

1 International Criminal Court
2 Pre-Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo - ICC-02/11-01/11
5 Presiding Judge Silvia Fernández de Gurmendi,
6 Judge Hans-Peter Kaul and Judge Christine Van den Wyngaert
7 Confirmation of Charges Hearing
8 Thursday, 21 February 2013
9 (The hearing starts in open session at 2.31 p.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) The Court is
14 called to order.
15 Court officer, please call the case.
16 THE COURT OFFICER: (Interpretation) Yes, your Honour. Situation in the Côte
17 d'Ivoire, in the case The Prosecutor versus Laurent Gbagbo, ICC-02/11-01/11.
18 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you.
19 Are there any changes in the teams? Please indicate if there is a change.
20 MR ALTIT: (Interpretation) Thank you.
21 Near Maître Baroan and Maître Ivanovic, there is Milan Tahraoui, an intern in my
22 team.
23 MS MASSIDDA: (Interpretation) We have an associate legal officer, Ms Vetruccio.
24 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you.
25 If there are no further changes, we can continue with the Prosecution presentation.

1 Mr Dutertre?

2 MR DUTERTRE: (Interpretation) Good afternoon, Madam President. Good
3 afternoon, your Honours. Thank you.

4 This afternoon I would like to continue my presentation on the common plan; that is
5 the policy aimed at maintaining Laurent Gbagbo in power by all means, particularly
6 through attacks against civilians.

7 Yesterday, I demonstrated that Laurent Gbagbo never had any intention to relinquish
8 power irrespective of the result of the elections and he had prepared to stay in power
9 by legitimising the use of violence against his opponents as early as on the eve of the
10 elections. He did that as early as December 2010, and this is attested to by his orders
11 to use the army against demonstrators as well as the statements and actions of the
12 members of his inner circle.

13 And yesterday I stopped after stating that the members of his organisation shared his
14 option for violence, because not only were they determined to maintain Gbagbo in
15 power, but they were actually involved in adopting the option for violence.

16 Everything was clear in the eyes of the government, which literally considered the
17 demonstrators as enemies. The ministers -- or, rather, the minutes of the cabinet
18 meeting of 22 February 2011 mentioned that there was a need to use the term
19 "terrorists" to refer to demonstrators. Incidentally, it should be pointed out that the
20 minutes confirm that it was the forces of defence and security that were used to break
21 up any gatherings, and that is in ERN-0025-0082.

22 Another example: During the cabinet meeting of 29 March 2011, the Minister of
23 Communication recommended, and I quote, "Acts of terror in response," end of quote.
24 ERN-0025-0127.

25 This did not prevent them from making public denials. The cabinet meeting of

1 8 March 2011 described the incident of the women's march as a purely staged affair.

2 Same ERN.

3 Outside the government the recourse to violence was equally adopted by the leaders
4 of the Galaxie Patriotique. For example, after the second round, Blé Goudé appeared
5 on RTI and asked people to monitor their neighbours in order to determine who were
6 the rebels. P-109 stated, "My understanding was that he was asking people to be
7 wary of us even if he did not specifically mention northerners. I think that when Blé
8 Goudé talked about rebels in Yopougon, it was a way of encouraging people to attack
9 civilians," paragraph 9, 61, 62 and 64. But this was not a gratuitous statement,
10 because when Blé Goudé spoke out, there usually followed a surge in violence, and I
11 refer to the incidents of 26 and 27 February in Yopougon and on 1 March in Abidjan.
12 I have mentioned this already in my first presentation and it is also referred to in
13 document 0002-0647.

14 In fact, he had no qualms about admitting this openly. In March 2011 he stated and I
15 quote, "In every revolution there is collateral damage," ERN-0019-0128, lines 30 to 31.
16 That is what was said in public, in more or less coded language.

17 In contrast, Blé Goudé's orders behind the scenes were quite explicit. P-44 states that
18 the leaders of the Patriotique Galaxie such as Serge Kassy and Jacques-Yves Dibopieu
19 received orders from Blé Goudé before going to the field. They gave orders to the
20 militants," end of quote.

21 These orders were, for example, and I quote, "You have to erect roadblocks in the
22 streets, check the identities of people and hunt down those who were wearing
23 gris-gris or fetishes," end of quotation, and this is because, as P-44 explains, they were
24 considered just like the rebels of coming from the north.

25 P-44 added and I quote, "It was necessary to kill all those who were wearing gris-gris

1 and this is what people did. These people were apprehended and set on fire, or
2 killed." Also see video 0003-0668 in which a member of the FESCI admitted the
3 following: "Members of the FESCI killed? Yes, we killed."

4 Subscription to Gbagbo's policy of violence was not only evident in the government
5 and in the Galaxie Patriotique, but also amongst the members of his inner circle. For
6 example, Simone Gbagbo publicly incited people to violence against actual or
7 perceived supporters of Ouattara. In her speech of 15 January 2011, she says, and I
8 quote, "Whenever they are apprehended, gris-gris and fetishes are found on them.
9 Now, you in the other camp, would you support those who are defending the rebels?",
10 end of quote.

11 Simone Gbagbo was once again lumping together those who were wearing fetishes,
12 the northerners perceived to be pro-Ouattara, and the rebels. She added that
13 Ivorians had to take up all the challenges and she said, and I quote, "When I say "take
14 up all the challenges, I mean reconquer the entire territory of Côte d'Ivoire. That is a
15 task for all of us. I mean clean up our forests, clean up our fields, take back our
16 farms," ERN-0019-0018, and, your Honour, your Honours, I am saying that cleaning
17 up the forests and cleaning up the farms are calls to eliminate the supporters of
18 Ouattara.

19 Furthermore, behind the scenes Simone Gbagbo was stirring up and orchestrating
20 violence. During the meeting of the National Resistance Congress for Democracy,
21 CNRD, at the end of 2010 she wrote in her diary and I quote, "Incitement of the FDS
22 to respond with live weapons," end of quote. ERN-0018-0110, page 0018 to 0032.
23 This annotation is important because of its subject, because we were then at the very
24 outset of the crisis.

25 Let me make one thing clear. We know that this diary belongs to Simone Gbagbo

1 because it was found in the presidential residence in her bedroom and the
2 handwriting is the same as in documents produced by her, such as document
3 0018-0895.

4 There is another example. In March 2011 Simone Gbagbo convened a meeting. She
5 was present when the decision was taken to burn down houses belonging to members
6 of the RHDP. A list was circulated. I'm not going to mention the source in open
7 session because it is in a footnote. Also see P-48, paragraph 34 to 35.

8 Besides the government, the leaders and the members of the inner circle also
9 subscribed to the policy of violence, and that also applied to members of the FDS.

10 For example, in February 2011, Commissioner Robé, deputy to Bi Poin, declared that
11 CeCOS was ready for the clean-up exercise and he was waiting for orders,

12 ERN-0021-0843. All these people contributed to or supplied Gbagbo with the
13 necessary weapons and accessories to carry out that policy. Let me elaborate.

14 Firstly, through the Minister of Defence, Dogou, and Chief of Staff Mangou, Gbagbo
15 exercised effective control over the FDS and he was in fact, according to the
16 constitution, the supreme commander of those forces.

17 Secondly, through Blé Goudé and the FDS, Gbagbo had control over the Young
18 Patriots. See, amongst others, P-164, paragraphs 72 to 82, relating to the Blé Goudé
19 contingent.

20 Thirdly, through the FDS, Gbagbo controlled the foreign mercenaries. For example,
21 there were mercenaries under the authority of Colonel Abou Gado in the Camp
22 Agban in Adjamé. See P-49, paragraph 47 and 48.

23 Fourthly, Simone Gbagbo facilitated Gbagbo's control over politicians and leaders
24 mainly through the CNRD. See P-69.

25 All these individuals were acting in concert. P-44 stated, and I quote, "There were

1 crisis meetings convened by Blé, there were meetings convened by the First Lady and
2 meetings convened by the president himself. There were meetings taking place all
3 the time," end of quotation.

4 The resources then followed. The training, disbursement of money and supply of
5 weapons by Blé Goudé and Simone Gbagbo from the presidential palace. See P-46,
6 amongst others.

7 And right now, Madam President, your Honours, I will move on to the last part of my
8 presentation.

9 Laurent Gbagbo had ultimate responsibility for the policy of violence against civilians.

10 To begin with, Gbagbo was kept abreast of everything. The first source of
11 information is that Gbagbo took part in cabinet meetings, for example on
12 16 December 2010, the day of the demonstration at RTI, or on 6 January and 10 March.

13 Most importantly, Gbagbo was informed by the FDS. The Chief of Staff had daily
14 contacts with Gbagbo and briefed him on everything that was happening. This is
15 important because Mangou himself was informed in real-time about all the goings on
16 and he had daily meetings with generals. See P-10.

17 In addition, there were meetings convened by Gbagbo. Mangou -- or, rather,
18 Mangou would then report on the details of the operations using maps and
19 PowerPoint presentations. See P-10.

20 Also Kassaraté and Admiral Faussignaux reported to Gbagbo. See P-46.

21 Also, apart from the government and the FDS, Gbagbo also received information
22 through his wife or through the Galaxie Patriotique. For example, Blé Goudé was a
23 frequent visitor to Presidency. See P-46. All-in-all, as stated by P-10, Gbagbo was
24 fully aware of everything that was going on. See ERN-0016-0084, lines 84 to 95.

25 Now, Gbagbo was not only aware of everything, but he was the one calling the shots.

1 To begin with, when it came to the government -- and at this point, your Honour, I
2 would like to go very, very briefly into closed session, or private session, to mention
3 the identity of someone.

4 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Court officer,
5 please can you move us into private session.

6 (Private session at 2.49 p.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Open session 2.50 p.m.)

19 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.

20 MR DUTERTRE: (Interpretation) Outside of the government, the FDS and the
21 police, Gbagbo was the decision-maker. P-10 pointed out Mangou was not the
22 leader, and I quote, "He received instructions from the Minister of Defence and the
23 president. These were the two authorities who could issue instructions. Nobody
24 else," end of quote.

25 P-9 confirms that it was Gbagbo who gave the instructions and we should point out

1 that the intervention of the army in urban areas was the prerogative of the Head of
2 State and it should be pointed out that it was Gbagbo and his ministers who gave
3 instructions to Mangou relating to the demonstration at the RTI on the 16th of 12th,
4 2010. He also stated that he did not wish to lose Abobo and his organisation had to
5 hold on to Abobo. As P-10 stated, Abobo is Abidjan and it was in Abobo that two of
6 our incidents occurred.

7 Gbagbo did not only issue instructions to the flag officers, but he also exercised direct
8 control over some FDS units. Gbagbo controlled the Republican Guard. Dogbo Blé,
9 head of the Republican Guard and military commander of the palace, was directly
10 answerable to Gbagbo.

11 The High Commissioner for human rights issued a warning to Dogbo Blé regarding
12 the acts of violence allegedly committed and Dogbo Blé was indeed present during
13 the meeting with Gbagbo at the end of February. It will be shown that both of them
14 were -- he was involved in both the incidents of 3 March and on 16 December.

15 Gbagbo also controlled CeCOS. Bi Poin, commander of CeCOS, dealt directly with
16 Gbagbo. See P-09-0011-0341. Commissaire Robé, deputy to Bi Poin in CeCOS, was
17 also a very close collaborator of Gbagbo, P-46, and it will be demonstrated that
18 CeCOS was involved in both the RTI incident and in several other attacks.

19 Thirdly, Gbagbo was also in direct contact with other commanders on the ground.

20 Abehi, Chief of the Armoured Squadron was present in the meeting of

21 3 December 2010 with Gbagbo. He was a close associate of Gbagbo. See P-49.

22 Similarly, Gbagbo was the only one who could give orders to Dadi, Commander of
23 the Artillery Battalion stationed at Commando Camp. See P-239, paragraphs 12 and
24 14. And it was in fact from the Camp Commando that the Abobo market was
25 shelled on 17 March 2011.

