

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Tuesday, 2 February 2016
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Good morning.
15 (Interpretation) Good morning. I will now give the floor to Mr Blé Goudé's
16 Defence team.
17 MR KNOOPS: Thank you, Mr President. Good morning. Your Honours, good morning.
18 As I promised your Honours, it will not be repetition of the opening statement of the
19 Defence team of Mr Gbagbo.
20 The opening statements will be delivered by myself addressing the charges, after
21 which Mr Claver N'Dry of the barreau d'Abidjan will address the Court on events
22 that preceded the post-electoral violence.
23 My colleagues, Maître Gbougnon, du barreau d'Abidjan, and Maître Zokou, du
24 barreau Bruxelles, will address the Court briefly on several observations they made
25 on the opening statement of the Prosecution.

1 And finally, Mr Blé Goudé wishes to address the Court with some remarks
2 addressing the charges himself.

3 Mr President, I hope -- I ask the indulgence of Court that we might exceed the time, of
4 course, as predicted, the three hours that I guess that we have the permission of the
5 Court to use today for the opening statement in Mr Blé Goudé's case.

6 PRESIDING JUDGE TARFUSSER: You must have all the time you need --

7 MR KNOOPS: Thank you.

8 PRESIDING JUDGE TARFUSSER: -- for the Defense, of course.

9 MR KNOOPS: Thank you.

10 We have also prepared for the Court a PowerPoint presentation, and you will find on
11 the first slide the introduction, the table of contents of my opening speech. It's
12 divided in three parts. After a short introduction, I will address the Court on the
13 issue of the common plan in regard to Mr Blé Goudé; part B, the contraindications to
14 the Prosecution's theory; and part C, what we call the absence of the nexus between
15 the alleged crimes and Mr Blé Goudé's alleged participation.

16 Mr President, I take you to March 2011. It's the middle of the crisis, and at that time
17 the following words were said: (Interpretation) "Those who would have Côte
18 d'Ivoire become another Rwanda, to them I say this: I do not want a civil war in this
19 country. I do not want a civil war in this country because you will not find here a
20 country with only Ouattara supporters and no Gbagbo supporters, nor will you find a
21 country with pro-Gbagbo supporters and no Ouattara supporters. That just does not
22 exist because I am quite sure, ma'am - and this is an important point - that the
23 political stakeholders in Côte d'Ivoire are the ones who will solve the crisis in this
24 country. I am quite sure that one day President Gbagbo, Mr Ouattara and Mr Bédié
25 will ultimately sit down together, and I encourage them to do so. I call for a

1 dialogue amongst the people of Côte d'Ivoire."

2 MR KNOOPS: These are not my words. These are not my words. Were these the words
3 of the representative of France, United Nations or perhaps Mr Ouattara? No, Mr President.
4 These are the words of Charles Blé Goudé, the defendant in this courtroom; not as a
5 general, but as a human being addressing his population calling to cease any violence
6 in the middle of the crisis.

7 Indeed, Mr Blé Goudé said more on that very day in March 2011 in the middle of the
8 crisis: (Interpretation) "I would like to tell you that we make a distinction between
9 the methods of our opponents and ourselves, our methods. You see, to defend a
10 nation, if you want to take up a weapon, you must be allowed to do so. You must be
11 entitled to have a weapon. This means that either you are a police officer, a
12 gendarmes or a soldier. But if you want to lead a country, you cannot distribute
13 weapons to civilians who hide weapons under their clothes and shoot here, there and
14 everywhere, who slit throats throughout the country. That is not how Côte d'Ivoire
15 will be led. That is why the Young Patriots or, simply put, the youth, all those who
16 are dying to liberate our country, to take part in the liberation of our country, and
17 who think that military manoeuvring is the way to go, I have this message for them:
18 There is one path to take, the path that is legal, namely entering the regular armed
19 forces of Côte d'Ivoire.

20 (Speaks English) Again, the words of Charles Blé Goudé on that very day in
21 March 2011. We invite you to watch the first video clip where you find Mr Charles
22 Blé Goudé addressing the nation with these words.

23 (Playing of the video excerpt)

24 THE INTERPRETER: Now, just to get back to current events, you have sent out several
25 instructions ever since the second round of elections. So what are these instructions all about?

1 What has changed in the field?

2 Answer: We are making a distinction here between the methods of the people who
3 oppose us and our own methods. You see, to defend a nation when you take up a
4 weapon, you have to be entitled to this weapon. You must have the right to bear an
5 arm. That means either you are a police officer or a soldier. If you want to lead a
6 country, you cannot distribute weapons to civilians who hide them under their
7 clothing and shoot everywhere throughout the country. That is not how you lead
8 Côte d'Ivoire. That is why the young patriots, all those who are dying to liberate our
9 country, to participate in the liberation of our country, I say this to them: There is a
10 path that you must take, the legal, lawful path, namely entering the armed forces of
11 Côte d'Ivoire.

12 This is how things are done in a State where the rule of law prevails.

13 I have a message. I do not want a civil war in this country. I do not see -- this is not
14 a country where there is only pro-Ouattara forces and no Gbagbo supporters or the
15 contrary. I am quite convinced, ma'am - and this is a very important point - it is the
16 political stakeholders in Côte d'Ivoire who will solve the crisis. I am quite sure that
17 one day President Gbagbo, Mr Ouattara and Mr Bédié will ultimately sit down
18 together, and I call them to do so. I call for dialogue amongst the people of Côte
19 d'Ivoire.

20 MR KNOOPS: Mr President, you call that the Prosecution in its opening statement on Friday,
21 and I quote, asserted: "Mr Blé Goudé never instructed the youth to refrain from any kind of
22 physical violence." End quote. Transcript page 36 line 6 to 7.

23 We submit that this is a distortion of the truth. The clip that you just saw is one of
24 the many examples we will introduce during this trial to show that the Prosecution
25 assumption is wrong. And the words you just heard, Mr President, of Mr Blé Goudé

1 refute the OTP's case in its heart.

2 You just saw the interviewer asking Charles Blé Goudé questions about his call to the
3 Ivorians, which was an invitation for all young Ivorians to join the army.

4 To these questions, Mr Blé Goudé answered that anyone who wants to pick a weapon
5 must do so in accordance with the law, law and order. And this is a different
6 method of the opposition, i.e., the pro-Ouattara forces.

7 And so everyone who wanted to fight for his country must do so in accordance with
8 the law, i.e., by joining the army. This is, in essence, the words of Blé Goudé.

9 In his opinion, a government should not distribute weapons to civilians, and he repeated
10 again and again also in this interview that he did not want a civil war in his country.

11 Mr President, these are the words of Blé Goudé, the words he expressed in

12 March 2011, words that the Prosecution did not tell you in its opening statement.

13 And we have to wonder why, why the Prosecution didn't do so.

14 The answer is simple, Mr President, and we will show this during this trial. The
15 answer is that these words and many other words we're going to show the Court, that
16 these words of Charles Blé Goudé did not fit the theory of the so-called common plan.

17 Contrary to what the Prosecution asserts, Mr Blé Goudé never instructed anyone to
18 use violence.

19 Speaking of the allegation that Mr Blé Goudé never instructed the youth to refrain
20 from violence, it was Guillaume Soro himself - you saw the images yesterday - who
21 on the eve of the RTI march instructed to use violence, contrary to what the Office of
22 the Prosecution wants you to believe.

23 While his deputy military chief of staff of the FAFN, Colonel Wattao, addressed the
24 rebels, you saw it in the video clip yesterday, saying that at the march on va les mater,
25 we're going to squash them, speaking of incitement, Mr President, speaking of never

1 instructing forces to refrain from violence.

2 With the team of Mr Gbagbo, our team will expect to produce evidence during this
3 trial that contrary to the Prosecution theory in its opening statement, the RTI march
4 was far from peaceful.

5 One observation, Mr President, and we're not going to repeat the argument of the
6 Defence of Mr Gbagbo, one observation on the video clip of yesterday, it might have
7 not escaped your attention, Mr President, Mr Soro, addressing the rebels on the eve of
8 the march was addressing the rebels in his capacity as prime minister of the Ouattara
9 government; but at that time, Mr President, he was also minister of defence. So a
10 prime minister and a minister of defence addressing rebels and not police forces who
11 are there to maintain law and order, that is something which is very extraordinary.

12 Mr Soro at that time as the minister of defence addressing rebels, instructing them to
13 be ready and to be mobilised, to prepare themselves to take over the building from
14 the FDS, that is something different from the allegations made to Mr Blé Goudé.

15 Mr President, it was the Office of the Prosecution, which in June 2015 took an
16 extensive interview of an insider witness. I will not mention his name today, but the
17 witness is not on the Prosecution list, and we wonder why. It was this witness who
18 told the Prosecution back in June 2015 that, I quote: (Interpretation) "In my
19 opinion, the war began to the west when the aircraft and the tanks of the Licorne
20 forces and of UNOCI shelled us and the rebels began to attack."

21 Mr President, you will notice that this insider witness is not selected by the Office of
22 the Prosecution on its list. Why? The answer is obvious here. This insider
23 witness and its analysis of the conflict does not fit into the theory of the common plan.
24 Now, how can anyone say that the march in December 2010 was not peaceful or was
25 peaceful without knowing the facts? We will submit that the Prosecution has the

1 facts wrong. Somebody who has the facts wrong is not to be trusted in its whole
2 case theory.

3 And once this is the case, principles of criminal evidence and logic dictate that the
4 defendant should not be convicted.

5 If the Prosecution theory is to be mistrusted in its heart, and we just showed you two
6 examples of the many which will follow during this trial, it will also affect, Mr

7 President, the evidence -- the Prosecution narrative when it suggests that

8 Mr Blé Goudé was a man of violence with criminal intent, part of an alleged common

9 plan. When the Prosecution case in its fundament is to be mistrusted, also a theory

10 on the personality of Mr Blé Goudé is to be mistrusted.

11 What I just mentioned, principles of criminal evidence dictate that when one element

12 of a Prosecution case is to be distrusted or disguised as the truth, it casts doubt on the

13 entirety of the Prosecution case.

14 Finally, my last remark in the introduction is the following: Speaking about having

15 the facts wrong, the Office of the Prosecution in its press conference before the start of

16 this trial announced that as of 2015 it's intensified, intensified the investigations into

17 the pro-Ouattara forces.

18 Now, Mr President, it's not unlikely that such investigation could reveal exculpatory

19 evidence for these two defendants. Now, how can they put two human beings on

20 trial without knowing the facts of that investigation which might be highly relevant

21 for this case?

22 As mentioned, it is not unlikely that that investigation could reveal exculpatory

23 evidence for these two defendants. How should the Chamber deal with that?

24 Actually, the Chamber can, in all fairness, not render a fair judgment without having

25 this intensified investigation of the Office of the Prosecution into the actions of

1 pro-Ouattara disclosed.

2 Speaking about having the facts wrong, the Prosecution has the facts wrong, and its

3 investigation into the pro-Ouattara forces will further prove this.

4 Let me go to my first part of the presentation, part A, which comprises three

5 arguments. Our Defence case will be there was no common plan. There are even

6 contraindications to a common plan. And our case will be that we show the Court

7 absence of any nexus between Charles Blé Goudé and the crimes charged.

8 Mr President, at the outset of my presentation, I wish to stress that the concept of a

9 common plan is a dangerous one. It heavily depends on which side you are and

10 from which position you perceive the evidence.

11 Let me take you to the book "Stolen Years of the Wrongfully Imprisoned" persons

12 authored by the United States journalist Reuven Fenton, author at the New York Post.

13 You will find in this book, I have it with me, it's this book recently published, you find

14 a very impressive forward written by the late Rubin Carter, alias "the Hurricane,"

15 who dedicated his last words before he died. He died, unfortunately, 20 April 2014.

16 He dedicated his last written words to the wrongfully convicted persons in our world,

17 being himself a victim of such a conviction, exonerated in 1985 after almost two

18 decades imprisonment.

19 Mr President, you find the following citation of Mr Rubin Carter, alias "the

20 Hurricane," in this forward: "I disagree with those who say that tunnel vision by

21 Prosecutors causes wrongful convictions. My view is that the real cause of wrongful

22 convictions is wilful blindness, and that's something most defendants never imagine

23 is possible." End quote.

24 Mr President, our case, as we intend to present it to the Court, will show that the

25 Prosecution narrative is close to blindness. Two examples have just been presented

1 to you in my introduction. And because the OTP's case shows blindness to the real
2 facts, the real narrative, historical, social, political, but also as regards to the
3 personality of Mr Blé Goudé even when it concerns what the Prosecution calls
4 "pattern evidence," an even more dangerous topic in international criminal law,
5 principles of criminal evidence dictate that no conviction should be rendered. And
6 this is what we are going to demonstrate at trial.

7 Mr President, the danger of being blind also implies, with all due respect to this
8 Honourable Chamber, that the Court should not trust on its face any witness who
9 might, while not knowing Mr Blé Goudé's true actions and intentions, who might
10 come to The Hague to incriminate Mr Blé Goudé.

11 As your Honours know, Mr Blé Goudé was arrested in January 2013, was kept in
12 inhumane and degrading circumstances until 2014 in the premises of the DST, the
13 Direction de la Surveillance du Territoire in Abidjan before he was brought to the seat
14 of this Court.

15 At his first appearance, Mr Blé Goudé referred the Chamber to this mistreatment. By
16 the way, this treatment, mistreatment is confirmed by one of the Prosecution
17 witnesses, P-454, who told the Prosecution that he was tortured at the Direction de la
18 Surveillance du Territoire, where Mr Blé Goudé was kept detained for almost 14
19 months.

20 Now, what is the relevance of this observation, Mr President? And we just show
21 you the picture of Mr Blé Goudé, one of the pictures made by someone when he was
22 at the DST. So you will see how he was treated there and beaten up.

23 The relevance is not to create emotion in this Chamber, before this Chamber. The
24 relevance is, Mr President, that any evidence which will be brought forward during
25 this trial by the Ivorian authorities and prosecution witnesses should be considered

1 with great circumspection. That is my message to the Chamber.

2 If one merely noticed how Mr Blé Goudé was treated back in 2013 prior to his first
3 appearance before the Chamber, by his own authorities, notably, i.e., the special
4 police, this mistrust to any evidence provided to your Chamber by the Ivorian
5 authorities is justified.

6 Mr President, I will show you now our Defence case, the outline of our Defence case
7 why Mr Blé Goudé could not have been part of an alleged common plan. That's the
8 next slide.

9 During our case, Mr President, we will show that Mr Blé Goudé was perceived by
10 both his opponents but also his own people, his own members, as too peaceful
11 minded, too pacifist.

12 Let me take you, Mr President, to the eve of the elections of 2009. I take you back in time to
13 2009, the eve of the elections in Côte d'Ivoire.

14 At that time, Mr President, a very interesting person arrives in Abidjan. It is Mr Jesse
15 Jackson. As the Court might know, Jesse Jackson was Mr Martin Luther King's closest aid, a
16 symbol of power, of civil disobedience, a symbol of human rights, a symbol of peace and
17 reconciliation, a renowned civil rights activist being the right hand of Martin Luther King in
18 the struggle against apartheid in the United States.

19 Now, why did Mr Jackson come to Côte d'Ivoire? He came to Côte d'Ivoire because
20 he was invited by Mr Charles Blé Goudé; not by the State of Côte d'Ivoire, but on his
21 own initiative, Mr Blé Goudé's initiative.

22 Charles Blé Goudé invited Mr Jesse Jackson, Reverend Jesse Jackson, to Côte d'Ivoire
23 to pray in Côte d'Ivoire with all groups of the Ivorian society, any group; the north,
24 the south, all ethnicities; to use the experience of Jesse Jackson to achieve
25 reconciliation on the eve of the elections of 2009, Mr President. His intention,

1 Mr Blé Goudé's intention was that it was his ultimate goal to reunite Ivorians, to
2 reunite their political and ethnic differences, to overcome their differences, which
3 were splitting the land at that time in two parts. An act, Mr President, which clearly
4 contradicts the existence of a common plan, let alone any participation thereof. We
5 just will invite you to watch the clip where you hear Mr Blé Goudé's arguments as to
6 why he invited Mr Jackson.

7 (Playing of the video excerpt)

8 THE INTERPRETER: It's a big day for all freedom fighters, for all those who are in favour of
9 non-violence, who have to understand that time is another name for God. And as Abraham
10 Lincoln said, you don't lose any time if you wait your time, bide your time. Black Americans
11 fought for close on 54 years and the victory of Barack Obama is the victory of time over
12 shortcuts, and I think that this has to be seen as a source for us.

13 We've invited Jesse Jackson to come not to talk to just one group but to talk to all
14 Ivorians because we think we need this before the elections to calm people, to pacify
15 people, that everyone can accept that politics, democracy is a game. In a game, you
16 can win, you can lose. And when you lose, you reorganise yourselves in order to
17 strive to attain the objectives that you have. And with Jesse Jackson, we hope that
18 there will be a great lesson for the Ivorian youth.

19 MR KNOOPS: Mr President, you just observed in this clip Mr Blé Goudé invited Mr Jackson
20 to address not just one group but all Ivorians to learn from Mr Jackson's experience as to
21 human rights and peace.

22 The evidence in this trial, Mr President, will demonstrate that this initiative of
23 Mr Blé Goudé was not the only one. There were more, and many will be shown to
24 this Chamber. And my colleague, Maître N'Dry, in his observations will also
25 mention several examples in the events which preceded the crisis.

