

Trial Hearing
WITNESS: CIV-OTP-P-0625

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I - Courtroom 2
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Koudou Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Tuesday, 15 March 2016
10 (The trial hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Good morning. Bonjour.
15 Good morning, Mr Witness.
16 WITNESS: CIV-OTP-P-0625 (On former oath)
17 (The witness speaks French)
18 THE WITNESS: (Interpretation) Good morning, your Honour.
19 PRESIDING JUDGE TARFUSSER: I would just give the floor to the Defence for the
20 continuing of the questioning.
21 MR ALTIT: (Interpretation) Thank you, Mr President.
22 QUESTIONED BY MR ALTIT: (Continuing)(Interpretation)
23 Q. Good morning, Mr Witness.
24 A. Good morning, Counsel.
25 Q. Yesterday, if you remember, we were talking about the elections. Can you hear

1 me?

2 A. Yes, Counsel.

3 Q. There is something that I did not quite understand. In Korhogo during the second
4 round while you were there, were there the FRCI, we should refer to as the rebels, were
5 they present there at the polling station or in the vicinity?

6 A. That is what I said, in all polling stations the security was supposed to be present.

7 Q. I understood what you said yesterday, but I have a slightly different question this
8 morning. I understood the story of the representatives of the UN, the joint unit and so
9 on and so forth, but my question to you is this: At the polling stations that you visited in
10 Korhogo during the second round were there any rebels, that is armed rebels? And
11 when I say the locations of the elections I mean either inside the polling stations
12 themselves or in the vicinity, and I'm talking about armed rebels, not the UN or others.

13 A. No.

14 Q. If I have understood you correctly, you campaigned in the north during the
15 presidential elections for the first round and for the second round also; is that correct?

16 A. Yes.

17 Q. Before the second round, that is in the constituency that you represented, were there
18 any incidents?

19 A. I do not think so, not to my knowledge, no. Are you saying before the first round?

20 Q. I mean during the entire campaign, right up to the second round, that is right up to
21 the morning of the second round.

22 A. To my knowledge, when the campaign started in the first round all the towns and
23 regions that I visited there was no violence there, right up to the second round, that is
24 towards the end. Even before the election of that day, in the neighbourhood, in the area
25 of Korhogo the campaign manager was saying that young people were moving from

1 village to village asking people whether they were going to vote for Gbagbo and if so,
2 they would have to answer for that. Those were the rumours circulating.

3 Q. Can you be more specific. If I understood you correctly, there were groups of
4 people, groups of young people moving from village to village threatening
5 President Gbagbo's supporters; is that correct?

6 A. Yes, when we came back to the campaign headquarters in Korhogo, that is what
7 people came and told us.

8 Q. You yourself you are from the north from Séguéla and from Mankono; is that what
9 you said?

10 A. That is correct.

11 Q. So the entire -- you know the entire region?

12 A. Yes.

13 Q. You know the entire region and everyone there and people there. Did you know
14 the rebel leaders at the time who hailed from that region?

15 A. I did not personally know them. And you are talking about the rebel leaders, the
16 rebel commanders, that is the military commanders?

17 Q. I'm talking about rebel authorities, military or not, I mean important personalities.

18 A. Yes.

19 Q. Who?

20 A. I know Minister Dosso Moussa who is from Mankono who is an in-law to me. I
21 also know someone that I respect very much who was minister of state and minister of
22 justice, keeper of the seals, under President Gbagbo, Mr Mamadou. I know Konaté, we
23 were neighbours in Séguéla, but we did not stay for long, and then he left. I believe
24 those are the people that I know.

25 Q. Zakaria Koné?

1 A. I didn't know him.

2 Q. Ahmed Bakayoko?

3 A. Bakayoko came from Séguéla. At the time my first wife, may she rest in peace,
4 came from the same area as Bakayoko.

5 Q. Youssouf Bakayoko?

6 A. No, I do not know him.

7 Q. Zakaria Koné?

8 A. No, I never knew him.

9 Q. Regarding the north I have a question. On 7 March, the first day of your testimony,
10 you said one very interesting thing and I would like you to clarify. You said, and I quote,
11 "The word 'Dioula' is not an ethnic group of Côte d'Ivoire." This is on page 12 of your
12 testimony of 7 March. We understand that there are various ethnic groups in a country.
13 Why, what do you mean by Dioula not being an ethnic group? What does Dioula refer
14 to? Can you clarify, please.

15 A. Yes, Counsel. In Côte d'Ivoire we are in the habit of considering the entire north as
16 Dioula territory, but personally I don't know what Dioula really means. But in
17 Côte d'Ivoire everyone from the north who came to the south, west or east as Dioulas, but
18 the reality is different. When you look at the north of Côte d'Ivoire you have the Sénoufo,
19 the Malinkés and I believe it is the Malinkés from Kani, Séguéla, Morondo, Djibrosso,
20 towards Touba and so on, I believe it is those people that are being referred to as Dioula.
21 But you also have Tagbanas, Sénoufos, Lobis and all those, and it is all those people that
22 people referred to as Dioulas, but we know that that is not correct. There are alliances in
23 the north, there are Dioulas, Tagbanas, Sénoufo and so on.

24 MR ALTIT: (Interpretation) We have a map to show to the witness, and it is number
25 CIV-D15-002 -- 0002, actually, 0537. For the Registry, yesterday for technical reasons, we

1 were the ones who showed the various documents, but if you can take over now.

2 MR MACDONALD: Good morning, your Honour. I understand this is an open-source
3 map according to the metadata. I don't know if the Defence has additional details to
4 enlighten us as to its provenance. Thank you.

5 MR ALTIT: (Interpretation) Your Honour, this is a map from an internet site Art
6 Ethnique de l'Afrique à l'Asie. It is an open-source map and it includes the maps of West
7 Africa. And I repeat the title Art Ethnique de l'Afrique à l'Asie, the title of the website.

8 Q. Can you see the map, Mr Witness?

9 A. Yes, Counsel.

10 Q. You can see a certain number of names of ethnic groups. Can you see them? And
11 if yes, can you tell us very, very briefly whether each of those ethnic group names
12 correspond to the reality on the ground. And if you have any comment to make, for
13 example, you said Sénoufo were Dioulas, but all Dioulas are not Sénoufo so you can have
14 an understanding of what you need to tell us.

15 A. Yes, Counsel, thank you. I can see Sénoufo, Gouro, Baoulé, Bété, Dan, Wé, Guéré,
16 Agni, Attyé. I can see all that, but the locations are not correct. For example, the Gouro
17 is in the north, but that is not the case; they are further down. Baoulé they are in the
18 centre, but in reality they are also further down.

19 Q. I understand it is not very precise, but let us look at it in another way. You told us,
20 and it was very interesting, that even though there are many ethnic groups in
21 Côte d'Ivoire, they are perceived in different ways. You yourself personally, how do you
22 perceive the ethnic groups in Côte d'Ivoire? So that we should better understand.

23 A. Yes, I've understood you, Counsel. In Côte d'Ivoire we have more than 84 ethnic
24 groups, if I remember correctly. And the largest ethnic groups include the Baoulé.
25 They are Akans, that's the Baoulé and the Agnis. I don't know whether it is still the case

1 today, but I know that was the case in the past. Then you have all those who were
2 grouped together and considered as Dioula: Sénoufo, Tagbana, Malinkés and so on. I
3 can group them together under the Dioula.

4 Then after that, as far as I know, then you have the people from the west. They are the
5 Bétés and the Yacoubas. It means people from the west, the Wobé, the Guérés and the
6 Dan who bring together the Yacoubas and Guérés.

7 And after that you have the smaller groups such as the Gagou, Appolo, those who come
8 from the Sassandra area, I don't know how they're called. And that is what makes up the
9 more than 84 ethnic groups, but I have given you the most important, that is the Akan,
10 including Baoulé and Agnis, the Dioulas, including Sénoufo, Malinkés and so on, then the
11 Bétés and the people from the west before those of the south, but I've mentioned to you
12 the largest groups. I hope that is what you wanted to know.

13 Q. Thank you. It is different to understand the fact that in reality you have
14 Côte d'Ivoire -- the boundaries of Côte d'Ivoire were drawn up arbitrarily?