1 Gbagbo also had administrative control within the FDS. On 18 January 2011, he
2 ordered the dismissal of the Director of the Police Intervention Units. With regard to
3 the leaders of the Young Patriots, the situation was similar to what obtained within
4 the FDS. Gbagbo was in command. According to P-11, Blé Goudé could never
5 organise a rally without informing Gbagbo. P-44 also stated, and I quote,
6 "Everything that Blé Goudé did, it was Gbagbo who told him to do it. Blé Goudé
7 could not speak to RTI without clearance from Gbagbo. Blé Goudé could not also
8 ask the young people to organise parades in all the streets of Abidjan to set up
9 check-points and to hunt down people if he had not received instructions from
10 Gbagbo."

11 The same situation applied when it came to mercenaries, as with the email 0021-1290.
12 The same situation also prevailed amongst the members of his inner circle. For
13 example, P-11 stated, "... that Simone Gbagbo never organised a rally without
14 informing Gbagbo and when Simone Gbagbo issued instructions it was certain that
15 she would have informed her husband. That is for sure. He was aware," end of
16 quotation. P-69.

17 And to conclude, your Honour, the reality is that Gbagbo implemented deadly
18 measures against civilians. The preparatory activities, the appointments, statements,
19 orders, the acts of all the individuals concerned, all these items of factual and
20 circumstantial evidence when considered together and in relation to each other, prove
21 the existence of a Gbagbo policy adopted by his organisation to target Ouattara
22 supporters for the purpose of hanging on to power, a policy that was not the result of
23 erratic initiatives on the part of field commanders.

24 Laurent Gbagbo unleashed his armed organisations against civilians. He was the
25 Alpha and the Omega of the acts carried out by the members of his organisation and

1 he would usually say to them, and I quote, "If I fall, you will also fall." The common
2 plan revolved around him. That is why, your Honours, he's before you today as the
3 person who had the ultimate responsibility.

4 Thank you for your kind attention.

5 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you.

6 MR DUTERTRE: (Interpretation) We will file the documents that we have
7 mentioned at the end of the hearing. My colleague, Eric MacDonald, will continue
8 with the presentation.

9 MR MACDONALD: (Interpretation) Madam President, your Honours, I believe
10 you'll have to press button PC1 to see the presentation.

11 THE INTERPRETER: Message from the interpreters: Could Mr Dutertre please
12 turn off his microphone?

13 MR MACDONALD: (Interpretation) Given the time, I'm not entirely sure I'll be
14 able to give my entire presentation. It's quite likely we'll have to take a break at
15 some point, but if I could conclude could I be given a few additional minutes during
16 this first session, or would you prefer me to end at directly at the half-hour?

17 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Well, it
18 might be better if you begin now and then we will see, because you may need more
19 than just a few minutes, and if that is the case we will suspend, but if it's only five or
20 ten minutes there won't be any problem continuing. We'll see when we get there.

21 Mr Altit?

22 MR ALTIT: (Interpretation) No problem.

23 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you.

24 MR MACDONALD: (Interpretation) Very well, let us begin.

25 Before I begin, I would like to draw your attention to one thing. I would like to say a

1 few words about Ms Cecile Madec, who was supposed to give the presentation
2 regarding the march upon RTI. She has now left us and is practising law in Paris, so
3 I am giving this presentation, but really the presentation is her own.
4 This presentation will deal with the various events that occurred in December, more
5 specifically between 16 and 19 December 2010, in Abidjan; that is to say during and
6 after the events that became known as the march upon the RTI.
7 The pro-Gbagbo forces resorted to violence when quelling this demonstration in
8 various neighbourhoods of Abidjan. Up until 19 December 2010 they killed, and
9 these are conservative figures, at least 54 people, badly injured at least 54 and raped at
10 least 17 women and young girls.
11 During this presentation, I will give you some background information relating to the
12 march, the various measures taken by Gbagbo's forces and how they were deployed
13 to block the demonstrators. Then I will show you the various points where the
14 demonstrators gathered and the various paths they took throughout the city. Then I
15 will describe the various crimes that were committed against the civilian population
16 of Abidjan between 16 and 19 December, and to this end I will be using a number of
17 diagrams so that you will be able to better visualise the location of these various
18 places.
19 Let us now put the first map or diagram on the screen. Here you will see on your
20 screens this first diagram. This is an overall map of Abidjan with a number of
21 locations shown, including the headquarters of the RTI.
22 On 13 and 14 December 2010, Mr Guillaume Soro, Mr Ouattara's Prime Minister,
23 called upon the population to take part in a peaceful march to liberate the RTI
24 headquarters and have a new director take over there. Witness P-117 told us that
25 Mr Soro said, and I quote, "we will have a peaceful march. We will not be carrying

1 weapons, so why be afraid?" And that is taken from paragraph 24 of this witness's
2 statement.

3 Liberating the RTI headquarters was an important objective. Why? Well, because
4 the RTI is the main media outlet of the Côte d'Ivoire government. According to
5 Witness P-69, media such as the RTI were strategic locations and were part of the
6 government's actual voice, so to speak. After the election, the RTI was still

7 controlled by Laurent Gbagbo and he used this network as a tool for propaganda.

8 As early as in 2004, Mr Nebout, Mr Gbagbo's special adviser, stressed the importance
9 of the RTI and said that the RTI should refrain from promoting any rebels, or
10 defying the authority of the government. ERN-0025-0722, at page 0723.

11 We also see how important the RTI was when we consider the remarks that were
12 made during the cabinet meeting of 15 March 2011. The RTI was congratulated for
13 reporting so quickly and the suggestion was made that if any newscast mentioned
14 two presidents, punishment should be dealt out. ERN-0025-0113 at page 119.

15 All-in-all, Laurent Gbagbo could not lose control over the RTI network, no matter
16 what. If he lost control over the RTI he lost control over the information being fed to
17 the people of Côte d'Ivoire.

18 So the RTI was a strategic asset, and thus police officers and soldiers were always
19 posted there. At the time of the demonstration, the number of police officers and
20 military men was beefed up. This is testimony from P-69.

21 On 15 December 2010, one of Gbagbo's senior officials said on the RTI programming
22 itself that anyone who went out and took part in the demonstration would be in big
23 trouble. According to Witness P-117, the words that were used were quite serious
24 and the implication was that anyone who came out and took part in the
25 demonstration would be killed. Paragraph 22.

1 On the evening of 15 December, Witness P-10 has told us that the Chief of General
2 Staff, Philippe Mangou, held a meeting with senior commanders of the FDS to discuss
3 various measures to be taken during the demonstration and the general also passed
4 on the instructions that he had received from Gbagbo, from the Minister of Defence
5 and the Minister of the Interior. The Director-General of the Police then described
6 the various measures to be taken. ERN-0016-0130, lines 563 onwards.

7 As Witness P-9 told us, it was necessary to keep anyone from having access to the RTI.

8 This witness explained -- correction, P-10 explained that the plan was for Gbagbo
9 forces to be positioned around the RTI and in other neighbourhoods of the town to
10 control the demonstration. The demonstrators were not to cross the roadblocks, not
11 to get past the barricades. They were to be pushed back, dispersed even before they
12 could gather. The various reference numbers are to be found in my written statement.

13 Usually, the police and the gendarmerie are the authorities responsible for
14 maintaining order when there are demonstrations. The army of Côte d'Ivoire, which
15 had war weaponry, was in no way trained to deal with demonstrations. However,
16 Witness P-9 told us that in December 2010 Mr Gbagbo ordered the army to assist the
17 police even though this ran counter to the advice given to him by the leaders of the
18 FDS. This is why, according to Witness P-10, this is why the head of the police gave
19 the instructions and then asked for assistance from the gendarmerie and also from the
20 army and the Security Operations Command Centre, the CeCOS.

21 P-9 said that this operation was a joint military operation co-ordinated by army
22 headquarters. P-10 also confirmed that Mangou, the Chief of General Staff, was
23 keeping Gbagbo informed of the events.

24 On 16 December 2010, the pro-Gbagbo forces followed the instructions and
25 surrounded the immediate perimeter of the RTI. They took up positions at the

1 various main intersections within the city that led to the RTI and you can see them
2 here on the diagram, there are red Xs, crosses, and the ERN reference numbers are on
3 each particular diagram.

4 Please look at the intersection at University Boulevard, the Carrefour de la Vie, the
5 Duncan intersection, the Cité des Arts intersection, Mermoz intersection, St Jean
6 intersection, SOGEFIA intersection. Other strategic locations in Cocody were also
7 controlled by the pro-Gbagbo forces.

8 In other neighbourhoods of the city, such as Abobo, and now I shall direct your
9 attention to diagram 3, witnesses reported that pro-Gbagbo forces surrounded the
10 Abobo roundabout and had taken up positions at the four corners of Abobo station as
11 well as in smaller areas such as Samaké and Doukouli. Diagram 4. In Adjamé,
12 pro-Gbagbo forces were deployed in great numbers. Some groups reported around
13 the electricity company at the Macaci intersection, at Williamsville, at the Zoo
14 intersection, the intersection of Camp Agban, at Djeni Kobenan intersection, and at
15 the Adjamé town hall. As we can see in diagram 5, the pro-Gbagbo forces were also
16 present in front of the ONUCI headquarters in Attécoubé, at the Andokoi bridge in
17 Yopougon.

18 Honourable Judges, we have brought these five diagrams together and I think you
19 can see the full extent, the number of police officers and soldiers who had been
20 deployed, even though they had been told that the demonstration would be peaceful
21 and that it was a demonstration of civilians.

22 An email sent to the private secretary of Simone Gbagbo summed up the various
23 discussions that were held at meetings of Ouattara supporters and the email was
24 quite clear that the demonstrators were civilians, members of the ordinary population.
25 ERN-0018-0441.

1 That information has been confirmed to us by a number of witnesses that the
2 Prosecution has interviewed. P-106, P-107, P-109, P-112, P-117, P-172 and P-184.
3 All these witnesses described the demonstrators saying that they were people ranging
4 broadly in age including women, children and senior citizens.
5 They stated that they did not see any demonstrators with weapons.
6 Now, to return to Mr Altit's opening statement, all these witnesses - and I don't think
7 we are talking about press clippings here - we have witnesses who will provide
8 evidence backing these charges against Mr Gbagbo. As each group left, older men
9 actually frisked the demonstrators to make sure that they were not carrying weapons,
10 and that is in paragraph 29 of Witness P-116's statements. P-9 recognised that he had
11 not heard of any armed demonstrators. Mr Ouattara did not want to fall into the
12 trap of violent clashes. ERN-0025-0138, at page 139.
13 On the morning of 16 December 2010, large numbers of demonstrators gathered in the
14 neighbourhoods of Adjamé, Abobo and Yopougon, all to the left on your screen,
15 before they moved towards the RTI headquarters.
16 If you could please now direct your attention to diagram 6. Since the demonstrators
17 could not gather at the Abobo station, which had been surrounded by police officers,
18 many of the demonstrators had to gather at other locations, as Witness P-117 told us;
19 for example, at the Abobo-Kennedy neighbourhood.
20 Witness 172 told us that demonstrators also gathered at Banco. Witness P-184 told
21 us that people gathered at the St Manquer roundabout. P-116 told us that people
22 gathered at the Doukouï pharmacy, and that is to be found at paragraph 28 of his
23 statement.
24 In Adjamé neighbourhood, P-107 explained to us that they left from the Liberté
25 neighbourhood and headed towards the RTI in Cocody. There they met up with

1 other groups at the RDR headquarters, so by then there were already more than 200
2 people even before they got to this gathering point. Then P-109 met up with a group
3 who had come from Port-Bouët II.

4 The pro-Gbagbo forces responded to the demonstration by carrying out the
5 instructions they had received from the army headquarters. For example
6 Commander Djédjé Gbagro, from the CRS1 group from the Nimbus Unit, gave the
7 order to clear the Zoo-Samaké road, which is the main road between Abobo and
8 Cocody. I quote, "Go right into the crowd." That is what he said.

