunity and with the
19 complicity of the FDS.

20 Now, with this message, it was the president himself, Mr Gbagbo himself calling
21 upon his supporters, including the youth, to act.

22 Once again, Mr Blé Goudé was at the forefront of the inner circle's strategy. On 19
23 March 2011, he rallied thousands of youth and called upon them to enrol in the army
24 and fight to keep Gbagbo in power. That moment there is no political solution. Mr
25 Ouattara is declared, according to the African Union, Mr Ouattara is the winner.

1 What's left?

2 Before Mr Blé Goudé took the stage, a master of ceremony told the crowd to be ready
3 "to free Côte d'Ivoire from vermin once and for all." And his words were greeted by
4 cheers as a crowd-warmer, he was cheering on the crowd before Blé Goudé. Once
5 on stage, Mr Blé Goudé told the crowd that in Abobo, Mr Gbagbo's supporters were
6 tortured and their throats slit by Ouattara's men. This, he said, demonstrated that
7 they were not Ivorian. And I quote, "When you slit people's throats, whereas it's not
8 part of our culture; when we say that you don't come from here, your very actions
9 show that you're not from here."

10 On 21 March 2011, following Mr Blé Goudé's appeal, thousands of pro-Gbagbo youth
11 gathered at army barracks around Abidjan to enlist. The evidence will show that in
12 the following weeks the official enlistment did not materialise, but instead the
13 pro-Gbagbo youth were provided with weapons, firearms and openly collaborated
14 with militias, mercenaries and FDS troops remaining loyal to Mr Gbagbo.
15 FDS officers in the parallel structure facilitated the distribution of arms to the youth.
16 This extensive distribution of arms contributed to an upsurge in violence by the
17 pro-Gbagbo youth in the weeks that followed.

18 On 26 March 2011, Mr Blé Goudé held his last major rally at the Place de la
19 République calling on the youth to stay on the streets. He was filmed on his way to
20 the rally. We will show you a small extract that once again provides a great insight
21 into the mindset of the accused and his awareness of the power and influence he held
22 over the youth. Note also what he says about collateral effects in a revolution.

23 (Playing of the video excerpt)

24 MR MACDONALD: The events that followed show that the inner circle's concerted efforts
25 to enrol the youth and provide them with weapons was an expression at their last attempt to

1 hold on to power.

2 On 31 March, the Forces Nouvelles, by that time renamed by Mr Ouattara as the
3 Forces Républicaines de Côte D'Ivoire or commonly known as the FRCI, had made
4 their way from the north of the country and marched into Abidjan via the west, like I
5 was mentioning earlier, and other parts of the country. The battle that followed
6 became known as the battle of Abidjan.

7 From that point on, rumours began circulating that Mr Blé Goudé had fled to Ghana.
8 Meanwhile Mr Gbagbo had taken shelter in his residence.

9 On at least three occasions in early April 2011, the RTI broadcasted, sorry, videos and
10 messages of Mr Blé Goudé encouraging his supporters and claiming he had not left
11 the country, but he was where he needed to be. He encouraged the Young Patriots
12 to reinforce the roadblocks and continue fighting alongside the FDS.

13 Similarly, in the days preceding Mr Gbagbo's arrest, the other members of the inner
14 circle and members of the pro-Gbagbo forces used the RTI to relay instructions and
15 messages to Mr Gbagbo's supporters. They called on anyone who was able to help
16 to do so. They even asked civilians to go to Mr Gbagbo's residence to serve as a
17 human shield. Among the forces defending Mr Gbagbo's residence at that time were
18 militia and mercenaries.

19 On 9 April 2011, from the confines of his presidential residence, Mr Gbagbo and
20 members of his inner circle who remained with him issued a communiqué. It started
21 that Mr Gbagbo, and I quote, "sympathized with the suffering," end of quote, meted
22 out by Ouattara and his terrorists, so spurring on the pro-Gbagbo forces to keep up
23 the fight.

24 The stage was set for the events that would follow. On 11 April, after the
25 bombardment of the presidential residence, the FRCI arrested Mr Gbagbo and others,

1 including members of his inner circle, who had been hiding with him in an
2 underground bunker at the residence.

3 When the news of Mr Gbagbo's arrest broke out, the crimes did not stop. The
4 common plan continued to be implemented. The forces loyal to Mr Gbagbo
5 continued their fight in the commune of Yopougon, the pro-Gbagbo stronghold that
6 we see again on our screens.

7 They attacked the neighbourhoods of the commune that were perceived as
8 pro-Ouattara, Mamie Fatai, Doukouré. They attacked civilians from these
9 neighbourhoods based on ethnic, national, religious or political grounds, again, since
10 those who lived in that area were mostly from Dioula ethnicity.

11 The pro-Gbagbo forces that included pro-Gbagbo youth, militia and mercenaries
12 attacked civilians in the streets or forced their way into their homes. Armed with
13 Kalashnikovs and machetes, they killed the men they identified as Dioula or
14 Northerners or simply because they were perceived to be pro-Ouattara. In Mamie
15 Fatai, the corpses of 10 -- 18 murdered men were identified that day as men of the
16 Dioula ethnicity, all from the neighbourhood of Mamie Fatai.

17 And when we say on or about 11 or 12, sorry, of April, it's because these 18 men
18 would have died the evening, the night leading from 11 to 12.

19 On the same day of 12 April, pro-Gbagbo militiamen could be heard saying they were
20 going to kill all the Dioulas today, and they were seen murdering men.

21 Women were raped during these attacks, some were gang raped. In a suburb of
22 Mamie Fatai, Witness P-0185, a minor at the time, was raped by two pro-Gbagbo
23 men who entered her house. These men took away P-185's father along with two
24 other men saying that they would kill them. P-0185 never saw her father again.
25 She says that the perpetrators said they were going to kill them all and, in French,

1 (Interpretation) "You want to take our country from us."

2 Other women were raped in the presence of their children.

3 The toll of that day, pro-Gbagbo forces killed at least 62 people, mostly, if not all, men,
4 raped at least 8 women and wounded at least 2 people.

5 These numbers are obviously conservative numbers.

6 On the screen we see the satellite image of the Lem mosque of Doukouré and right
7 next to it a square which shows one of the mass graves where some of the victims of
8 the attack were buried.