15 MR MACDONALD: My colleague cannot testify. He can ask questions, but he cannot
16 testify.

17 PRESIDING JUDGE TARFUSSER: I do agree.

18 Please, put the questions to the witness and not considerations. Thank you.

19 MR ALTIT: (Interpretation) I will rephrase.

20 Q. Given the manner in which the borders were demarcated, how do you deal with the
21 issue of ethnic groups if you have ethnic groups that are located in both sides of a border
22 area? How is this perceived? How do you see this as an Ivorian from the north? Do
23 you understand what I mean?

24 A. Are you talking about borders inside Côte d'Ivoire?

25 Q. No. Considering the borders of where the country were demarcated you say that

1 there are 84 ethnic groups, but let us look at it in another way. Do you have some
2 members of those ethnic groups outside Côte d'Ivoire?

3 A. I have understood you.

4 Q. Do these ethnic groups or some of them, are they represented in other countries?
5 Dioulas, for example, are there Dioulas outside of Côte d'Ivoire?

6 A. Yes, I understand and I will answer you. To my knowledge, personally, I can give
7 you the example of the Akan, the Baoulé, we know that the Baoulé came from Ghana, so
8 there are Baoulé in Ghana because in their history there are some -- when there is a chief
9 enthroned in Ghana they come and announce it in Sakassou, in the centre of Côte d'Ivoire
10 where there is a queen, that is if a chief dies, they come and announce it to the Baoulé in
11 Côte d'Ivoire. And you have Sénoufo in Burkina Faso. You have Malinkés in Mali and
12 even in Guinea. That is the answer I can give you.

13 Q. That is for us to better understand the relationships between the various groups.

14 A. Thank you, Counsel, that is correct. And as you have said, the borders were not
15 drawn by the Africans themselves; it was done by the colonial masters. And my dream
16 today is that there should not be any borders between African countries, it should be one
17 and a single country. That is my wish.

18 Q. Let us move on to something else. In your testimony of 7 March, page 48, you
19 stated, on line 5, relating to the coup d'état of September 2002, and I'm quoting you:
20 "President Gbagbo was not in Côte d'Ivoire, he was in Italy. When he arrived, he
21 realized the gravity of the situation."

22 What was the gravity or the seriousness of the situation?

23 A. It means that when the coup d'état failed those who were responsible for the coup
24 d'état started capturing the towns in order to divide the country, that is why I described it
25 as serious.

1 Q. And who were these people, those people responsible for the coup d'état?

2 A. Those who were at the forefront include the secretary general of the MPCCI who
3 proclaimed himself as the secretary general of the MPCCI, Mr Soro Guillaume, who today
4 is the speaker today of the national assembly. So these were these people.

5 Q. Where did these rebels come from, the coup makers?

6 A. They came from the north of the country, Ferkédoufou, and those were Sénoufo.

7 MR ALTIT: (Interpretation) We have some video footage, CIV-D15-0002-0113,
8 timestamp 9.52 to 11.13, and it is an excerpt of the television news of 8 p.m., France 2,
9 which was broadcast on 19 September 2002.

10 THE COURT OFFICER: The video will be played on the evidence 2 channel.
11 (Viewing of the video excerpt)

12 MR ALTIT: (Interpretation)

13 Q. Were you able to see the video?

14 A. Yes, Counsel.

15 Q. Have you ever seen these images before?

16 A. Yes.

17 Q. Very well. Nothing is said here that Guillaume Soro was behind this attack, but
18 however, you, do you want to stand by what you said a short while ago?

19 A. Yes. This is what I said. Well, whatever they said is what they said, but what I
20 said is that it was after this coup that the country was divided, I believe, except I'm
21 mistaken. I think we need to understand, we must try to understand this.

22 Q. In Abidjan, and as far as you know, was there much fighting on that occasion?

23 A. Yes, there was a lot of fighting. One or two or three days of fighting, yes, in
24 Abidjan.

25 Q. Very well. And what happened in the north of the country? In the north of the

1 country at that time, what happened?

2 A. This is what I was saying, that if I remember this coup very well it is at that time that
3 people started capturing towns in the north with a view to dividing the country, if we are
4 talking about the same thing here.

5 Q. When you say "people," who are you referring to?

6 A. I am referring to the rebels, to the rebel movement.

7 Q. Very well. Very well. You say that there was fighting for about three days in
8 Abidjan. Was there much fighting in the north of the country?

9 A. Well, I would be surprised if there was much fighting in the north of the country
10 because as far as I know the people captured towns every day, one or two or three towns
11 were captured in the north, so I would be surprised that there was much fighting in the
12 north. Maybe, but it was very easy for the entire north to be -- to be captured by those
13 people.

14 Q. People? Who do you mean?

15 A. The rebels.

16 Q. Was there any -- were there any killings, massacres or mass killings?

17 A. When the country was divided during that war, many people died. Whether there
18 were massacres or not, I can't say, but many people died.

19 Q. If I understand your testimony properly, the testimony of 7 March, you explained to
20 us that it was at that time that President Gbagbo called on the Licorne. And I want to
21 quote what you said on page 48, line 5, as follows: "Unfortunately, he called on those
22 who would subsequently settle scores with him." End of quote.

23 Can you tell the Court and as far as you know, why, according to you, he called on the
24 Licorne and also, if I understand you properly, why is it that this very Licorne -- in any
25 event, can you remind us what Licorne is? And subsequently tell us why the Licorne

1 ultimately came against him? So those are my two questions for you.

2 A. Thank you, Counsel. Well, first of all the Licorne is a French army based in
3 Côte d'Ivoire. We refer to it as la Licorne. I said unfortunately the president called on
4 Licorne to intervene in the matter pitting the rebels against him and that in the end they
5 are the ones who settled scores with him, I mean that they are the ones who took him out
6 of power. That's what I said and that is what happened in reality.

7 Now, I think you put a second question to me. Can you repeat that question, Counsel?

8 Q. What happened? You told us that President Gbagbo was not in Côte d'Ivoire, he
9 was in Italy, he came back, understood how seriously the situation had gotten and that he
10 called on the Licorne. What did he expect from the Licorne?

11 A. Thank you. When President Gbagbo came back from Italy he saw that things were
12 rather serious, so he called on France, not on Licorne directly, but on France asking them
13 for Licorne to intervene because there was a defence agreement between Côte d'Ivoire and
14 France. I think that is the basis on which he decided to call on France pursuant to the
15 accords or agreements between -- defence agreements between France and Côte d'Ivoire.
16 That is why Licorne arrived in a very timely manner and imposed itself by setting up this
17 buffer zone in order to check the rebels from moving forward, or the FDS from advancing
18 as well so that there would be no fighting between the two and therefore give room for
19 diplomatic and political negotiations with a view to finding a solution to the crisis.
20 That is what I told you yesterday. I told you that here and I said that France has always
21 done everything possible to settle matters in the way in which it wants. So if France
22 does not agree with you and you do not comply with their desiderata, they would find a
23 solution. You know, sometimes you could find a rebellion which emerges but is so well
24 armed that even the government army cannot stand up against it. So that is part of the
25 problem.

1 Secondly, and I said this yesterday, they had all the resources, they had all the resources
2 that could be put to use to divide a country by creating a rebellion by destabilising a
3 country and maybe finding agreements in areas that are to their interest. I also said
4 previously that sometimes France can also use ill-gotten wealth such as the case of
5 President Bongo, Ali Bongo, or the son of Equatorial Guinea's president and so on and so
6 forth. When they want to destabilise a country, they have all the resources to use in
7 order to achieve their objectives, whether they be economic or otherwise. So this is what
8 I've been saying all along.

9 If you are not part of their system, you cannot stay within. So that's what I'm saying.

10 So you can understand what I'm trying to say. If you are not part of the French system,
11 they have the resources and we're talking here about the all-powerful France.

12 Now let me give you an example: One of the members of the Galaxie Patriotique,
13 Dakouri Richard, about two weeks ago in a press conference in France said that the chief
14 of general staff was of the view that they couldn't conduct a war against France, they
15 didn't have the resources, we couldn't stand up to France. So what the France do is they
16 put down every system wherever they want to. So this is what I'm trying to say, Counsel.
17 I don't know if it is useful to you.