9 Despite all the police officers and soldiers deployed, P-10 has told us that the
10 demonstrators from Abobo and Adjamé were able to get past the barricades at the
11 Zoo intersection and Camp Agban intersection. He explained that the Head of
12 General Staff then gave instructions to send reinforcements to the Carrefour de la Vie,
13 which was the last intersection before the RTI.

14 As soon as people began to gather, some Gbagbo supporters tried to persuade
15 Ouattara supporters not to take part in the demonstration and they warned them that
16 they would be killed if they were stubborn and took part. All the same, P-109 was
17 warned by a gendarme that if they went to them and demonstrated they would be
18 killed, just like that, for no reason.

19 Witnesses P-112 and 117 told us that police officers warned them as well that they
20 should turn back because otherwise they would meet up with another group that was
21 already shooting and that they would be killed.

22 The true intent of the operation led by Gbagbo forces was to keep people from having
23 access to RTI and they went far beyond the usual methods used by law enforcement.

24 The Gbagbo forces were ready to shoot upon demonstrators.

25 I will now describe the crimes committed by Gbagbo forces against civilians when the

1 demonstration began on 16 December 2010. Each crime will be shown on
2 consecutive diagrams and we will use different colours, depending on the nature of
3 the crime.

4 We will now be showing you diagrams 8 to 10. Diagram 8, Abobo. Witness P-17
5 has told us that - and this is an important point - right at the very beginning of the
6 demo -- right at the very beginning of the demonstration, as early as 5 in the morning,
7 shooting had already begun in all neighbourhoods.

8 At the Abobo roundabout and the Abobo station, police officers were shooting in all
9 directions to keep people from gathering. Wherever they saw people gathering, the
10 police officers were shooting. Furthermore, Amnesty International has reported that
11 the FDS killed at least six unarmed people in the neighbourhood by throwing
12 cannisters of tear-gas and then opening fire. ERN-0003-0745.

13 Diagram 9, Adjamé. One man has reported that militiamen from the students
14 federation, the FESCI, as well as mercenaries, had surrounded them in the Pallet
15 neighbourhood and many people were injured. Another man reported that at Camp
16 Agban they were surrounded by the FDS who threw grenades and shot into the
17 crowd. His son was injured and taken away. Witness P-172 has reported that the
18 police officers were shooting and throwing grenades at Macaci because the
19 demonstrators were persisting despite the tear-gas. He saw four people injured.
20 Tear-gas. I stress tear-gas.

21 At Adjamé Williamsville, Witness P-117 told us that police officers were throwing
22 cannisters full of tear-gas. Even though they could not see through the smoke, the
23 police officers still shot upon the crowd and threw grenades. P-117 was not able to
24 give us exact figures, but he did say that many people were killed. He saw them
25 killed.

1 At Adjamé-Liberté, P-109 told us that he heard shooting in -- from all directions and
2 he saw one person shot badly. One police report, a single report, says that seven
3 died and 13 were injured in Adjamé after the Gbagbo forces intervened, and this is an
4 important point. This was at the same -- actually, this report was received in January,
5 but if you look at this particular item of evidence, this report, you will see that was
6 dated on that same day. ERN-0010-0028 at page 32. So specific mention is made of
7 the tear-gas being used.

8 As the demonstrators got closer and closer to the RTI, the police officers and soldiers
9 cracked down more harshly. At Cocody, at Duncan intersection, P-106 has told
10 investigators that his group of demonstrators were attacked by youth from the
11 students federation and by mercenaries. They used tear-gas, they threw grenades,
12 they shot at them. They called out "Kill them. Hit them. Kill them." 106 saw
13 people shot and also hit by shrapnel. He himself was injured. His arm was injured.

14 Also in Cocody, at the Carrefour de la Vie, the FDS shot on demonstrators. One
15 witness told us that after the shooting his brother was arrested. His brother has
16 never been seen again, and I refer you to paragraph 9 of that gentleman's affidavit.

17 So at one -- at the major intersection, just before the RTI, the FDS first shot into the air
18 to disperse the crowd and threw cannisters of tear-gas. They then began shooting
19 with their Kalashnikovs and launched rockets. Despite the smoke, P-107 saw many
20 casualties, people who had died, and he himself was shot in the knee.

21 At St Jean intersection, one man stated that the CeCOS and the soldiers threw
22 cannisters of tear-gas and shot at them. His cousin was shot repeatedly. Paragraph
23 6, affidavit compiling the statements taken from witnesses regarding the incidents
24 relating to nationals of Western Africa. ERN-0007-0235.

25 Close to the RTI, one witness, Witness 109, told investigators that he had heard from a

1 friend that the Republican Guard had shot upon people and then the gendarme
2 chased after them. People died, or were injured.

3 Witnesses 107 and 117 stated that even though people had put their arms up into the
4 air to show that they were not armed, all the same, the pro-Gbagbo forces attacked
5 them all the same.

6 I would now focus on the crimes committed by the pro-Gbagbo forces after the
7 demonstration.

8 As the demonstrators were being dispersed, the pro-Gbagbo forces chased after them
9 and launched a true campaign of persecution against anyone who was perceived as
10 being a Ouattara -- as a Ouattara supporter in the various neighbourhoods.

11 People were murdered, raped, other inhumane acts were committed. All of these
12 attacks were on the basis of necessity, religious creed or political affiliation, whether
13 the person was truly from one of the groups or was just perceived as being from one
14 of the groups.

15 In Cocody, as people fled from the major intersection, just before getting to the RTI,
16 107 told us that he saw FDS groups arrive from other intersections with armed -- with
17 vehicles, with weapons. He also saw snipers on rooftops, FDS snipers shooting at
18 people.

19 107 explained that he then headed towards the university residence. There he saw
20 young people from the student association, the FESCI, who were shooting from the
21 upper floors of the residence. As he ran he was shot in the knee. He hid in the tall
22 grass and then he saw the FDS arrive in three CeCOS four-by-fours, along with a
23 number of mercenaries. They were there to kill them, to kill off the -- to finish off the
24 injured. Four people were killed before his eyes.

25 One article by Human Rights Watch informs us that in the Riviera II neighbourhood,

1 once again in Cocody, a group of young FESCI members chased down
2 people -- chased down a young man, beat him up and executed him. That is at page
3 168 of the report.

4 In Adjamé-Liberté, Witness 109 saw gendarmes arresting people, putting them in
5 vehicles, in trucks. In Adjamé Williamsville, Witnesses P-112 and 117 told
6 investigators that police officers began to chase after the demonstrators who fled
7 towards the cemetery in Williamsville, or towards Deux Plateaux, and then they
8 arrested them.

9 Witnesses 112 and 117 were both arrested by police officers, put into a vehicle, then
10 taken to the police school in Cocody. P-112 explained that most of the people who
11 were arrested belonged to the Dioula ethnic group and were supporters of
12 Mr Ouattara. The police officers beat some men so badly that their legs were broken.
13 P-117 told us how he was arrested. He begged a police officer to let him go, but he
14 was told the following, and I quote: "You are the ones who are trying to destabilise
15 this country. You were told not to go out and demonstrate. You refused. You
16 went out all the same. There is one president and that is Gbagbo."

17 Witness 117 also told us that a police officer told the men in the vehicle that the
18 president was the one who had given the order to kill them. Before they were taken
19 to the police school, the vehicles went around the various neighbourhoods and tried
20 to round up other people, other civilians, more people.

21 I would like to ask you to now look at diagram 12, which is now displayed on your
22 screens.

23 Once they got to the police school in Cocody, once again 16 December, the police
24 officers were continuing their insults and saying, "We're going to kill you all, all of
25 you Dioula. You were the ones who went out and went and took part in the march

1 upon the RTI."

2 This witness -- correction, Witness P-117 saw people being kicked or struck with rifle
3 butts because they refused to obey orders. 112 and 117 both told us that they were
4 brutally attacked and raped by police officers. Regarding 117, she was raped several
5 times. 112 told us that a mother and her young daughter were crying, the mother
6 calling out because they had destroyed her daughter, robbing her of her virginity.
7 Before raping Witness 117, the police officers said to her that Simone Gbagbo had
8 asked them to rape all the women who took part in the walk and if they were not able
9 to rape them to shove a stick into them.

10 Police -- the police officer who raped 112 said that the Dioulas had asked for this.

11 That they had brought this upon themselves.

12 Your Honours, I believe I will stop at this point and then resume after the break.

13 Thank you very much.

14 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you
15 very much. We shall now suspend and resume at 4 o'clock. This session is now
16 suspended.

17 THE COURT USHER: All rise.

18 (Recess taken at 3.29 p.m.)

19 (Upon resuming in open session at 4.06 p.m.)

20 THE COURT USHER: All rise.

21 Please be seated.

22 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) I do
23 understand that we have agreed to sit until 6 p.m. without interruption.

24 MR ALTIT: (Interpretation) Yes, agreed from the Defence.

25 MR MACDONALD: (Interpretation) Thank you, your Honour. I simply want to

1 state that, because we do not have the break, the Prosecution team would have to
2 reorganise the seating order in order to handle the visual presentations which are part
3 of our case. Our case manager has left us for a while, but she'll be back to handle
4 this aspect. Thank you.

5 Let me now proceed. Your Honour, the report from Amnesty International also
6 highlights sexual violence to which other women were subjected on that day of
7 16 December 2010. For example, the case in point is that of a woman who was
8 arrested, along with six other women at least, by policemen and taken to the police
9 headquarters in Plateau and then held in a house which was guarded by gendarmes.
10 They were imprisoned there up until 22 December and were raped twice - were
11 mob-raped twice - on 18 and 20 December 2010. They were gang-raped.
12 Still on that day of 16 December 2010, young militia raped two women at a roadblock
13 they were manning. Those two women were wearing T-shirts supporting
14 Mr Ouattara, and after the rape those men told one of the women to call Mr Ouattara
15 and lodge a complaint to him if she wanted to.

16 Several women also told an NGO that they had been raped on the day of the march.
17 Two women talk of young militiamen who had raped them as they were returning
18 from the march. They threatened one of the women that -- saying that they were
19 going to kill all foreigners, one by one, the Dioulas mainly, so that Mr Ouattara would
20 be forced to leave.

21 Still according to Amnesty International, the report states that three persons having
22 Dioula nationality were checked by pro-Gbagbo forces and were taken to CeCOS by
23 those forces, where some ten people struck them with batons and kicked them with
24 their feet at CeCOS. They were subsequently taken to the police headquarters in
25 Plateau, where police hit them with various clubs and electrical cables and batons.

1 Pro-Gbagbo forces even went to hospitals to hunt down their victims.

2 After the march, Witness P-106 and 107 came to fetch people at the hospital in

3 Adjamé, that is the wounded persons, and then took them and also took them from

4 the Yopougon hospital.

5 Your Honours, let me say that these perpetrations of crime did not end on the evening

6 of the 16th. I would like to draw your attention to the diagram that is now

7 displayed.

8 In the night of 16 to 17 December 2010, the report of the Council for Human Rights

9 explains that the FDS raided the Abobo neighbourhood at PK18 and at least 18

10 civilians were killed and several young men were arrested. At the end of our

11 presentation, we shall refer to the previous incident relating to this aspect.

12 Still according to the Human Rights Watch article mentioned above, on

13 17 December 2010 eight FDS soldiers and a young patriot entered a family home in

14 Abobo and four persons, or four of them, four of those who entered that home, raped

15 a woman. They also killed her husband, who was an RDR militant, and they forced

16 him to watch the -- forced her, rather, to watch the killing. Subsequently, when they

17 realised that she was wearing a pro-Ouattara T-shirt, they told her to go complain to

18 him and to tell him that they had raped her.

19 On 17 and 18 December 2010, some FDS, including CRS, raided three mosques in

20 Abobo and Williamsville, which are locations depicted on plan number 14, as well as

21 in Grand Bassam, which is in the suburbs of Abidjan. The report of the Human

22 Rights Council also states that at least 27 persons were wounded, including 14

23 women, and one person was killed.