9 If you'll allow me just a second.

10 We are going to see a video, your Honours, of the burial of the corpses and this mass
11 grave, filmed on 14 April 2011, sorry. We'll see corpses covered with sheets and
12 clothing lined up one after another. There were at least 34 corpses buried in this
13 mass grave.

14 (Viewing of said video excerpt)

15 MR MACDONALD: These crimes committed on 12 April were not isolated acts. They
16 were the result of the incitements to hatred and violence disseminated throughout the crisis,
17 as well as the arming and financing of pro-Gbagbo youth, militia and mercenaries loyal to
18 Mr Gbagbo. These crimes were the continuation of the implementation of the common plan,
19 conceived and developed by the two accused.

20 I now come to the final part of this presentation dealing with the acts and omissions
21 of Mr Gbagbo and Mr Blé Goudé which give rise to their criminal responsibility over
22 the charged crimes pursuant to the modes of liability under Articles 25 and 28 of the
23 Statute.

24 Your Honours, the applicable law on the modes of liability included in the Decision
25 Confirming the Charges has been addressed in the Prosecution's pre-trial brief. I

1 will first begin with the responsibility of the accused Mr Gbagbo. He is individually
2 liable for the charged crimes pursuant to Articles 25(3)(a), (b) or (d) and on notice in
3 relation to Article 28.

4 These modes of liability are charged as alternatives and in our case -- and it is our case
5 that Mr Gbagbo could be held liable under each of these modes.

6 Your Honours, there is no strict hierarchy between modes of liability. Nevertheless,
7 I will begin with the mode which best captures Mr Gbagbo's involvement, that is to
8 say, his contribution to a common plan pursuant to Article 25(3)(a).

9 As you have heard, your Honours, a common plan existed between members of the
10 inner circle and the two accused. This plan aimed at maintaining Mr Gbagbo in
11 power by all means including the use of violence and the commission of the charged
12 crimes. At least by 27 November 2010, this plan evolved to encompass a State policy
13 aimed at committing a widespread or systematic attack against perceived Ouattara
14 supporters.

15 In order to further the common plan, Mr Gbagbo, as well as the other members of the
16 inner circle, used an organised structure of power, and this structure, your Honour,
17 was composed of the pro-Gbagbo forces, which I recall included the FDS, the youth,
18 the militia and the mercenaries.

19 Gbagbo was able to exert his authority over the pro-Gbagbo forces through the
20 official and unofficial chain of command. By the unofficial chain of command we
21 mean the parallel structure, which I had described earlier. As a result of the
22 structure of the pro-Gbagbo forces and his authority over them, Mr Gbagbo was able
23 to cause his forces to contribute to the crimes.

24 The essential contribution that Mr Gbagbo made towards the charges -- the charged
25 crimes falls under four categories, your Honour:

1 First, Mr Gbagbo designed and espoused a common plan by ensuring that his wish to
2 remain in power was clearly enunciated. "On gagne ou on gagne" is but one
3 example of his express intentions.

4 Second, Mr Gbagbo established a military structure which was loyal to him by
5 promoting military officers, by appointing members of ethnic groups to the key
6 positions within the army, by concentrating weapons and equipment in their military
7 units.

8 Third, by way of regular meetings, briefings, instructions issued to his subordinates,
9 Mr Gbagbo coordinated the implementation of the common plan.

10 Fourth, he provided support to militia and youth groups by providing them with
11 training, weapons and financial means. It is clear that without Mr Gbagbo's
12 contribution, the crimes would not have been committed or would have been
13 committed in a significantly different way.

14 The evidence will show that Mr Gbagbo intended to remain in power by all means
15 and acted intentionally and was aware that the crimes would occur in the ordinary
16 course of events. Pattern evidence.

17 In addition, Mr Gbagbo was fully aware that by implementing the common plan, it
18 would result in violence leading to the crimes we are concerned with.

19 Ordering. Mr Gbagbo was also -- may also be held responsible by ordering. The
20 same factual circumstances described above may be applied under this mode of
21 liability as it requires the person who orders to hold a position of authority,
22 commander-in-chief, he's the president; a positive act in the form of the issuance of
23 instructions; an awareness that the crimes will be committed in the ordinary course of
24 events.

25 The Prosecution's pre-trial brief already canvasses how the earlier mentioned acts

1 may also amount to ordering.

2 Acting with a common purpose. Your Honours, Mr Gbagbo is also liable under
3 25(3)(d) for contributing to the commission of the charged crimes by a group of
4 persons acting with common purpose.

5 Again, we refer your Honours to the pre-trial brief for the modes of liability.

6 Briefly, your Honour, on command responsibility. Mr Gbagbo may also be held
7 liable for the crimes committed by his subordinates under the doctrine of command
8 responsibility pursuant to Article 28. As noted by the Pre-Trial Chamber in the
9 confirmation decision, the narrative of the facts of this case points to Mr Gbagbo's
10 criminal responsibility, sorry, under Article 25. However, Mr Gbagbo, as
11 commander-in-chief may, at a minimum, be held responsible for failing to prevent,
12 repress or punish the crimes committed by subordinates.

13 Not only was he the de jure commander-in-chief of the armed forces but he de facto
14 also had control over the FDS.

15 The functioning reporting system meant that, as president of the Republic and
16 commander-in-chief, he was informed of the situation on the ground on a daily basis.
17 Finally, he failed to take all necessary and reasonable measures to prevent the crimes,
18 and in the case of the incidents of 16 December, 3 March, 17 March, he failed to adopt
19 measures to investigate and punish the perpetrators. On the contrary, the evidence
20 will show that Mr Gbagbo made attempts to cover up these crimes.

21 Mr Blé Goudé. In the confirmation decision approved four charged modes of
22 liability under Article 25(3), that is paragraph (a), (b), (c) and (d).

23 Beginning with Articles 25(3)(a), the Pre-Trial Chamber confirmed that Mr Blé Goudé
24 may be held liable for crimes of murder, rape, other inhumane acts and persecution
25 committed in the context of two of the five incidents; namely, the events of 25 to 28

1 February in Yopougon as well as the 12 April incident also in Yopougon.

2 I have already outlined the common plan to keep Mr Gbagbo in power, so we're not
3 going to come back to that.

4 But with respect to Mr Blé Goudé, his particular control, and this is what is important,
5 was exerted over the pro-Gbagbo youth. This is shown most clearly by his
6 recruitment of the youth into the FDS, as well as his recruitment, training, financing
7 of militia and mercenaries.