18 Q. That's very clear. Very, very clear. Now, if I've understood you clearly, you said
19 at some point, and please stop me if I'm mistaken, you said that in order to achieve its
20 own goals, France can set up rebel movements. Is that what you said?

21 A. Yes, that is what I said and it is the truth.

22 Q. My question then is very simple for you: Did France create this rebellion which we
23 talked about which was part of the attack of 19 September 2002?

24 A. Yes. To my knowledge, yes, and it's Jacques Chirac who was in power at the time.

25 Yes, that is correct because all the weapons --

1 MR MACDONALD: Objection. I understand it may be fine for the witness to say that,
2 but is it an opinion? What's the source? I mean, is it an impression? What is this
3 based on? Of course I can come back on all of those in re-examination, but since we're in
4 cross-examination -- or, sorry, examination by the non-calling party, then -- because the
5 Chamber will have to evaluate the weight of such answers eventually.

6 PRESIDING JUDGE TARFUSSER: Mr Witness, you have said to your knowledge. Can
7 you elaborate on what your -- where your knowledge comes from? You stated
8 something saying "to the best of my knowledge" and then continued. Could you just
9 elaborate on what your knowledge -- on what your knowledge is based on?

10 THE WITNESS: (Interpretation) Thank you, Mr President. I have said that this is my
11 personal point of view, but this is what we know in Côte d'Ivoire because after things
12 evolved, after these events it was discovered that certain weapons had been found which
13 came from France, which had been supplied, this is why I said that it is France. This is
14 my analysis and I believe that thousands of Ivorians believe that this analysis is also
15 correct. That is it.

16 PRESIDING JUDGE TARFUSSER: Please go ahead.

17 MR ALTIT: (Interpretation) Thank you, Mr President.

18 We are here with -- dealing with a cross-examination and I think there is more elbow
19 room than in examination-in-chief. See, during the examination-in-chief of this witness
20 let me remind the Court that the Prosecutor continually put questions to this witness
21 eliciting his opinion.

22 Let me take an example: "And how was this perceived by you when the Galaxie
23 Patriotique or Mr Gbagbo's supporters" and so on and so forth. He sought the witness's
24 opinion in that question. Therefore, that cannot be done in examination-in-chief, but the
25 elbow room is wider in cross-examination where we have the opportunity to

1 cross-examine a number of issues. So I think this is only okay.

2 PRESIDING JUDGE TARFUSSER: We should not make a debate on this because
3 examination-in-chief and cross-examination do not exist in the Rome Statute. The terms
4 "examination-in-chief" and "cross-examination" doesn't exist in the Rome Statute, so I
5 would not refer to this. Please, go ahead.

6 MR ALTIT: Merci, Monsieur le Président.

7 PRESIDING JUDGE TARFUSSER: Always thinking that, well, he has his knowledge and
8 somehow we should also know where his knowledge comes from, I mean, he's not the
9 president of the Republic of Côte d'Ivoire. I mean, sometimes I think he should be
10 involved in everything what in Côte d'Ivoire happened in the last 10, 15 years, and the
11 questions are very, very much political and -- well, but please go ahead.

12 MR ALTIT: (Interpretation) Thank you, Mr President. I agree entirely with you.
13 This witness has information to provide to the Court, very useful material. It would be
14 unfortunate not to receive that information because it's information that will be useful for
15 everybody, including the Prosecution. And we were not there. He had a role to play,
16 he came from the north, he comes from the north, he knows people, he understands the
17 context. So it is useful to proceed, to find out about the involvement of France which he's
18 talking about. It is not political, it is about facts. But let me proceed with my
19 examination.

20 PRESIDING JUDGE TARFUSSER: Yes, please.

21 MR ALTIT: (Interpretation)

22 Q. Now, Mr Witness, we are still in September 2002. During your testimony of March
23 7, 2016, the Prosecutor put a question to you on the government's reaction to the attack of
24 September 2002, and this was your answer, quote, page 47:

25 "It was necessary to control Ivorians because there was some kind of a revolt. People

1 were not able to accept that the country would come under attack; therefore, people tried
2 to defend Côte d'Ivoire." End of quote.

3 Do you remember that?

4 A. Yes.

5 Q. How did the government control, following your own testimony, how did it control
6 Ivorians? How did it manage to keep the situation under control?

7 A. If I remember correctly, at the time, young people revolted, they wanted to carry out
8 a march on Bouaké in order to defend the republic. Some young people also seized
9 vehicles from people, four by four vehicles, claiming that they were going to Bouaké to
10 defend the country. They asked the government to provide them with vehicles because
11 they could not stand it. So I think there were also some announcements from
12 government asking people to be calm and that things will return to order and that
13 government was looking into the situation.

14 I think it is in that manner that the government was able to calm down the youth and ask
15 them to be calm and leave it to the government and the FDS to do what needed to be done.
16 I think so.

17 Q. Further on, and in answer to a question, the following question, following the
18 separation of the country, I understand that a series of negotiations took place to find a
19 solution, that was a question and then in answer on page 49 on 7 March this is what you
20 said, and I quote you: "As you have said" - and you're answering the Prosecutor - "As
21 you have said, President Gbagbo always wanted to negotiate for the well-being of
22 Côte d'Ivoire and for the institutions and Ivorians, the interests of the Ivorians."
23 Then further on you said: "That is how the Marcoussis 1 and Marcoussis 2 agreements
24 came about but they led to nothing.
25 Then we went to Ghana, to South Africa several times."

1 Now, to your mind, did all these attempts by President Gbagbo to negotiate amount to
2 efforts to calming things down with a view to bringing peace back to the Côte d'Ivoire?

3 A. Is that your question?

4 Q. Mmm-hmm.

5 A. Yes, Counsel, that's what I said. Before I answer your question, let me tell you that
6 President Gbagbo was the one who introduced multiparty politics into Côte d'Ivoire. He
7 is the one who brought democracy to Côte d'Ivoire. He is the one who made it possible
8 for several media and media houses to exist in Côte d'Ivoire with a freedom to express
9 themselves according to whatever they thought. He, too, is the one -- well, by the way,
10 at the time if you were taken to the police station at the time, once you got to the police
11 station your clothes were taken off and your hair was shaved. But he put an end to that.
12 He also said that journalists should never be jailed.
13 He's the one who introduced all those things in Côte d'Ivoire, democracy and multiparty
14 politics. That is why I said that he was a democrat, he always sought agreement
15 whenever it was in the interest of the nation. That is what I said without providing too
16 much detail. So what I'm saying was that he always stood for negotiations, bearing in
17 mind the interest of Côte d'Ivoire. Those were his goals and that's it.

18 Q. Can you give us more information about what you just said, and I'm not quoting
19 you exactly, you said he was the one who brought multiparty politics into Côte d'Ivoire,
20 he's the one who brought democracy to Côte d'Ivoire. Can you give us a few examples?
21 Well, I think you have already provided some when you talked about the end of abuses
22 and arbitrary actions of the police respecting press freedom and what have you. Do you
23 have any other examples to substantiate the fact that things have changed in the country
24 and that there is democracy?

25 A. Well, that's what I was saying. Previously in Côte d'Ivoire we had only one party,

1 the PDCI, the party of the founding father of Côte d'Ivoire, Mr Félix Houphouët-Boigny,
2 the father of the nation. It was the only party in Côte d'Ivoire at the time when in 1990
3 President Gbagbo returned to Côte d'Ivoire.

4 Now, when he came back, that is how multiparty politics was born, new movements were
5 created and President Boigny understood that it was time for multiparty politics to be
6 accepted in Côte d'Ivoire and that is how multiparty politics was born in Côte d'Ivoire.

7 So it was thanks to him that multiparty politics was introduced to Côte d'Ivoire. That's
8 what I said and that's what I'm saying.

9 Now, everything else that you have said relating to freedom of speech, media and what
10 have you, he's the one behind it.

11 Now, previously in Côte d'Ivoire a journalist would work from 7 a.m. to 9 p.m. and have
12 only 1,000 francs in salary, but he introduced the minimum salary and limited working
13 hours, up to eight hours, and they were able to earn the minimum salary. So he was the
14 one behind all of these changes in Côte d'Ivoire.