1 We will show during this trial, Mr President, your Honours, that Charles Blé Goudé
2 was even perceived by his own colleagues and adversaries as too peaceful and,
3 therefore, could not have any control either de jure or de facto over any violent
4 actions by whatever organisation or group.

5 We will introduce evidence, Mr President, through witnesses that Charles Blé Goudé
6 was perceived, and I quote Witness D-9 of the Defence "Too much like Martin Luther
7 King." End quote.

8 D-9 will tell you that (Interpretation) For us, the CONARECI, Blé Goudé was too
9 much like Martin Luther King. He really didn't go all out.

10 (Speaks English) D-9 will tell this Court that the leader of the rival organisation,
11 which opposed the ideology of Mr Blé Goudé's ideology even refused to recognize
12 Mr Blé Goudé as a leader since he, Mr Blé Goudé, was not in agreement with the
13 ideology of that organisation; and vice versa, that leader was not in agreement with
14 Mr Blé Goudé's ideology as a pacifist.

15 Mr President, we will even demonstrate at trial that one of the Prosecution's own
16 insider witnesses, P-156, acknowledges that Blé Goudé was never involved in any
17 kind of violence. That witness informed the Office of the Prosecution, Charles Blé
18 Goudé (Interpretation) All of the speeches I heard on the television Charles Blé
19 Goudé never said go out and kill, go and massacre people, go and do this, go and do
20 that. No. Charles Blé Goudé, well, yes, he activated people, but in doing what?
21 With his bare hands.

22 (Speaks English) Witness P-156, there will be other Prosecution witnesses who will
23 attest to this very nature of Charles Blé Goudé. It is the Prosecution's own insider
24 witness 118 who told the Prosecution in its interview that Charles Blé Goudé's
25 alliance was distinct from other organisations like the CONARECI in that it only used

1 dialogue and advocated for unarmed debate.

2 And this was exactly the goal of Mr Blé Goudé's alliance.

3 Mr President, when you look at a man's true history, you might know his true nature.

4 And we will show in this trial that Charles Blé Goudé was far from a violent man.

5 He was a man of justice. Prior to the crisis, during the crisis and after the crisis you
6 will see, as the evidence will show, a man who tried to unite his people and called for
7 dialogue; a man who, throughout his whole life, had respect for the rule of law, law
8 and order, respect for ethnic and religious groups without having any discriminating
9 sentiments whatsoever.

10 We will introduce evidence that Charles Blé Goudé could not have been part of an
11 alleged common plan, which, as the Prosecution asserts, was established in 2000-2001.

12 It's quite revealing that the Prosecution in June 2015, I mentioned it early, interviewed
13 an important potential insider witness, Mr President, an insider witness we intend to
14 call because the Prosecution opted not to call this witness and we know why.

15 And this is what the witness told the Prosecution earlier this year -- last year, that not
16 only the Jeunes Patriotes did not have an organised structure with one leader; but
17 more importantly, Blé Goudé was not a member of any political party.

18 When your Honours will digest this testimony of this witness which we intend to call,
19 you will understand why the Prosecution avoided to put this insider witness on the
20 Prosecution witness list.

21 The evidence will further show that prior and during the crisis, contrary to the
22 Prosecution case, Mr Blé Goudé entertained close and friendly relationships with
23 people from the Muslim community and from the north. He even assisted them
24 with medical care, gifts to finance their pilgrimage to Mecca. And you will hear
25 Defence Witness D-1 confirming all of this.

1 We expect the evidence to show the opposite of criminal intent on the part of
2 Mr Blé Goudé, let alone any discriminatory intent.

3 You will hear another Defence witness, D-7, who told the Defense in August 2014 that
4 Mr Blé Goudé was anything but against Muslims. He was, to the contrary, close to
5 this community. He paid visit to mosques, attended ceremonies there and made
6 donations to mosques. After all, it was not the Islam that attacked Côte d'Ivoire but,
7 rather, the forces of Mr Ouattara, the French army who armed those forces. And this
8 is what also D-7 told us, the Defence in August 2014.

9 And how can this man, Mr Blé Goudé, who created the alliance the day after the 2002
10 coup d'état by rebel forces, how can this man be said to be violent once we realize that
11 the alliance, the very alliance of Mr Blé Goudé included Muslims and people from the
12 north?

13 We will now show you a clip which is in confirmation of what I just mentioned. It's
14 in two parts.

15 The clip is a compilation of several videos of events covering 2009 and 2010. You
16 will first see, Mr President, at the beginning Mr Blé Goudé during a meeting with
17 several Muslim associations from Côte d'Ivoire in 2010. The meeting was organised
18 by COJEP in its headquarter in Yopougon. And during this speech, Mr Blé Goudé
19 repeated that Muslims should not feel excluded.

20 After this clip you will see a second clip. You'll see some of the COJEP social actions
21 I just referred to, such as meeting influential Ivorian Muslim personalities in order to
22 restore the harmony between the different communities in 2009 and also donations of
23 materials to several organisations of the Muslim community in order to help them to
24 build or reconstruct praying areas and a Koranic school. These actions took place in
25 various locations under the supervision of Mr Blé Goudé, Duékoué, Gagnoa and San

1 Pedro. We will now show you the clip.

2 (Playing of the video excerpt)

3 MR KNOOPS: Mr President, this is the second clip on the social actions of COJEP under the
4 supervision of Mr Blé Goudé, yes.

5 (Playing of the video excerpt)

6 MR KNOOPS: Now, Mr President, how can anyone say that Mr Blé Goudé was against
7 Muslims or people from the north?

8 Let me briefly talk about witnesses whom the Prosecution did not mention in its
9 opening statement which refute its theory, witnesses we intend to call.

10 There is a witness, Defence Witness D-9, a person who knew Charles Blé Goudé from
11 1997 and was interviewed by the Defence in August 2014.

12 D-10 indicated, essentially, that Charles Blé Goudé is a "pacifiste dans l'âme," a
13 pacifist in his soul. He never saw a person with such a pacifist nature.

14 This witness, Mr President, hales from the north, from the north of Côte d'Ivoire.

15 And this witness will tell the Court that there was no such thing as - as the

16 Prosecution asserts - the implementation of a common plan.

17 D-10 will tell this Court, being a colleague of Blé Goudé hailing from the north that he
18 would never have accepted when Blé Goudé would have organised such an alleged
19 common plan or would have established a plan comprising violence against Muslims
20 since he hails from the north himself.

21 That witness told the Defence that such a plan never existed in regards to Blé Goudé.

22 Literally he told the Defence: (Interpretation) I could not accept anybody who
23 would have tried to organise the creation of a common plan or a plan of violence
24 against Muslims. Blé Goudé is the perfect symbol of peace, of cohesion. Such a
25 plan has never existed.

1 (Speaks English) He also told the Defence: (Interpretation) Blé Goudé came to
2 see the youth, came to ask them to remove the barricades and to calm them.

3 (Speaks English) Mr President, speaking about the character of Mr Blé Goudé, even
4 after the crisis, Blé Goudé continued to advocate for peace. He even dedicated his
5 time in prison at the seat of this Court to organise a peace conference in Abidjan in
6 June last year, a peace conference for all Ivorian people attended by all political
7 parties, all Ivorian people, irrespective of their ethnic origin or different creeds, a
8 conference which was attended by representatives from all Ivorian communities,
9 including the international community, a conference for which he was in the media
10 lauded by the UN representative of Côte d'Ivoire.

11 Mr President, all of these facts which we intend to lead into evidence at the trial will
12 demonstrate that Mr Blé Goudé never could have been part of an asserted common
13 plan.

14 Speaking about any participation in such a plan, we go to the next slide. The
15 evidence will further demonstrate, your Honours, that there was no common plan
16 created in 2001 and prolonged to 2011. If there was one, it will demonstrate that it
17 was construed by Mr Ouattara's forces to overturn the government of Mr Gbagbo.

18 It is the Prosecution assertion that the so-called logbook of the presidential residence,
19 which it alluded to in its opening statement, would show that Mr Blé Goudé and
20 Mr Gbagbo were in, I quote, "Unrestricted contact during the relevant period of the
21 crimes alleged." Apparently the Prosecution suggests that this logbook will prove
22 the existence of a so-called inner circle.

23 But, Mr President, what are the real facts? The real facts are that the name of Mr
24 Charles Blé Goudé is mentioned only 18 times over a time span of 106 days, 4 months,
25 within the frame of the charges, i.e., November 2010 to April 2011.

1 I will ask the court officer to display a table - not for the audience but merely for the
2 parties and participants and the judges - because it's a table extracted from the
3 presidential logbook, and it might reveal certain confidential information.

4 THE COURT OFFICER: (Interpretation) Your Honour, with your leave, I would ask that
5 the screens be turned around slightly so that they cannot be seen by the public gallery.

6 PRESIDING JUDGE TARFUSSER: We have a too modern courtroom, too modern high
7 technology. That is our problem.

8 MR KNOOPS: It's a practical solution, Mr President. Thank you.

9 Your Honours, if correct, you will now see a table on your screen with some of the
10 names of persons who were apparently registered in the logbook of the presidential
11 residence during the relevant time frame of the charges.

12 PRESIDING JUDGE TARFUSSER: Excuse me, please.

13 MR KNOOPS: And you see the left side --

14 PRESIDING JUDGE TARFUSSER: Excuse me, but I think the same thing should be done by
15 the other side. I don't know, you know. I think so.

16 MR MACDONALD: I don't think you can see. It is written so small that --

17 PRESIDING JUDGE TARFUSSER: Yeah, well, I -- you know.

18 MR MACDONALD: Okay. Thank you. It's all right.

19 MR KNOOPS: You can see it? No?

20 Your Honours, you have it before you? Yes?

21 You see on the left side, Mr President, your Honours, the names of several individuals,
22 on the right side the number of references in the logbook. And you will notice that
23 when you look at the left column, only three persons of the persons mentioned there
24 appear in the Prosecution pre-trial brief as member of the alleged inner circle. And
25 you see Mr Blé Goudé's name at the third person from below with the number of

1 registration 18 times. The 18 entries were also cited by the Pre-Trial Chamber in its
2 confirmation-of-charges decision at footnote 270.

3 And what is the relevance to show, your Honours, this table at this point of time, at
4 this point of time? We will show you at trial that no evidentiary conclusions
5 whatsoever can be deduced from this mere figure.

6 Mr President, as you correctly stated at the beginning of this trial, what are numbers?
7 Indeed, what are numbers without any context, without any -- without any reference?
8 No conclusions can be drawn when you compare these 18 entries with the number of
9 the alleged frequent visitors to the presidential residence when you find these in the
10 table which we just have shown to you.

11 Accordingly, we will demonstrate, Mr President, at trial that this mere number of 18
12 visits by Mr Blé Goudé does not sustain the deduction - because it is merely a
13 deduction - by the Prosecution that Mr Blé Goudé was part of an alleged inner circle
14 or being what the Prosecution asserts, a prominent member of Mr Gbagbo's alleged
15 inner circle, as suggested in the opening statement by the Office of the Prosecution,
16 page 73, line 12 of the transcripts.

17 Mr President, on Thursday, when the Prosecution opened its case, the Prosecution
18 elaborated on the visits at the presidential palace that took place on 1 December 2010.
19 According to the Prosecution narrative, on that day Mr Gbagbo received members of
20 the so-called inner circle. However, a close look at this logbook shows the following:
21 Mr Soro and his chief officer, Mr Wattao, Colonel Wattao, were present from 20.06 'til
22 20.34 hours.

23 The French ambassador, a Mr Choi, were present from 17.04 to 18.24.

24 Mr Nunzio, a diplomat archbishop from the Vatican, was there from 16.02 to 17.43.

25 Now, Mr President, this mere example refutes the Prosecution thesis that the entries

1 in the logbook, without any context, all relate to the existence of a so-called common
2 plan or inner circle, unless the Court would accept or the Prosecution would accept
3 also Mr Soro, Mr Wattao, the French ambassador, Mr Choi and Mr Nunzio, the
4 diplomat archbishop from the Vatican, were part of such an inner circle.

5 PRESIDING JUDGE TARFUSSER: May I just correct it's not Mr Nunzio but Nunzio
6 Apostolico.

7 MR KNOOPS: Sorry, Mr President. That is the advantage you have of an Italian president
8 in this Court. Thank you.

9 Mr President, just to show you that without any context, the Court might not deduce
10 any conclusions from these logbooks. What are figures, indeed?

11 The Court will notice, Mr President, that the Prosecution did not present a full picture
12 to the Chamber in this regard. As the trial unfolds, it will be made clear to the Court
13 that the Prosecution did not produce any such logbook for the time frame of 2001 'til
14 2010, a time frame prior to the post-electoral crisis during which, as is the
15 Prosecution's thesis, the common plan was concocted, was allegedly construed.

16 Yet, without such a complete picture, having the logbooks of the total time span
17 available and not just the ones selected for the time frame of four months out of the
18 ten years at which the Prosecution aims, the materials presented to this Court lack
19 any evidentiary value.

20 We will present, Mr President, evidence in this case that no common plan was ever in
21 existence.

22 I'll also turn to part B of my presentation, the evidence which will show the contrary
23 of what is alleged to be advanced by the Prosecution's theory, actions of

24 Mr Blé Goudé which are deemed contrary to a common plan, and we will illustrate
25 this at trial with two facts:

1 First, we will show you that Mr Blé Goudé, throughout the relevant period in time
2 and also prior to the events, performed acts to suppress violence.

3 And, secondly, we'll show that his speeches were all but incitement or hatred.

4 Let me briefly go to the first point, the actions of Mr Blé Goudé to suppress violence.

5 We will lead evidence, Mr President, which not only undermines the Prosecution
6 theory but also clearly contradicts it. The first contraindication is constituted by
7 evidence that shows Mr Blé Goudé performed acts to suppress violence.

8 One of our witnesses, D-10, will attest to this. The only role that Mr Blé Goudé
9 played in the crisis was to direct the youth to the only democratic institution which is
10 authorised to defend a country in accordance with law and order, namely the army.

11 Why did Mr Blé Goudé ask the youth to turn themselves to the army? Why did he
12 do so? Why was that his business? Why would a civilian like Mr Blé Goudé make
13 that suggestion?

14 Mr President, we will lead evidence. We will lead evidence from the same witness
15 who told the Defence in August 2014: (Interpretation) "In actual fact, this was a
16 strategy to keep the young people from taking up weapons themselves in the
17 neighbourhoods, so it was a form of mobilising the youth so they would not be
18 tempted to take up weapons in the neighbourhoods.

19 (Speaks English) This is what Witness D-10 told us about the real motivation, the
20 real intention of Mr Blé Goudé's call to the youth to enlist for the army. He was not
21 paving the way for violence. He was trying to de-escalate, to diffuse violence. And
22 what are images without context? Images can deceive us without any context.

23 This is what D-10 is going to tell this Court, and it will show that the Prosecution's
24 theory is far from credible.

25 Your Honours, in the event the Defence has to present its case, you will hear from

1 D-10 in this courtroom what he told us back in August 2014, namely that
2 Mr Blé Goudé was not capable to organise meetings of which he is accused, nor did
3 he hold any discriminatory feelings against Muslims or Ivorians from the north.
4 D-10 will also testify that it was Mr Blé Goudé when les jeunes refused to lift the
5 barricades in the streets of Yopougon who persuaded them to do so and to remain
6 calm. D-10 will describe that it was Blé Goudé who, even before the crisis, went to
7 the youth organisations of Monsieur Ouattara to enter into a peace agreement in
8 order to decrease the tension in Côte d'Ivoire.
9 Mr N'Dry, my colleague, will address this topic in more detail.
10 D-10 will also tell us that Charles Blé Goudé, to achieve this goal, went to mosques
11 where he even prayed the first Surah from the Koran. He went to churches, went to
12 people of the north and the south of Côte d'Ivoire, irrespective of their ethnic
13 background.
14 D-10 will also tell us that when the youth of the RDR of Mr Ouattara attacked the
15 organisation of D-10, it was again Mr Charles Blé Goudé who said not to respond
16 with violence, not to take risk to occasion a tribal or ethnic war, which was the
17 objective of the RDR.
18 What the Prosecution, in our submission, portraying Mr Blé Goudé omits to say is
19 that there is evidence that refutes the suggestion that Mr Blé Goudé had
20 discriminating feelings against so-called foreigners.
21 If we have to call witnesses in our case, we will show you, for instance, that for years
22 Mr Blé Goudé took care of a lady from the north, from Burkina Faso, giving her
23 shelter.
24 The evidence will, therefore, show the contrary of the Prosecution case.
25 I now turn to the subject of the speeches made by Mr Blé Goudé. The Prosecution

1 asserts that Mr Blé Goudé's intent was to incite for hatred using violent rhetoric and
2 hate speech. There is a major difference, Mr President, between a person who uses
3 his rhetoric capacities to call for liberation, liberation from threats that endanger the
4 democratic institutions of a State and using its own rhetoric capacities to gain power
5 and control.

6 Prosecution wants you to believe that Mr Blé Goudé did the latter. Nothing could be
7 further from the truth. Many examples will attest to this during this trial. One of
8 them we just presented to you in the introduction, the first video clip.

9 There is a second example, the speech of Charles Blé Goudé, relating to the second
10 incident. And also here we will show you that there is a major difference - as the
11 evidence will show - between passive opposition to UN forces present in Côte
12 d'Ivoire who supported the rebel forces in their overthrow of democratic institutions
13 in a country calls not for the use of force, but by passive opposition on the one hand,
14 and a call for war on the other hand. Prosecution wants you to believe the latter, and
15 we will show you that this is close to wilful blindness, to use the words of Rubin
16 Carter.