8 It is also about his orders. It is also about the fact that he's asking them to wait, to be
9 ready. Mr Blé Goudé's contribution to the common plan was essential to the
10 implementation of that plan in the following way:

11 He exerted authority, control and influence over the youth, mobilised them to commit violent
12 acts, exerted influence over the armed forces, at least within the parallel structure, through his
13 speeches and interactions with key members of the FDS. What influence does Mr Blé Goudé
14 have on the acts of the FDS when he's sitting next to -- he's standing next to Mr Mangou in
15 January, the two generals, side by side, the youth and the army?

16 He contributed to the financing of the activities of the pro-Gbagbo youth, contributed
17 to the recruitment of pro-Gbagbo mercenaries and he held meetings with Mr Gbagbo
18 and other members of the inner circle.

19 In particular, in respect to the 25-28 February incident in Yopougon, he issued
20 instructions to the pro-Gbagbo youth at the bar le baron. To do what? To prevent
21 the UN from driving and moving throughout Abidjan communes, this order he had
22 already issued the night before on RTL, to check comings and goings in their
23 neighbourhoods and report any stranger or foreigners entering their neighbourhood.

24 And on that same day, Mr Blé Goudé was seen at the meeting place known as
25 Place CP1.

1 In particular, now this time with 12 April incident, although it is claimed, and this is why I am
2 highlighting this, Mr Blé Goudé had already fled to Ghana by that time of the incident, his
3 contribution preceded the realisation of the crimes in that he had engaged in sustained efforts
4 to mobilise the youth, in particular in Yopougon, for the purposes of violence against civilians;
5 two, he delivered speeches and public statements to members of the youth, militia and
6 mercenaries.

7 As a result of the structure of the pro-Gbagbo forces, Mr Blé Goudé's role in the inner
8 circle and his authority over components of the pro-Gbagbo forces, he was able to
9 cause these forces to contribute to the crimes.

10 As to Mr Blé Goudé's intent and knowledge, he took part in conceiving the common
11 plan and contributed to it in full awareness of the consequences, that is, the
12 preparation of the crimes charged.

13 Ordering under 25(3)(b).

14 The evidence will demonstrate that Mr Blé Goudé was in a position of authority over the
15 pro-Gbagbo youth. He's the general. He's recognized as the general. They treat him as
16 the leader. Even the other youth leaders, if there is internal fighting, they still follow his
17 message, follow his lead.

18 Mr Blé Goudé also incited the pro-Gbagbo forces to commit the crimes charged by
19 encouraging, condoning and legitimising their criminal conduct.

20 I refer your Honours to our pre-trial brief for more details on this mode.

21 C, 25(3)(c). Mr Blé Goudé's moral encouragement to direct perpetrators also gives rise to the
22 mode of liability under Article 25(3)(c), aiding and abetting. In addition, he provided ex post
23 facto encouragement and endorsement of crimes committed, as well as material support in
24 the form of financial support, training and armament.

25 Mr Blé Goudé clearly intended to assist the commission of the crimes and was aware that this

1 conduct would assist the direct perpetrators.

2 Finally under 25(3)(d), Mr Blé Goudé's conduct constituted moral encouragement and
3 material support or other assistance to the group of persons acting with a common
4 purpose who committed the crimes charged. The factual circumstances described
5 earlier equally apply to this mode of liability. And again, we refer to our pre-trial
6 brief.

7 In conclusion, your Honour, let me now say the following: At the start of our
8 presentation of the evidence in this case, we will call six crime-base witnesses, six
9 Ivorian men and women who will tell their own stories - stories of injury and loss
10 suffered as a result of the crimes with which these two accused are charged.

11 The evidence in this case will show beyond a reasonable doubt that the two accused
12 are individually and criminally responsible for these crimes, for all the crimes with
13 which they are charged.

14 Your Honours, the Prosecution's evidence in this case and nothing else will speak,
15 will speak for itself.

16 Thank you.

17 PRESIDING JUDGE TARFUSSER: Thank you, Mr MacDonald. Thank you to the Office of
18 The Prosecutor.

19 Before giving the floor to the Legal Representative of Victims, I will just read out an
20 oral decision on the alternate witness issue because this is an issue which is still
21 pending, and I think it's time to decide it now.

22 So before giving the floor to the Legal Representative of Victims, the Chamber will
23 now render an oral decision relating to the order of appearance on witnesses, the
24 decision on the so-called alternate witnesses.

25 It is necessary to give the decision today and at this stage to preserve the efficiency of

1 the proceedings, also in light of the complexity of the logistical arrangements under
2 the responsibility of the Victims and Witnesses Unit.

3 This decision gives you also a first example of the concrete exercise of the trial
4 management powers that this Chamber is determined to exercise and is as such a sort
5 of materialisation of the general principles, orality, fairness, expeditiousness, Defence
6 rights, et cetera, I referred to yesterday.

7 On 21 January 2016, the Prosecutor notified the Chamber, parties and participants of
8 her intention to amend the order of appearance of the witnesses as follows:

9 One, Witness P-0185, whom had been indicated as an alternate witness would be
10 called as fifth witness instead of Witness P-0398;

11 And two, Witness P-0579 also originally indicated as an alternate witness would be
12 called as seventh witness before Witness P-0369, whose testimony was originally
13 foreseen in seventh place, but would not be completed before the first recess in the
14 Chamber's sitting schedule.

15 The Defence for Mr Gbagbo objected to these changes saying that somehow it would
16 undermine the rights of the Defence because of the preparation.

17 The Chamber notes that as stated by the Defence for Mr Gbagbo, the notion of
18 alternate witnesses was introduced by the Prosecutor on her own initiative and not in
19 compliance of any order by the Chamber.

20 As was stated in the status conference held on 14 January 2016 as a matter of principle,
21 alternate witnesses will have to be heard after the first 20 witnesses have completed
22 their testimony. They, and I quote myself, obviously better than the way it is written
23 in the transcript, "Should go to the end of the row in order to give to the Defence
24 sufficient time to prepare. This is absolutely clear. We will assure this in any case.
25 Don't worry, Mr Altit." End of quote.