15 Q. You say that President Gbagbo has always been a democrat, he's always had a
16 democratic attitude. Is that your testimony that all the way to the very end that was his
17 behaviour and conduct?

18 A. Yes, that is what I said. Because you see there were always ongoing discussions,
19 ongoing negotiations all the time and that's why I say he was a democratic man.

20 PRESIDING JUDGE TARFUSSER: Well, sorry, he is a democratic man. He was. I
21 mean, he's still here. Thank you.

22 MR ALTIT: (Interpretation) Yes, and up to the very end in his role as president, as
23 president right up to the very end he was always a democrat. That was the question.

24 PRESIDING JUDGE TARFUSSER: No, I did understand. It sounded a bit strange.

25 MR ALTIT: (Interpretation)

Trial Hearing
WITNESS: CIV-OTP-P-0625

(Open Session)

ICC-02/11-01/15

1 Q. Mr Witness, you said that President Gbagbo had the wise idea and the wisdom to
2 say that the solution lay in Burkina Faso since the problem came from Burkina Faso.

3 Well, you've talked a little bit about this already. What do you mean by the problem lay
4 in Burkina Faso? This may be very obvious to you, but many of us in here do not know
5 the ins and outs of this matter, so can you expatiate?

6 A. I said the president was wise and intelligent enough to see that the problem could be
7 solved in Burkina because the problem came from Burkina. Why did the problem come
8 from Burkina? It is because we all knew that our brothers from the north who were
9 revolting had several reasons, including frustration and other reasons, had taken up arms
10 to divide the country with the support of Burkina. They went to Burkina to prepare for
11 their actions, so the president felt that the solution lay in Burkina Faso and that it was
12 better to look for it there.

13 You see, after the Ouagadougou agreements tensions came down in Côte d'Ivoire, things
14 changed significantly, the buffer zone or security corridor was lifted, people began to
15 move, there was ongoing disarmament and what have you. That's what I'm talking
16 about.

17 Q. After the Ouagadougou accords or agreements in Burkina things changed, that's
18 what you have just said, things changed.

19 We have a document to show you. It is a photograph, number CIV-D15-0002-0576. It is
20 a photograph from the AFP published in an article in November 2010, portrait of
21 Laurent Gbagbo.

22 It's 76, not 77. 76, please.

23 MR ALTIT: (Interpretation)

24 Q. You, you see that photograph. Can you tell us who is on that photograph?

25 A. Thank you, Counsel. On that photograph to the left is President Laurent Gbagbo;

1 to the centre, Mr Blaise Compaoré, former president of Burkina Faso; and to my right,
2 Mr Soro Guillaume, today speaker of the national assembly of Côte d'Ivoire.

3 MR MACDONALD: Can I make just an intervention so that we can accelerate the
4 proceedings that each time we have a picture of Mr Gbagbo, Mr Soro and now Mr Blaise
5 Compaoré, it's all right, I think the Chamber now can identify them so that we don't need
6 to go through this identification process.

7 PRESIDING JUDGE TARFUSSER: Okay, thank you.

8 MR ALTIT: (Interpretation)

9 Q. You have the photograph before you. Now, do you know on what occasion it was
10 taken, this photograph?

11 A. I think it was during the agreements. I think so.

12 Q. Very well. Which agreements?

13 A. The Ouaga agreements.

14 Q. Now, can you tell us -- no, no, let's focus on this photograph. As far as you know
15 and to your mind what was the relationship between Guillaume Soro and Blaise
16 Compaoré?

17 A. As far as I know, I don't know what their relations -- relationships were, but
18 according to the way things were, they had excellent relations, but I can't say more than
19 that.

20 Q. You said in your testimony that once President Gbagbo signed the agreements in
21 Ouaga with the rebels, represented by Mr Soro, under the aegis of the president of
22 Burkina Faso, Mr Blaise Compaoré at the time, things improved; is that what you said?

23 A. Yes, that is what I said.

24 Q. What can then be the logical conclusion from this?

25 PRESIDING JUDGE TARFUSSER: No, the logical conclusion, it's not a fact. Rephrase,

1 please.

2 MR ALTIT: (Interpretation) Mr President, there is an unsettled manner that is hovering
3 about examination, cross-examination. In any event, it's the same issue, but let me
4 rephrase. Well, the question, to be specific, has been settled, but there is an issue of
5 elbow room allowable to each party that is not very clear, but in any event, I will comply,
6 Mr President, and move forward.

7 Q. Now, Mr Witness, let me rephrase my question. You were saying, and I'm not
8 quoting you, I'm just speaking extemporaneously, you said a few seconds ago that the
9 source of the problem was in Burkina. Now we can see here the president of Burkina,
10 right?

11 A. Yes.

12 Q. My question then is what was the role of the president of Burkina in relation to the
13 tensions in Côte d'Ivoire and to the improvement of the situation in Côte d'Ivoire?

14 A. Very well. Thank you, Counsel. I have already answered that question, but if you
15 want further details for the Court, I can provide them.

16 I said that we felt that Côte d'Ivoire's problem, the division of the country came from
17 Burkina because we felt that President Blaise Compaoré supported the rebellion, he
18 supported Mr Soro Guillaume, and that is why the president deemed it appropriate to go
19 back to Burkina Faso in order to find solutions that would bring down the tension. I told
20 you that this was a good agreement because after it was signed life improved for Ivorians
21 in the north and things got better, things calmed down. And that is why I believe, if I
22 remember correctly, that Blé Goudé, I think, organised a meeting with the Forces
23 Nouvelles, that is President Soro Guillaume, Wattao and the entire team of Forces
24 Nouvelles, they were supposed to be received at President Gbagbo's village and they had
25 a peace and reconciliation party, and then they went on to celebrate peace and to declare

1 that war was over and that the country was reunited.

2 So all of that was thanks to those agreements and part of the agreements. It was thanks
3 to the agreements that Ivorians began to talk to each other again, became reconciled and
4 could visit each other again, thanks to the agreement. And that's why I say that the
5 agreements were a good agreement and it is because of those agreements that the buffer
6 zone or the security corridor was taken out or -- and it was thanks to the agreement that
7 the Wattao, Soro and the Forces Nouvelles were now able to travel to each other's village
8 and people were able to be free to go everywhere in the country and that's why it was a
9 good agreement. But the other agreements were not able to bring forth those types of
10 peaceful solutions. That is why I was of the view that it is a good agreement. I hope I'm
11 not mistaken.

12 Q. Very well. In your testimony of 8 March 2016, page 70, line 27, and I quote you,
13 "We are talking about something else. With the shelling of Bouaké, what happened in
14 the hôtel Ivoire when the patriots revolted to go and take the 43rd BIMA?" End of quote.
15 Can you tell us very briefly what happened in Bouaké? And to put things in context I
16 will ask you a question about Bouaké and then after that what happened at the
17 hôtel Ivoire so as to get the chronology straight.

18 A. Thank you. Regarding what happened in Bouaké, I can say that the Côte d'Ivoire
19 aircraft and helicopters had gone and bombarded Bouaké, but these were surgical strikes
20 on very targeted locations, but to our great surprise we were even aware of the problem
21 before. There was sort of an agreement between the minister of defence and the minister
22 of foreign affairs together with the French president, Jacques Chirac, with those who were
23 piloting the planes, they had to attack a French residence in Bouaké. I believe they had
24 prepared the house and there was no one inside the house. I believe the intention was to
25 bomb that house to use it as an excuse to say that President Gbagbo was targeting France.

1 So I believe that is what they wanted. They bombed an area where there were French
2 soldiers. Seven or eight people died. I believe even an American died.
3 Subsequently, I believe the investigations came out with the facts that the ministers
4 involved explained that Gbagbo, Mr Gbagbo had nothing to do with the bombing of the
5 French residence and the French base, it was France itself that had arranged that in order
6 to achieve their own purpose. They themselves organised that, but since God was there,
7 they did not bomb the house, they actually bombed the location where the French soldiers
8 were positioned, and that is why President Jacques Chirac gave the order to bomb all the
9 equipment of the Ivorian army in Yamoussoukro.

10 MR MACDONALD: Two things, your Honour. I have -- the Prosecution wants to
11 make an admission on record so that we can come back with clear dates with my
12 colleagues' permission.