17 The real context, as the evidence will demonstrate, shows that Charles Blé Goudé was
18 utterly consistent in his statements saying that Côte d'Ivoire should never fall into the
19 trap of a civil war. That is what the evidence will really show you.

20 You will observe, Mr President, when digesting the Baron Bar speech relating to
21 second incident its real context, a context which is necessary to the Prosecution's
22 theory. And its own evidence, Prosecution evidence will show that Mr Blé Goudé
23 during that speech called for an immediate cessation of violence.

24 The documents from the Prosecution evidence shows, I quote: "That is why I'm
25 immediately calling for the cessation of violence in the neighbourhoods, ethnic group

1 against ethnic group, RHDP against LMP. All this does not honour the Côte d'Ivoire.
2 Today when one talks about Côte d'Ivoire, the picture that emerges is war." End
3 quote.

4 We'll submit that the Prosecution misconstrued the real intention of the Baron Bar
5 speech.

6 In speaking about Prosecution witnesses and documents, your Court can expect a
7 Prosecution witness, a youth leader, P-118, who told the Prosecution in its interview
8 back in May 2014 that when the assembled crowd, the population called for the
9 killing of the Dioulas, tired of being attacked - which the Prosecution, by the way,
10 admitted in its opening statement, people were tired of being attacked - and called for
11 counter-operations that Mr Blé Goudé tried to calm down the population, and that he
12 was clearly uncomfortable when he was being blamed for not calling for violence.
13 This was during the crisis.

14 (Redacted)

15 (Redacted) (Interpretation) Give us the weapons. We will go. Charles was in a
16 very awkward position. I must acknowledge that that day he kept -- he said these
17 words (Speaks English) (Redacted): (Interpretation) (Redacted)

18 (Redacted)

19 (Speaks English) These were the words of Blé Goudé. Indeed, at that time
20 Mr Blé Goudé, pointing at that witness, said to the crowd: What do you want? Do
21 you want me to kill him?

22 No, that is not what you want.

23 Mr President, this context, this real context says everything about Mr Blé Goudé's true
24 intentions. A man, as we intend to demonstrate, who tried to stop any violence.

25 In this part of our opening statement, Mr President, we have demonstrated two

1 essential contraindications to the OTP's theory, which we intend to further
2 demonstrate at trial.

3 Now, my last part, Mr President, of my presentation, deals with the absence of a
4 nexus between Mr Blé Goudé's actions and the alleged crimes.

5 In our Defence case, we will illustrate this through three evidentiary lines:

6 One, no relationship between Mr Blé Goudé and the barricades.

7 Secondly, he was not in a position to issue orders to all youth organisations, as the
8 Prosecution suggests, or unify them.

9 And three, the third evidential line we intend at trial to show you is the absence of a
10 nexus between the enlistment in the army and Mr Blé Goudé's actions.

11 The first line, when this evidence unfolds, it will make the Court understand during
12 this trial that Mr Blé Goudé was far from instrumental with regard to the alleged
13 barricades.

14 A sound presentation of the facts of the socio-political history of Côte d'Ivoire prior to
15 and during the crisis will tell us, Mr President, your Honours, as we expect the
16 evidence to show, that the so-called barricades were a preexisting phenomenon in
17 Côte d'Ivoire.

18 You will hear from both Prosecution witnesses and Defence witnesses that this is,
19 indeed, the case.

20 Let me briefly speak about Defence witnesses. You will hear, Mr President, a
21 Defence witness who told us that it was the arrival of the commando invisible - and I
22 will refrain from repeating what this commando invisible actually was and did - that
23 the arrival of the commando invisible, who spread terror within the quarters of
24 Abidjan, triggered the establishment of the barricades. That was the trigger for the
25 population.

1 It is this witness who told the Defence in 2014 about the psychosis induced by
2 commando invisible, the fear which led the people to spontaneously erect roadblocks.
3 We intend to prove that this psychose de peur was, indeed, abstracted from any call
4 of Mr Blé Goudé. Even Mr Blé Goudé himself and Witness D-9 were also physically
5 searched at those very barricades, as D-9 will testify before this Chamber.

6 As we expect the evidence to show is that the barricades were, indeed, a spontaneous
7 act by Ivorians themselves, which, by the way, had happened in Côte d'Ivoire before.

8 In 2002, Mr President, the same occurred when the rebels attacked the democratic
9 institutions of Côte d'Ivoire. At that time when the rebels attacked the democratic
10 institutions of Côte d'Ivoire, the crowd established barricades for their protection and
11 survival. Even in 1995, during the elections in Côte d'Ivoire, one saw this
12 phenomenon by the opposition.

13 You will hear a Defense witness, D-11, a youth leader who told us in 2014 that the
14 barricades were, indeed, a spontaneous reaction by the people of Côte d'Ivoire in
15 response to the attacks on the democratic institutions of the State, which has nothing
16 to do with the person of Blé Goudé nor his actions.

17 Prosecution witnesses in this regard. It can be expected, Mr President, at this trial
18 that also Prosecution witnesses will acknowledge that the barricades were, indeed, a
19 socio-political and also historical instrument or phenomenon for the youth in Côte
20 d'Ivoire, all groups, for their survival, totally outside anyone's control, especially Blé
21 Goudé's control.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Again, this is an analysis of one of the Prosecution witnesses in an article confirming,
15 indeed, the real reason for the roadblocks. And we will demonstrate this real reason
16 of the barricades at trial.

17 This witness, therefore, Mr President, refutes the Prosecution assertion that the
18 so-called barricades were within Mr Blé Goudé's control or power. It also
19 contradicts the assertion in the opening speech of the Prosecution that the barricades
20 were in causal relationship with the speech of Blé Goudé of 25 February 2010.

21 It is revealing that Prosecution Witness P-297 told the investigators of the Prosecution
22 in 2014 that the roadblocks were set up by the commando invisible and that this
23 started when the pro-Ouattara forces marched to liberate the RTI following the
24 violent appeal of Guillaume Soro.

25 This Prosecution witness attests that he saw several barricades in December 2010

1 controlled by the commando invisible.

2 The second point of my last presentation, last part, relates to Mr Blé Goudé's alleged
3 position to give orders to all of the youth groups or patriots.

4 The preliminary question, Mr President, at this trial will be whether Mr Blé Goudé
5 was in a position to exercise control or to give orders to all the youth organisations.

6 We'll just show you now - I can maybe finish before the break - three slides, which
7 were comprised by the previous Defence team of Mr Blé Goudé during the
8 confirmation-of-charges hearing. A PowerPoint was made by the previous Defence

9 team, a very important PowerPoint presentation, and we just selected for my
10 colleagues these three slides, which we just now show you.

11 The first slide is an overview of the pro-Ouattara youth groups on the left side, and
12 right side you see the pro-Gbagbo youth groups.

13 The second slide is actually a slide which, in detail, shows the various groups
14 surrounding the alliance of Mr Blé Goudé on the left side and on the right side the
15 CONARECI.

16 And the third slide is the alliance of Mr Blé Goudé in even more detail with, at the
17 right top, the so-called celebrities, musicians and sportsmen who were also part of the
18 alliance, which, by the way, also a very interesting observation in regard to the

19 Prosecution theory that Mr Blé Goudé was using these groups to endorse violence. I
20 would say with musicians and football players that might be difficult to comprehend.

21 Now, what do these diagrams tell us, Mr President? They refute the Prosecution
22 allegation in its opening statement that Mr Blé Goudé was the, what they called,
23 undisputed leader of these movements, as well as the allegation of the Prosecution in
24 its opening statement that Mr Blé Goudé, quote, "Controlled the youth and directed
25 their actions."

1 I'll ask your attention, Mr President, now for the second slide of this presentation, the
2 slide which on the left side has the Alliance, on the right side the CONARECI.

3 Seven conclusions can be drawn at this moment from this analysis. At the time of
4 the post-electoral crisis, there were over 60 numerous organisations on the so called
5 pro-Gbagbo side. What is, by the way, the definition of the Jeunes Patriotes if you
6 look at all these different groups? What is the definition of the Galaxie Patriotique if
7 you look at all these different groups?

8 The alliance of Mr Blé Goudé - and this slide simply illustrates this - cannot be
9 equated simply with the generic term "Jeunes Patriotes."

10 Secondly, this slide shows that the pro-Gbagbo youth movements were, in fact, many
11 separate movements with diametrically opposed ideologies and plans of action.

12 In fact, there were at least three major powerful movements working amongst the
13 so-called pro-Gbagbo youth during the post-electoral crisis.

14 The Defence will demonstrate that the alliance of Mr Blé Goudé, that's the AJSN on
15 the left side was diametrically opposed to the CONARECI between 2006 and 2010,
16 and this was due to their different political ambitions and ideologies.

17 Third -- sorry, fourth, due to the different nature of the pluralistic and loosely
18 organised groups, in addition to the rivalries and power struggles within and
19 between these groups, there could be no single leader.

20 Mr President, we will show you that there was more than rivalry, as the Prosecution
21 suggests in its opening statement. There was a shifting body of groups, which was
22 kept largely incohesive due to its various moving parts. The rivalries between
23 leaders and the fierce opposition and competition for popular
24 favour and media attention.

25 We will demonstrate that the FESCI was far from CBG's, Mr Blé Goudé's, ideology,

1 and his actions were not part -- was never part of the alliance, but only part of the
2 CONARECI.

3 We will demonstrate that Charles Blé Goudé was removed from the FESCI since 2001
4 because of his totally different views, and that one even tried to kill Charles Blé
5 Goudé for this reason in 1999 where he barely escaped an assassination.

6 Even when he was secretary general of the FESCI, he was always under attack for his
7 views. Witness D-15 will testify about this.

8 The UPLTCI of Mr Djué was also, as we'll demonstrate, totally separate from the
9 alliance of Charles Blé Goudé from its very inception on September 2002. And we
10 will submit that this is also to be confirmed by Prosecution witnesses.

11 We will introduce documentary evidence where you will find Mr Blé Goudé publicly
12 saying that he never accepted the different views of the other groups.

13 We'll introduce documentary evidence saying that Mr Blé Goudé publicly said that
14 the youth organisations had no single leader; whereby, he, Djué, accused Blé Goudé
15 of fearing weapons.

16 All of these organisations, Mr President, except for the specific organisation of Blé
17 Goudé himself, the alliance, were totally outside his control. There were not even
18 accepting his authority. Consequently, he was not able to unify these groups. For
19 instance, the GPP, you find the GPP on the right side as an element of the CONARECI
20 of Mr Touré was openly opposed to Blé Goudé due to Blé Goudé's aim to reconcile
21 the country.

22 We'll introduce, if the time comes, witnesses who will confirm that Mr Touré was
23 never under the control of Mr Blé Goudé. The same counts for the CRAC, as we will
24 demonstrate, which was created to distinguish itself from Mr Blé Goudé's alliance.

25 Last two observations with regard to these slides. The Pacific group over which Blé

1 Goudé did have control maintained Pacific ideologies that ran counter to the violent
2 acts of many other movements and certainly those accused by the Prosecution.

3 Blé Goudé's refusal to call his own followers to arms was, indeed, a major reason for
4 the tension between Mr Blé Goudé and the other pro-Gbagbo youth movements.
5 Hence, there could not have been a so-called general de la rue.

6 It can be concluded, Mr President, that the Prosecution's allegation in the opening
7 statements that Blé Goudé instructed the pro-Gbagbo youth to denounce foreigners
8 does not have merit.

9 I think, Mr President, we can suggest to make a break here. I'll probably need, after
10 the break, just 10 minutes to conclude my presentation.

11 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much, Mr Knoops.

12 We will --

13 MR MACDONALD: Sorry to interrupt. Before --

14 PRESIDING JUDGE TARFUSSER: Please.

15 MR MACDONALD: -- quickly adjourning, could we address in private session a very, very
16 quick matter for the second session, or we can come back and do it at the beginning of the
17 second session.

18 PRESIDING JUDGE TARFUSSER: It is better, I think, we do it at the beginning of the second
19 session --

20 MR MACDONALD: Perfect.

21 PRESIDING JUDGE TARFUSSER: -- okay?

22 MR MACDONALD: I'll talk to my colleague.

23 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much. The hearing is
24 adjourned to 11.30. 11.30.

25 THE COURT USHER: All rise.

- 1 (Recess taken at 11.04 a.m.)
- 2 (Upon resuming in private session at 11.34 a.m.)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
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- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 11.38 a.m.)

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

6 PRESIDING JUDGE TARFUSSER: Thank you very much.

7 Just for the public, we had just to discuss an issue which we decided would be better
8 to discuss in private session.

9 The floor is yours again, Mr Knoops.

10 MR KNOOPS: Thank you, Mr President.

11 My last topic deals with the so-called enlistment in the army. Before I touch upon
12 this topic, Mr President, your Honours, just to summarise the seven points raised
13 before the break to close this issue, in essence, we will demonstrate at the trial that
14 Mr Blé Goudé had no control over all the groups mentioned in the PowerPoint
15 presentation. He did not call for any meetings or demonstrations. He was simply
16 charismatic, and that gave all the more reason to his political opponents within the
17 pro-Gbagbo youth to try and counter-balance his influence.

18 We will bring forth witnesses to say there was no way to Mr Blé Goudé -- to give him
19 orders or to have control over the FESCI.

20 The FESCI possessed its own texts and decision-making process through its
21 assemblies and executive branch.

22 We'll bring forward two witnesses who will testify that Mr Blé Goudé could not have
23 given orders to the military and this was simply a ridiculous assumption, as they told
24 us.

25 One witness will tell this Court that the different youth organisations nor the FESCI

1 could be ordered by Mr Blé Goudé because of this very lack of uniform ideology.

2 Other witnesses will tell this Court that the idea of Mr Blé Goudé being able to

3 distribute weapons in the centre of Abidjan to people of the barricades where

4 everyone would have seen this is also a simply ridiculous idea.

5 With this observation, we conclude the second element of part C, the issue of the

6 youth organisations.

7 Finally, I address the Court briefly on the so-called enlistment in the army. This is

8 the third prong of how we intend to prove that there was no nexus between

9 Mr Blé Goudé and the alleged crimes.

10 As we intend to show the Court, the absence of this so-called nexus is evident when it

11 concerns the allegation of the Prosecution that Mr Blé Goudé would have called the

12 youth to enlist in the army.

13 What can you say about that assertion? Should such a call make somebody part of a

14 common plan, as purported by the Office of the Prosecution? In our submission, it

15 does not. It does not say that someone exerts control over youth. No.

16 As we will show, this cannot be sustainable in this case. We intend to show you that

17 Mr Blé Goudé did everything within his power to prevent a civil war and that his call

18 for the enrolment in the army just served one purpose, to avoid violence on the streets,

19 but instead use the democratic institutions, indeed, the army.

20 Mr President, calling for the enlistment in the army using democratic institutions is

21 not an act of violence. It exemplifies that someone respects the law. In every

22 country this is an acceptable act, which we will demonstrate at trial.

23 In many countries, Mr President, across the world calling on young men and women

24 to join the army is a perfectly lawful exercise.

25 For instance, according to a report by Abby Young-Powell, a journalist and deputy

1 editor of The Guardian, students -- which was awarded in 2014 with the prize of the
2 most promising newcomer to educational journalism, according to this journalist and
3 an article published by her in The Guardian on 9 December 2013, in the United
4 Kingdom, Mr President, universities have opened their doors to allow the armed
5 forces to make 341 visits to recruit students for the army.

6 The French military has put a number of recruitment videos on YouTube, including
7 testimony given by a proud father whose son has join France's territorial army.

8 In the United States, the military has access to all the university campuses of public
9 universities and colleges to recruit personnel.

10 Under a law enacted by the US Congress, the so-called Solomon amendment,
11 educational institutions are not allowed to deny access to such military recruiters, or
12 they will lose their federal funds, I have to say. The constitutionality, Mr President,
13 of the so-called Solomon amendment I just referred to has been established and
14 adopted by a unanimous Supreme Court ruling in the US Supreme Court of Rumsfeld,
15 the former Minister of Defence of the United States, versus Academic and
16 Institutional Rights, in a unanimous judgment of 2016 of the US Supreme Court.

17 These examples, Mr President, will exemplify that calling youth to enlist for the army
18 is a perfectly lawful act fitting within law and order, and this was exactly the
19 intention of Mr Blé Goudé. Obedience to the law, that was his real intention. To
20 prevent further violence on the streets congruent with his Pacific nature, as we have
21 illustrated in the first part of my introduction, his true nature and intention was to
22 suppress violence, which makes it, in our submission, far from criminal.

23 Your Honours, my opening statement started with the very last written words by the
24 late Mr Rubin Carter, alias The Hurricane, in 2014 in the book of Reuven Fenton:

25 "The real cause of wrongful convictions is wilful blindness." That is the legacy of a

1 man who spent two decades as a wrongfully convicted person in prison. And as
2 your Honours know, a movie was dedicated to him in which Rubin Carter, played
3 by -- what is the author? You don't know? Denzel Washington is
4 featured -- featured by Denzel Washington is dedicated to this person's life.
5 Wilful blindness. When reviewing the narrative, the real narrative underlying this
6 case and Mr Blé Goudé's person during this trial, a narrative which we expect to show
7 you through the examination of witnesses, you will find that the Prosecution case
8 does not present a fair picture of the events.