24 Now, still according to the Human Rights report, on 18 December 2010 some 12

25 soldiers abducted and killed pro-Ouattara supporters who had been monitoring the

1 elections in the Abobo office. Still according to that human -- that Amnesty
2 International report, on 18 December young militia killed with machetes two Muslim
3 students, two of whom were wearing -- rather, one of whom was wearing a
4 pro-Ouattara T-shirt.

5 On 19 December 2010, and according to the Human Rights Watch report still, six men
6 claiming to be policemen jointly raped three youngsters at Abobo and they told them
7 to go complain to Mr Ouattara.

8 Now, your Honour, plan 8 to 16. The Prosecution submits that there are substantial
9 grounds to believe that the pro-Gbagbo forces committed the crimes of crimes against
10 humanity of murder, rape, inhumane acts and persecution during the attacks and
11 demonstrations in front of the RTI between 16 and 19 December 2010. A summary
12 of this is presented.

13 These attacks were planned and co-ordinated at the highest command levels of
14 Mr Ouattara's -- and following Mr Gbagbo's instructions, rather. They were not
15 mere sporadic and spontaneous incidents. I will refer to Mr Reinhold Gallmetzer's
16 presentation, which will focus on the individual criminal responsibility of Mr Gbagbo
17 subsequently.

18 In any event, the scope of the measures taken by the pro-Gbagbo forces, the
19 co-operation between all the armed forces, the FDS, the Young Patriots and the
20 mercenaries and the number of incidents or killings, that is 54 inhuman acts, 54, rapes
21 17 and all those targeted in these crimes, namely civilians perceived or known to be
22 Ouattara supporters, relate -- reflect the scope of these events that span several days
23 and were -- and took place in various neighbourhoods in Abidjan. These all
24 underpin our argument, our submissions. I would like to refer the Chamber to
25 transcript 15 ET, page 19, line 7 and follows.

1 To conclude, let me therefore address some of the points raised by Mr Altit in which it
2 is stated that all material in our possession proves that the attack on the RTR was not
3 carried out by pro-Gbagbo forces alleged to have been unarmed, but rather that they
4 were carried out by pro-Ouattara forces who launched a premeditated and planned
5 attack against the forces of law and order.

6 This assertion by Defence is based on a statement from the Minister of Defence, and I
7 refer you to statement 0001-1273, and at page 1283, reference is made to an attack that
8 took place at around 11 a.m. in the morning at the police and national guard
9 check-point at the Thérèse Houphouët-Boigny roundabout. The attack is said to
10 have resulted in the death of two pro-Gbagbo armed forces members. This attack is
11 said to have taken place at 11 a.m. in the morning, and according to the Defence, in
12 the other communes of Abidjan, namely Abobo, Cocody and Adjamé, demonstrators
13 are alleged to have attacked members of the forces of law and order who were
14 assigned to control the demonstration.

15 As mentioned earlier, Prosecution witnesses are unequivocal on this matter. They
16 say that this was a peaceful march which started early in the morning, but there is
17 more. The police itself does concede that at 11 a.m., or that by 11 a.m. the
18 demonstrations had already come to an end in Adjamé neighbourhood. Please see
19 exhibit reference before 0010-0028, page 0031 to 0032.

20 This report does not in any way mention armed demonstrators, in spite of, and I
21 quote, "... the impressive number of demonstrators who were there, namely about a
22 thousand persons around the Adjamé mayor's office." This report does not in any
23 manner mention any violence by demonstrators. The only deaths reported were
24 deaths of civilians.

25 Now, let us talk about the Prosecution investigations. The list of Prosecution

1 inculpatory evidence is based mainly on the Independent International Commission
2 of Inquiry on Côte d'Ivoire and on the Human Rights Council's documentation. See
3 document 0003-0352, and at page 0363, paragraph 46, I quote, "On 16 December,
4 during the march of the RHDP, at least 18 persons were killed at PK18
5 neighbourhood in Abobo and 14 members of the FDS are alleged to have also been
6 killed.

7 This information, your Honours, Madam President, is also contained in another
8 Prosecution document or exhibit, namely the Amnesty International report which I
9 referred to, ERN-0002-0647, at page 0656, which deals with this very incident as well,
10 the incident of 16 December in PK18 neighbourhood.

11 None of these organisations, none of these two organisations refers to any acts of
12 violence relating to two -- or the two forces, pro-Gbagbo or pro-Ouattara, in relation
13 to this incident of 16 December.

14 Let me now show you a map. The Minister of Defence refers to a neighbourhood
15 called Thérèse Houphouët-Boigny, but this clearly lies outside of the security cordon
16 set up on 16 December to protect the RTI. This incident has nothing to do with the
17 march which was already over by that time. PK18 in Abobo is some 12 kilometres
18 from the RTI as the crow flies. Remember this name, pay attention to this name,
19 because I assume that the Defence will be referring to this name over and over again
20 in its submissions.

21 Thank you for your kind attention. I will now give the floor to Madam Maria
22 Berdennikova who will talk about the march by the women on 3 March 2011. Thank
23 you. At this juncture we will play musical chairs and then return to continue our
24 presentations.

25 MS BERDENNIKOVA: Good afternoon, Madam President, your Honours.

1 Your Honours, on 3 March 2011, security forces loyal to Mr Gbagbo used heavy
2 weapons against a group of approximately 3,000 women, peacefully demonstrating in
3 Abobo against human rights violations and demanding Mr Gbagbo's departure. As
4 a result of this attack, seven women were killed and many others were seriously
5 wounded. My presentation will cover a selection of the Prosecution's core evidence
6 on this incident which is described in paragraphs 52 to 54 of the Prosecution's
7 Document Containing the Charges.

8 I will first turn to the evidence provided by crime-base witnesses interviewed by the
9 OTP. Witness 184 described in her statements at paragraph 71 and 78 that the
10 general situation in Abidjan deteriorated after 16 December incident, which my
11 colleague has just spoken about. Wherever demonstrations took place, civilians
12 were killed.

13 As a response to this situation, members of civil society and of RHDP decided to
14 organise women's demonstrations, trusting that pro-Gbagbo forces simply could not
15 shoot women. One of the participants of the march, Witness 117, confirmed this and
16 explained that since men could no longer demonstrate because of the risk of being
17 killed by pro-Gbagbo forces, it is the women of Abidjan who decided to organise
18 peaceful marches in support of Ouattara.

19 By the end of February, beginning of March 2011, women's demonstrations were
20 taking place in various districts of Abidjan. Such a march was also organised in
21 Abobo. According to Witness 184, it was called "Opération Gbagbo Dégage" and it
22 was scheduled to take place on 3 March 2011. Banco Anador roundabout was
23 chosen as the assembly point for this demonstration.

24 Your Honours, I will now display a map. This map shows the Abobo district which
25 is located in the north of Abidjan and you will see the famous Banco Anador

1 roundabout which is marked with a red circle and it appears in the centre bottom of
2 the map. It's labelled Carrefour Anador. And as you can see, it's located along the
3 main axis road to Abobo from the south. Now, this road appears on the map in
4 yellow.

5 Now, coming back to the demonstration, at paragraph 85, Witness 184 explains that
6 there were only a few men who participated in the march and the majority were
7 women. Witness 117 confirmed that when men wanted to take part in the
8 demonstration, they were turned down. Paragraph 155.

9 Witness 184 explained that the women taking part in the march were unarmed. This
10 was also confirmed by both Witness 106 and 107, neither of whom saw any women
11 carrying weapons. Witness 107 explained that women wore simple clothing, some
12 had Alassane T-shirts, but none wore military or tache-tache clothes. Witness 105
13 described that her friends participating in the march wore T-shirts with no particular
14 emblems.

15 Witness 107 heard women singing Ouattara's named and exclaiming "Alassane
16 Ouattara Président." As explained by both Witness 105 and 106 in their statements,
17 women also waved tree branches in the air as a symbol of joy. They prepared signs
18 saying "Gbagbo, dégage." Witness 184 confirmed that women carried placards and
19 branches to show that the march was peaceful.

20 Your Honours, between 10 and 11 in the morning, a military convoy drove from
21 Camp Commando in the direction of the demonstration's assembly point. And you
22 will see Camp Commando on the map on your screens, it's positioned at the top
23 centre of the map and is marked with a red circle, and it's labelled "Entrée Escadron
24 Commando Gendarmerie ("Camp Commando")".

25 As described by insider Witnesses 10 and 46, among others, Camp Commando was

1 the command post of the FDS in Abobo during the post-election crisis.

2 On their way to the assembly point, Witnesses 112 and 117 saw the military convoy
3 pass them by. At paragraph 157, Witness 117 specified that the convoy was coming
4 from the direction of Camp Commando. Witnesses 107 and 172 also heard that FDS
5 vehicles left from Camp Commando on the day of the attack.

6 Your Honours, this brings me to the question of who exactly was stationed at Abobo's
7 Camp Commando in March 2011? According to insider Witness 164, most FDS units
8 were represented at the camp and between 7- to 800 soldiers were present there at
9 any given time. Paragraphs 33 and 105.

10 164, Witness 164, specified that the forces stationed at Camp Commando in March
11 2011 consisted of the army, and more specifically members of the BASA, which is the
12 "Bataillon d'artillerie sol-air," and elements of the 1st and 3rd infantry battalions; there
13 were also members of the Republic Guard; some elements of the gendarmerie,
14 including those belonging to the GEB, the "Groupement d'escadron blindé"; and a
15 few members of the police.

16 Now, the presence of these units at the camp was confirmed by other insiders,
17 including Witness 10, Witness 46 and Witness 69. Witness 10 added that members of
18 the BRU, the police anti-riot brigade, were also present there. Witnesses 112 and 184
19 also mentioned that mercenaries were at Camp Commando in March 2011.

20 Paragraph 69 to 70 and paragraph 139 respectively.

21 Witness 10 stated that the forces at Camp Commando were armed and they had
22 armoured vehicles at their disposal. I refer you to this witness's transcribed
23 statement at 0016-0104, lines 226 to 254.

24 What is also important to note is that, during the relevant periods, there were regular
25 missions from other FDS camps to Camp Commando in Abobo in order to bring

1 supplies and to change military shifts. According to Witness 164, covered vehicles
2 that could transport 15 people and four-by-fours were regularly used for these
3 missions. The military in these convoys were armed with AK-47s and at times with
4 12.7 millimetre cannons. Witness 172 also confirmed that convoys, including a tank
5 and armoured vehicles, would get supplies at Camp Agban and return to Camp
6 Commando.

7 At paragraph 93 Witness 164 stated that, when travelling between Camp Commando
8 and Camp Akouedo, soldiers would indiscriminately shoot in order to disperse
9 groups of people. When shooting, they did not make a distinction between
10 combatants or unarmed civilians.

11 This account was corroborated by Witness 184, who stated that in January and
12 February 2011 soldiers leaving Camp Commando would shoot anywhere and kill and
13 injure civilians as a result, paragraph 72.

14 I would now like to bring you back to the military convoy that was involved in
15 3 March incident. Both Witness 112 and 117 explained that the convoy included a
16 tank, followed by cargo cars. Witness 117 believes that the tank had a turning
17 cannon. Witness 184 also saw a large covered tank with a cannon, followed by cargo
18 cars and other vehicles. This convoy drove past the women at high speeds using the
19 free side of the highway, paragraphs 87 to 88.

20 The description provided by Witnesses 112, 117 and 184 is corroborated by Witness
21 172 as well. He was told by participants of the march that it included a tank with a
22 turning cannon, followed by cargo cars and other vehicles.

23 The account of these witnesses is also supported by documentary material. For
24 example, a Human Rights Watch report at 0004-0072, page 0130, speaks of, and I
25 quote, "a green pick-up with a mounted machine-gun, a police cargo truck, a green

1 military camouflage tank and a blue gendarme tank which were involved in the
2 procession."