13 Now, this incident bombing just being referred to is dated 6 November 2004, so that we
14 can submit it and it is clear, it's on the record. That's one point. So I don't know if my
15 colleagues are willing to agree and the Legal Representatives if need be. We'll start with
16 that.

17 My second point, I have comments as to the testimony in the way it's being questioned.

18 PRESIDING JUDGE TARFUSSER: Which comments?

19 MR MACDONALD: Now, your Honour, the witness is providing an answer, again
20 there is little about the source of his information and especially the last point,
21 your Honour, when he seems to be referring to pending proceedings I think in France on
22 this matter.

23 PRESIDING JUDGE TARFUSSER: Yes, but here it's the witness -- here it's the witness
24 speaking, so we will assess what the witness is saying. He is freely speaking and
25 responding to a question, or -- so I will -- please, Mr Altit, on this request for putting the

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1 date on the record you agree --

2 MR ALTIT: I accept it.

3 PRESIDING JUDGE TARFUSSER: -- as well I hope --

4 MR KNOOPS: I accept as well.

5 PRESIDING JUDGE TARFUSSER: Okay. So good. Please go ahead.

6 MR ALTIT: (Interpretation) Thank you, your Honour.

7 Q. Let us understand well what happened, that is the chain of events, bombing in
8 Bouaké, and now you are telling us that on the same day or the following day you're
9 going to clarify there was a French reaction. Can you tell us what happened as far as you
10 know?

11 A. To my knowledge, what happened was that in the news we heard that Jacques
12 Chirac, who was president of France at that time, ordered the French army to bomb all the
13 aircraft of the Ivorian army. And that is what was done. These are true facts.

14 Q. Very well. Now, the second stage was that the French air force bombed the Ivorian
15 aircraft; is that correct?

16 A. Yes.

17 Q. Third stage. Now, regarding what happened at the hôtel Ivoire, when the Ivorians
18 revolted and went to take over the 43rd BIMA, can you elaborate on that so that we
19 should better understand?

20 A. Yes, I can tell you more, but I really do not know what event came first.

21 MR MACDONALD: I just want to confirm because in his prior testimony I'm not sure
22 the witness mentioned hôtel Ivoire. Now, I'm willing to make an admission about
23 hôtel Ivoire and the incident in question, it's on 9 November 2004, if my colleagues are
24 again willing to make the same admission.

25 (Interpretation) 9 November 2004, the incident at the hôtel Ivoire.

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1 MR ALTIT: (Interpretation) Your Honour, regarding the date, it is accepted; 9
2 November.

3 Regarding the mentioning of hôtel Ivoire, let me read the testimony of 8 March, page 66,
4 line 26, "At one time with what -- after the bombing of Bouaké and what happened at the
5 hôtel Ivoire."

6 MR MACDONALD: (Interpretation) Yes, that is correct, page 70, line 26, 27. I have
7 just found it.

8 MR ALTIT: (Interpretation) That's fine. We agree on that.

9 PRESIDING JUDGE TARFUSSER: Okay, so please go ahead.

10 MR ALTIT: (Interpretation)

11 Q. We were talking about what happened at the hôtel Ivoire and we would like to
12 know what happened. Please make it possible for us to understand precisely what
13 happened.

14 PRESIDING JUDGE TARFUSSER: And also why do you know what happened. What
15 is the -- what is your source? Thank you.

16 THE WITNESS: (Interpretation) Thank you, Mr President. During that period I was
17 in Abidjan. We were all in Abidjan. And we are talking about hôtel Ivoire before we go
18 to the 43rd BIMA. It so happened that people saw a military convoy of the French army,
19 I believe, from the 41st BIMA -- 43rd BIMA going to Cocody, and these were soldiers with
20 their colleagues or comrades who had been killed during the Bouaké bombing, so they
21 were very angry and revolted and they were going to dislodge President Gbagbo in his
22 residence in Cocody.

23 And so when they took the road to Cocody, everyone was informed about what was
24 being prepared and what was going to happen. So we started mobilising, the entire
25 Côte d'Ivoire started mobilising to block the military convoy that was on its way to the

1 residence of the president of the republic in Cocody, but however they missed the road.
2 They took the road to the hôtel Ivoire and found themselves at the hôtel Ivoire.
3 And once they arrived there Ivorians had already mobilised themselves, they had already
4 taken over the entire Cocody. They were at the hôtel de ville, not far away from the hotel
5 Cocody. They were everywhere to prevent those soldiers from going to the residence of
6 the president of the republic. And I believe this took several hours. One, two, three or
7 even four hours.
8 There was tension mounting. And the Young Patriots were there. Well, I don't want to
9 say patriots in relation to that day because everyone was there. In Côte d'Ivoire not
10 everybody felt they were patriots, but on that day there was everyone, women, men, old
11 people, old women, children, everyone was there.
12 But I personally I was very far away from the location, near the Carrefour Saint Jean. We
13 could not get to that location because there were so many people. But to our great
14 surprise we heard heavy gunfire, heavy gunfire from French tanks and they were
15 shooting at the civilian population. The civilian population was not armed. No one in
16 the world can prove that those young people were armed.
17 Everyone was there to protect the residence of the president and to prevent the soldiers
18 from going there, but everyone should know that people used 10 to 15-millimetre bullets
19 to shoot at people at close range. These are bullets that are usually used to shoot down
20 planes. And there were more than 80 dead. I don't know whether you read the reports
21 and you saw the footage. More than 80 people died.
22 I'm here to tell you true facts, a true account of what happened. This is something that
23 we experienced. So what I am telling you today, I don't know whether someone can
24 have the courage like me to come and testify publicly about that true history of
25 Côte d'Ivoire. That is the reason why I'm here. I'm here to tell you the truth. I'm not

1 here to speak in favour of Mr Gbagbo or in favour of the OTP or in favour of the Chamber.

2 No. I am here to tell you the truth so that the Chamber can in the future deliberate in the
3 way that you usually do. But I'm telling you the true history of Côte d'Ivoire and I'm in a
4 good position to tell you because I was there. Many people died.

5 We, ourselves, we went to the hospital to see the victims. I was very surprised. There
6 were many people from the north who were injured, Bakayoko and others. So it was an
7 entire group of all Ivorians who were against that type of conduct.

8 We are living in the world where people think they have a mandate from God to kill
9 anyone they want, but other people cannot kill because once they kill it is the entire world
10 that trembles. That is why we are saying that we are in a system because nothing
11 happened to those soldiers, they were never prosecuted and yet they had killed civilians,
12 empty-handed civilians, soldiers from a different country.

13 I don't know whether Germans can come and kill civilians in France and nothing will
14 happen. People will demonstrate. People will stand up. But these were Ivorians and
15 since they were probably Gbagbo supporters, nothing was done. That is my own
16 personal analysis.

17 And I do not find it fair at all that people should come and kill more than 80 people and
18 then they are not prosecuted. I really regret that from the bottom of my heart. And I
19 pay tribute to all the victims of Côte d'Ivoire from the beginning of the crisis till today
20 because as far as I'm concerned there are no Alassane victims or Gbagbo victims, it is
21 Ivorians who were killed and may they rest in peace.

22 Thank you, Counsel. This is the truth I'm telling you and no one can contradict me on
23 that.

24 Q. Thank you.

25 MR ALTIT: (Interpretation) We have a document, it is CIV-D15-0001-5350, time code

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1 2.31 to 3.18. 2.31 to 3.18, that is the timestamp. It is an excerpt of a report from Canal+,
2 which is the French channel. And I would like to caution those who are going to watch
3 this extract, there are very distressing images there.

4 (Viewing of the video excerpt)

5 MR MACDONALD: We're -- the Prosecution, your Honour, is willing to admit that
6 excerpt as being proven, your Honour. We have no objection. And the Prosecution
7 recognizes that the French forces have shot indeed on the demonstrators. Now,
8 we're -- our -- at this stage, our admission is limited to that, that yes, indeed, the French
9 forces shot on the demonstrators and there were a number of deaths as per I think
10 paragraph 41 in our DCC there's debate as to the number of death. So for now we're
11 willing to make the admission, the video can go in, that excerpt, no need to -- it's
12 admitted.