9 Mr President, my conclusion. Advocacy to protect democratic institutions against
10 illegal use of force is not unlawful; rather, it is protected by constitutional guarantees
11 of freedom of speech and should be differentiated from criminal incitement.

12 And as we will show during this trial, the former advocacy to protect democratic
13 institutions against illegal use of force were Mr Blé Goudé's real intentions.

14 I will conclude my part of the opening statement, Mr President, with showing the
15 Court a clip of an interview Mr Blé Goudé gave during the crisis again, during the
16 crisis to French 24. And when reviewing this clip, you will notice that this clip will
17 also undermine the Prosecution thesis in every aspect.

18 What your Honours will see is a clip of 2 minutes 34 seconds, which is exculpatory
19 evidence, a video of an interview by Mr Blé Goudé done on 4 January 2011, that is,
20 during the post-electoral crisis, just after the African delegation, African leaders, left
21 Côte d'Ivoire. And you will see during this interview that Mr Blé Goudé calls for
22 dialogue, dialogue as a solution to the crisis of Côte d'Ivoire.

23 He also says, and you will see it in the clip, that discussions must continue even as Mr
24 Ouattara maintained that the time for talk was over.

25 Mr Blé Goudé, as you will see, particularly advised during this interview that

1 Ivorians must have peaceful discussions instead of putting lives in danger. Dialogue,
2 that was Blé Goudé's intent, not as a spin doctor for anyone, as the Prosecution
3 suggests in its opening statement; not a spin doctor, but for peace, an intent which is
4 far from criminal. I will now show you the clip.

5 (Playing of video excerpt)

6 THE INTERPRETER: The Ivorian crisis is in the state of gridlock still, according to Goodluck
7 Johnathan, the president of ECOWAS, who had discussions with the mediators present in
8 Abidjan yesterday.

9 The second mediation has led to nothing. Can you confirm that?

10 Well, madam, Goodluck Jonathan said this: He was with the Kenyan prime minister,
11 and he's continuing in negotiations. And basically what he said was the discussions
12 are continuing. So he can't say that nothing has come of the discussions because
13 they're continuing.

14 So I'd like to say that as far as I'm concerned, as the discussions are continuing, we
15 have to avoid being overly hasty and immediately drawing rushed conclusions.

16 We'll have to see where the discussions will lead.

17 Well, in any case, the Nigerian president is talking about a gridlock.

18 Yes, but it's a crisis situation. A crisis such as that can't be sorted out in a couple of
19 days or a few hours of negotiations. It has to be said that the fact that we've left the
20 firm positions that were adopted and now we're trying to discuss things shows that
21 things are moving ahead. So let's avoid drawing hasty conclusions.

22 Well, Ouattara's camp is very clear. As far as he's concerned, the discussions are
23 over.

24 Well, Mr Ouattara never called for discussions. He's somebody who's always said
25 that you need force. He's always said that you need military force. As of 2000 right

1 until this day, he's remained constant, and dialogue is not his strong point. It's not
2 what he's good at, nor the constitution. He always said that you need force, and he
3 hasn't changed on that score. Unfortunately, what he says has nothing to do with
4 reality.

5 Okay. Well, let's talk about force. Are you worried about an ECOWAS
6 intervention force arriving to remove Gbagbo by force?

7 You can't remove somebody who's won the elections. You can't remove someone
8 whose there in application of the constitution. Let me say that we're not worried
9 about a military force, that's not what the problem is, but we think that when you end
10 a war, you always end up discussing things. So let's start discussing now rather
11 than endangering people's lives, killing people and then coming to discuss.

12 Those who are in favour of military force, I think they've got things wrong, and they
13 really have to understand that Africa has lost too many of its sons and we have to
14 avoid this. We have to turn the page. We need dialogue.

15 MR KNOOPS: Mr President, you just saw Mr Blé Goudé as he is; not as a général de la rue
16 in any strange carnivalesque uniform but who he really is, a man calling for dialogue and,
17 with one word, pour tourner la page militaire. That was his mission, and that is what we're
18 going to show during this trial. Thank you.

19 My colleague, Mr Claver N'Dry, will now present his submissions to the Chamber.
20 (Playing of the video excerpt)

21 MR N'DRY: (Interpretation) I do apologise, your Honour. I think the case manager was
22 rather too keen to establish the truth.

23 Presiding Judge, your Honours, Emile de Girardin was a journalist and French
24 politician, and he left for mankind this thought that was published in 1867 and that it
25 is worth recalling here, I quote: "The first condition of justice is impartiality." End

1 of quotation.

2 In this case, we state that the Prosecution has not done its duty. The Prosecution has
3 shown a bias, a clear bias that we can see in an excerpt from a press release dated 21
4 December 2010 from the Office of The Prosecutor concerning the situation in Côte
5 d'Ivoire.

6 This press release was signed by the very first Prosecutor of the Court, Louis
7 Moreno-Ocampo. Let me read the excerpt from the press release.

8 "First of all, I should like to be clear, I have not yet opened an investigation.

9 However, if it transpires that serious crimes that fall within my jurisdiction have been
10 committed, I shall do so. If, for instance, there were to be violence following the
11 speech made by Mr Charles Blé Goudé, he could be subject to Prosecution. The
12 leaders who plan acts of violence will end up in The Hague." End of quotation.

13 We cannot read this press release without wondering about its rather intriguing
14 content. The Prosecution's information, in other words, that an investigation had not
15 yet been opened means, according to the rigours of legal terminology, that he did not
16 have any evidence available at that stage.

17 And at such a stage, in complying with the precepts of neutrality, the Prosecution
18 should keep a sense of proportion talking about the situation in Côte d'Ivoire, in
19 general and in personal terms. But that is not what happened.

20 From among a whole raft of political protagonists, the Prosecution singled out Mr
21 Charles Blé Goudé.

22 If, for example, there were to be acts of violence following the speeches of Charles Blé
23 Goudé, he could be subject to Prosecution. That is what Luis Moreno-Ocampo said.

24 Your Honours, for us this press release is not a case of clumsy thoughtlessness on the
25 part of the Prosecution. It shows up the bias of a Prosecutor who has allowed

1 himself to be influenced by prejudices. Charles Blé Goudé was not the only Ivorian
2 politician to make speeches. Other leaders had called upon their followers to
3 demonstrate in favour of the departure of Mr Laurent Gbagbo by any means possible,
4 and this was done several days before the Prosecution's press release was issued, and
5 he knew that.

6 Why did the Prosecution not cite any of the other political personalities? Why did
7 the Prosecution single out Charles Blé Goudé at a time when they hadn't even opened
8 an investigation into the Côte d'Ivoire? The answer is obvious. The Prosecution
9 had already chosen him before embarking upon the slightest investigation, if there
10 was even an investigation worthy of that name. So what remained to be done to
11 bring him before this august court? Quite simply, do what the French writer and
12 political expert Pierre Conesa referred to as manufacturing the enemy.

13 How should they go about turning Mr Charles Blé Goudé into an enemy of mankind
14 and depict him as a loathsome man? That is the approach that will be pursued in the
15 Prosecution's investigation. Investigating in order to confirm prejudice, which boils
16 down to carrying out an investigation with a presumption of guilt; whereas, the major
17 principles of criminal law lay down the principle of presumption of innocence.

18 To reach his goal and to have you find Mr Charles Blé Goudé guilty for crimes against
19 humanity, there was just one hitch, one obstacle; namely, the actual facts, what truly
20 happened.

21 How does one rewrite history? How does the Prosecution do this and find some
22 kind of foundation for their assumptions and arguments?

23 First of all, starting with the existence of crimes for which the Court has jurisdiction;
24 and secondly, how does one find criminal responsibility of Mr Charles Blé Goudé in
25 the said crimes? The Prosecution had no other choice, they had to turn the history of

1 Côte d'Ivoire into some kind of travesty, a country so dear to my heart.

2 Each page of the pre-trial brief bears witness to this deliberate choice to truncate the
3 facts for the good of the cause.

4 In other terms, this is keeping one's eyes firmly shut, keeping one's eyes firmly shut
5 and not even taking one glimpse of the true nature of the crisis. This is what my
6 learned friend, Mr Knoops, has referred to as wilful blindness.

7 As the trial begins, we will deal with a number of allegations found in the

8 Prosecution's pre-trial brief, and we will demonstrate to this Court how the

9 Prosecution attempted to manufacture an enemy by twisting the facts around.

10 To prove the statements to you, we will quote directly from paragraph 43 of the

11 Prosecution's pre-trial brief, which reads as follows, and I quote: "Charles Blé Goudé
12 prepared the young people, prepared them to organise the violent demonstrations, to
13 hinder implementation of the Marcoussis agreements in 2003, attack French nationals
14 in 2004, and in 2006 to keep members of ethnic groups from the north from
15 registering as voters."

16 This allegation that the Prosecution has made makes reference to three events during
17 the crisis in Côte d'Ivoire. Over the course of this trial, we will set the record straight.

18 We will explain what really happened, what the Prosecution has done by truncating
19 the events, what happened in January 2003.

20 After the failed coup d'état, which aimed at bringing down the republican institutions
21 of Côte d'Ivoire, the various political parties found themselves in Paris at Linas

22 Marcoussis around a bargaining table at the invitation of the French authorities. At
23 the end of the discussions, Guillaume Soro, the leader of the rebels, announced a

24 number of resolutions, namely a government team would be set up and the key

25 ministries, the Ministry of Defence, the Ministry of Interior and Security would be

1 allocated to various rebel movements.

2 In concrete terms, how are we to interpret the point of these agreements? In a way,
3 this can be likened to entrusting the defence and security of the country and one's
4 president to the people who attack them. Let us acknowledge that this decision runs
5 counter to reason and law; first of all reason.

6 This really is as if someone asks someone who has tried to kill him to protect him at
7 the same time. And now, as a matter of law, this can be seen as a veritable hymn as
8 attempts to overthrow the government, to various coup d'état.

9 Your Honours, in Marcoussis, the request was made to no longer refer to the rebels as
10 such. Rather, they were to be described or referred to as the Force Nouvelle, the
11 New Forces.

12 The rebels became a new political force, accepted, tolerated and even celebrated.

13 It was this news, namely that rebels would join the government to occupy key
14 ministries, Ministry of Defence and Ministry of Security, that led to spontaneous
15 demonstrations and protests throughout all of Côte d'Ivoire.

16 As soon as the announcement was made, the demonstrations and protests began.

17 The people of Côte d'Ivoire did not need any instructions from anyone whatsoever to
18 go out and protest and demonstrate against these agreements that they themselves
19 found unfair.

20 The Prosecution -- well, does the Prosecution not believe that the people of Côte
21 d'Ivoire -- do they believe that the people of my land are not mature enough to
22 understand these issues?

23 Mr Charles Blé Goudé did not prepare any young people to organise violent
24 demonstrations against the Linas Marcoussis agreements, as the Prosecution would
25 have us believe judging by their pre-trial brief.

1 If the Prosecution had done true serious investigations, they would have seen that, in
2 actual fact, Mr Charles Blé Goudé had called for a peaceful public demonstration on 1
3 February 2003 in Abidjan at the Place de la République before all the media. And
4 during this particular demonstration, there were no incidents.

5 During this trial, we shall show you footage of the public gathering organised by
6 Mr Blé Goudé, and you will see that that event was in no way similar to the
7 spontaneous demonstrations to protest the Linas Marcoussis agreements.

8 You will see, your Honours, that a number of French nationals had taken part in that
9 gathering and some of them had spoken out against these agreements.

10 By alleging that Mr Charles Blé Goudé prepared young people to organise violent
11 demonstrations to hinder implementation of the Linas Marcoussis peace agreements,
12 the Prosecution has twisted the facts around.

13 We have already made this point to you before. The Prosecution has a plan. They
14 have a pattern. I wouldn't even call it a common plan. They have a plan, a pattern,
15 namely. They are attempting to manufacture an enemy and, thus, of their own
16 accord they have become blind. We will be showing you a number of examples that
17 will show how the Prosecution has got it all wrong and has misinterpreted history.

18 In the pre-trial brief, the Prosecution has said that Mr Blé Goudé prepared young
19 people to attack nationals of France in the year 2004. The very words can be seen in
20 ink in the very pre-trial brief prepared by the Prosecution.

21 Your Honours, the Prosecution has made allegations and, in contrast, we shall
22 provide you with the facts. We will demonstrate that the Prosecution has falsified
23 the history of Côte d'Ivoire. We are now going to play part of a video, and this
24 relates to Mr Blé Goudé's appeal to the people of Côte d'Ivoire on the evening of 6
25 November 2004 after the French army destroyed Ivorian military air assets. And

1 you will hear for yourself the words Mr Blé Goudé used when he called out to the
2 people of Côte d'Ivoire. The words are very clear. When he made his call, his
3 appeal to the people of Côte d'Ivoire, he said, and I quote -- now, this is a very short
4 video. It only lasts a few moments, and I would like to ask the Court to be
5 particularly attentive to the words that Mr Blé Goudé uttered: "I am not asking you
6 to attack the poor French who are at home and who have nothing to do with this
7 situation."

8 Your Honours, Mr Blé Goudé's remarks that day were very clear. "I am not asking
9 you," he said, "to go out and attack the poor Frenchmen who are at home and
10 certainly have nothing to do with the situation."

11 Could the message be any clearer than this? When one's task is to conduct
12 investigations of both incriminatory and exculpatory materials, when that is one's
13 task, the content of this call for resistance is very clear. He said this: "I am not
14 asking you to go off and attack the poor Frenchmen who are at home and who
15 certainly have nothing to do with the situation."

16 The message could not be clearer. He never was targeting French nationals.

17 Perhaps the Prosecution has mixed things up. Mr Blé Goudé said "all of them at the
18 airport." In French, "airport" has never been a synonym of French national.

19 What is this allegation based on? I think that the video really tells it all. And the
20 Prosecution has this footage. There is nothing reliable here, there is nothing relevant,
21 nothing likely. All we can see is an attempt to deliberately falsify history.

22 Within this Court, the International Criminal Court, a respectable Court that deserves
23 respect, such allegations, baseless allegations are unacceptable.

24 When speaking to the press, which was attempting to distort the facts having to do
25 with this episode of Côte d'Ivoire's history, the television network Canal Plus

1 provided a report on, as I say, this television network broadcast a report on 30
2 November 2004, and I believe you saw footage from that particular programme
3 yesterday.

4 Stéphane Haumant, the journalist who entitled the piece: "Côte d'Ivoire, Four Days
5 of Fire," this report showed that the resisters who responded to Mr Blé Goudé's call
6 were not armed. We did not see a single demonstrator shoot a firearm. This is
7 what he said. The Prosecution used this and distorted this call for resistance, but
8 resistance, this call to fight with one's bare hands, to manufacture an enemy and
9 deliver this enemy up to this Court, the Prosecution had to truncate the events. They
10 had to falsify history. And this is not an easy task for the Prosecution, because the
11 actual facts are quite different.

12 The Prosecution alleges that in 2006 Blé Goudé prepared young people to keep people
13 from the north from registering as voters. But the facts do not square with what the
14 allegation concerns.

15 All those who are familiar with the history of Côte d'Ivoire and want the truth to
16 come out know full well that this statement by the Prosecution clearly contradicts the
17 facts. In a few moments we will show some video footage which summarises the
18 crisis of the gatherings, these public gatherings that Mr Charles Blé Goudé began.
19 And this was during a time of great tension.

20 And after you hear this video footage, you will see what the Prosecution based
21 themselves on when they made this claim that he had helped young people prepare
22 to keep people from the north being registered as voters.

23 (Viewing of the video excerpt)

24 MR N'DRY: (Interpretation) Your Honours, what you have seen gives the lie to the
25 Prosecution's allegation that Mr Blé Goudé prepared young people so that they might keep

1 people from the north from registering as voters. On the one hand, an allegation with no
2 reliable foundation, and on the other, a video that shows the contrary to the Prosecution's
3 allegations; a video that shows that the accused was making a contribution, trying to help
4 during this crisis that was pitting one group against another.

5 Now, the whole issue of these hearings, Mr Blé Goudé's contribution is well-known.

6 He was trying to bring people together and persuade them to renounce violence.

7 The main message of the statement was quite clear. "The young people of Côte

8 d'Ivoire are launching a strong appeal to elders, that is to say to political parties, to

9 quickly organise a dialogue that will deal with these hearings so as to agree on a

10 minimum number of elements to ensure that our country does not become a second

11 Rwanda."

12 The Prosecution has told you the opposite of what Mr Blé Goudé actually did. We

13 will now show you the front page of a newspaper called Fraternité Matin, it's a daily

14 newspaper, and I think you will realize what kind of reactions emerged after these

15 agreements had been signed. We will just bring up the image now.

16 We can skip over this particular part of the presentation. Your Honours, I do have a

17 hard copy of the newspaper right here. And you will see that this is a newspaper

18 that was published on 28 July 2006, and you will read this: "Capitulation or a trap,

19 Blé Goudé explains himself."

20 And there is a side item here, and you can read, "Gbagbo, Banny," who was the prime

21 minister of Côte d'Ivoire at the time, "Affi," this was the man who was the president

22 of the Ivorian Popular Front, and also "UNOCI," which paid tribute to the calm that

23 was prevailing amongst the youth.