1 Indeed, the Chamber ordered the Prosecutor to indicate the first 20 witnesses and the
2 order in which they would be called in order to facilitate the preparation of the
3 Defence and of the Chamber, in this way contributing to the efficient conduct of the
4 testimonies.

5 This objective can only be met if the order as announced is respected and not
6 changed.

7 The Chamber is obviously aware that the circumstances of these proceedings might
8 make it sometimes necessary and appropriate to adjust the schedule of the
9 appearance of the witnesses.

10 The Chamber certainly expects that the parties cooperate in good faith so that an
11 agreement might be reached whenever possible.

12 However, it does agree with the Defence that by introducing the notion of alternate
13 witnesses, the Prosecutor has to a certain extent deviated from the Chamber's
14 instruction and introduced a margin of uncertainty which is not desirable.

15 Nor does the Chamber wish to accede to the Defence's alternate request that should
16 the change be authorised, the Defence should be allowed for a suspension of the
17 hearing in order to prepare.

18 It is indeed highly undesirable to disrupt the course of the proceedings already at this
19 early stage.

20 Accordingly, the Chamber rejects the Prosecutor's request to amend the order of
21 appearance of witnesses.

22 That said, the Chamber reiterates that the parties are strongly encouraged to always
23 liaise in good faith with a view to finding an agreement whenever possible.

24 In particular, in respect of Witness 579, who would not come before at least two
25 weeks and for whom the Prosecutor states that the testimony is limited in time and

1 could be easily completed before the first recess, easily completed in time and
2 therefore also not so heavy to be studied, I would say, to be prepared, I repeat that the
3 parties are strongly encouraged to sit together and find an agreement also in light of
4 the logistical arrangements as put in place, as put in place by the VWU.

5 This is the decision on the alternate witnesses.

6 I give now the floor to Mrs Massidda, I suppose, for the VWU to present her case.

7 Thank you.

8 MS MASSIDDA: (Interpretation) Thank you very much, your Honour. Yes. I can
9 confirm that my statement should take 45 minutes to an hour; that is, we'll be able to be
10 completed within the time that's remaining this morning.

11 Mr Presiding Judge, your Honours, 726 victims are participating in this trial, women,
12 men and children who suffered directly from the events that took place in the
13 Republic of Côte d'Ivoire between November 27, 2010 and May 8, 2011.

14 Some of them suffered physical violence, sexual violence and were humiliated and
15 still bear today the signs of this humiliation, which also means they're stigmatized.

16 For others, the murder of their loved ones, in particular family members, is something
17 that they will never forget. They all suffered from moral damage, psychological
18 suffering; and in addition to that, for most of them, physical suffering.

19 To break the silence, that is what most of the victims hope for today, the victims that I
20 represent. Break the silence regarding the horrible events that they had to live
21 through, silence which prevents justice. Speaking out is the first step to establishing
22 truth and providing access to justice.

23 Breaking the silence, lastly, by being able to put words on acts, identifying the crimes
24 that correspond to the suffering and the damage that they underwent, providing a
25 response to the events that occurred.

1 The victims that I represent today all describe the events that they lived through and
2 show the particularly cruel nature of the crimes that they suffered, but also the
3 widespread and systematic character of these crimes, widespread character because
4 of the scope of the attacks and the crimes committed.

5 In geographic terms, first of all, all of the neighbourhoods and areas of Abidjan were
6 impacted, but also other regions of the country, Gagnoa, Divo, Daoukro,
7 Bédi-Goazon.

8 The widespread character because of the large number of victims, families and entire
9 communities were impacted. The widespread character because of the age of the
10 victims and their gender without any limit or respect for the vulnerability of some of
11 these individuals. The widespread character, lastly, because of the very nature of the
12 crimes committed impacting all of the victims in human terms but morally, physically
13 and materially.

14 Some of the victims were arrested when they were going to peaceful demonstrations.
15 Sometimes they were kidnapped, tortured, detained without any reason for weeks in
16 police stations and detention centres.

17 Others saw their sons, daughters, mother, father, uncle, aunt, neighbour, brother or
18 sister shot in cold blood, sometimes right in front of them before their very eyes
19 during attacks that took place in public places, in places of worship, in their homes or
20 on their own property.

21 Many young girls and women were the victims of sexual violence regardless of their
22 age. Entire communities had to hide for fear of being arrested simply because of
23 their family name or their country of origin or the neighbourhood where they lived.

24 The Conseil Supérieur des Imams of Côte d'Ivoire, in a press release issued March 30,
25 2011, denounced the attacks and destructions of mosques and Muslim places of

1 worship and stated, and I quote: "The crisis that is undermining our country for
2 more than ten years now finds its source in a number of political issues that have not
3 been dealt with and that have been described inappropriately." End of quote.

4 Indeed, the numerous attacks of mosques and the areas around the mosques were
5 recurrent.

6 Between December 17, 2010, and March 9, 2011, victims have indicated that the
7 following mosques have been attacked: The Andokoi 3 mosque in Abobo, the
8 Bougouniquin mosque in Abobo, the Lem mosque in Yopougon, the Sideci mosque at
9 the market in Yopougon, the Dabré mosque in Alépé, the Grande mosque in
10 Koumassi, the Banco mosque in Yopougon, le Blackauss mosque in Cocody, the Fitya
11 in Abobo, the Kouté mosque in Yopougon.

12 Between 8 and 19 March 2011, the grand Imam of Bloléquin and his son, the Imam of
13 the Grande mosque in Port-Bouet 2, the Imam of the mosque Zawiya and his son
14 were killed.

15 These attacks were prepared carefully and aimed at individuals from certain ethnic
16 groups who were considered, right or wrong, as being followers of a political
17 adversary that had to be prevented by all means from winning the presidential
18 election. Your Honours, the massacres that were carried out during the crisis, the
19 groups of people targeted, and the criteria used for this targeting require some
20 historical reminders.

21 Since the colonial period, Côte d'Ivoire is one of the main destinations of West African
22 migratory flows. This immigration, this subregional immigration, is accompanied
23 by internal migrations, that is from the northern part of the country towards the
24 south.