13 PRESIDING JUDGE TARFUSSER: Okay.

14 MR ALTIT: (Interpretation) Very well.

15 Q. Mr Witness, on page 30, regarding this incident, you said, "People shot at close
16 range with 10 to 15-millimetre bullets" and you say further on "you have the reports, you
17 have the footage."

18 When you talk about "footage," video footage, were you referring to these images and
19 have you seen them before?

20 A. Thank you, Counsel. I'm talking about this footage because they circulated all
21 around the world.

22 Q. It was during this occasion demonstrated in this footage that you said people shot at
23 close range. And who are you referring to?

24 A. The French army.

25 Q. The French army shot 10 to 15-millimetre weapons and you say later that there were

1 women whose heads were shot off, who were decapitated. Did you see that?

2 A. Yes -- no, I told you that I was very far away, but I saw the images.

3 Q. Let us be very clear. As far as you're concerned and as far as those who were there,
4 because you said they came to defend President Gbagbo, you said that the French army
5 intended to dislodge President Gbagbo, page 29, line 8; is that what you said?

6 A. Yes, that is the information we received.

7 Q. Very well. And you also said that many Ivorians, and I have even understood that
8 you said that many were not politically committed, some of them even came from the
9 north, they came to prevent the French army from going to the residence of
10 President Gbagbo. Did I understand you correctly?

11 A. Yes.

12 Q. And it was at that time that the French army opened fire; is that correct?

13 A. Yes.

14 Q. Very well.

15 MR ALTIT: (Interpretation) Now, we have another video footage. Your Honour, I
16 don't know whether we should show it right now or after the break.

17 PRESIDING JUDGE TARFUSSER: How long is it?

18 MR ALTIT: (Interpretation) Not very long. The timestamp 41.35 to 43.14, that is one
19 minute something.

20 PRESIDING JUDGE TARFUSSER: I think we should show it now and then maybe go for
21 the break.

22 MR ALTIT: (Interpretation) Very well.

23 MR MACDONALD: (Interpretation) The ERN?

24 MR ALTIT: (Interpretation) It is CIV-D15-0002-0057, 41.35 to 44.13. It is an interview
25 of the former ambassador of France in Côte d'Ivoire who was present at the time of the

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1 events and who was interviewed by the journalist on 27 February 2015.

2 MR MACDONALD: Prosecution, your Honour, will object and we're ready to debate
3 this.

4 PRESIDING JUDGE TARFUSSER: Yes, please.

5 MR MACDONALD: Sorry. We are willing to debate this outside the presence of the
6 witness.

7 PRESIDING JUDGE TARFUSSER: To debate what?

8 MR MACDONALD: Our objection, your Honour, on that interview.

9 PRESIDING JUDGE TARFUSSER: To show this interview to the witness?

10 MR MACDONALD: Yes, yes. And I want to be -- I want to come back on the reasons
11 why.

12 PRESIDING JUDGE TARFUSSER: Okay, so we make the break here and we come back
13 at 11.30 with this issue.

14 MR MACDONALD: And in the meantime, I invite the Chamber to look at the extract
15 while -- before we come back so that we'll be looking -- we'll be able to discuss it with the
16 Chamber. You will see. It's in eCourt. There is nothing preventing the Chamber from
17 looking at it and it doesn't mean that it's automatically submitted, but as part of deciding
18 the objection, it becomes very much relevant.

19 PRESIDING JUDGE TARFUSSER: So we take the break. 11.30 we resume. Thank
20 you.

21 THE COURT USHER: All rise.

22 (Recess taken at 11.00 a.m.)

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

24 THE COURT USHER: All rise.

25 Please be seated.

1 PRESIDING JUDGE TARFUSSER: Good morning again.

2 Before giving the floor to the Prosecutor for his objection I just would ask first the Defence
3 counsel to explain the relevance in the context of this, which we have seen, the context of
4 this interview in relation to this witness, I mean the whole.

5 MR ALTIT: (Interpretation) Thank you, Mr President. In fact, all what the witness
6 has just said can be checked against what the ambassador said and could be clarified that
7 way. And that's the link. So when we put those two together we will all be able to get a
8 clearer idea of what the witness has been saying; namely, have a better knowledge and a
9 closer contact with reality.

10 Let me illustrate my point. The witness, this witness -- one second as I confer,
11 Mr President.

12 (Counsel confer)

13 MR ALTIT: (Interpretation) First point: The witness and the ambassador talked about
14 tanks going to President Gbagbo's residence in Cocody. Now, as for the testimony, it
15 was on page 29, today's transcript, line 6 to 13. Now, and as for the ambassador, I
16 believe you watched the video. Let us focus on what the witness said so that we can
17 understand exactly what happened.

18 The witness knows the location very well in Abidjan and he can, therefore, specify that
19 which the ambassador says which enables us to better understand what the witness is
20 saying, so this is an ongoing interaction in that short excerpt between what the
21 ambassador says and what the witness is saying. The one compared to the other.

22 So let's take an example. In rue du Bélier, which the ambassador talks about, the witness
23 can be able to locate that street and its configuration, which is useful to the Court. The
24 witness could also provide clarification to the Court on parts of what is said in the video.

25 PRESIDING JUDGE TARFUSSER: Maître Altit, I think it's enough. It's just to identify

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1 the context. I mean, I think you have --

2 MR ALTIT: (Interpretation) I still have some more for you --

3 PRESIDING JUDGE TARFUSSER: No.

4 MR ALTIT: (Interpretation) -- Mr President, if you want.

5 PRESIDING JUDGE TARFUSSER: It's okay.

6 The floor to the Prosecutor.

7 MR MACDONALD: Thank you, your Honour. This is an issue that was -- we started
8 debating yesterday; it is the use of third party material. This is an interview of an
9 individual. The content of that interview, we submit, cannot be submitted via a witness.
10 We submit that the content can be put to the witness without showing the video and later
11 on in their defence they can bring Mr Lidec, but right now we don't know the context in
12 which this interview takes place, we don't know all the details, we're trying to corner,
13 using a third party testimony on film, we're trying to corner the witness into a narrative to
14 try to corroborate it without bringing Mr Lidec. Mr Lidec cannot be cross-examined. I
15 cannot cross-examine Mr Lidec at the moment because it's a film. His affirmation I
16 cannot test. No one can. The Chamber cannot either. That can only operate if the
17 Defence calls him as a witness.

18 So what they're trying to do is to bring in third-party evidence in the form of a testimony
19 and submit it via this witness. And we submit this cannot happen in a trial at the ICC.
20 And that's the whole point.

21 PRESIDING JUDGE TARFUSSER: Just a clarification. Is this an open-source, you said?
22 Can you just identify the source?

23 MR ALTIT: (Interpretation) Yes, Mr President. Two points: The context of the
24 interview, as referred to by the Prosecutor, but there's another point I would like to make
25 because I do not entirely agree with the Prosecutor.

1 Now, turning to the interview itself, it's an interview of the former ambassador of France
2 to Côte d'Ivoire from 2002 to 2005, who is fully aware of what happened, so it's important
3 to hear him. Interview conducted by an Italian journalist and posted on the YouTube site
4 on 27 February 2015.

5 Now, things are very clear. As for the journalist, independent journalist, she's well
6 known. She has produced a lot of work on Africa and on Côte d'Ivoire in particular.
7 She's a well-known journalist who has worked for major media houses, I think. She is a
8 journalist who has met a number of protagonists in this case, including the representatives
9 of victims, and she has tried to interview a number of people. She also contacted us and
10 is someone who has been interested in this case and who has interviewed many people.

11 She's very well known, she's worked for several media houses, Italian and what have you.

12 Now, my second point is the following: The Prosecutor has told you that it's not possible
13 to put in the ambassador's narration through this witness. No. And he says that we
14 want to influence him. No, that's not the case. We are simply using this excerpt to
15 clarify points that have already been made by the witness, the witness who does not even
16 need to be influenced because he has given us his idea. He is clear about what he wants
17 to do. Nobody can influence him, as he has said himself, and we have all observed that
18 here in court.

19 Therefore, now when we turn to the open source, I think it's on YouTube and this is
20 material that is available to all and sundry.