24 Only the Prosecution, only they are trying to rewrite history and turn the facts around.

25 The Prosecution's wish to manufacture an enemy takes him far away from what

1 actually happened. The Prosecution has not been able to assess the courage and the
2 sense of responsibility that led Mr Blé Goudé to bring about an end to the violence.
3 We will read a few passages from the newspaper. Mr Blé Goudé gave an interview
4 to two journalists from this particular newspaper regarding these hearings, the
5 Audience Foreign, in French. In response to their questions, the journalist asked this:
6 "Some people are talking about capitulation, saying that you have capitulated because
7 of the terror. What do you have to say about that?"
8 Your Honours, please listen very carefully to the answer that Mr Blé Goudé gave.
9 This is what he said: "If capitulation can save the Côte d'Ivoire, if it can prevent a
10 catastrophe in Côte d'Ivoire, a catastrophe, then that's fine. I am independent in my
11 mind. I am free in my mind. That is why for the moment I have refused to join any
12 political party, that's what I want to underline as well, so as not to receive any
13 instructions from anybody at all. When I act, it is because I decide to act."
14 And he continued, "Let me say to those who talk about capitulation, that real
15 capitulation is if you don't use your influence to prevent a catastrophic situation,
16 that's what capitulation is.
17 I do not want to be part of any attempt to turn Côte d'Ivoire into another Rwanda. I
18 refuse to have on my conscience any such act. Well, those who talk about
19 capitulation, what do they propose in exchange? Just tell me," he asks himself this,
20 "Civil war? Arming our friends against the others? I do not want a civil war. I
21 want the fighting to cease. Now anyone who disagrees with that, who is against,
22 well, let him go on television to say that he wants the fighting to continue and let him
23 assume his responsibilities." End of quotation.
24 There was another observation made by the journalists as follows. There was a
25 demonstration in front of the prime minister's office against your decision. Charles

1 Blé Goudé said in response, "All of that will settle down, believe me. In
2 Divo" -- which is a town in the south of the Côte d'Ivoire -- "there are rumours among
3 the camp of young Dioulas saying that the young Didas are getting ready to attack
4 them." This is what Charles Blé Goudé said. And he then says, "No, I do not
5 agree."

6 He says, "I'm going to go to Divo. I've already sent Jean Yves Dibopieu there with a
7 delegation," and that was this Thursday morning. He says, "I will go myself, not to
8 meet only the Young Patriots, the Jeunes Patriotes, and I want you to note this, but
9 also to meet the other comrades. I will go to Bassam," that's another town in the
10 south of the Côte d'Ivoire, "to do the same thing." And then he says, "Whatever it
11 costs me, I will do it."

12 And at the end of the interview Charles Blé Goudé says, "We have no interest in
13 killing each other. Nobody imagined that there would be such a war in the Côte
14 d'Ivoire. And we are currently at war. Nobody could imagine that we would
15 know a civil war. It doesn't just happen to other people. Let us keep what we've
16 achieved. Let us avoid pointless radicalisation." End of quotation.

17 Let me simply say that that was an interview, so it was public. I'm not talking about
18 statements made by witnesses. I'm talking about Mr Charles Blé Goudé, who set out
19 his position to the entire nation, to the Côte d'Ivoire.

20 Your Honours, the Prosecution has a significant amount of evidence in this case, a
21 large quantity of evidence, but the Prosecution has no proof.

22 Repeatedly the Prosecution said that Charles Blé Goudé called on young people to
23 commit acts of violence. There is no proof of that. There is no video to confirm
24 what the Prosecution says.

25 For six hours we heard the introductory statements of the Prosecution during which

1 they were unable to show us even a few seconds of video footage showing Charles
2 Blé Goudé inciting young people to commit acts of violence against Muslims, West
3 Africans, the followers of Mr Ouattara or people from the north of the Côte d'Ivoire.
4 The Defence was waiting for that. We're still waiting. For the time being, we are
5 not satisfied.

6 In a trial concerning the most serious crimes, one must avoid stating anything that
7 one cannot prove.

8 Mobilising the youth, the meetings, the political rallies, the gatherings to protest
9 against the practices of an armed rebellion or any particular decision, are they not
10 expressions of democracy? Or perhaps the Prosecution has decided that an
11 expression of democracy is a crime against humanity?

12 What exactly is it that the Prosecution accuses Charles Blé Goudé of? In law it is not
13 enough just to make a statement. You must prove what you're claiming.

14 The Prosecution has evidentiary elements, but it has no real proof, no relevant proof
15 to the existence of any common plan, no proof that Charles Blé Goudé called on
16 young people to commit acts of violence, just pictures of gatherings.

17 The Prosecution can perhaps tell me where the proof is. I have not seen it. In the
18 treaty of Rome, I have never seen that gatherings are a crime. Is there a crime of
19 charisma? He's charismatic. He mobilises people. He brings people together.
20 But what does he say when he brings people together?

21 But the Prosecution has exonerating evidence that it chooses to ignore. In their own
22 video footage that was presented and that concerned the incident at Yopougon on 25
23 February 2011 and the subsequent days, what did Charles Blé Goudé say? And we
24 saw this on the video footage shown by the Prosecution, he said, and I quote, "I can
25 tell you going to attack whichever district, and you are going to applaud me. Well, I

1 don't need your applause. My responsibility is to guide you."

2 It's very clear, "I can say to you go and attack such and such a district and then you'll
3 applaud me." Charles Blé Goudé says, "I do not need applause. My responsibility
4 is to guide you."

5 Notwithstanding that clear position, the Prosecution is going to establish a relation of
6 cause and effect between the Baron Bar meeting and the events of the 25
7 February 2011 in Yopougon.

8 In the course of this trial we will present to you the next part of the speech made to
9 the Baron Bar in order to show you what the Prosecution is attempting to conceal.
10 You have to take a speech as a whole in order to explain things. It is not enough just
11 to take out one element in order to interpret it as you see fit in a vain attempt to
12 establish the proof of a common plan.

13 The ideology of non-violence in which Charles Blé Goudé inserts his actions can be
14 proved in one and the same interview that was granted to the same newspaper, the
15 Fraternité Matin, part of which I read out to you earlier on.

16 The Prosecution put a central question that I think it's worth taking a look at here.

17 This is what Charles Blé Goudé said, "I do not want to contribute to turning Côte
18 d'Ivoire into another Rwanda. Never can I imagine having on my conscience such
19 an act. Those who talk about capitulation, what do they propose in exchange? Tell
20 me. Civil war? Arming our friends against the others."

21 The accused's answer was perfectly clear, "I do not want a civil war." He said he
22 didn't want to contribute or play a role in turning Côte d'Ivoire into another Rwanda.
23 We think that an independent and impartial investigation to be able to understand
24 the ideology of this leader, this term "turning it into another Rwanda" recalls the last
25 genocide in Rwanda last century. By saying "I do not want to play a part in turning

1 the Côte d'Ivoire into another Rwanda," Charles Blé Goudé was refusing acts of
2 violence that could lead to a civil war.

3 How can somebody like this, whose choice is clearly in favour of non-violence, be
4 treated as a criminal by the Prosecutor of the International Criminal Court? That is
5 not just.

6 When an investigation is carried out with a view to manufacturing an enemy that
7 turns your eyes blind, the Defence witnesses will come here to tell you what Charles
8 Blé Goudé did for his country. They will tell you, in the name of truth, they will talk
9 to you about the accused's commitment, and they will do it without there being any
10 political calculation on their part.

11 The man they will describe to you bears no resemblance to the person that the
12 Prosecution is trying to depict a picture of. Charles Blé Goudé is a man of peace and
13 the Defence teams will prove that to you.

14 Charles Blé Goudé reached out to the rebels. Charles Blé Goudé reached out to those
15 who took up arms against the Republic. He had a mission in the name of peace.

16 He went all over the country, all over the Côte d'Ivoire. He met Muslims, Christians,
17 he met everybody in Côte d'Ivoire in the name of peace.

18 If the Prosecution investigates, they will know really what was meant by the caravan
19 of peace. We're going to show you a trailer about the caravan of peace.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: South Africa overcame apartheid. Rwanda overcame the genocide.
22 We in Côte d'Ivoire, we can do the same. Let me tell you that from the depth of despair we
23 see hope. Take my hand, brother, take my hand, sister. Let's move to peace."

24 MR N'DRY: (Interpretation) That was the caravan of peace. Charles Blé Goudé, facing
25 the suffering caused to the population of the country through the rebellion, asked his country,

1 asked the Ivorians to forgive each other. This is the man that the Prosecution is claiming is a
2 criminal. This is the man who sits before you as an accused.

3 Charles Blé Goudé said, and I quote, "Convince rather than vanquish, because a
4 convinced opponent can become a partner for life, whereas a vanquished opponent is
5 an enemy for life and sooner or later will come back in one guise or another."

6 He invited the Force Nouvelle youth, because it was at Marcoussis that this name was
7 chosen for them, so the rebel force youth were invited to come to his village and to go
8 to the village of Mr Laurent Gbagbo. He took the initiative of organising a meeting
9 between Laurent Gbagbo's mother and Mr Soro Guillaume, who is the chief of the
10 armed rebellion and in the meantime had become prime minister of Côte d'Ivoire.

11 All of these actions were carried out by Mr Charles Blé Goudé in order to create union
12 among Ivorians again. Ivorians of good faith cannot ignore his acts. I'm not talking
13 about political opponents whose views are influenced by their own self-interests.

14 I'm talking about Ivorians of good faith.

15 These videos will be attached to our Defence file. However, we want to show you
16 now a video which is the climax of that trip during which Charles Blé Goudé
17 managed to bring together in one and the same stadium emblematic members from
18 both camps who until that point had considered themselves to be enemies, and I
19 would ask you now to look at it.

20 (Viewing of the video excerpt)

21 MR N'DRY: (Interpretation) Your Honours, the footage you have just seen, well, that is
22 something that Ivorians remember to this day, and it was under the influence of the actions of
23 Mr Charles Blé Goudé, who at the end of this managed to bring together in one and the same
24 stadium emblematic members of the rebel forces and members of the Ivorian government,
25 and all of this for peace.

1 As the election approached, Charles Blé Goudé, and again you are going to see a
2 photo, went to meet the Secretary General of the United Nations when there was an
3 upsurge of tensions again. I am going to show you this video now.

4 (Playing of the video excerpt)

5 MR N'DRY: (Interpretation) Your Honours, that is the man who stands before your Court
6 as the man who conceived and implemented a common plan, a man who is worried about the
7 upsurge in violence. If Charles Blé Goudé were really the way he's set out in the
8 Prosecution's caricature, he should welcome the upsurge in violence. But no, he doesn't.
9 He's concerned about it. And he goes to see the representative of the Secretary General of
10 the United Nations in order to draw his attention to this fact or this upsurge in violence.
11 And this is what we saw in the footage.

12 Your Honours, Mr Charles Blé Goudé's actions speak for him and contradict the
13 allegations of the Prosecution. The Prosecution said in the preliminary statement, in
14 the pre-trial brief, that since 2002, Charles Blé Goudé was implementing the common
15 plan. Here are acts that contradict the Prosecution's affirmation.

16 Charles Blé Goudé is concerned with the legalities, and he has served his country as it
17 went through a political and military crisis. Charles Blé Goudé has stood up for the
18 republican institutions. His choice was for the rule of law, and it is this that meant
19 that he refused the distribution to young people of weapons, young people who
20 wanted to defend their country against the barbaric armed rebellion that had led to a
21 climate of insecurity and caused devastation within families as my learned colleague
22 Mr Knoops has already explained.

23 We will have much to say about the incidents, the five incidents that underlied the
24 allegations of the Prosecution against Mr Charles Blé Goudé. First of all, the RTI on
25 16 December 2010, the Defence will show how irrelevant the evidence is, the evidence

1 cited by the Prosecution, to try to involve the accused in a matter that was the remit of
2 the army. And then there are the Abobo incidents, the two that occurred there, the
3 same will be done.

4 What sort of link can seriously be established between Charles Blé Goudé, a civilian,
5 and the supposed shots from a gun barrel or from shelling, what sort of serious
6 relationship can be established there? Charles Blé Goudé is not a soldier.

7 What are all of these rather mystical quasi-legalistic constructions drawn on by the
8 Prosecution in order to make Charles Blé Goudé responsible for incidents, the account
9 of which are set out by the Prosecution contain their own limits.

10 Your Honours, a false account of the history of the Côte d'Ivoire does not allow you to
11 judge Charles Blé Goudé in full knowledge of the facts. I would like to ask the
12 Presiding Judge the following -- I still have part of my presentation.

13 PRESIDING JUDGE TARFUSSER: We started at 35, we started 5 minutes later, so we can go
14 I think to 1; another 6, 7 minutes we have.

15 MR N'DRY: (Interpretation) That will be just fine, your Honour.

16 We shall set the record straight, just as the Gbagbo Defence team did yesterday, and
17 thus you will be given to understand that Mr Blé Goudé's actions were the actions of a
18 man who loves his country, a man who has a very strong sense of law, a man who
19 respects democratic institutions, no matter who may be the symbol of such
20 institutions.

21 The objective of the alliance was to counter the armed rebellion. And you see, your
22 Honour, honourable members of this august Bench, the actions of Mr Charles Blé
23 Goudé were -- you see, you must be given an accurate portrait of the man who stands
24 before you.

25 The Prosecution did not want to give you an accurate portrait or portrayal of this man.

1 The Prosecution did not choose the high road. Rather, they allowed themselves to
2 be swayed by the prejudice of a certain press and the political adversaries, the people
3 who undermine the very image of Mr Blé Goudé, making him out to be a militia
4 leader.

5 It would be a fine thing for international justice to have a prosecution, the very heart
6 of the system, that refuses to be manipulated by the press, who manufacture an
7 enemy and sometimes even manufacture consent.

8 The impact of the press upon the very conscience has been studied in the work of a
9 well-known American writer, Noam Chomsky, in his work entitled "Manufacturing
10 consent." And the same press, so happy with the rebellion in Côte d'Ivoire, did not
11 hesitate to make out Mr Blé Goudé to be a millionaire, an influential man who owned
12 several service stations and had holdings in a number of hotels, hotels in Côte d'Ivoire.
13 Ever since the fall of Mr Gbagbo and the arrest of Mr Blé Goudé, the debate about
14 these alleged billions and these service stations has ended, oddly enough.

15 Everything had been done for their cause. Before this Court, Mr Blé Goudé has been
16 recognized as indigent, unable to pay the lawyers who assure his defence.

17 Who truly owns these service stations that still exist in Côte d'Ivoire? Political
18 scientist Pierre Conesa calls this the manufacturing of the media enemy, and he
19 explains it as such, and I quote, "The media decide to designate such a person in the
20 evening news and then in the weeklies and the dailies. You see, the media designate
21 an enemy, and the Prosecution has taken this media enemy and made him an enemy
22 of justice."

23 Your Honours, this fabrication, this portrayal of Mr Blé Goudé before this Court is
24 false. Please do not come to any kind of decision on the basis of this false image.

25 I wish to conclude by sharing a fable with you. This is a fable that the crisis within

1 Côte d'Ivoire has reminded me of many times, a fable from French author Jean de la
2 Fontaine. The title of this particular fable is "The Animals and the Plague."

3 You see, in this account we are told about animals that are struck by an illness and
4 they die in large numbers. During this tragedy, each animal goes to confession,
5 because the lion king has said that he who is most guilty must perish.

6 All of the powerful animals were applauded after they confessed to the most horrific
7 crimes. Then it was the turn of the donkey, and all the animals rose up and called

8 out: "You are the one. All the unhappiness of the royalty is your fault. You
9 should be hanged." And the defence of this poor animal was that he grazed the

10 grass while the lion confessed that he had killed other animals and even shepherds.

11 The fable ends on this note: Depending on whether you are powerful or poor, the
12 rulings of the Court will make you white or black.

13 Your Honours, honourable members of this august Bench of the International

14 Criminal Court, what kind of world do we wish to build? Will humanity follow the

15 rules of the animal kingdom, the law of the jungle? The outcome of this trial shall

16 give us the answer to that question.

17 I conclude my remarks.

18 PRESIDING JUDGE TARFUSSER: Thank you very much, Mr N'Dry, Maître N'Dry.

19 May I just say one thing. I did not really very much like when you, two or three

20 times, you accused the OTP of deliberately falsifying. I think it's quite hard to say

21 this at this time before the trial started. One have different visions of history, of the

22 facts, but deliberately falsifying is quite a harsh allegation.

23 We are here to try to find, to find the truth according -- in relation to the charges.

24 This just, I wanted to say this because I didn't feel very good in hearing the

25 deliberately falsifying part of your -- otherwise everything was okay.

1 Mr Knoops, we are now breaking for lunch, and we resume at 2.45. We have
2 another hour and a half. Do you think that this should be enough?

3 MR KNOOPS: Yes, Mr President. We can conclude in one hour and a half.

4 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much. So the hearing is
5 adjourned to 2.45.

6 THE COURT USHER: All rise.

7 (Recess taken at 1.07 p.m.)

8 (Upon resuming in open session at 2.46 p.m.)

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

10 PRESIDING JUDGE TARFUSSER: Good afternoon to all the parties in the courtroom.

11 I just have to announce that, also to the colleagues which are not in the trial -- in the
12 account that we received from the OTP, from Mr MacDonald, an email which says,
13 "We would like to have a few minutes at the end of the day to raise a few witness
14 management issues with everyone. I'm afraid these must be addressed today and
15 cannot wait to tomorrow morning."