25 These migratory movements were related to the cocoa and coffee plantation

1 agriculture by the French coloniser in the forest zones in the southern cities, which are
2 different from the northern savannah, more desert-like areas.

3 Following the independence of the country on August 7, 1960, this policy was not
4 called into question. The president, Félix Houphouët-Boigny, implemented a
5 strategy to welcome foreigners in order to support the economic development of the
6 country.

7 This policy largely contributed to the so-called Ivorian miracle in economic terms. It
8 also led to a change in the composition of the Ivorian society, which was organised in
9 a sort of ethnical and linguistic mosaic. Côte d'Ivoire, indeed, is composed of some
10 60 different cultural groups.

11 In addition to this mosaic, there is religious differences that prevail. And in addition,
12 there are a very large number of West African and European foreigners in Côte
13 d'Ivoire.

14 This diversity has become a source of tensions within the communities used for
15 political purposes in the context of political, economic, and social crisis starting from
16 the '80s.

17 The political stability of Côte d'Ivoire, which was presented for a very long time as a
18 model, came to an end with the death of Félix Houphouët-Boigny, as the Prosecution
19 has already described; that is on December 7, 1993.

20 The war of cessation between the two heirs, that is Alassane Ouattara and Henry
21 Konan Bédié, was crystallized around the definition of Ivorian identity, which called
22 into question the policy of openness and integration of foreigners.

23 Bédié introduced the reference to identity into the national debate by reactivating an
24 old concept, which is called "Ivoirité." This new word was used for the first time in
25 1974 in an Article entitled "Ivoirité et Authenticité," "Ivoirité an Authenticity," which

1 was published in the paper *Fraternité Matin*, which was close to the party PDCI,
2 which was the single party since independence and up until 1990.

3 However, this concept was set aside and somewhat forgotten during a period of
4 economic development and expansion, in particular in the presidential discourse,
5 which was in favour of integrating foreign immigrants.

6 The term "Ivoirité" was again made official during a presidential speech given at the
7 tenth Congress of the PDCI on August 26, 1995. The policy of openness to African
8 brothers and national integration was called into question.

9 The ideologists of the PDCI, that is the party that was in power at the time, launched
10 a new slogan: Houphouët-Boigny was the president of the Africans. Henri Konan
11 Bédié will be the president of the Ivorians.

12 The construction of the new Ivorian nation was based on a distinction between
13 Africans on the one hand and the Ivorians on other hand.

14 The concept opposed the Ivorians who, for the majority of Muslims, are from the
15 northern savannah areas and the Christian Ivorians from the south forest areas. The
16 ethnic groups in the south were mostly Christian or animis, and they developed the
17 idea that the Muslim migrants from the northern savannas had never been at home in
18 the south. The assimilation of northern Ivorians and Muslim foreigners from
19 French-speaking West Africa reinforced the feeling that the northern Ivorians were, in
20 fact, foreigners.

21 The people, the ethnic groups from the north, in particular the Dioula and the
22 Malinkés had identical family names to the ethnic immigrants coming from
23 neighbouring countries, in particular Burkina Faso, Mali or Guinea.

24 They were at that point systematically suspected of being foreigners, and there were
25 many cases of injustice done to them. Some of them had their ID cards taken by the

1 police, confiscated, and they were no longer able to obtain new ID cards or passports
2 or even a certificate of nationality in order to be able to vote.

3 On August 26, 1995, Henri Konan Bédié, who was president at the time, reinforced
4 the concept of Ivoirité. The idea was that a person would be Ivorian only if
5 four -- their four grandparents were born in Côte d'Ivoire. According to him, this
6 concept made it possible for Côte d'Ivoire to better preserve its identity. This would
7 also enable them to push out his main political rival, Alassane Ouattara, who came
8 from the north of the country. The fact that he had studied in Burkina Faso and that
9 he had occupied high level positions for Burkina Faso made it possible to reject his
10 candidacy.

11 The history of Côte d'Ivoire was to change on December 24, 1999. It was a turning point
12 following a mutinerie. There was a coup d'état. Henri Konan Bédié was overthrown by
13 and replaced by General Robert Guéï. The concept of Ivoirité was still used in the policy of
14 the country to reject Ivorians of questionable origin.

15 On July 23, 2000, a new constitution was adopted by referendum. In Article 35 of
16 that constitution it states, "Any candidate to the post of president of the Republic
17 must be Ivorian in origin. The father and mother must also be Ivorian in origin, and
18 they may never have claimed any other nationality."

19 Because of the application of this article, the new candidacy of Alassane Ouattara in
20 the October 6, 2000 -- in the 2000 elections was invalidated by a decision taken by the
21 Supreme Court on October 6, 2000.

22 The repression organised by General Guéï and then later on by the pro-Gbagbo forces
23 and the militants of the RDR contested the exclusion of their leader. This repression
24 even was extended to people who were assimilated to RDR militants because of their
25 national, ethnic or religious origin.

1 The massacres that took place in the year 2000 never led to any punishment; total
2 impunity.

3 National unity was already seriously shaken up when there was an attempted coup
4 d'état on September 19, 2002. As the Prosecution explained yesterday, this led to a
5 division of the country into two parts, the south, south controlled by the FANCI and
6 the north controlled by the FAFN.

7 The date of September 19, 2002 does not represent the culminating point of the
8 gradual deterioration of the social and political atmosphere in Côte d'Ivoire that
9 began with the death of Félix Houphouët-Boigny.

10 Most of the victims that I represent consider that the 2002 events were directly linked
11 to the events that were to take place during the post-electoral violence during the
12 crisis that took place in 2010-2011.

13 In their opinion, the crimes that took place between November 28, 2010 and May 8,
14 2011 can be understood in the context of the policies promoted by the FPI members
15 when they came into power in October 2000.

16 The events that took place at the end of 2010, early 2011 can find their origin in this
17 very concept of Ivoirité and the political application of this policy and therefore must
18 be understood in light of recent Ivorian history.

19 The crimes suffered by the victims that I represent have been committed in the
20 context of the implementation of a carefully organised plan, the purpose of which was
21 to keep in power and at all cost Mr Laurent Gbagbo through the use of both private
22 and public means.

23 To this end, there was a media campaign that was carried out in order to destabilise
24 Alassane Ouattara and the RDR militants and anyone assimilated to them because of
25 their national origin, their ethnic appurtenance or their religion.