21 PRESIDING JUDGE TARFUSSER: The Chamber allows the footage to be submitted to
22 the witness and I ask the court usher to introduce the witness, then we play the footage
23 and we continue with the questioning.

24 MR MACDONALD: Sorry, what is the name of the journalist? Because, you know,
25 we -- you mention -- is it Mrs Fagiolo? Because -- and what is the title of the movie that

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1 she made and when was the movie made? So that we have it on record. I have all that
2 information, but it would be nice that it comes from the Defence. And the purpose why
3 it was made and who that person is.

4 (The witness enters the courtroom)

5 MR ALTIT: (Interpretation) Can I answer, Mr President?

6 PRESIDING JUDGE TARFUSSER: Yes, yes. Yes, please.

7 MR ALTIT: (Interpretation) Going by the information available to us, yes, it is the
8 journalist mentioned by the Prosecutor. I have no idea what the title of the document is.
9 I have told you that this was a YouTube open-source interview, but maybe there was
10 something else to it. I have no further information in that connection.

11 MR MACDONALD: So, your Honour, I'd like it to be on the record to say:
12 (Interpretation) Interview of the former ambassador of France, Côte d'Ivoire,
13 Gildas le Lidec on a documentary on Laurent Gbagbo, the right to be different. Date,
14 1 July 2014. Produced in 2014.

15 PRESIDING JUDGE TARFUSSER: Thank you very much.

16 Now --

17 MR MACDONALD: And just to confirm, this is the metadata that comes from the
18 Defence themselves in eCourt.

19 PRESIDING JUDGE TARFUSSER: If we go to the very beginning of this footage there is
20 a title. Can you just --

21 (Viewing of the video excerpt)

22 MR ALTIT: (Interpretation)

23 Q. Did you see the video?

24 A. Yes, yes, I've just seen them.

25 Q. Very well. The person being interviewed --

1 MR MACDONALD: Objection.

2 MR ALTIT: (Interpretation)

3 Q. -- has explained why --

4 PRESIDING JUDGE TARFUSSER: Can you just pose the question without
5 permitting -- because he has seen what he has explained so just pose the question
6 following the vision of this piece of footage.

7 MR ALTIT: (Interpretation) Very well.

8 Q. Can you tell us where rue du Bélier is located?

9 A. Yes. I think this is the road that goes by the former residence of the president of the
10 republic and which goes straight on to hôtel Ivoire.

11 Q. Very well. Can you tell us where Port Bouët is and the 43rd BIMA in relation to the
12 location mentioned by the person being interviewed?

13 A. Port Bouët is very far away from hôtel Ivoire. It is after the water, after the two
14 bridges, the Houphouët-Boigny and the General de Gaulle bridges. So that is the
15 Port Bouët commune where the Houphouët-Boigny international airport of Côte d'Ivoire
16 is located. That is where Port Bouët is and that is where the 43rd BIMA is located, about
17 some 10 kilometres away.

18 Q. Why then did the French -- the path used by the French tanks, why does it not
19 correspond to the narration?

20 MR MACDONALD: The witness cannot answer that question, your Honour. Why did
21 the convoy take that place or not? He's not a military man, he's said that before. This is
22 the question to be asked to whomever is in the knowledge of this information.

23 PRESIDING JUDGE TARFUSSER: You're quite right, I would say. I mean --

24 MR ALTIT: (Interpretation) The question is not why did they use that road. The
25 question is: Is this a logical route to use from a topographical standpoint.

1 PRESIDING JUDGE TARFUSSER: Yes, but it's not a matter of logical. Why should he
2 answer to this question what is logical to do for a military convoy? I don't think the
3 witness is the right person to answer this question. And if you say is this the shortest
4 way, would you go this way, that's another thing, but not what is logical and illogical.
5 Thank you.

6 MR MACDONALD: It's an argument, your Honour, it's an argument that can be argued
7 at the end of the case if ever there's any relevance to all of this, but at this stage --

8 PRESIDING JUDGE TARFUSSER: Well, this is something which I think since a while,
9 but that's another matter.

10 MR ALTIT: (Interpretation) Mr President, we are putting questions to an inhabitant of
11 Abidjan who was present, who has some knowledge of what happened and who is a good
12 person to whom to put the questions. That's one thing. However, my point here is
13 slightly different. Either we go quickly, or we respect the rules that were laid down
14 somewhat differently. So these issues of adapting on a case-by-case basis, well, it's
15 something I can revisit. We are very open to this, Mr President.

16 We were also very open to some of the overlappings or excesses that came from the
17 Prosecution because we wanted to be expeditious. We are dealing with a
18 cross-examination here, but I know what your position is.

19 In any event, let us be mindful of the fact that we could go one way or the other. And if
20 that were the case, we were going -- we are going to be much stricter with the Prosecution
21 because in the past we weren't of that position. And in any event, let me say again that
22 the elbow room for cross-examination is different before I proceed.

23 PRESIDING JUDGE TARFUSSER: May I just intervene this because I just would like
24 that the parties put questions to the witness because the witness is here to answer
25 questions which entail facts they know or they are -- one assumes that they could know,

1 but without going into what do you think and what do you -- without giving -- making
2 the witness assessing situations objectively. So this is what I expect from a witness and
3 expect from a counsel to be done.
4 So then I know that we -- sometimes we are going and that the Prosecutor before and now
5 we are going a little bit further to this, and this is also accepted, but we shouldn't go too
6 far from putting questions. Okay, thank you.

7 MR ALTIT: (Interpretation) Thank you, Mr President. Your instructions are very
8 clear.

9 Now I have lost my thought.

10 PRESIDING JUDGE TARFUSSER: If I can help, you were talking about going from one
11 part to the other and if this has some -- well, if he -- if he would go, take this road to go
12 from one place to the other.

13 MR ALTIT: (Interpretation)

14 Q. Was that the shortest itinerary to go to Port Bouët where the 43rd BIMA was
15 located?

16 A. Of the French military convoy?

17 Q. Yes.

18 A. It depends on where they came from.

19 Q. Where did they come from?

20 A. I do not know. If they were coming from Bouaké, then they really missed it. If
21 they were coming from Bouaké to go to the 43rd BIMA, then they actually missed their
22 way. And as far as I know, if they had been coming from Port Bouët and intended to go
23 to the president's residence, then again they would have missed their way once more.
24 Now, as far as I know, it would be too easy to say that they missed the way because -- or,
25 they lost their way because if the French convoy were to leave the 43rd BIMA to go to the

1 north or to do more into the country, or if they went into the country and were coming
2 back, they would always have a guide, a guide with a jeep who would show them the
3 way.

4 So if they were coming from Bouaké and headed for the 43rd BIMA and ended up at the
5 hôtel Ivoire, then quite sincerely I don't know how to interpret that. I don't know what
6 their thoughts and their intentions and their strategies would have been because in that
7 case they were entirely off the way, they were completely lost, and it is what could be
8 referred to as two entirely opposite locations.

9 Q. Now, thank you for your explanation. If we are to understand properly, this is the
10 very convoy that would subsequently go to hôtel Ivoire and which would then be
11 surrounded by the civilians; is that what we are talking about?

12 A. Yes, that is the convoy we're talking about -- which we're talking about.

13 Q. Very well. On 8 March, in your testimony, at page 71, line 1 you say, "We were
14 shelled by military helicopters which were shelling civilians." End of quote. Do you
15 remember saying that?

16 A. Yes, I remember.

17 Q. First question: Military helicopters of which nationality?

18 A. As far as I know, it was the Licorne and the French helicopters, the French army
19 because they were the ones in Côte d'Ivoire, they have their base in Côte d'Ivoire.

20 Q. We now want to show a video bearing the following number: CIV-D15-0002-0115.
21 There is no timestamp. The video has a duration of about 1 minute, an excerpt of a
22 Canal+ French TV station programme, entitled "Le Zapping," bearing highlights of various
23 programmes, broadcasts during the day. The excerpt we shall view is drawn from
24 Canal+ programme 90 minutes and was published on YouTube on 1 March 2011.
25 (Viewing of the video excerpt)

1 MR ALTIT: (Interpretation)

2 Q. Do you recognize these pictures?

3 A. I am familiar with these pictures, but I -- I would have wanted it to be a bit clearer,
4 but I do know the pictures. I wanted it a bit longer.