16 I hope so that, I hope that they are as serious as that, and I ask myself and ask you,
17 why didn't you anticipate at least the argument in the email? And to wait until the
18 end of the day, which would mean if we have to do something, to work during the
19 night. I don't know what it is, so you force me to give
20 me the floor, what I would not like to do.

21 MR MACDONALD: No, your Honours. Rest assured it's not in relation to the four first
22 witnesses, okay? It's in relation to Witness 0369, should he be coming before or after the
23 court recess, and also the issue of Witness 441, the question of testimony by video link or not.

24 PRESIDING JUDGE TARFUSSER: So it's not as urgent as it seemed by reading your email,
25 and we will deal with it this evening with a decision or otherwise tomorrow morning before

1 starting.

2 MR MACDONALD: In the case of Witness 369 though, your Honours, it would be
3 somewhat a little bit more urgent after discussion with the witness.

4 PRESIDING JUDGE TARFUSSER: Yes, but --

5 MR MACDONALD: For planning purposes for his own -- I'd like to address the Chamber
6 maybe five minutes at the end of the session today, if you allow me.

7 PRESIDING JUDGE TARFUSSER: We'll see how much time we have at the end of the day.
8 Otherwise, tomorrow morning for sure before we start.

9 So with this said, I will give the floor to the Defence of Mr Blé Goudé for the last
10 session. Thank you.

11 MR KNOOPS: Thank you, Mr President.

12 At this moment Mr Gbougnon, du barreau d'Abidjan, will address the Court for ten
13 minutes, after which Mr Zokou, and then Mr Blé Goudé finally.

14 PRESIDING JUDGE TARFUSSER: You have the floor.

15 MR GBOUGNON: (Interpretation) Your Honours, the eminent philosopher Professor Paul
16 Zahiri said, and I quote, "The fight of truth against lies and its violence is nothing new, but
17 truth has the obligation to lead these battles and yet it is not so sure that truth will always
18 prevail."

19 It is on behalf of this endless quest for truth, judicial truth, that we come before this
20 Chamber to counter the Prosecution's arguments. For six hours we heard all kinds
21 of nonsense about my country, Côte d'Ivoire, and all kinds of nonsense about my
22 client, Mr Blé Goudé.

23 Your Honours, the tragedy, yes, the tragedy in this case is that the Prosecution has not
24 conducted investigations. I wouldn't even say that the investigation was botched. I
25 would say that the Prosecution has not investigated at all. If there had been an

1 investigation, at least we would see some glimpse of the truth of Côte d'Ivoire. In
2 actual fact, the Prosecution has tried to convince you that Côte d'Ivoire is a
3 partitioned country with Muslim people who speak Dioula and Christians who
4 follow Mr Ouattara, that the country is divided. The Prosecution even says that
5 some neighbourhoods in Abidjan, such as Abobo, are entirely inhabited by Dioula
6 Muslims and that they were the main targets of the shelling, such as the shelling upon
7 the Siaka Koné market.

8 At this particular stage of the proceedings, allow me to tell you that in Côte d'Ivoire,
9 there is no ethnic group named Dioula. The word "Dioula" comes from the Arabic
10 word "ya diayale," which means, and I will spell it out, Y-A D-I-A-L-A-Y-E, this word
11 means trader or it means to trade. This word can be traced back to the very early
12 days of trade across the Sahara. Arabs from the north traded with people from the
13 south, the Malinké, the Soninké and the Bambara peoples. This is the true meaning
14 of the word "Dioula".

15 I think it's only right to say that in Côte d'Ivoire we have people, we have Malinké
16 people, Sénoufo, Tagwana and the list goes on. In my country, we do not have a
17 north with Muslim people and a south with Christian people. The Sénoufo, who live
18 in the north, are for the most part Christians or they follow animis beliefs. One
19 example is the current president of the national assembly, Mr Soro Guillaume, who is
20 of the Catholic faith.

21 We also have Tagbana people in Katiola who are often Christians, such as the former
22 spokesman of Mr Gbagbo.

23 This partitioning of the country, this split, is a figment of the Prosecution's
24 imagination and is no reflection of the truth of Côte d'Ivoire.

25 Honourable Judges, in Abidjan and elsewhere in Côte d'Ivoire, there are Dioula

1 people who support Ouattara, other people support Gbagbo.

2 I would also like to quote Mr Jean Baptiste Placca, an editorialist who is often heard
3 on RFI. He said this. He said, "She," meaning namely the Prosecution, "is hiding
4 behind a caricature of ethnic division and regional division. In no town or country
5 in Côte d'Ivoire do we find neighbourhoods with only one ethnic group. The
6 Prosecution has been subject to a great deal of criticism about her rather shaky
7 arguments regarding Kenya, and we would have expected her to come before this
8 Court with something better, not something so simplistic. We even hear jokes or
9 joking remarks, anthropological references to explain animosity regarding the Dioula
10 people."

11 There is no market in Côte d'Ivoire that is only frequented by pro-Ouattara
12 supporters that would be shelled; and no one could ever be certain that only one
13 ethnic group would be present and no other. By definition, a market is a place
14 where people trade and people meet, people from all fields of endeavour, from all
15 social groups, from all religious communities. Abobo is not a neighbourhood where
16 only pro-Ouattara inhabitants -- supporters live.

17 From 1995 to 2010, Simone Ehivet Gbagbo was elected to serve as Member of
18 Parliament for that area.

19 What is more, during the 2010 presidential election the results after the first round of
20 voting give the lie to the Prosecution's claims. Mr Bédié, 52.17 -- correction, 52,000
21 votes; Mr Ouattara, 135,000 votes; Mr Gbagbo, 106,000 votes. A difference of 29,000
22 votes between the two.

23 So this idea that Abobo is a Ouattara stronghold is a myth. One cannot state that
24 Abobo commune is only inhabited by Ouattara supporters and it was the target of
25 multiple attacks with any certainty that only they would be the victims of this alleged

1 common plan that Mr Blé Goudé allegedly took part in.

2 The Prosecution's argument to the extent that Côte d'Ivoire is divided into two camps,
3 this is simplistic and this is dangerous, dangerous for the social balance of my country
4 that has been hit hard by ten years of lies. This false division between the people of
5 Côte d'Ivoire is not the only weak point of the Prosecution's case. The Prosecution
6 knows little about the crimes committed by supporters of Mr Ouattara.

7 When the Prosecution made their arguments, they said this: "In the meantime in
8 February, the FDS operations in Abobo were stepped up in an attempt to crush any
9 opposition in Abobo. In turn, resistance groups emerged in Abobo, keeping the FDS
10 from setting up roadblocks around the neighbourhood and in it. From time to time
11 these groups were able to seize weapons from the FDS and conduct sporadic attacks
12 against FDS positions, which led to a number of casualties amongst the FDS, and the
13 FDS responded in turn by way of massive military operations." End of quote.

14 I think what we need to note here is that what the Prosecution is referring to here
15 with a -- by way of a euphemism, "groups of resisters," these are no others than
16 members of the invisible commando who killed more than 20 members of the defence
17 and security forces in cold blood and hundreds of civilians. Civilians fled, fearing
18 for their lives. They took refuge in a church in Anokoua Koute, but unfortunately
19 they perished.

20 During this trial we will tell you about the atrocities that the invisible commando
21 conducted on behalf of Ouattara - the ultimate objective being to convince you that
22 the defence and security forces in Côte d'Ivoire implemented allegedly this so-called
23 common plan, and that they killed and slaughtered civilians.

24 What is worse, regarding the events of the RTI on 16 December, the Prosecution
25 sweeps aside the death of ten FDS members killed by demonstrators during the

1 so-called peaceful march. How can the Prosecution paint these demonstrators as
2 unarmed civilians? How were they able to kill armed soldiers?
3 The Prosecution is attempting in vain to hide what really happened. As of
4 December 2010, even earlier, pro-Ouattara armed men had infiltrated all of Abidjan to
5 conduct guerrilla warfare -- urban warfare to put Ouattara in power. And this is
6 what was really going on in Abidjan at that time. That is the reality. These are the
7 circumstances that the Prosecution is trying to ignore.

8 The rhetoric from the Prosecution has been rather dull, soporific. For the first time
9 in my life I heard the most ridiculous thing imaginable about Côte d'Ivoire. Here in
10 this courtroom we were told that the gris-gris are a distinctive sign of people from the
11 north, and if one were to make allusions to that, you would be ostracising them and
12 ultimately they would be exterminated. This is a ridiculous allegation and is barely
13 worthy of a response. Like nearly all African countries south of the Sahara -- well,
14 even Islam came well later with the wars lead by the Samory Touré and others.

15 So I think you have to realize that each group in Côte d'Ivoire has its amulets, its
16 gris-gris, its mystic practices, but these are not some distinctive signs of a particular
17 ethnic group or people. The Prosecution's allegation is daring, but actually
18 dangerous for Côte d'Ivoire, which is still trying to move towards reconciliation.
19 To conclude, I wish to say that I have spoken out here because of my duty as a citizen.
20 I can tell you that today the people of Côte d'Ivoire need assistance. They need to be
21 reassured. They need to move away from constant ethnic and religious rhetoric.
22 These constant references to religion and ethnicity is no more than another attempt to
23 turn the knife in the wound, a wound that has barely begun to heal.

24 I thank you.

25 PRESIDING JUDGE TARFUSSER: Thank you very much.

1 MR KNOOPS: Mr Zokou will address the Court.

2 MR ZOKOU: (Interpretation) Your Honours, it is an honour for me, but above all an
3 obligation to give you, this Honourable Court, some clarifications as regards to what have
4 been stated by the representative of the victims and also the Prosecution. There was an
5 overly lengthy statement made by the Prosecution couched in terms that were but legal
6 nitpicking and the only objective was to distort the truth and to create of Mr Blé Goudé, his
7 acts and his statements, a vision that was in violent flagrant contradiction with the truth.

8 Your Honours, we are compelled to note that in the case before us, the Prosecution
9 has practised law in the same way as some people in ancient times practised Cod
10 Latin, *latinitas culinaria*, similar to Cod Latin, described by Wikipedia and other
11 dictionaries in admirable terms, the apparently legal demonstration set out by the
12 Prosecutor, and here I quote from Wikipedia, "Is far removed from the academic
13 norms."

14 Similar to Cod Latin, there is an apparent demonstration which can be seen in two
15 forms: One is involuntary or due to ignorance, inexperience or temerity; the other to
16 a large extent is voluntary, is intentional, very often serving a game, comic effect,
17 farce, and in which you can recognize the ingenuity of the author.

18 It is true that the Prosecution has tried to show ingenuity, but I cannot commend
19 them here. Here before this Court it is not a case of *commedia dell'arte*. Here we're
20 talking about the lives of millions of individuals, the life of a nation, the life of two
21 men. We cannot allow farce or ignorance to prevail over truth given that the
22 interventions made by the Prosecution would allow the emergence of an unacceptable
23 freedom taken with the truth.

24 We can say that this is the case in the video footage where it is claimed by the
25 Prosecution that Charles Blé Goudé stood up wearing a military uniform. He

1 showed himself in this way on national television in order to confirm that he was
2 indeed a general and thus confirm his influence over the population.

3 Above all we have to state that that footage goes back to the period just after the rebel
4 attack perpetrated in September 2002 and not to the post-electoral crisis period. We
5 will say more about this biased presentation, but already at this stage we have to ask
6 ourselves the following question: Why is the Prosecution showing an RTI video in
7 black and white? Anyone who knows the Côte d'Ivoire knows full well that the RTI,
8 for decades now, has been broadcasting its programs in colour. So why was the
9 presentation made in black and white by the Prosecution?

10 In the course of this trial, the Prosecution will have to tell us what is the original
11 colour of the document presented. They'll have to tell us whether the document was
12 received as presented, and if not, where they got it from in order to present it as they
13 did, because if the video footage shown had been colour, what would we have seen?
14 We would have seen that Charles Blé Goudé was wearing a rather amusing dress,
15 garb with epaulettes made up of flowers of the national Ivorian colours, orange, white
16 and green.

17 We would have seen that the hat he was wearing looks like a sort of bowler hat with a
18 few folklore decorations, including flowers, and it was certainly not a military
19 headdress. In other words, one would see that Charles Blé Goudé was wearing the
20 sort of costume of an operetta, from which one can deduce in no way that he was a
21 war mongering, military or militaristic man. It was quite simply a parody of a
22 military uniform as if he was saying that, contrary to those who had attacked Côte
23 d'Ivoire, he did not see himself as a soldier. All he had were his words and his
24 hands, his bare hands, similar to his uniform, without any military symbol, with no
25 decorations, no rank, no weapon.

1 In all truth, I can tell you at a certain time, particularly during the "flower power" age,
2 Charles Blé Goudé wearing such a uniform could easily have passed for a hippy.
3 But that was a long time ago. That was before a simple sartorial coquetry could be
4 thought of as being representative of crimes against humanity, this according to the
5 Prosecution.

6 Still on the basis of the quest for evidence that couldn't be found because it doesn't
7 exist, the Prosecutor came up with another gem, it's an extract, an excerpt from an
8 interview given by Blé Goudé to a journalist in a garden. The Prosecutor deduces
9 from this excerpt that Charles Blé Goudé is referring to an inclination, a tendency to
10 manipulate crowds. And yet talking about his passion for political communication,
11 spin, Charles Blé Goudé is, quite simply, reflecting the expression of a legitimate
12 quest for excellence in a domain that is taught and practised the world over and for
13 which there are a number of acknowledged precursors, such as Peter Mandelson from
14 the UK, who has been made a member of the House of Lords for life, or the American
15 Karl Rove, irrespective of the -- any possible value judgment of them.

16 At the time of the interview, Charles Blé Goudé was a student, aside from his other
17 activities, and he was working on a thesis on political communications. And let me
18 say in passing that he passed it with great success.

19 If we take a look at the western world, we can see that the names I've referred to are
20 the ideal references in the domain of the masters of the world. So where can one see
21 a crime in this? He was striving for excellence in his field. Was it a crime to be
22 somebody who wanted to leave a positive mark on his time and his citizens?

23 Let's take the example of a medical student who wants to become an excellent doctor.
24 Would it be wrong to cite Dr Knock, a rather crazy character from the Jules Romain
25 play who was anything but an excellent doctor?

1 Given that Charles Blé Goudé intends to continue his education, all that remains for
2 the Prosecution now is to organise an autodafé of all works and publications to do
3 with the political communication in order to prevent him from pursuing his goal.
4 Your Honours, the last clarification I'd like to make is to do with the video footage
5 that was shown here by the Prosecution. In that footage there is an individual, who
6 is not Charles Blé Goudé, who said the following: "To each Ivorian a Frenchman."
7 Now, if I'm not mistaken, at the start of this trial the Prosecution made an affirmation:
8 We're here to judge two individuals, Laurent Gbagbo and Charles Blé Goudé, and not
9 to judge a country or a group.
10 How then can the Prosecution attribute to Charles Blé Goudé words spoken by a third
11 party? Is the person who made that statement Charles Blé Goudé? No. So this is
12 how the Prosecution spoke and how it shows itself to have been wrong.
13 The Prosecution is waving a magic wand to turn Charles Blé Goudé into a person
14 gifted with ubiquity and responsible for the expression "To everyone his Frenchman,"
15 even though he had nothing to do with it.
16 The Prosecution see Charles Blé Goudé as their deus ex machina. So this was a
17 failed attempt by the Prosecution. But there's something good to be found in it: At
18 last, the Prosecution is stating before the entire world that Charles Blé Goudé is not
19 responsible for that famous sentence, "To each his Frenchman," but look at the wrongs,
20 the harm that have been done by this gentleman, Charles Blé Goudé, talking about a
21 fact, an act that cannot be acknowledged as his responsibility. It's only by waving a
22 magic wand that Charles Blé Goudé can be transformed into the spokesman of
23 President Laurent Gbagbo. And yet, there was Désiré Tagro and Gervais Coulibaly,
24 the latter is still alive, who were in fact Gbagbo's spokesmen.
25 Your Honours, so what can we learn from this umpteenth attempt to falsify the facts

1 that the Prosecutor in contradiction with its own statements is asking you to judge
2 Charles Blé Goudé for what he was not, for what he did not say, in other words, for
3 what others did or said, for what others did or said.

4 In this way the Prosecution is trying to draw us into their world where absurdity
5 reigns. It's an imaginary world constructed by the Prosecutor on the basis of
6 nonsense and a world that I can only call absurdia. Absurdia is a territory of the
7 legal imagination where black becomes white, white becomes red, and red at the
8 same time turns into black.

9 That is why, your Honours, through this statement we intend to bring us back to
10 what we are concerned with and should be concerned with in a world we should
11 never have left, in other words, the quest for truth and justice. This world is to be
12 found here in the temple of Thémis, here at the International Criminal Court, which is
13 our Court, because the time has now come for the Prosecution to leave behind it the
14 art of reading oracles, to come at least to the empire of truth and justice, in other
15 words, law.

16 Thank you.

17 PRESIDING JUDGE TARFUSSER: Thank you.

18 Mr Knoops.

19 MR KNOOPS: Mr President, with your leave -- sorry. With your leave, Mr Blé Goudé
20 wants to conclude our session with his remarks for the Court.

21 PRESIDING JUDGE TARFUSSER: Yes, of course, Mr Blé Goudé, you're authorized, but we
22 stick -- we are a criminal court, just to be clear. You have the floor.

23 MR BLÉ GOUDÉ: Mr President, Mr President, Your Honours, thank you for this
24 opportunity that your Court has granted me and the entire world, indeed, to finally hear
25 about the reality of the crisis that has plunged my country into sorrow.