1 This campaign was aggravated as a result of the different meetings organised by the
2 FPI during the presidential campaign. The written press and the social media were
3 used as support for this policy.

4 Your Honours, it will not have escaped you that there are certain themes, certain
5 issues that emerge as of 1995 and that we see again during the events of 2010 and
6 2011.

7 On 24 November 2010, Ben Soumahoro, former director of the RTI and a member of
8 National Assembly facing the FPI militants at the Cocody communal centre said, and
9 I quote: "How can I imagine for one moment that you allow people to continue to
10 insult Ivorians? We will not mince our words in telling you who they are, what they
11 do, what they have been, and what they are trying to conceal from us. Everything
12 will be revealed.

13 Dear friends, I plead guilty to the crime of selective xenophobia. Alassane Ouattara
14 is a foreigner." End of quotation.

15 In this context, it is clear that the crimes perpetrated between 28 November 2010 and 8
16 May 2011 are to be seen in the context of a concerted plan which served to maintain
17 Mr Gbagbo in power. This plan required the destruction of his opponent and all
18 those who supported him through all possible means.

19 The targets were selected because of their ethnic origin, Dioula, Mossi, Senoufo,
20 Baoulé or because of their religion, Muslim, or because of their nationality, citizens of
21 Western African States such as Mali, Burkina Faso and Niger.

22 The events with which we are dealing led to hundreds of deaths and hundreds of
23 injuries and hundreds of women raped. The number of victims is far greater than
24 the number of victims admitted to participate in this trial.

25 All the victims that I represent here today have difficulties in rebuilding themselves.

1 They don't have enough money to seek health care. They don't have any real
2 assistance at all. They have been traumatised by what they have experienced, and
3 that still makes up a large part of their daily lives, and it means that they are life-long
4 victims.

5 The victims still live in the areas where they suffered the crimes. In the town of
6 Abidjan, in the very same neighbourhood, you have cohabitation of groups of
7 different ethnic origin, different religion. So the victims are still cohabiting with
8 their tormentors at the very place where the crimes they suffered were carried out.

9 Let me just give you one example. The neighbourhood of Yopougon, historically,
10 was inhabited by people from the western part of the Côte d'Ivoire, pro-Gbagbo
11 people. In fact, it's for that reason that that neighbourhood has always set itself up
12 as being a bastion of the FPI. Then, through urbanisation, people from the north of
13 the country came to live in that same neighbourhood.

14 So whether we're talking about Mamie Fatai or Doukouré, the victims I represent
15 find that they are now in a minority and have to live side by side with their
16 aggressors.

17 In addition to the constant re-victimisation, this situation of cohabitation means that
18 the safety and security of the people in this area is highly precarious. The former
19 president, however, could not have acted alone. A plan of such dimensions could
20 not be carried out just by one individual. Indeed, this plan was established and
21 implemented thanks to the actions of Mr Gbagbo's entourage, his inner circle.

22 Let me say at this point that the victims deplore the fact that Mrs Gbagbo is not also in
23 The Hague. They feel that the truth of the events that occurred during the
24 post-electoral crisis will never be fully revealed, nor will their stories be truly
25 understood until the major role played by the former first lady during the crisis be

1 shown up before a court of law.

2 Indeed, they consider that the trial that occurred in Côte d'Ivoire last year had
3 nothing to do with the events of the post-electoral crisis. Her role was not just one of
4 supporting her husband; she was an active militant seeking to maintain her husband
5 in his position of power through a number of sources that relate her commitment to
6 the political struggle.

7 Just one example, let me draw your attention to a speech made by Madame Gbagbo
8 on 15 January 2011 during a political meeting of young people at the Palais de la
9 Culture in Abidjan. And let me quote what she said: "As you don't want his name
10 to be mentioned, I propose we refer to him as the 'chief bandit.' So when I say 'chief
11 bandit,' you'll know who we're talking about. Truth always triumphs and truth has,
12 once again, triumphed. The chief bandit did not win the elections. The nation,
13 your mother, is calling you. You have only one Côte d'Ivoire. Today the devil and
14 his cronies are threatening it. You have to defend your mother against whoever tries
15 to undermine and defile her through lies and banditry. Alassane Dramane Ouattara
16 must be sent back to Sindou in Burkina, back to his home." End of quotation.

17 Mr Blé Goudé was also a member who was influential, devoted and loyal, a member
18 of Mr Gbagbo's inner circle. During the material time, he was minister for youth and
19 employment; but above all, he was a leader of the young patriots and spokesperson
20 for Mr Gbagbo, vis-à-vis the young patriots, and he played an essential role in
21 implementing the common plan.

22 The actions of the jeunes patriotes, a movement that was created in September 2002,
23 one week after the attempted coup d'état, are a vital component of the common plan.

24 The victims refer primarily to two forms of violence committed by the jeunes
25 patriotes during the post-electoral crisis: Looting and the various roadblocks created

1 by the so-called neighbourhood watch committees, which were in the hands of the
2 jeunes patriotes in Abidjan.

3 The street was the main means of conquering or hanging onto power. And who is
4 better placed than the general of the streets to introduce an efficient system, well-oiled
5 for years, and that was simple and rapid to execute?

6 Using looting and roadblocks in Abidjan during the post-electoral crisis is to be seen
7 in a context that requires further clarification and that has to be analysed in the
8 context of the political battle linked to the results of the presidential elections on 28
9 November 2010.

10 On 2 December 2010, the Independent Electoral Commission declared that the
11 candidate Alassane Ouattara had won the elections with 54.1 percent of the votes.

12 Notwithstanding this verdict, Mr Gbagbo was sworn in, retained control over the
13 public television, government headquarters, different ministries in the administrative
14 district of the plateau.

15 This unentitled clinging to power was denounced both by the opposition and by the
16 international community. In this tug of war, control of the streets became the main
17 resource of this political game, particularly as the many diplomatic attempts to push
18 Mr Gbagbo to relinquishing power were in vain.

19 The role played by the jeunes patriotes in the wave of violence that occurred during
20 the post-electoral crisis are to be seen as a continuation of a decade of crisis, the broad
21 outlines of which I have already introduced at the beginning.