3 At paragraph 71 Witness 112 also specifies seeing a green tache-tache cargo car, while
4 Witness 117 recalled seeing vehicles of blue colour in the convoy.

5 Witnesses 112, 117 and 184 all described seeing armed soldiers in uniforms in the
6 cargo cars. This information is also corroborated by Witness 172, at paragraph 16,
7 and by other material, including the Human Rights Watch report that I mentioned,
8 where I quote it states, "Someone in green fatigues with a military helmet opened fire
9 on the women."

10 This specification in particular, your Honours, is corroborated by Witness 112, who
11 also referred to military in the cargo cars wearing green tache-tache uniforms.

12 Witnesses 105, 112 and 117 and 184, all four eyewitnesses, stated that when the
13 military convoy passed by people presumed it was there to provide protection to the
14 demonstrators. They began to applaud, exclaiming, and I quote, "Voilà des
15 militaires qui arrivent et qui vont nous protéger," paragraph 159 of Witness 117's
16 statement.

17 Witness 184 heard from other participants of the march that there was a white flag on
18 the vehicle in the convoy, and Witness 172 also heard that the soldiers in the convoy
19 displayed a white cloth which led the demonstrators to believe that they would not be
20 harmed.

21 However, only moments after being applauded by the women, this military convoy
22 opened fire on the peaceful demonstrators. According to Witness 184, the convoy
23 had passed her and was positioned at Banco Anador roundabout when she suddenly
24 heard two cannon shots and she fainted. There was no exchange of fire before the
25 cannon shots were fired.

1 Witness 184 emphasised that the demonstrators were not blocking the side of the road
2 used by the convoy and it could have continued on its way without any obstacles.

3 Witnesses 112 and 117 also heard several loud shots coming from the direction of the
4 Banco Anador roundabout by the time they had reached the town hall of Abobo.

5 Now, your Honours, the town hall of Abobo is -- appears in the centre of the map on
6 your screens and it's marked with a red circle and labelled "Mairie Abobo."

7 At paragraph 161, Witness 117 explained that the shots came from the tank and were
8 much louder than shots made by regular gunfire. Witness 106 also heard several
9 detonations which he described as "tirs de chars" at paragraph 48.

10 Witness 107, who was making his way towards the Banco Anador roundabout,
11 explained that he stopped after hearing three shots fired from heavy weapons he
12 described as "coups de canon." They came from the direction of the Mobil petrol
13 station, next to the Anador roundabout and more than a hundred metres away from
14 the witness. Witness 107 was later told that FDS vehicles that drove from Abobo's
15 Camp Commando shot at the women before continuing in the direction of Adjamé.
16 Finally, Witness 172, who was about 200 metres away from where the women were
17 shot, also heard what he described as heavy weapon shots, followed by successive
18 gun-shots, at about 10 in the morning.

19 Immediately after the sound of heavy gunfire, women began fleeing. Witnesses 112
20 and 117 saw distressed people running and shouting, I quote, "Ne continuez pas
21 parce que ces chars que venaient de passer sont en train de s'attaquer aux femmes."

22 I refer you to paragraph 162 of Witness 117's statement.

23 Witness 106 also saw people running and screaming, I quote, "On a tué des femmes!
24 On a tué des femmes!", paragraph 48.

25 Those fleeing towards the Chaka-Koné market told Witness 105 that women were

1 shot at from the tank. Witness 107 also learned that several women were killed
2 through a person fleeing in his direction. When she regained consciousness, Witness
3 184 saw blood and injured people around her.

4 Madam President, your Honours, seven women were killed as a result of the attack
5 and many others were injured. The identities of these seven victims were
6 established by the Prosecution and are on our list of evidence, and I refer you in
7 particular to the statements of Witness 172 and 184.

8 Witnesses 105, 106, 107, 117 and 172 all described seeing the victims of the attack at
9 the crime scene. Witness 117 described seeing a woman covered with a cloth and
10 was told by those next to her that this woman had been decapitated. Witnesses 105,
11 106, 107 and 172 also spoke of seeing this victim.

12 Witnesses 117 and 106 saw a woman with bullet wounds in her back, and Witness 106
13 saw another woman wounded in her throat.

14 Witness 106 described seeing the bodies of all seven women and of many others that
15 were wounded at paragraph 48.

16 Witness 105 recounted seeing the bodies of six women that were killed.

17 Witness 172 went to Anador Banco roundabout as well. He stopped at the Adjara
18 Clinic, where he saw injured people. Once arriving at the crime scene, the witness
19 saw six bodies and explained that the seventh had already been transported to
20 hospital where this victim later died.

21 Witness 107 arrived at the Banco Anador roundabout more than 30 minutes after the
22 incident, at around 11 in the morning. He saw four dead bodies of women on the
23 ground.

24 Witness 172 explained that at the same time he helped to transport four of the bodies
25 that remained at the scene to a hospital in Abobo. This witness was inside the

1 hospital, when at around 2 in the afternoon armed men in uniforms came and started
2 shooting. This witness was told by a staff member of the hospital that the men
3 shooting were looking for bodies of the women, but they were told that they are not
4 at the hospital.

5 Some of the victims of the women's march were killed by heavy weapons and others
6 injured or killed by bullets. I refer you in particular to paragraph 93 of Witness 184's
7 statement and to a Human Rights Watch article at 0002-0173.

8 Witnesses 105, 112, and 172 all lost family members, or friends, who were killed
9 during the demonstration.

10 Madam President, your Honours, the brutal killing of these women was widely
11 reported and documented on film. I will now play an excerpt of a public video that
12 was filmed during the demonstration. It captures the events that took place.

13 Now, the ERN of this video is CIV-OTP-0003-0716 and its transcript is available at
14 CIV-OTP-0021-0104, the relevant lines being 1 to 52.

15 Just one moment. Your Honours, the beginning of this footage clearly shows
16 women demonstrating peacefully in support of Ouattara.

17 (Viewing of the video excerpt CIV-OTP-0003-0716)

18 MS BERDENNIKOVA: Your Honours, I will now jump to minute 3 of this video,
19 where you will first see the continuation of the demonstration, followed by the
20 sudden attack as the military convoy drives by the demonstration.

21 (Viewing of the video excerpt CIV-OTP-0003-0716)

22 MS BERDENNIKOVA: Your Honours, I pause here where you can clearly see that a
23 tank is part of the convoy in the background.

24 (Viewing of the video excerpt CIV-OTP-0003-0716)

25 MS BERDENNIKOVA: I pause here again where you can see another cargo car,

1 which is also part of the convoy.

2 (Viewing of the video excerpt CIV-OTP-0003-0716)

3 MS BERDENNIKOVA: Your Honours, I just pause because we will be seeing the
4 victims of the attack shortly.

5 (Viewing of the video excerpt CIV-OTP-0003-0716)

6 MS BERDENNIKOVA: Your Honours, we have all just seen a woman who attempts
7 to get up and then lies back down in the video. Now, this was used by the
8 pro-Gbagbo media, including the RTI, to claim that she pretended to be dead and that
9 the entire footage that you have just seen is a result of a montage intended to
10 incriminate the FDS.

11 Aside from other available evidence, I draw your attention to the statement of both
12 Witness 105 at paragraph 32, and Witness 184 at paragraph 104, who explicitly
13 confirm that the woman in question did die as a result of the attack.

14 I will continue and demonstrate that allegations that this video is a fabrication are
15 simply intended to cover up the criminal responsibility of pro-Gbagbo forces.

16 (Viewing of the video excerpt CIV-OTP-0003-0716)

17 MS BERDENNIKOVA: I stop here. In this last frame you can see a victim in a
18 striped shirt. I would just like to note that a photograph of this victim was taken
19 later on the same day and it's available in our list of evidence. In these photos, this
20 dead victim is still wearing the same shirt which you can see on your screens now. I
21 refer you in particular to 0037-0114 and to 0037-0117. And the video can be taken off
22 the screens now. Thank you.

23 Madam President, your Honours, the footage you have just seen and the statements
24 of crime-base witnesses on our list of evidence are corroborated by a large number of
25 UN, NGO and media reports. All of these sources consistently refer to the killing of

1 seven women by security forces loyal to Mr Gbagbo who used disproportionate force
2 to disperse a peaceful rally.

3 I also refer you to the report of the UN High Commissioner for Human Rights on the
4 situation in Côte d'Ivoire at 0002-0548, paragraph 14, which states that, and I quote,
5 "Even though the Gbagbo camp denied the involvement of FDS elements in the
6 incident, the investigations confirmed that they were present in the area and had in
7 fact shot at the peaceful demonstration. As with previous incidents, no concrete
8 steps were taken by the Gbagbo camp to identify and hold the perpetrators
9 accountable."

10 Madam President, your Honours, the best evidence on record of the responsibility of
11 FDS in this attack comes from FDS members themselves. The shooting was
12 discussed by the highest ranking members of the FDS shortly after the incident.
13 Insider Witness 10 explained that a meeting was held at the military headquarters
14 after the attack on the women's march. The incident was briefly discussed in the
15 presence of the Chief of Staff and of other high-ranking commanders. No precise
16 information was provided on which unit was responsible for the attack, but
17 commander of operations nevertheless stated that there was a clash between
18 demonstrators and the "détachement".

19 Witness 10 received confirmation that a military détachement was indeed involved in
20 the incident from a commander based at Camp Commando at the time. This
21 commander told Witness 10 that the military détachement in armoured vehicles shot at
22 the women in order to disperse them and to get through. I refer you to transcript
23 0016-0084 at lines 511 to 571, and to 0016-0104 lines 19 to 60 and 306 to 401.

24 Witness 46 also spoke of the meeting that took place the day after the 3 March attack
25 in transcript 0014-0326. He confirmed that this meeting was held between

1 high-ranking commanders at the military headquarters. During the meeting, a
2 commander from the Republican Guard explained that a tank implicated in the
3 incident belonged to the Republican Guard. Lines 436 to 816.

4 Your Honours, the Prosecution submits that what is clear from the accounts of
5 Witnesses 10 and 46 is that the incident was discussed at the highest level of the FDS
6 and there was no question that pro-Gbagbo forces were responsible for the 3 March
7 incident. In addition, as explained by Witness 10 and 46, no investigations into the
8 shooting at the women at Abobo took place.

9 In addition to the statements of Witnesses 10 and 46, the Prosecution also refers to the
10 summary statement of Witness 49, who was informed that the Republican Guard and
11 the gendarmerie squadron took part in the incident. The witness added that in fact
12 everyone was aware that it was the gendarmerie and the Republican Guard that were
13 implicated in the murder of the women. Paragraphs 33 to 34.

14 Witness 164 added that the Republic Guard and the GEB, a specialised unit of the
15 gendarmerie, possessed armoured vehicles in Abobo and if women were indeed shot
16 at from such vehicles they would have had to be involved. On 3 or 4 March 2011,
17 soldiers from the north of the country stationed at Camp Commando confirmed to
18 Witness 164 that indeed women had been killed. They told the witness that, I quote,
19 "Ils ont encore tué des soeurs à nous à Abobo." Paragraphs 99 to 103.

20 Finally, the involvement of members of the Republican Guard in the shooting was
21 also confirmed by insider Witnesses 239 and 45. Witness 239 stated that it was
22 Dogbo Blé who was in charge of the Republican Guard that sent the soldiers who shot
23 the women in Abobo. And Witness 45 stated that, and I quote, "The killing of the
24 women in Abobo happened under the orders of the special police and the Republican
25 Guard," end of quote.

1 According to Witness 45, they were two of the most active entities within the FDS and
2 communicated every morning indicating their positions on the ground in Abobo. I
3 refer you to paragraph 17 of Witness 239's summary statement and paragraphs 94 to
4 97 of Witness 45's statement.