1 My name is Charles Blé Goudé. I am from Kpogrobré, sub-prefecture of Guibéroua
2 in the centre-west area of Côte d'Ivoire.

3 Before I say what I have to say, I would like to set the record straight on a few things,
4 particularly things raised by the Prosecution.

5 I lived in Abobo when I was attending the classique lycée in Côte d'Ivoire. I lived in
6 that area. And I don't know if the Prosecution -- I lived in Abobo Plaque as well,
7 another neighbourhood not far away from the cross roads. I lived in Quatre étages
8 neighbourhood. All this to say that I am familiar with nearly all the marketplaces in
9 the city. I know the neighbourhoods. I know the market between the university
10 and the police. I know the Samaké market. I know the Siaka Koné market as well.
11 I know all the neighbourhoods where markets are to be found. I lived in many
12 places in the city. The only market that I do not know which I discovered here is the
13 market that only Ouattara supporters go to apparently. This is new to me. What's
14 more and what's better, I killed two birds with one stone I think, because I make
15 reference to one particular market because, you see, it is in the north-east, and that
16 particular place was known of the town of a thousand mosques, very much a Muslim
17 town.

18 I know the great market there, the most Islamic place in the republic, and even then I
19 don't think only Muslim people go to that particular market. Myself, a Christian, I
20 go to that market. My relatives go there as well.

21 I went to Gouméré for my primary school in Nassian in the north. Towards the
22 south you have other places. I'm telling you about my own country.

23 I played games in the street with young Muslim boys. I grew up with other -- with
24 Muslim people. One of my professors, one of the professors is my spokesperson and
25 he himself is a Muslim and the leader of the Blé Goudé supporters, some of the

1 leaders of the Blé Goudé generation. Mama Ajatouré, an Islamic woman who
2 adopted me, she too follows the Muslim faith.

3 So I find now that I am the target of a hunt. People are talking about an ethnic group
4 saying that I issued orders for them to be killed.

5 Your Honours, here you can see my various counsel, Mr N'Dry. In the public gallery,
6 Dr Nogbou Hyacinthe, first secretary of the COJEP, he is Baoulé. Dr Saraka Konan
7 Patrice, my personal physician with whom I studied, he is Baoulé.

8 So all the people in my inner circle, so to speak, I issued orders that they and their
9 families be killed in their communities? I think this needs to come before the Court,
10 these enormities.

11 I acknowledge and I am proud to say that I have been associated with President
12 Gbagbo.

13 What about the president of the national assembly? He is from the north. His
14 campaign director, during the elections, Malik Coulibaly, he's from the north. What
15 are we talking about here in this courtroom?

16 The Côte d'Ivoire that the Prosecution has depicted is not the Côte d'Ivoire where I
17 was born.

18 The second point I'd like to make to set the record straight has to do with the
19 Prosecution, which seems to be laying charges against me regarding former President
20 Blaise Compaoré, who I allegedly claimed was a de-stabilizing influence. It is true
21 that I may have said that he did de-stabilize Côte d'Ivoire. But that's not all, he
22 de-stabilized the entire region. Just yesterday I was watching the news bulletin, and
23 during the Summit of the African Union, the current president of Burkina Faso was
24 saying that he himself, the president of Burkina Faso, that Blaise Compaoré is the
25 person who turned Burkina Faso into an enemy of the jihadists and had de-stabilized

1 the region.

2 The only thing I did wrong perhaps when I spoke of this man is that perhaps I was
3 right, but too early in the game.

4 We are aware in Côte d'Ivoire that if one brings in ethnicity and religion into the
5 political sphere, there can be serious consequences and, thus, we know that -- well, it
6 would appear that the translation often has difficulties with my proverbs, so I will
7 translate this proverb myself.

8 (Speaks English) When you carry a fragile pot on your head, you don't run a risk to
9 cross the ground where people throw stones; otherwise they break it, Mr President.

10 So we know in the Côte d'Ivoire that using ethnic group against ethnic groups,
11 religion against religion is dangerous. We know that. So we don't play with it.

12 And this is dangerous for my country. I would never do it, never be part of it,
13 Mr President. I know what I'm doing. I know what is good for my country. I'm
14 not the people, the person that's been presented to you per the accusation. This
15 precision was very important for me to be made. That's my point. Thank you very
16 much.

17 (Interpretation) Honourable members of the Court, justice is not something to flee
18 from, particularly when one has nothing to feel bad about. When it comes to my
19 dealings with my fellow citizens, I do not have a single drop of blood on my hands.
20 That is why I am quite assured as I appear before you, I am confident, because I do
21 not have a single drop of blood on my hands.

22 Many people have accused the ICC of being a political court that passes judgment on
23 African leaders who really are condemned before they even go on trial, and I think
24 you have done quite well, your Honour. Right from the very beginning of this trial
25 you have said just how impartial your Court is and this will be reassuring to many

1 people.

2 As for the Prosecution, unfortunately, the Prosecution has brought the propaganda
3 from the media into this Court. The media, the propaganda of our opponents has
4 been imported into this Court. We have already been put on trial and found guilty
5 even before this Court has ruled on the alleged facts. This just does not hold up and,
6 thus, there are many concerns, a great many concerns. And that is why, your
7 Honour, mere suppositions by the Prosecution, suppositions, their biased account,
8 deliberately biased and twisted, just won't do, won't hold up.

9 These reports from self-proclaimed experts who do not know very much at all about
10 the circumstances in which the alleged events occurred, the impartiality that you have
11 mentioned does not seem to find a -- does not seem to have a home here.

12 Now, these incriminating statements from policeman opponents of mine who will no
13 doubt appear before you cannot serve as the foundation of any credible
14 demonstration of the truth. In a conflict that opposes two sides, what can one expect?
15 That enemies, adversaries will suddenly tell a court that their opponents are fine
16 fellows? It is just a matter of logic, unfortunately.

17 When I finished listening to the Prosecution, all night, the entire night, one question
18 kept back -- kept coming back to haunt me. Is the Prosecution trying to demonstrate
19 the truth? Or is the Prosecution trying to condemn a person who has already been
20 ostracised? Do they want a conviction at any price?

21 When one listens to the Prosecution and the various letters, the numbers, the boxes to
22 be checked, no, that's not what justice is. In a court of justice, you cannot ask for a
23 conviction on the basis of mere suppositions. In a system of law, that doesn't work.

24 We are not playing the lottery here and I think, your Honour, you will make that clear
25 during this trial. It's not a matter of piecing together snippets of this and snippets of

1 that to get a conviction on a so-called enemy of peace.

2 During this trial, we will set the record straight. We will explain the true context so

3 that the truth will emerge from the ruins, because these -- the issues here go well

4 beyond my country and the crisis. The landscape is much broader than that.

5 After listening to the account from the Prosecution and after hearing -- well, this is in

6 no way the Côte d'Ivoire that I am familiar with. This trial represents a great deal for

7 the victims. Unfortunately, some people are trying to put the victims into various

8 categories.

9 I think back to the remarks made by the legal representatives, who wishes to update

10 her list of victims. But when one ethnic group is subject to true genocide, when

11 people escape a massacre in one village, their hearts are broken and they feel

12 abandoned by a lady who was supposed to represent all the victims of what

13 happened in Côte d'Ivoire. This selective vision can underscore -- undermine the

14 work of Ms Massidda.

15 Allow me to reiterate once again, in Côte d'Ivoire there are no separate groups of

16 victims, Ouattara supporters one side, Gbagbo supporters on the other. No. Côte

17 d'Ivoire is an ethnically, ethnically and politically diverse society. One human life is

18 equal to another. All the victims deserve our compassion. They deserve to be

19 mourned. They deserve reparations.

20 In this courtroom I heard the Prosecution and the Legal Representative of Victims say

21 that Blé Goudé asked, and I am quoting, "He asked to find Ouattara partisans and the

22 foreigners throughout the entire land and to drive them out or kill them." That is

23 what has been said.

24 I do hope that those responsible for those remarks will tell the Court when that

25 allegedly was said and when I allegedly began this witch hunt against Ouattara

1 supporters, because what I said during the crisis was quite different, and I would
2 encourage you to view the video that my team has presented.

3 Could the video be played?

4 (Viewing of the video excerpt)

5 MR BLÉ GOUDÉ: (Interpretation) Thank you.

6 During the crisis in Côte d'Ivoire, right in the very middle of the electoral crisis, I
7 made those remarks. You heard the video. And I think it's quite odd, why is it that
8 we hear the Prosecution say what they are saying? There will never be a Côte
9 d'Ivoire with only pro-Ouattara supporters or only pro-Gbagbo supporters, that one
10 group will be driven out. No.

11 What you have heard, and you have heard these remarks for yourselves, I did not
12 make these remarks as a prisoner of some kind. I said what I said when I was a free
13 man in the very middle of the crisis on a TV set during prime time and this evidence
14 is telling. We are telling this Court where the limits are to the Prosecution's
15 allegations end.

16 And apparently I am some kind of criminal and I was given a mandate to organise
17 these crimes? That is not so because, you see, to my mind, Côte d'Ivoire is a single
18 country, a single entity, and it needs everyone.

19 The quest for peace and justice cannot be something seasonal. And what I mean by
20 that is Blé Goudé, the head of a pro-Gbagbo militia, this is what they have said, this is
21 what they have said. But instead of getting angry, I decided to do some research.

22 And allow me to share my results. From a legal point of view, a militia is a group of
23 armed people who have taken part militarily in an armed conflict, a group of armed
24 people who have taken part in a military fashion in an armed conflict. Please note
25 the word "military."

1 All this to say that I would never lead a group of armed people. I have never taken
2 part in a conflict in any military fashion. As simple as it may appear, I am not in
3 favour of armed struggle. COJEP is not a militia group, nor were the Young Patriots.
4 COJEP is not some supportive club of Gbagbo supporters, as the Prosecution and
5 others would have it. I don't know what their intentions are, but they have no idea
6 what the COJEP is and what the organisation's objectives are.

7 It is not fair to say that the COJEP was given some sort of objectives or targets. And
8 just to make everything clear in everyone's mind, let me say this, in Côte d'Ivoire
9 there is no hierarchy called the Patriotic Galaxie led by Charles Blé Goudé. That is
10 not so. This name is a fabrication, something that the media concocted and has
11 nothing to do with me.

12 The Prosecution has said that they shall prosecute two people, so please be consistent.
13 Give the Court my speeches in which I call for hate, in which I call for death. As
14 soon as it was created, the COJEP was first and foremost an independent lobby group
15 and then it became a political movement. And on 15 August 2015, the supporters of
16 this group chose to become a political party lead by Dr Hyacinthe Obou, philosophy
17 professor at the University of Bouaké, and also present in the gallery today.

18 So this is what is being hidden from you. Those who have argued the opposite, they
19 are lying to themselves, they are deluding themselves, they are trying to delude you.

20 During the crisis, I took time. I took my time, I devoted my energy. I ran
21 tremendous risks during the campaigns. I went from village to village to make
22 people aware of peace. I made several calls. I appealed to the people. I called for
23 people to hold back. But unfortunately, some presidential candidates and their
24 supporters gave way to their passion, and my appeals fell on deaf ears. All they
25 thought of was coming to power. For them the word "peace" just meant achieving

1 power.

2 The prosecution has accused me of being an extremist. Other people say I'm a

3 weakling and I'm afraid of war. Yes, Honorable members of the Court. I am not

4 afraid. I am not ashamed to say that I am afraid of war, because a normal man

5 should be afraid of war. I'm not saying this because I'm a coward. I'm not afraid.

6 I am saying this because have a sense of responsibility and I am being very open

7 towards the people of Côte d'Ivoire. They have given me everything and I owe them

8 a great debt. It is my duty to make them aware of the issues, the fight for

9 reconciliation. And I think that it is irresponsible for leaders in my country to have

10 their supporters believe that the only way to gain victory was to engage in war. Yet,

11 we have learned that to reduce the causes of conflict, I'm quoting from Pierre Conesa,

12 "Our world needs top-notch political leaders who can say no to political capital that

13 they can gain, the political hay they can make from a war-like rhetoric."

14 We also need, this world needs civilian and military elites who are aware of their

15 responsibilities. Has Côte d'Ivoire had such leaders? Does Côte d'Ivoire have such

16 leaders who are willing to sacrifice all the political hay they can earn for themselves

17 with rhetoric of war?

18 I have been teased, insulted, I've been called a weakling, and I've told my opponents

19 this: I would rather be a weakling in the midst of living human beings than to be a

20 strong man amongst a group of corpses.

21 And I never thought I would be here. When I said what I said, I was a thousand

22 leagues away from the post-election crisis. I'm speaking of 2006. I already back

23 then realized that we could not spark war. We could not turn neighbour against

24 neighbour, one friend against another. That was my message ten years ago.

25 Some people said I had capitulated because I had called for an end to the clashes

1 between the various peoples during the hearings. But, you see, President Gbagbo
2 and he -- he congratulated the young people for this historic call for peace. I can
3 quote one of these young people. Konan Kouadio Bertin; Karamoko Yayoro from
4 the RDR; Stéphane Kipré, at the time a member of the MFA, now president of the
5 UNG. And I congratulate, I congratulate these people. I congratulate them because
6 they were bold. They dared. I congratulate them because they helped Côte d'Ivoire
7 avoid a civil war at that time.

8 Contrary to what the Prosecution has said, I have never kept pro-Ouattara supporters
9 from being registered as voters. Quite the contrary, I helped them, and the videos
10 tell the truth. You can see for yourselves, you will hear, I have never engaged in
11 strategic or opportunistic rhetoric. I've never been some kind of spin doctor as the
12 Prosecution has labelled me. I have always maintained the same rhetoric and I shall
13 maintain my arguments because of my political education, because of my principles.
14 I ran risks. I was opposed.

15 Well, I can tell you of one meeting I had with a young girl in a rural area, and I can
16 tell you that the pardon of victims can serve as the very cement that will hold together
17 the foundations, the foundations upon which reconciliation will be achieved in Côte
18 d'Ivoire.

19 (Viewing of the video excerpt)

20 MR BLÉ GOUDÉ: Your Honours, as you've just seen, first of all, the gris-gris, the amulets
21 that were dropped on the ground, I told you we were in the west. So here we again have a
22 contradiction with the words of the Prosecution.

23 Prisca, the young girl that we've just seen in the video, she was brought in a
24 wheelbarrow during my campaign for peace. She had been raped by the rebels. By
25 revealing her history to the Côte d'Ivoire, I helped her to heal and to find a taste for

1 life again. It was a chance for peace. And Prisca was a veritable symbol for peace
2 and forgiveness among Ivorians.

3 And as for the lady whose arm had been cut off, her torturers said that she had to
4 choose, a difficult choice, your Honours, that lady had to choose between keeping her
5 baby alive or having her arm chopped off. And like any good mother, her choice
6 was for her arm to be chopped off so that she could save her baby's life. She, too,
7 was a symbol of forgiveness in Côte d'Ivoire, and I helped her, I, "the criminal" as in
8 the words of the Prosecution.

9 At that time, your Honours, notwithstanding the obstacles, the threats, I was
10 determined to carry out that mission, to get as close as possible to the realities of
11 people. It sent shivers down your spine very often. But at least the advantage was
12 that it made it possible for you to feel what was going on and to share the suffering of
13 the population. But the closer you got to the reality, the closer I got to the reality, the
14 more determined I was to work for peace.

15 The villages of Pantrokin and Guiélé, where these two victims come from, still exist in
16 the far west of the Côte d'Ivoire in Toulepleu.

17 I did what I could to make a modest contribution to the return to peace in Côte
18 d'Ivoire. Your Honours, if you take a look at the Côte d'Ivoire and you look at the
19 different demobilisation and disarming operations and the reintegration of militia
20 and all of the armed groups who took part militarily in the conflict, neither the COJEP
21 nor the Alliance of Jeunes, Young Patriots nor my name are to be found, because
22 there's a difference between taking up arms and pursuing politics. I opted for the
23 second because, for me, democracy and weapons mix as badly as water and oil do.
24 Like anywhere else in the world, when the republican institutions are threatened and
25 the values are being violated, contrary to those who have chosen arms and barbarism

1 as a mode of expression, we and the civilian population chose the path to democracy.
2 We went out unarmed, bare hands into the streets to defend the institutions of the
3 republic so readily embodied by his Excellency, President Laurent Gbagbo.
4 I didn't support Gbagbo because he's from the same ethnic group or the same religion
5 as I am, and making any such affirmation, claim, shows how little you know about
6 the history of Côte d'Ivoire. I am not a militant, I'm not a member, nor do I have any
7 responsibility of any of the activities of the Ivorian Popular Front, Gbagbo's political
8 party which he founded.

9 Does the Prosecution know that in the Côte d'Ivoire there are many political parties,
10 and they've come about as a result of several repeated periods in prison by Gbagbo,
11 his family and a number of his comrades? Does the Prosecution actually know that?
12 This gentleman here sacrificed his life to allow a multi-party system and democracy
13 to come to Côte d'Ivoire. He's taught the Ivorians that the truth comes from
14 contradictions.

15 So I am not, as I have been accused of, the right-hand man of Laurent Gbagbo used to
16 carry out crimes. No. He never sent me out to carry out crimes. He never sent me
17 out to encourage and incite young people to commit crimes, your Honours.