22 Contrary to the apparently spontaneous nature of such acts, the establishment of
23 roadblocks and systematic looting were actually a political instrument. They were
24 clearly lucidly planned and rapidly implemented. This is confirmed by the
25 momentum of proliferation of roadblocks, looting and targeted acts of violence that

1 occurred just a few hours after the famous general assembly of the Galaxie Patriotique
2 on 24 February 2011 in Yopougon. And the Prosecutor referred to that this morning.
3 It was Charles Blé Goudé who presided that assembly. He called on the jeunes
4 patriotes to carry out their role as human security cordon for the president and
5 encouraged them to organise themselves in committees. Those committees were not
6 just to prevent any movement on the part of the ONUCI, supposedly the accomplice
7 of the anti-Gbagbo forces, but also to hunt down the foreigners who were in Abidjan
8 and the other parts of the country.

9 Now, you've already heard this quotation: "Check the comings and goings in your
10 districts and denounce any foreign person who comes into your district."

11 Following these instructions given by their leader, the phenomenon of roadblocks
12 became widespread, particularly at the positions of electoral strongholds of Gbagbo.
13 They quickly came into Yopougon, which developed into a massive filter.

14 Roadblocks were established here, and there using sandbags, debris from the market
15 stalls, and there was no exception to the meticulous searching of vehicles.

16 Passengers were ordered to get out of the vehicle at each checkpoint to undergo a
17 search. Passenger's handbags were searched. ID papers were checked.

18 What is more, people who were strangers to different districts were identified and
19 subject to tough questioning.

20 There is no denying the fact that in addition to the apparent disorder in which all of
21 this was occurring, the looting of Abidjan was actually a collective act that, to a large
22 part, was concerted, planned, politically designed and oriented.

23 Your Honours, this is a very sad case of déjà vu. This modus operandi already
24 characterised the actions of the jeunes patriotes in 2002, 2003, 2004, 2006 and 2007.

25 The victims say that in the course of the events that occurred in Yopougon, you could

1 read on the front of one of the small shops that was looted and occupied: "Côte
2 d'Ivoire is for the Ivorians."

3 The shops, the attiéké, the wood markets in Yopougon, which were the main target of
4 acts of violence and looting on the part of the jeunes patriotes have only one thing in
5 common, they were in the hands of immigrants from Mali, from Burkina Faso, from
6 Mauritania, from Niger, and also people from the north of the Côte d'Ivoire, and they
7 were all considered to be supporters of Alassane Ouattara.

8 The scale of the occupation and destruction of these small shops was such that victims
9 testified to the virtual impossibility of getting ahold of goods between the end of
10 March and the time when Mr Gbagbo was arrested.

11 We find the very same ethnic origins when it comes to the systematic attacks and acts
12 of violence perpetrated by the jeunes patriotes against Ivorians from the north, Wôrô
13 wôrô taxi drivers, mini car vehicle owners - we're talking there about the
14 gbaka - owners of shops selling car spare parts and pretty well all of the car garages in
15 Yopougon. Several of them were beaten, tortured, burnt alive. Their shops were
16 looted, doused in petrol and set alight. The only error on their part was that they
17 were easily identifiable as northern Ivorians because of the sector in which they
18 worked.

19 We can understand why, in his famous speech of the 24 February 2011, Charles Blé
20 Goudé called on the young patriots to hunt down any foreigner in the Ivorian
21 territory and expel them.

22 The 4 million Burkinabés, Ghanains, Malians, who had been living and working in
23 Côte d'Ivoire for several generations and also the Ivorians from the north with
24 identical names were not considered to be Ivorians. They were foreigners usurping
25 the land, taking their jobs and trying to conquer political power.

1 Alassane Ouattara's return to the political scene, winning over Gbagbo's FPI, meant
2 that Charles Blé Goudé's extremist discourse was then transformed into action.

3 Alassane Ouattara was the perfect incarnation of the idea according to which
4 the -- the idea that had been indoctrinated into the Young Patriots' mind by Blé
5 Goudé; in other words, the foreigners had come from Burkina Faso to usurp power,
6 to eliminate Gbagbo, and to take over the land of the Ivorians, and this with the
7 assistance of the United Nations and the former colonial master.

8 The way had been paved. Blé Goudé had only to unleash the acts of violence. In
9 the 27th report of secretary general of the UNOCI you can read, and I quote: "Once
10 Mr Blé Goudé had called on the jeunes patriotes in February to find the foreigners in
11 Abidjan and elsewhere in the country, it was intimated that the number of natives
12 from -- inhabitants from western African countries were victims of aggressions, some
13 of them had been abducted or burnt alive; and that the shops belonging to foreigners
14 had been ransacked and looted in Abidjan.

15 The homes of the political opponents of Mr Gbagbo in Abidjan were marked in order
16 to show the ethnic group of the people living in them. Since the middle of December,
17 more than 434 murders, at least 520 cases of arbitrary arrest and detention sometimes
18 accompanied by acts of torture and at least 72 disappearances have been noted."

19 End of quotation.

20 He was a brilliant orator with undeniable charisma, and Blé Goudé was able to
21 mobilise young people, getting them willing to obey orders to hunt down the
22 foreigners deemed to be pro-Ouattara and to carry out the orders rapidly and
23 effectively in order to defend Mr Gbagbo through any means.

24 He used a variety of oratorical techniques, including xenophobic rhetoric inciting
25 people to hatred against civilians of certain ethnic origin deemed not to be true

1 Ivorians or accomplices of the foreigners who wanted to take over Côte d'Ivoire.
2 The order was given to denounce foreigners and has to be understood in the broader
3 sense of the term; in other words, it covered not just non-Ivorians but also anyone
4 who might seem not to be living in the usual fashion in certain districts and could be
5 identified according to a number of different criteria: The way in which they spoke,
6 the way in which they dressed, or the fact that they wore amulets. The order that
7 was given didn't mean just taking them to a police station. It meant also denouncing
8 them to the different hierarchical groups at the roadblocks.

9 During this trial, your Honours, the victims that I represent will contribute to
10 establishing the truth by providing their point of view as regards the recent events in
11 the Côte d'Ivoire, and they will do this through telling their own personal stories,
12 giving their explanations of the cultural and political context. They will explain the
13 impact of the events on their lives and tell about the suffering and harm that they
14 have suffered.