5 However, in spite of this evidence, on 4 March 2011, the FDS spokesperson denied
6 any FDS involvement in the incident, adding that on the day of the attack FDS forces
7 never left their military barracks. The Council of Ministers was also quick to reject
8 all responsibility for the incident. During its meeting on 8 March 2011, the council
9 declared that accusations against FDS forces were unfounded and the result of a
10 "montage". 0025-0106. As demonstrated by Prosecution evidence, this repeated
11 denial of all the responsibility by the government was a clear attempt to cover up
12 their implication in the murder of the women.

13 Madam President, your Honours, in conclusion, the Prosecution submits that the
14 evidence on our list of evidence provides substantial grounds to believe that
15 Mr Gbagbo's FDS elements committed the crimes of murder and of attempted murder
16 or inhumane acts against civilians in Abobo on 3 March 2011.

17 These crimes were not committed spontaneously, but in a planned and co-ordinated
18 manner. Because of the involvement of the FDS forces and their objective to quell
19 support for Ouattara, this co-ordination had to come from the highest levels of the
20 governmental apparatus. The Prosecution therefore submits that the crimes
21 perpetrated on 3 March 2011 in Abobo were carried out in pursuance to the policy
22 adopted by Mr Gbagbo and his inner circle and were executed with his knowledge.
23 The criminal responsibility of Mr Gbagbo for this incident will be developed in more
24 detail by my colleague, Reinhold Gallmetzer, in his presentation on the modes of
25 liability. I thank you for your attention and I pass the floor to my colleague,

1 Krisztina Varga.

2 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you.

3 MS VARGA: Madam President, your Honours, on 17 March 2011, less than two
4 weeks after the killing of the seven women during the peaceful demonstration,
5 another tragic incident took place in Abobo.

6 This time the pro-Gbagbo forces based at Camp Commando fired at least six mortar
7 shells at midday on civilian neighbourhoods in the centre of Abobo. The shells
8 landed on the Siaka Koné market, near the mayor's office of Abobo, as well as in the
9 nearby neighbourhoods of SOS Village d'Enfants and Dierrière Rails.

10 A large number of unarmed civilians, including women and children, were killed or
11 injured by the shelling that day. Prosecution witnesses, as well as the UN and
12 Human Rights Watch, reported more than 25 civilians killed and more than 40
13 wounded. Witnesses explained that the number of casualties were even higher than
14 initially announced, as many died later of their injuries, and I refer you to Witnesses
15 117, 107, 184, to the UN Secretary-General's report at 0002-0010, paragraph 49, and the
16 Human Rights Watch report at page 64.

17 To illustrate the locations of interest for this incident, I will now display a map of
18 Abobo, followed by an image of the same area captured from Google Earth.

19 The map on your screens is a close-up of Abobo. In the centre of the map is the main
20 roundabout of Abobo, with the Siaka Koné market and the mayor's office on each side
21 of the roundabout. To the north, at the top of the map, is Camp Commando; to the
22 south of Camp Commando, close by the Village SOS, which is also referred to as the
23 Habitat neighbourhood, and finally further southwest, at the bottom left of the map,
24 is the Dierrière Rails neighbourhood, which is also known as Sagbe Sud.

25 The following image captured from Google Earth is meant to give you an idea of how

1 densely built this residential area is. The arrows indicate the direction of the shells
2 that were launched from Camp Commando on 17 March.

3 Your Honours, this was neither the first nor the last time that Abobo was shelled.
4 Throughout the month of March, Abobo came under repeated heavy artillery fire by
5 the pro-Gbagbo forces. Witnesses describe that shells were landing all over Abobo,
6 killing people indiscriminately, including children. The worst of these incidents was
7 the shelling on 17 March, resulting in the highest number of casualties, and I refer you
8 to Witnesses 106, 184, 117, 172, the UN Secretary-General's report at paragraphs 49
9 and 51 and the Human Rights Watch report at pages 64 and 65.

10 I will now describe what happened on 17 March, and I will begin with the evidence of
11 three victims who were present in Abobo on the day of the shelling: Witnesses 105,
12 106 and 184.

13 Witness 105 describes at paragraphs 11 to 28 of her statement how she got injured by
14 the mortar shells that hit the Siaka Koné market. At the time of the events, Witness
15 105 was a vendor at the Siaka Koné market.

16 In the morning of 17 March, she went to the market with her sister to attend to her
17 usual business. Despite the insecurity that prevailed at the time, the market was still
18 open and everything was, as she described it, normal.

19 Around noon, she got startled by the sound of an exploding bomb. The explosion
20 caused panic in the market and she described how people ran in every direction to
21 hide. She tried to seek shelter in a nearby courtyard, but it was too late.

22 As she was running, she heard a second explosion similar to the first one. She felt a
23 sharp pain and realised she got injured in the chest. She lost consciousness and
24 woke up only later at the hospital, where she underwent surgery to remove shrapnel
25 from her chest. Although she survived her injury, the wound took over six months

1 to heal and a small shrapnel is still implanted in her chest and causes her discomfort
2 to this day.

3 Other acquaintances of Witness 105, who were at the market that day, were less
4 fortunate. She learnt of the death of four men, whom she had seen chatting near her
5 when the shells hit the market. Three of them died instantly, while the fourth died
6 later of his injuries. She also knew a woman and her husband who were killed at the
7 market that day.

8 At the hospital, she learnt from other victims that on the same day the Dierrière Rails
9 neighbourhood was also shelled. The majority of the injured at the hospital were in
10 fact victims from this neighbourhood.

11 Witness 106: On the day of the shelling, he was working as usual in his shop close to
12 the Siaka Koné market. Around noon, he heard the sound of exploding shells. He
13 was terrified, but managed to flee home. He returned to the market the following
14 day and he saw the extensive damage caused by the shelling. There was a lot of
15 blood everywhere on the streets of the market. Women were covering it up with
16 sand and cleaning it up.

17 According to 106, one of the shells exploded in a location where men were selling
18 meat. He learned that at least 15 people died instantly, while others died later of
19 their injuries. Many more got injured, including children. See paragraphs 89 to 91
20 of his statement.

21 Witness 184 was an inhabitant of Abobo at the time of the shelling. On account of
22 her function and activities, she was kept informed of all events happening in Abobo.
23 On the day of the shelling she was at home, when she heard the noise of at least four
24 or five exploding shells. Shortly thereafter, she started receiving phone calls
25 reporting about the victims of the attack.

1 The first call informed her that a shell landed in a courtyard in the Sagbe Sud
2 neighbourhood, killing a woman and her two small children, and I note that Sagbe
3 Sud is another name for Dierrière Rails neighbourhood.
4 Another phone call reported several people killed by another shell that landed near a
5 mosque in the Habitat neighbourhood, which is the same as SOS Village.
6 The third phone call informed her of more people killed by shells that landed in the
7 Siaka Koné market.
8 Witness 184 said she knew that a mortar landing in the area of the market would kill
9 many civilians, as it was always frequented by many people. See paragraphs 114 to
10 126 of her statement.
11 The accounts of these Prosecution witnesses are further corroborated by detailed
12 reports of the UN, Human Rights Watch and victim accounts collected by two local
13 Human Rights NGOs.
14 For instance, several affidavits described - victim affidavits - the shelling of the Siaka
15 Koné market in similar terms. They indicated that the shelling was carried out by
16 the pro-Gbagbo forces at Camp Commando, and I refer you to ERN-0007-0231,
17 paragraphs 3, 4, 5, 8 and 12.
18 All these victims have either suffered shrapnel wounds, or have lost family members,
19 during the attack. In fact the victim listed at paragraph 5 of the report is Prosecution
20 Witness 105, whose account I summarised at the beginning of my presentation.
21 Multiple witnesses interviewed by Human Rights Watch also reported that the
22 mortars were fired from Camp Commando and that several shells landed in the area
23 of SOS Village during a five-minute stretch, killing six and wounding 34. Among
24 the dead were two children below ten years of age.
25 Soon after, two shells landed in the Siaka Koné market killing at least 15 and injuring

1 a dozen more. Several people described witnessing the death of six men who were
2 sitting in a small market alleyway, having tea and chatting, when the shells exploded
3 several metres away. A 50 year old man, who was wounded by shrapnel from the
4 same explosion, described the horrific scene after the shelling, and I quote, "Some of
5 the wounds people had were so horrible we couldn't even look at them. People had
6 body parts that were blown off. Others were completely deformed," end of quote.
7 The man saw 13 people dead at the market, one of them a 72 year old man who was
8 seated next to him. Four other witnesses described the scene similarly.

9 When Human Rights Watch visited the scene of the shelling in July 2011, it reported
10 that hundreds of holes were still visible in the roofs, metal doors, concrete walls and
11 anything else within 15 to 20 metres of where the shells exploded.

12 Finally, the UN High Commissioner for Human Rights also reported that shelling
13 impacts were visible throughout the market and at least three houses were destroyed
14 by the shells in the area of SOS Village, killing one person who was asleep at the time
15 of the incident.

16 An UNOCI ground patrol that investigated the scene immediately after the shelling
17 found fragments of mortar shells at and around the market.

18 Your Honours, these accounts reveal that the shelling came without warning, it was
19 indiscriminate and it deliberately targeted a densely populated civilian area, and this
20 brings me to the question of who is responsible for the shelling.

21 Insider Witnesses 164 and 239 both confirmed that the shelling was carried out by
22 elements from the BASA, posted at Camp Commando. The BASA, which stands for
23 Bataillon d'artillerie sol-air, is an elite army combat unit specialised in the use of
24 heavy weapons, including mortars.

25 During the post-electoral violence BASA units were regularly sent on mission to

1 Camp Commando, most notably to operate heavy weapons, and Witness 239 explains
2 how rotating shifts were organised for that purpose.

3 Witness 164 provided the names of two officers from the BASA accused of having
4 fired the mortar shells, both of whom were on duty at Camp Commando on the day
5 of the shelling. Witness 239 corroborates 164 on the identity of these two
6 individuals.

7 Your Honours, in order to provide additional details on the identity of these two
8 individuals, I would ask to go into a brief partially closed session.

9 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) If we could
10 please go into private session.

11 (Private session at 5.12 p.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Open session at 5.13 p.m.)

3 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.

4 MS VARGA: As mentioned earlier, Witness 164 indicated that those responsible for
5 launching the mortar shells from Camp Commando acted on orders.

6 In addition, 164 explained that as early as 4 March, only one day after the killing of
7 the seven women during the demonstration, the commander in charge of Camp
8 Commando gave express orders to fire mortar shells on the Abobo roundabout.

9 Witness 164 describes, at paragraph 113 of his statement, how the commander gave
10 these orders with the knowledge of Generals Deto Letoh and Mangou.

11 As explained by Witness 164, this initial order to shell the roundabout was not carried
12 out as the soldier in question, whose identity I will not mention in open session,
13 refused to fire mortars on a populated area and requested a written order to that
14 effect. Witness 239 corroborates this account, and I refer you to paragraphs 73 and
15 74 of his statement. Nevertheless, the events of 17 March demonstrate that these
16 orders were eventually followed.

17 Additional sources corroborate that the shelling was carried out by Mr Gbagbo's
18 forces from Camp Commando.

19 Another insider, Witness 10, confirmed that only the army unit based in Akouedo
20 Camp, which is the BASA, had mortars in their arsenal. Witness 10 therefore
21 concluded that only those special units, the BASA, could have been responsible for
22 the shelling of the market.

23 Many victims of the shelling were unable to determine where the shells were fired
24 from; the explosions caught them by surprise as they were going about their daily
25 routines, and this was the case of 105, Witness 105. However, Witnesses 117, 184

1 and 112 indicate that everybody knew that it was the pro-Gbagbo forces that were
2 responsible for the shelling.

3 In addition, several witnesses interviewed by Human Rights Watch, as well as four
4 victim affidavits, confirm that the mortar shells were fired from Camp Commando.

5 See the Human Rights Watch report at paragraph 64 and the victim affidavits at
6 entries 3, 4, 8 and 12.

7 Lastly, an investigation conducted by ONUCI also confirmed that the shelling was
8 carried out by special forces from President Gbagbo's camp based at Camp
9 Commando.