18 This is the man that I know. This is the man for whom, aside from myself, many
19 Ivorians have tremendous esteem and affection, and they're suffering to see him
20 sitting here. Laurent Gbagbo should not be in prison. This gentleman is a great
21 opportunity for reconciliation in Côte d'Ivoire, your Honours. So in the name of my
22 political culture, let me say that I will never deviate. In seeking peace, I invited the
23 rebel chiefs, leaders, all of them to come to my village, and I'd like you to take a look
24 at this video footage, your Honours.

25 (Viewing of the video excerpt)

1 MR BLÉ GOUDÉ: (Interpretation) Your Honour --

2 PRESIDING JUDGE TARFUSSER: Excuse me if I interrupt you, but I would really invite
3 you to come to the end because we are running out of time.

4 MR BLÉ GOUDÉ: Okay. They told me that we were supposed to end the session at a
5 quarter past 4.

6 PRESIDING JUDGE TARFUSSER: Yes, but we have also to render decisions to give the floor
7 to the -- there is other two to three things we have to do.

8 MR BLÉ GOUDÉ: Be reassured I'll be in time.

9 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

10 MR BLÉ GOUDÉ: Thank you very much.

11 (Interpretation) Your Honours, making the population aware, you've just seen it.

12 What you've just seen are the rebellion leaders that -- I brought them together.

13 That's a sign of reconciliation. I invited them to Gagnoa, where President Gbagbo
14 was born, and you saw the welcome they received.

15 I took them to my village. All of the villagers came out of their houses to welcome
16 them, your Honours. That in our country is a sign of reconciliation.

17 Now, carrying out this sort of work and then paradoxically being brought before the
18 Court to answer for crimes against humanity, your Honours, it's not an exaggeration
19 when I say how unjust the world is.

20 Your Honours, you have seen I think -- I at least tried to do something to bring peace
21 back to my country. My actions for peace might not have led to the results I hoped
22 for, but it was a peace mission that I did of my own accord. I was convinced of what
23 I was doing, and I was proud to do it.

24 Your Honour, let me say that in 2010, it's the Constitutional Court, the Constitutional
25 Court of Côte d'Ivoire that handed down a decision that said that Laurent Gbagbo

1 had won the elections. I was not the one who said that. But I follow the laws of my
2 country and, therefore, I comply with such decisions.

3 Now, if the Prosecution considers that the decision taken by the Constitutional Court
4 is at the origin of the conflict, is a source of the conflict, then it should ask that
5 institution and those in charge of it to answer for these acts and not us.

6 So, Your Honour, we're in prison. The ICC has put in prison the mother hen, which
7 has lost its chicks, and at the same time has let free the hawks.

8 But, your Honour, the Côte d'Ivoire has to continue to live. I'm not a man of war. I
9 call for reconciliation in my country. I call for peace in my country. I call for a
10 lasting peace devoid of any political calculations.

11 Our population needs help, and I'm counting on you, your Honour, for justice to be
12 rendered, for the truth to be said. I'm counting on you for me to be judged on what I
13 actually did and not suppositions, but what I did as an individual and not the basis of
14 what I have been accused unjustly of being.

15 I want you to allow me to go back home so that I can continue my work of
16 reconciliation. I've left it halfway. But that, of course, is up to you.

17 Thank you.

18 PRESIDING JUDGE TARFUSSER: Thank you very much.

19 Thank you to the Defence of Mr Blé Goudé for the day today. Thank you to all the
20 parties which have given -- from whom we have learned, I think, quite a lot about
21 Côte d'Ivoire, the history, the geopolitical part.

22 Now, as of tomorrow we come to the other part, which is the evidence. And I
23 cannot but reassure everybody inside and outside the Court that our milestone, our
24 lighthouse, the milestone and the lighthouse of this Chamber are and will be on the
25 one side the charges, because that is on which we have to orient ourselves, and the

1 evidence which will be submitted by all parties, by all the parties and which we will
2 really assess the best way and the most independent way we are able to.

3 And in doing so we are obviously also very much guided by the general principles,
4 which are general principles, but which we take very serious, seriously, which I
5 referred to in my opening statements.

6 Now, this said, I would give the floor to the Prosecutor on victim 441, but I would
7 also say to the Prosecutor before giving the floor that there is an oral ruling also on
8 Witness 441. So I don't know what your concern is; but otherwise, I'll interrupt you
9 immediately if it's already solved in the ruling.

10 MR MACDONALD: It will depend if your ruling discusses the potential scheduling
11 of -- let's see your decision and then maybe --

12 PRESIDING JUDGE TARFUSSER: The ruling obviously goes on the protective measures.

13 MR MACDONALD: Okay. Because we had asked -- what I'm referring to is if the
14 testimony was to be held by video conferencing --

15 PRESIDING JUDGE TARFUSSER: That's it.

16 MR MACDONALD: -- the question would be when would this take place?

17 PRESIDING JUDGE TARFUSSER: Well --

18 MR MACDONALD: And then it may impact on the schedule, and especially our big
19 concern, your Honour, is Witness 0369. And I can expand on this.

20 PRESIDING JUDGE TARFUSSER: But which will come after the summer recess.

21 MR MACDONALD: Well, that's what I wanted to make sure that we understand, that we all
22 agree on this, because depending on the schedule and how fast the first six witnesses or five
23 witnesses now take place, we may have a few days off before 17 February.

24 PRESIDING JUDGE FREMR: But we will for sure not interrupt a witness in order to hear
25 the second part two weeks later or three weeks later, of course not.

1 MR MACDONALD: Okay. So in that case, can we assume and can we say to the witness
2 that for travelling and arrangements, his own personal professional obligations, that he will
3 not testify before 3 March?

4 PRESIDING JUDGE TARFUSSER: I can't say that, because I don't know anything -- I don't
5 know.

6 MR MACDONALD: But that's what I would like to discuss.

7 PRESIDING JUDGE TARFUSSER: Okay.

8 MR MACDONALD: So we'll wait for your decision on 441, your Honour.

9 PRESIDING JUDGE TARFUSSER: Okay. So this is now the Chamber's oral ruling on two
10 pending issues for testimony via video link. It will also provide general directions and
11 guidance in the matter of request for protective measures, meaning for the future.

12 The Prosecutor requested that the witness -- the testimony of Witnesses 441 and 398
13 be given by means of video link. Both the Gbagbo and the Blé Goudé Defence
14 opposed the Prosecutor's request.

15 I will not spell out the reference to the filings because I think they should -- they are
16 known.

17 The Chamber was subsequently informed that the Prosecutor will no longer call
18 Witness 398 to testify in the near future, at least not among the first 20 witnesses.

19 Accordingly, the Chamber will rule on this stage only on the request pertaining to
20 Witness 441.

21 Witness 398 will then fall in the general directions and guidance.

22 As to Witness 441, at the status conference held on 14 January 2016, the Prosecutor
23 indicated that the request might be withdrawn. Specific and confidential
24 information on the current situation of the witness as emerging from the preliminary
25 vulnerability assessment was subsequently provided by the VWU to the Chamber on

1 26 January 2016.

2 In light of this information, the VWU recommended to hear Witness P-441 by way of
3 video link.

4 The feasibility of establishing video link from the remote location where the witness is
5 located was confirmed by the Registry. More specifically, facilities at the venue
6 would be such that the witness, one, see and hear -- could see and hear the person
7 addressing him in the courtroom; two, view any documents shown to him by the
8 parties, participants and the Chamber; and three, mark any documents, diagrams as
9 necessary. The Registry also confirmed that it is able to establish video link from the
10 remote location during the week the recess is scheduled to testify -- the witness is
11 scheduled to testify and recommends the use of video link for the witness.

12 Considerations related to the vulnerability of the witness and the paramount need to
13 preserve their safety, physical and psychological well-being must prevail over any
14 general consideration relating to the desirability of having testimony taking place
15 inside this courtroom.

16 It falls within the specific mandate and responsibilities of the VWU to make a
17 professional assessment of the need for the adoption of protective measures, and the
18 Chamber would be ill placed to overrule such assessment.

19 By the same token, the Chamber is mindful that any protective measures which might
20 be appropriate and required must be restricted to what is absolutely necessary and
21 implemented in such a way as not to prejudice the fairness of the trial, including the
22 principles of publicity and orality of the proceedings.

23 The Registry is instructed to make all necessary arrangements so that video link
24 connection for Witness P-441 is established from the remote location in a manner that
25 enables the testimony to be carried out in a fair and expeditious manner, particularly

1 as regards the ability for all the parties to examine the witness and to show any
2 relevant exhibit to the witness as necessary.

3 Accordingly, pursuant to Article 64(2) and 6(e), 68(1) and 69(2) of the Statute, along
4 with Rules 67 and 88 of the Rules of Procedure and Evidence, the Chamber grants the
5 Prosecutor's request for Witness P-441.

6 In light of the considerations above, the Presiding Judge, which is now to provide
7 general directions and guidance on requests for protective measures and special
8 measures, these will apply also to requests which are pending and for which an
9 assessment of the VWU has yet to be submitted, in particular, the Prosecution's
10 application for protective measures for Witness P-0097, seeking the use of pseudonym
11 and image and voice distortion during testimony opposed by both the Blé Goudé and
12 the Gbagbo Defence respectively.

13 The assessments carried out by the VWU in matters of requests for protective
14 measures pertaining to the safety, physical and psychological well-being of witnesses
15 and victims are, by definition, professional, case specific and neutral.

16 The information relied upon to make such assessment is mainly confidential. It is
17 only in very limited and exceptional scenarios, if any, that the parties might be able to
18 make submissions on such requests which are suitable to safety the Chamber -- that it
19 is necessary -- to satisfy the Chamber that it is necessary and appropriate to diverge
20 from the case-specific recommendation made by the VWU and overrule it.

21 Accordingly, the Chamber issues the following directions: In the exercise of its
22 powers under Rule 87(2)(d) of the rules of procedure and evidence, protective
23 measures sought by any party which are supported by a favourable assessment and
24 recommendation by the VWU, i.e., in the form of video link, voice and image
25 distortion and/or special supportive measures will be granted.

1 Thus, for the duration of the trial, the parties are instructed to liaise with the VWU
2 and to notify the Chambers, parties and participants with the protective measures
3 sought and the favourable VWU assessment sufficiently in advance of the moment
4 when the protective measures need to be implemented, also with the view to allowing
5 the non-requesting party to submit observations of a case-specific nature whenever
6 appropriate pursuant to Rule 87(2)(d).

7 Should any specific objections be raised in connection with the compatibility of the
8 protective measure with the fairness of the proceedings on the basis of case-specific
9 observations which might be submitted either -- by either of the parties, the Chamber
10 will promptly rule on this objection.

11 The second ruling is on the Prosecution's urgent request to amend the unified
12 protocol of the practices used to prepare and familiarize witnesses for giving
13 testimony at trial. This was the name of the request. This is filing 399 and both -- to
14 which both defences, for Mr Gbagbo and the Defence of Mr Blé Goudé, objected
15 somehow in a different way, but they objected to the request.

16 Since the request and both requests -- and both responses are currently classified as
17 confidential, the Chamber will phrase its ruling in terms of which will avoid the
18 dissemination of confidential information.

19 Consistent with what was said at the opening, the parties are instructed to file a
20 public redacted version of their respective filings with the shortest feasible delay.

21 The Chamber notes that the, and I quote: "Decision on witness preparation and
22 familiarisation," end quote, adopted by majority on 2 December 2015 by the Chamber
23 and the, and I quote: "unified protocol on the practices used to prepare and
24 familiarize witnesses for giving testimony at trial," end of quote, attached
25 thereto -- attached thereto.

1 The protocol -- the Chamber also notes its, and I quote: "Decision on vulnerable
2 witnesses as well as the protocol on the vulnerability assessment and support
3 procedure used to facilitate the testimony of vulnerable witnesses."

4 The Prosecutor requests three amendments to the protocol. First, and I quote the
5 Prosecutor's request, "To allow vulnerable witnesses to review in their statement
6 reading sessions organised and monitored by VWU certain documents or materials in
7 addition to their statements and any documents which may be annexed or referred to
8 therein, which the Prosecution intends to show such witnesses during their testimony
9 in order to avoid any psychological harm which could be occasioned if they were to
10 be exposed to the document or material for the first time during their actual
11 testimony.

12 Further, in exceptional cases and with the leave of the Trial Chamber to allow the
13 presence of and limited interactions with counsel from the calling party during these
14 sessions if needed to further reduce the scope for potential re-traumatisation."

15 The second request sounds as follows, and I quote again: "To give witnesses an
16 opportunity during their statement reading sessions organised and monitored by
17 VWU to have some limited interaction with counsel from the calling party if, after
18 reading their prior statement, the witness has stated to the VWU officer that the
19 statement or parts thereof are incorrect or incomplete or defers in any significant
20 manner from what the witness claims he or she had previously told the person who
21 interviewed the witness."

22 The third of the three amendment requests by the Prosecutor reads as follows, and I
23 quote again: "To allow witnesses who will be shown a large number of documents
24 or other materials during their in-court testimony to familiarize themselves with some
25 of those documents during the statement reading sessions organised and monitored

1 by VWU."

2 The Chamber, having read the submissions of the parties, decides as follows: As to
3 the first request, the nature of the reasons brought forward by the Prosecutor makes it
4 necessary for the Chamber to approach the issue with the utmost caution.

5 The scenario evoked in the Prosecutor's first request is very specific and not
6 envisaged, not envisaged as such in the Chamber's previous decisions or in the
7 protocols adopted by the Chamber.

8 The Chamber is satisfied that the scenario evoked in the first request might indeed
9 entail significant stress for the witness and that, accordingly, an amendment to the
10 general principle is warranted.

11 Accordingly, the Chamber grants the first request with the understanding, however,
12 that, one, the requesting party shall file a specific confidential application before the
13 Chamber; two, the assessment by the VWU as to whether there is a risk that the
14 review of documents or the material might entail potential re-traumatisation of the
15 witness will be attached as a confidential ex parte annex to the request; three, the
16 Chamber will rule on the application in light of the assessment of the VWU; four, any
17 so-called limited contact with the calling party, if authorized, will have to be
18 monitored by the VWU.

19 As said in the previous oral ruling on the request for video link testimony and other
20 protective measures, the assessment of the risk for traumatisation falls within the
21 specific professional expertise and professionalism of the VWU, and the Chamber is
22 ill placed to overrule such assessment.

23 As to the second request, the Chamber notes that whilst the Prosecutor refers to it as a
24 measure of -- as a measure aimed at, and I quote: "Enhancing the protection and
25 well-being of witnesses, including by helping to reduce their stress and anxiety about

1 testifying," end of quote, the requested amendment would result in surreptitiously
2 reintroducing a system for the preparation of the witness which was explicitly
3 rejected by the majority of the Chamber. It would thus defeat the purpose of the
4 Chamber's decision.

5 The degree of conformity between a witness statement and the testimony given by the
6 witness under oath and an obligation to tell the truth goes to the heart of the issue of
7 the credibility and reliability of the witness and has to be debated in the courtroom.
8 Accordingly, the Chamber rejects the second request.

9 As to the third request, the Chamber takes the view that granting this request would
10 also inevitably result in circumventing or at least creating a significant exception to
11 the general prohibition of the witness preparation, particularly in light of the vague
12 and subjective nature of the criteria which would trigger its application.

13 The Chamber is of the view that such a broad exception would inevitably create a
14 significant amount of uncertainty and encourage litigation and that both these results
15 are undesirable and in conflict with the principles of fairness and expeditiousness of
16 the proceedings. Accordingly, the Chamber rejects the third request.

17 So this brings us to the conclusion of -- no, not yet to the conclusion because --

18 MR MACDONALD: We're above the 2 hour -- the 1.30 hour mark.

19 PRESIDING JUDGE TARFUSSER: I know.

20 MR MACDONALD: Your Honours, am I to understand that the earliest P-441's testimony
21 could be organised is during the recess? Is that what I understood from your decision?

22 PRESIDING JUDGE TARFUSSER: I didn't get the -- I didn't get the question really.

23 MR MACDONALD: Sorry.

24 PRESIDING JUDGE TARFUSSER: I mean, it's up to you together with the VWU to organise,
25 you know, the schedule. I don't know. We are here waiting.

1 MR MACDONALD: I will -- I will get back to you tomorrow morning on the scheduling.

2 In the meantime --

3 PRESIDING JUDGE TARFUSSER: Yes.

4 MR MACDONALD: -- we'll do our homework.

5 PRESIDING JUDGE TARFUSSER: Yes. If you liaise with the VWU, try to set up also with
6 the Defence. We are here listeners, and it's not our business to organise the witnesses as they
7 come. You know when we are sitting, how long we are sitting, so it's up -- I think it's up to
8 you.

9 MR MACDONALD: Yes. We'll do our best, your Honour, it's just that Witness 0369 could
10 be a pretty longer witness, and that's why, and we don't want him to be staying in the Hague
11 for two weeks for nothing.

12 PRESIDING JUDGE TARFUSSER: We don't want him to be staying in The Hague for two
13 weeks, so organise yourself.

14 MR MACDONALD: Yes. So I will speak to --

15 PRESIDING JUDGE TARFUSSER: Okay?

16 MR MACDONALD: Thank you.

17 PRESIDING JUDGE TARFUSSER: So sorry for this delay to the interpreters, to both booths
18 in any case, and we will adjourn. I'm adjourning this hearing. Thank you again for your
19 opening statements.

20 The hearing is adjourned to tomorrow 9.30 with the first witness. Thank you very
21 much.

22 THE COURT USHER: All rise.

23 (The hearing ends in open session at 4.33 p.m.)