15 Your Honours, it would be wrong to say that the victims have no expectations. They
16 have perfectly legitimate expectations as any individual has of a court of justice. The
17 victims expect that one day justice be done. The victims expect truth to be revealed
18 on the exactions perpetrated in order to alleviate their suffering; but above all, to
19 make sure that there is no repeat of the crimes and atrocities of the past in the history
20 of the Côte d'Ivoire.

21 For the victims, these proceedings have high value for three reasons in particular.
22 First of all, they consider that the national court system has not demonstrated that it
23 was able to carry out investigations and prosecute the alleged perpetrators of the
24 crimes committed during the post-electoral crisis.

25 It is true that two of the individuals deemed to be responsible for the crimes that they

1 suffered are here before us today, but there are several still living in impunity in the
2 same areas where the victims themselves reside.

3 Secondly, the Commission for Dialogue, Truth and Reconciliation that was
4 established after the crisis and of which the main mission is in full independence to
5 work towards reconciliation and the strengthening of social cohesion between all
6 communities living in Côte d'Ivoire, according to most of the victims, has not lived up
7 to expectations.

8 Thirdly, the question of reparations for victims remains a pipe dream. The National
9 Commission for Reconciliation and Reparation of Victims of the Crisis in Côte
10 d'Ivoire was created on 24 March 2015. The goal of the commission is to complete
11 the mission of the Commission for Dialogue, Truth and Reconciliation and to satisfy
12 the need to provide reparation for victims. And this responsibility lies with the State.
13 Now, this is a declaration of principle; but aside from that, there are a number of very
14 sensitive issues that have not -- questions have not been answered.

15 Who will be able to -- who will be entitled to reparations? What are the financial
16 resources that are actually available? Because of the failures at the national level, the
17 victims place all of their hopes in the Court so that at last the truth will out.

18 For the victims, the right to the truth is one of the components of the right to justice.

19 The victims play a central role to make sure that at the end of these proceedings
20 clarity and light is shed on what has actually happened, that the gaps can be filled
21 between the procedural establishment of facts and the truth itself.

22 The victims are independent protagonists in these proceedings. Their concerns are
23 not the same as those of the Prosecution, with all due respect to the Defence.

24 They wish to use this right that is guaranteed to them; and in so doing, contribute to
25 the establishment of truth. This process means that they will speak, they will share

1 their experience, and there will be an acknowledgment of their suffering at the hands
2 of the crimes committed against them.

3 The choice of the victims who have requested to take part in the proceedings is
4 something that is to be seen as an individual step. Each individual in so doing can
5 pass on part of their own history and their knowledge of the events.

6 Throughout the proceedings, therefore, I will try to convey to you the individual and
7 unique concerns expressed by each of the victims that I represent. We must all keep
8 in mind after all that the history that we are going to try to retrace here in this
9 courtroom reflects not only the past, but also the present and the future.

10 So let us recall throughout this trial that it is the victims who are at the heart of the
11 proceedings, and they are the very sad *raison d'être* of the proceedings.

12 So behind the legal and technical terms that each participate will have to use, let us
13 not lose sight of the fact that there are hundreds of men, women and children who are
14 closely following the evolution of these proceedings.

15 I can tell you that the fact that the victims are represented today, the fact that they can
16 make themselves heard in these proceedings is, for them, an element of what can be
17 termed "reparations" in the general sense of the term and, in actual fact, it will be a
18 contribution to their daily struggle to return to the course of life or to continue their
19 life, taking account of what they have been subjected to and what is now part of their
20 individual history. Thank you.

21 PRESIDING JUDGE TARFUSSER: Thank you very much, Mrs Massidda, for the Legal
22 Representative of Victims.

23 Thank you also for having been concise and in 50 minutes you have exhausted your
24 presentation of the case, which somehow I say responds also to what was raised
25 yesterday concerning - by the Defence - concerning the different position or the

1 position as a second Prosecutor by the legal representative. It demonstrates that it is
2 not like this, I would say, because the Prosecutor had about six hours while the Legal
3 Representative of Victims representing more than 700 victims did everything in 50
4 minutes. And I think she also was quite very much to the point of the views and the
5 concerns of the victims without taking, say, a second Prosecution position.

6 But on the other side, I think it's also clear that the victims can't be on -- the views of
7 the victims are more familiar with the position of the OTP than the Defence, but this is
8 something else.

9 Anyhow, I would now adjourn the hearing to Monday and on Monday give -- at 9.30
10 give the floor to the Defence. We will give Monday and Tuesday to the Defence, but
11 I would say that we have the whole Monday and then the Tuesday. So it is not one
12 on Monday and one on Tuesday. So we continue, we make the whole Monday, and
13 then -- so that we have the first witness on Wednesday. It's also for organising with
14 the VWU better so they have a certain -- a day which is certain and not a floating day.
15 So this hearing is adjourned. Sorry.

16 MR MACDONALD: Just very briefly, your Honour. I'm sorry to interrupt. Since we're
17 not sitting this afternoon, I'll be liaising with my colleagues, with the -- it's maybe issues more
18 for the Single Judge, management issues in the case that we could discuss this afternoon, if
19 you're available.

20 PRESIDING JUDGE TARFUSSER: I am obviously.

21 MR MACDONALD: Okay. So I'll speak with my colleagues and we'll email you or --

22 PRESIDING JUDGE TARFUSSER: Yes.

23 MR MACDONALD: -- the Chamber.

24 PRESIDING JUDGE TARFUSSER: You mean on the issue of the --

25 MR MACDONALD: Conduct of the proceedings.

- 1 PRESIDING JUDGE TARFUSSER: Yes.
- 2 MR MACDONALD: In terms of management of maps and such, map books issues and
- 3 things --
- 4 PRESIDING JUDGE TARFUSSER: Okay.
- 5 MR MACDONALD: -- for the first witness.
- 6 PRESIDING JUDGE TARFUSSER: Okay.
- 7 MR MACDONALD: Thank you.
- 8 PRESIDING JUDGE TARFUSSER: Thank you very much. The hearing is adjourned to
- 9 Monday 9.30.
- 10 THE COURT USHER: All rise.
- 11 (The hearing ends in open session at 1 p.m.)