10 Before moving to discuss the conditions in which the shelling was carried out, it is
11 important to emphasise from the outset that there are major concerns with the use of
12 mortars in urban areas.

13 As Witness 164 explained, mortars should only be used in open field where civilians
14 are not present. See paragraphs 55 and 61 of his statement. The main concern is
15 that mortar shells kill or maim whoever is within their impact zone and they are
16 incapable of distinguishing between combatants and civilians. As described by
17 Human Rights Watch in their report, mortar shells can destroy anything within a
18 radius of 20 metres from where they explode. See page 65.

19 In addition to their indiscriminate destructive power, Witness 164 explained that
20 mortars are inherently inaccurate weapons. Several shells need to be fired and their
21 trajectory adjusted several times before hitting a target. In other words, targeting
22 with mortars is by definition a trial and error operation.

23 Witness 164 noted that international rules prohibit the use of mortars in populated
24 areas for these very reasons, and that these rules of engagement are taught in every
25 Ivorian military school. Finally, Witness 9 also recalled that the Ivorian soldiers

1 were trained in international humanitarian law and they knew very well that
2 targeting civilians was a crime.

3 Turning back to the shelling on 17 March, Witnesses 164 and 239 confirmed that two
4 mortars had already been set up in Camp Commando prior to the shelling; one was
5 aimed in the direction of PK18 neighbourhood in the northwest of Abobo, while the
6 other was aimed at the Mairie roundabout, south of Camp Commando. Both
7 witnesses confirmed that it was the mortar aimed at the Mairie roundabout that was
8 fired on 17 March.

9 According to Witness 164, the fact that shells landed in different locations and at
10 various distances from Camp Commando are evidence of adjustments that were
11 made in the targeting process. Both the distance and the trajectory of the shells were
12 likely modified several times before hitting closer to the target, which in his opinion
13 was the Mairie roundabout.

14 According to 164, the faulty targeting was likely aggravated by the fact that FDS
15 forces had no means to verify the accuracy of their targeting. He explained that due
16 to the insecurity prevailing at the time, the FDS had no observers on the ground to
17 report back on whether the shells had hit the target. Binoculars could not be used
18 either due to the urban environment and the distance to the target.

19 Your Honours, the evidence shows that at least six shells were fired successively on
20 the centre of Abobo, hitting at least three different neighbourhoods. This
21 demonstrates that the shelling was carried out in complete disregard for civilian lives.

22 In fact, it targeted them.

23 And last but not least, it is important to emphasise that on 17 March, no military
24 targets, no armed combatants were present in the areas that were shelled.

25 Witnesses 105, 106 and several witnesses interviewed by NGOs made clear that no

1 armed individuals were seen in the areas hit by the shelling. The victims describe
2 how everyone was caught by surprise by the explosions and did not even have time
3 to take shelter. And I refer you to Witness 105, 106 and the Human Rights Watch
4 report at page 65.

5 In addition, Witness 9 admitted that he didn't understand why the market was
6 shelled since it was not a military target. It was known that civilians were present in
7 the area and the position of the enemy was known to be in the opposite direction, to
8 the north of Abobo.

9 The evidence does show that the FDS carried out a "blind" shelling operation, despite
10 the known risks and inaccuracies related to the use of mortars, despite the lack of
11 information on the ground to verify the accuracy of the target, and despite knowing
12 that the area was populated and civilians were going to be hit.

13 And yet, despite the exclusive media coverage and outrage caused by the incident, no
14 investigation was conducted into these events.

15 Similarly to the killing of the women during the demonstration, the leadership of the
16 FDS was reluctant to accept responsibility for the shelling of Abobo. Witness 10
17 admitted that despite -- that despite the widespread media reports about the victims
18 of the shelling, the leadership chose to ignore the incident during the high level
19 meetings and did not demand further clarifications.

20 Witness 9 also confirmed that no investigations were launched, although he admitted
21 that such a grave incident would have warranted an investigation requested directly
22 by the government.

23 Madam President, your Honours, in order to understand why the pro-Gbagbo forces
24 resorted to such extreme measures, I will briefly address the broader context in which
25 the shelling on 17 March took place.

1 Abobo, which is the most populated district of Abidjan, was perceived to be the
2 stronghold of Ouattara's supporters. For this reason, it was placed under reinforced
3 army surveillance by Mr Gbagbo, whose objective was to maintain control of this area
4 of Abidjan at all cost. Witness 10 explained that during meetings in February 2011,
5 Mr Gbagbo gave general instructions to keep and defend Abobo, stressing that he
6 didn't want to lose control of this area. And I refer you to the transcript at 0016-0084,
7 lines 192 to 207.

8 By March 2011, Camp Commando was the last fortified base of the pro-Gbagbo forces
9 in the district of Abobo. Witness 239 explained that the mission of the forces
10 stationed at Camp Commando was to keep control of the camp at all cost. See
11 paragraph 81 -- excuse me, 85 of his statement.

12 Several witnesses reported that shortly before the events in March 2011, Mr Gbagbo's
13 subordinates made public threats that Abobo will be cleaned or bombed. The
14 pro-Gbagbo population living in Abobo was warned to leave the neighbourhood.
15 Although it was mainly supporters of Mr Gbagbo who responded to this warning and
16 left, the majority of the population from the north chose to stay in Abobo, as they had
17 nowhere else to go. The army was well aware of this but claimed that those who
18 stayed were collaborating with the enemy. Witness 164 even heard Simone Gbagbo
19 publicly state that the people of Abobo were not people. For this section I refer you
20 to Witnesses 106, 107, 117, 164 and 239.

21 Witnesses explained that soon after these threats were made, the attacks on Abobo
22 intensified. See for example Witnesses 106 and 184. Witnesses 164 and 239
23 admitted that the soldiers were in the habit of shooting at anyone they met along the
24 road in Abobo, without distinguishing between civilians and combatants.

25 As a reaction to the indiscriminate killings committed by the pro-Gbagbo forces on a

1 regular basis, the youth from the neighbourhood began building roadblocks in order
2 to prevent them from entering Abobo. See Witness 105.

3 Witness 164 stated that after the killing of the women on 3 March, the main road
4 leading to Camp Commando became more and more difficult to access due to these
5 roadblocks. The pro-Gbagbo forces had to use alternative routes and they were no
6 longer able to go on patrols in the neighbourhood. Occasionally, the troops driving
7 to Camp Commando were shot at.

8 In relation to the shelling on 17 March, Witness 239 heard information that earlier that
9 day two FDS soldiers would have been injured when their convoy was allegedly fired
10 upon when trying to leave Camp Commando. In reaction to these events, the FDS
11 allegedly decided to shell the Mairie roundabout to clear the road for their troops.

12 According to Witness 239, the soldiers were afraid to go to this roundabout and that is
13 why they chose to bomb it.

14 Your Honours, independently of any such incidents, blindly shelling a densely
15 populated area was clearly indiscriminate and done with the knowledge that a large
16 number of innocent civilians will also fall victims to the attack.

17 This brings me to my conclusion. The Prosecution submits that the evidence before
18 you provides substantial grounds to believe that on 17 March 2011, Mr Gbagbo's
19 elements committed the crimes against humanity of murder, as well as attempted
20 murder or inhumane acts against the civilian population of Abobo.

21 The evidence demonstrates that these crimes were not committed spontaneously, nor
22 without the knowledge and co-ordination from the highest levels of command. The
23 only reasonable conclusion that can be drawn is that civilians perceived to be
24 pro-Ouattara were deliberately targeted as part of Mr Gbagbo's policy to remain in
25 power, as presented earlier by my colleague Mr Dutertre. My colleague

1 Mr Gallmetzer will later outline the individual criminal responsibility of Mr Gbagbo
2 for these acts.

3 This concludes my presentation, your Honours, and I will now pass the floor to my
4 colleague, Ms Florie Huck, who will talk about the Yopougon incident.

5 MS HUCK: (Interpretation) Good afternoon, Madam President. Good afternoon
6 your Honours.

7 My presentation will focus on the massacre in Yopougon on 12 April 2011. This
8 massacre was committed by the youth militia, elements of the police and pro-Gbagbo
9 mercenaries against civilians perceived as pro-Ouattara supporters. More than 80
10 people were killed, at least 17 women were raped and several others injured. This
11 incident is referred to in paragraph 56 of the DCC.

12 Yopougon is a commune in Abidjan, perceived as a pro-Gbagbo stronghold.

13 However, some neighbourhoods of the commune, such as Doukouré and Mami-Faitai,
14 are populated for the most part by ethnic groups from the north such as Dioulas, who
15 are Muslim and perceived as pro-Ouattara.

16 During the post-election crisis, the militia was strong in Yopougon and could
17 comprise up to 500 members. According to P-108, some were paid by the
18 government to recruit and train young people even before the presidential elections
19 as, and I quote, "They wanted to be ready to hold on to power," end of quote.

20 P-107 confirms that the young people had received military training and weapons
21 even before the first round of the elections and said that, if Gbagbo lost, they would
22 take power by force. These militias were well-armed, they had Kalashnikovs, rocket
23 launchers and machine-guns.

24 The pro-Gbagbo youth in Yopougon would convene what they called "parlements,"
25 or "forums," which were financed by Charles Blé Goudé. These forums or

1 parlements would disseminate virulent pro-Gbagbo propaganda and could rally up
2 to 300 or 400 youths. According to P-108, weapons were stored in the locations
3 where these forums were held.

4 As my colleague, Gilles Dutertre, mentioned, the violence escalated in Yopougon
5 against persons perceived to be pro-Ouattara, especially from February 2011.

6 Following Blé Goudé's speeches calling upon people to keep an eye on their
7 neighbours, P-109, 185 and 239 recount that roadblocks were set up all over
8 Yopougon. They were manned by Young Patriots, armed with knives, machetes and
9 grenades, and sometimes by mercenaries who were armed with Kalashnikovs.

10 P-185 and P-108 state that from March 2011 they saw many pro-Gbagbo youths armed
11 with Kalashnikovs in their neighbourhood. According to P-108, P-107 and P-239, it
12 was the authorities, notably the navy, who distributed these weapons to the young
13 people.

14 On 31 March 2011, the Forces Nouvelles loyal to Ouattara reached Abidjan. On
15 2 April 2011, the Lieutenant-Colonel Gouagnou from the pro-Gbagbo forces called
16 upon the RTI, all of the armed forces, the gendarmerie and the police, amongst others,
17 to join various units in Abidjan, located notably in Yopougon.

18 As my colleague, Reinhold Gallmetzer, will explain, at that moment in time the
19 militias and mercenaries were officially integrated into the FDS chain of command, so
20 this communiqué is also addressed to them. See video 0008-0010, which has as a
21 transcript 0020-0321, page 0322.

22 Madam President, your Honours, on 9 April 2011, whilst the presidential residence
23 was already under siege, Gbagbo's government issued a communiqué number
24 0018-0564. This communiqué was seized in the bedroom of the bunker where
25 Mr Gbagbo was arrested. It was disseminated via email by Gbagbo's adviser,

1 Mr Alain Toussaint, with at the bottom of the page the name of the government
2 spokesman, Mr Don Mello, ERN-0021-6393.

3 In this communiqué, Mr Gbagbo calls upon the people, and I quote, "... to continue
4 the resistance and remain determined in the fight to free Côte d'Ivoire and Africa,"
5 end of quote. He also denounced, and I quote, "Ouattara and his terrorists," thereby
6 comparing all pro-Ouattara supporters to terrorists, a highly violent and degrading
7 term. The use of the term "terrorist" is reminiscent of the minutes taken during the
8 government council mentioned by Gilles Dutertre yesterday, ERN-0025-0082.

9 Two days later, on 11 April 2011, Mr Gbagbo was arrested, but the common plan
10 continued to exist. Many soldiers from the Republican Guard disappeared into the
11 general population with their weapons, whilst militia, mercenaries and other
12 pro-Gbagbo elements retreated to Yopougon.

13 On the very next day, in the commune, these pro-Gbagbo forces continued to fight
14 and attack civilians perceived as Ouattara supporters in retaliation for the arrest of
15 their leader and in furtherance of the policy he had established.

16 We should note that this struggle in Yopougon continued well after 12 April 2011 and
17 that pro-Gbagbo elements were only dislodged in early May 2011, see United Nations
18 report 0002-0598, page 0603.

19 It is in this context that on 12 April 2011 in Yopougon the youth militia, elements of
20 the police and pro-Gbagbo mercenaries killed and injured civilians by arresting them
21 in the street at illegal roadblocks.

22 Witness P-109, of Malinke -- a Muslim of Malinke origin, tells how he was arrested by
23 seven -- with seven of his friends during an identity check by a group comprising
24 youth militia, Young Patriots and mercenaries in the Selmer neighbourhood. The
25 Young Patriots had machetes and were wearing civilian attire. The militias and

1 mercenaries were armed with the Kalashnikovs. The mercenaries all wore black
2 balaclavas, dark blue fatigues and spoke English.

3 Whilst P-109 and his friends had been checked - had had their identity checked - the
4 militias and mercenaries opened fire on them. Two of their friends managed to flee,
5 but the four others were killed. P-109 was shot in the foot whilst fleeing and
6 survived by playing dead. Whilst he was lying injured on the ground, P-109 heard
7 the mercenaries say in English, "No Gbagbo, no Côte d'Ivoire," P-109, paragraphs 124
8 to 127.

9 P-185 recounts how, in the night of 11 to 12 April, she heard Kalashnikov fire in
10 Mami-Faitai neighbourhood. On the next morning she saw 17 bodies, all men, lined
11 up, all of whom had been shot dead. P-185 knew all of them by sight. They were
12 Dioulas from the neighbourhood, paragraphs 66 and 67 of her statement.

13 A survivor interviewed by Human Rights Watch recounts how in the same district of
14 Mami-Faitai, on this same night of 11 to 12 April, he witnessed the murder of 18
15 people in the space of 15 minutes. Whilst he and 17 others were manning a
16 checkpoint to protect their neighbourhood, seven pro-Gbagbo elements in uniform
17 from the anti-riot brigade asked them their names and said, and I shall translate from
18 English, "You arrested President Gbagbo. You're going to pay. We are going to dig
19 a mass grave in your neighbourhood today." Armed with Kalashnikovs, they fired
20 on every person in the group. The victims were not armed and the interviewee
21 survived by playing dead, see report 0002-0631, page 0643. P-109 knows a further
22 five individuals who were killed by youth militia and mercenaries in Doukouré
23 neighbourhood on 12 April.

24 Pro-Gbagbo elements also attacked people by entering their homes. P-185 was at
25 home with her father and two of his friends when three militias in green fatigues and

1 armed with Kalashnikovs ordered them to open up. They said, "Come out, boys.
2 We're going to kill the lot of you," end of quote. The father of P-185 and his friends
3 went outside. P-185 never saw them again, paragraphs 70 to 72 and 81 of his
4 statement.

5 Furthermore, P-109 recounts that whilst he was hiding, after having been injured, he
6 was able to see pro-Gbagbo forces searching houses in order to flush out people
7 perceived to be pro-Ouattara supporters. Young Patriots would identify the houses
8 belonging to the northerners for the mercenaries and militias, who would then come
9 and loot them. In paragraph 135 of his statement, P-109 mentions the name of a
10 young militia member who helped identify the houses and kill people on that day.

11 P-108 also knew this militiaman. Even if he claims these events to have taken place
12 in March 2011, P-108 recalls how this same militia member entered common
13 courtyards killing the inhabitants and looting their houses.

14 The pro-Gbagbo forces also killed people by burning them alive. In the affidavit
15 comprising witness statements gathered by the NGOs, CIV-OTP-0007-0231, at page
16 0233, mention is made of individuals stopped by Young Patriots who were burnt
17 alive in their vehicles on 12 April.

18 P-109 recounts in paragraph 138 that on 13 April he saw Young Patriots armed with
19 wood, machetes and tyres burn two people alive. The patriots surrounding the
20 scene said, "You will never take power. We shall kill all of you rebels."

21 These acts are part of a well-established system. P-109 and P-108 claim this
22 system -- claim that this system bore the name "Article 125," which meant 100 CFA
23 francs for the fuel and 25 CFA francs for the matches.

24 According to the Human Rights Watch report, more than 46 individuals were killed
25 in Mami-Faitai between 11 and 13 April 2011 and 29 individuals were buried in a

1 mass grave in Doukouré following the events of 12 April.

2 On 13 April, P-109 attended the beginning of a burial service for these people in the
3 mass grave by the football pitch. He gave a list of victims he knew who were buried,
4 ERN-0020-0408.

5 Madam President, I would like to now show two videos corroborating P-109 on the
6 existence of this mass grave. The first video is CIV-0020-0395. It is a public video,
7 without sound, and it was filmed on 13 April 2011 by a friend of P-109 on his mobile
8 phone, showing the burial of the bodies at the football pitch.

9 Lined up in front of the men digging the graves are the bodies of civilians killed by
10 pro-Gbagbo forces. In the first three seconds of the video, we can see a tower that
11 we will also see in the second video that I would like to show.

12 This tower enables us to ascertain that these two videos were filmed at the same time,
13 at approximately a month's interval. So I shall now show this first video, 0020-0395
14 from time-stamp 2:57 seconds to 3:20 seconds.

15 (Viewing of the video excerpt CIV-0020-0395)

16 MS HUCK: (Interpretation) I would now like us to look at the second video,
17 0004-0234, which is also public. It is an excerpt from NDTNEWS dated May 2011,
18 showing the mass graves at the football pitch. We can see the tower that we
19 previously saw in the first video, which appears at second 30 in the video. Moreover,
20 we can hear contemporaneous testimonial evidence to the facts by a local leader who
21 reports that 29 bodies were buried in the larger mass grave and that these people
22 were killed the day after Gbagbo's arrest.

23 The local leader also recounts how the pro-Gbagbo forces entered houses owned by
24 Dioulas, who were perceived as pro-Ouattara supporters, in order to kill the
25 inhabitants. Transcript 0021 -- the video is 0021-0929, pages 0930 to 0931, lines 1 to

1 42. Its translation is 0021-0837, pages 0839 to 0840, lines 1 to 45, and I shall be
2 showing from the first second of the video to 1 minute 30 seconds.

3 (Viewing of the video excerpt CIV-0021-0929)

4 MS HUCK: (Interpretation) The Prosecution recalls that on the list of incriminatory
5 evidence there is also video 0017-0042 showing the burial of the 29 bodies in the mass
6 grave.

7 Lastly, concerning the number of victims, the human rights division of the UN took
8 an inventory on 6 May 2011 of ten mass graves in Doukouré containing a total of 68
9 corpses in report 0002-0598, page 0605.

10 Madam President, your Honours, I shall now be focusing on rapes, the rapes that
11 were committed on 12 April 2011 by youth militia, including Young Patriots, on
12 women in Yopougon.

13 Witness P-185 was a minor on 12 April 2011. She was raped by two militias. After
14 having made her father and two friends go out into the courtyard, two militias
15 entered the bedroom where she was to be found, and I quote P-185, "When they
16 arrived, they said to me, 'Lie down, otherwise, we'll kill you', and then they raped me,
17 one after the other. The first one undressed me. He took off my loincloth and my
18 underwear and left me in my T-shirt and then he took off his trousers. On that day I
19 was wearing a loincloth that I still possessed and that I still wear on occasion. I did
20 nothing and then he lay down next to me. He put his penis in my vagina. At that
21 moment in time the only choice I had was to accept my fate or die." Paragraph 65
22 and 73 to 78 of her statement.

23 A local human rights NGO drafted a report on violence to women, including in
24 Yopougon, after 11 April 2011. ERN-0022-0042. This NGO set up an inquiry
25 committee and compiled data sheets recording the type of crime committed, the date,

1 the location, the perpetrator of the crime, and the victim's account. These inquiry
2 data sheets state that pro-Gbagbo militias, including Young Patriots, forcibly entered
3 people's homes. They were armed and they raped at least 17 women, including
4 P-185. Most of these women were victims of gang-rapes. The rapes were carried
5 out at the victims' homes, in the street, or in common courtyards and for the most part
6 were committed in the neighbourhoods of Mami-Faitai and Sicobois.

7 A victim of rape of Dioula ethnic origin states in the affidavit 0022-0024 that militias
8 came to her neighbourhood and said, and I quote the victim, "All women must
9 endure the war because our brothers are rebels and they contributed to Gbagbo's
10 arrest." The victim went on to say, "Then they raped me. There were three of
11 them."

12 The Human Rights Watch, at page 644, also reports at least three rapes in Yopougon,
13 in addition to the execution of the husband of one of the women. This report states
14 that the perpetrators of the rapes were armed with Kalashnikovs, machetes, and
15 knives. Some of them were wearing military garbs, others were in civilian attire.
16 As illustrated in the crimes described above, the pro-Gbagbo elements committed
17 these murders, these rapes, these inhumane acts or tentative -- or attempted murders,
18 by targeting people from the north of Côte d'Ivoire and from neighbouring West
19 African countries.

20 P-109 summarises the situation well, in paragraphs 128 to 155, that the persons
21 targeted on 12 April were northerners. They were Malians, they were Guineans,
22 they were people from Burkina Faso and Malinkes who were all perceived to be
23 rebels.

24 Madam President, your Honours, when we consider the high number of victims, 80
25 victims on the day of 12 April alone, and the extent of the crimes throughout a

1 number of neighbourhoods of Yopougon, it is obvious that the crimes were
2 committed by pro-Gbagbo elements in a co-ordinated manner in application of
3 Gbagbo's policy.

4 The *modus operandi* is based on a well-known and well-rehearsed model by way of
5 identity checks at illegal roadblocks. The systematic hunt for persons perceived to
6 be pro-Ouattara supporters in their houses and the practice of burning people alive,
7 as described by my colleague Gilles Dutertre in his presentation on the widespread
8 and systematic nature of the attacks.

9 By way of conclusion, the Prosecution submits that there are substantial grounds to
10 believe that on 12 April 2011 the pro-Gbagbo elements committed the crimes of
11 murder, rape and inhuman acts or attempted murder in the commune of Yopougon
12 in Abidjan. The criminal responsibility of Mr Gbagbo for the crimes committed in
13 Yopougon shall be explained in further detail by my colleague Reinhold Gallmetzer
14 in his presentation on the modes of liability. And I thank you for your attention. I
15 shall now leave Mr Eric MacDonald to address the Court.

16 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) I do apologise
17 but I do believe that we have reached the end of our session today.

18 MR MACDONALD: (Interpretation) Yes, if you just allow me two minutes.

19 I know that we are reaching the end of our session today but I just wanted to say,
20 Madam President, that the presentation of my colleague Mr Gallmetzer will take
21 approximately 70 minutes which means that, unfortunately, we won't be respecting
22 the allocated time frame; we will be going over by approximately ten minutes or so.
23 But I think that -- of course, ideally speaking, were we to have started his presentation
24 now and continued for about ten minutes, he could have finished tomorrow, but
25 course I think it probably will be better to start fresh and bush-eyed tomorrow

1 morning, in order for us to be able to bring together what we have presented over the
2 last few days, but I'd like to apologise to the Chamber and to the Defence because this
3 might sort of slow down their presentation somewhat.

4 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Indeed, we
5 have lost a few moments here or there, but I rather doubt there would be any problem
6 if we were to agree to begin tomorrow.

7 MR ALTIT: (Interpretation) No problem.

8 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you. I
9 would like to thank everyone and today's hearing is now concluded. We shall
10 resume tomorrow at 2.30.

11 (The hearing ends in open session at 5.57 p.m.)