5 Q. What would you have wanted it to be?

6 A. I would have wanted it to be a bit longer. Two minutes would have been better.

7 Q. So you want us to show you more images of this incident?

8 A. Yes, of course.

9 Q. What -- was this what you were referring to when you said that "we were bombed
10 by military helicopters shelling civilians"?

11 A. Yes, that is what I said and these are the intense moments, those images.

12 Q. And where were you at that moment in time?

13 A. I was in Abidjan, but I had not gone out. I was at home.

14 Q. Very well. Could you tell us a little bit more about this bombing, this shelling?

15 A. Yes. According to the information that I have I can provide you with information.

16 As I said, I believe that these images or events were brought about by some events. I
17 think that the Yamoussoukro planes were bombed and as a -- they decided to march upon
18 the 43rd BIMA and the march was going to take place, the march upon the 43rd BIMA
19 and this zone 4 where all the international people lived.

20 Well, the population had decided to go and march against this 43rd BIMA and for -- well,
21 I don't quite know what the French army had as a strategy, but they wanted to cut off
22 those two bridges. And I think that on the same -- or, on the next day you will see that
23 the army had cut the city in two, the two bridges were cut off, they were cut off by the
24 French army. And as such, this established a certain control of who passed over to the
25 other sides. So when people wanted to go to the other neighbourhoods, Port Bouët,

1 et cetera, because the military camp needed to be protected, and as a result a lot of people
2 came, and had the French army not divided the population and stopped them from
3 moving forwards, they wanted to be able to manage the situation. I think that was the
4 aim of the operation, I believe, to my knowledge.

5 Q. You said that the population reacted by coming to protect or interpose between the
6 presidential palace and the other location. What happened subsequently? Did the
7 population stay put? And then what?

8 A. Are you talking about hôtel Ivoire?

9 Q. I'm talking about hôtel Ivoire. There was a succession of events, was there not?
10 The helicopters fired upon the vehicles, upon everything we saw. This took place before
11 the population intervened. Or I'm putting a question to you here so we know. This was
12 at night-time what we saw?

13 A. This was at night-time when the population decided to march upon the 43rd BIMA.

14 Q. Very well. So when you explain to us that the population was interposing between
15 the hôtel Ivoire and the presidential palace, that was on the next day, was it? When was
16 that?

17 A. That -- well, I don't know whether the hôtel Ivoire was before the night operation or
18 whether it was the next day, but it would have surprised me if it was the next day. I
19 think it was the previous day because on the next day the car -- the country was already
20 divided -- well, Abidjan was already divided into two. It must have been before that,
21 hôtel Ivoire must have been before that.

22 THE INTERPRETER: Request from the interpreter: Could the witness please be
23 requested to slow down and a pause to be observed.

24 MR ALTIT: (Interpretation)

25 Q. Very well. We shall move on to another subject.

1 In your testimony of 7 March 2016, in your testimony of 7 March 2016, page 65, line 11 on
2 the subject of the slogans that that the Prosecutor was talking about, "on gagne ou on
3 gagne" on the one hand, "we win or we win" and the other "il n'y a rien en face, c'est
4 mais," "there's nothing ahead of us, only maize."
5 "This does not mean," I quote you, "that these are violent slogans, they are campaign
6 slogans as they also had slogans." End of quote.

7 My first question to you, and I said page 65, line 11, did I not? If I did not say so, I
8 apologise. Page 65, line 11. Question, first question: As they also had slogans you
9 said and who were "they"? They?

10 A. I was talking about the RHDP, the others who were conducting a campaign.

11 Q. Is that the pro-Ouattara camp?

12 A. When we talk about the RHDP, there were a number of candidates. There were
13 Ouattara, there was Bédié. We're talking about the RHDP as a whole.

14 Q. Very well. So we have --

15 MR MACDONALD: Your Honour, can we just ask the question first instead of going
16 and showing a video? What is the slogan from his memory? Instead of using a video
17 now which was filmed in 2013. I don't understand. I mean, that's the whole point.
18 There has to be questions first. There are none right now.

19 PRESIDING JUDGE TARFUSSER: Yes, but I think that the way of questioning, as you
20 did, choose the how to pose the question if -- how to develop your line of questioning,
21 now it's up to the Defence to choose the line of questioning. It is not you who have to
22 say what has to be done first I think.

23 MR MACDONALD: I formulate a formal objection, your Honour --

24 PRESIDING JUDGE TARFUSSER: Yes, please.

25 MR MACDONALD: -- as to the way the Defence is putting information to the witness,

1 even though they're the non-calling party. They want to put a video to the witness about
2 what seems to be slogans. The witness can be asked before doing so, just like we did in
3 examination-in-chief, but we cannot lead a witness.

4 The point is is that right now the witness is on the stand, the witness says the other side or
5 the pro-Ouattara, RHDP, name it, were using slogans too. What are these slogans?

6 Let's ask him first before showing a video. That's my point at this stage that according to
7 your discretion and the purpose of searching the truth is ask the witness first. Then,
8 depending on what he says, we can show the video. That's the point the Prosecution is
9 making on the record.

10 PRESIDING JUDGE TARFUSSER: I have understood that that was your point, but
11 reading, I must say, the English transcript I have not even now realized that the Defence is
12 going to show a video because it's not said. It's only "so we have" is on the transcript. It
13 could be we have a video, we could have a photo, we could have a question, I don't know.
14 But anyhow, I repeat, it's up to the counsel to choose the way he puts the documents or
15 the questions and then it's up to the parties to argue on how this was done and to the
16 Chamber to assess and to decide upon in future.

17 So please go ahead, Mr Altit.

18 MR ALTIT: (Interpretation) Thank you, Mr President. With your leave, just a
19 comment on this discussion for everything to be crystal clear: The Defence is doing
20 precisely what the OTP did. And I shall explain to you what we are doing with the
21 words of my learned colleague. Oh, I'm sorry, with the words of the Chamber, in fact,
22 with the words of the Chamber who authorised the Prosecution to intervene. And I
23 quote, and I do apologise, I am quoting you, Mr President: "Very well. He is showing a
24 video," that is the Prosecution we're talking about, "and he asks questions. I do not
25 believe that there is any problem with showing the video to the witness and asking him

1 questions on that video." And the first question was about whether he knew anything
2 about the video.

3 So we're following here what was said, it seems to me, and as a result we are following
4 suit with what the Prosecutor did, I think.

5 PRESIDING JUDGE TARFUSSER: So you agree that I'm not contradicting myself? But
6 this cannot be a discussion on this. I have decided, now it is --

7 MR MACDONALD: It's disingenuous right now what my colleague is doing. There
8 was an objection of Mr O'Shea. It was saying you cannot lead the witness. We all know
9 that. We were all here in the same courtroom. You want me to find the transcript or are
10 you willing to admit that?

11 PRESIDING JUDGE TARFUSSER: Please, Mr MacDonald.

12 MR MACDONALD: But -- so --

13 PRESIDING JUDGE TARFUSSER: The floor is to the Defence to question the witness
14 and please.

15 MR MACDONALD: I understand. I understand. But -- I understand your point, I
16 understand your decision, your Honour, what I have a problem with is the misleading.

17 PRESIDING JUDGE TARFUSSER: Yes, but he is not misleading me. He is not
18 misleading me.

19 MR MACDONALD: He is quoting you.

20 PRESIDING JUDGE TARFUSSER: Yes. Okay.

21 Maître Altit, I would not like a reply to this. I would just like you to go ahead and, you
22 know, we -- the time is running. Please.

23 MR ALTIT: (Interpretation) I do thank you, Mr President. Now, listen, we can follow
24 what we are told to do and we will abide by it, but it's just to point out to you that we are
25 following the instructions that we were provided with.

1 So we shall now be showing a video. Did I give -- well, I shall be providing you now
2 with the necessary information. So it is CIV-D15-0001-3944. So there is no timestamp
3 and this is a music clip coming from an open source, YouTube, on 27 January 2013.

4 Q. So, Witness, would you be very kind and listen to the words.

5 And I do apologise. This is in response to the Prosecution. I would like to correct what
6 I said. It was put online on the YouTube site on 20 August 2009, not 2013, but we got it
7 on 27 January 2013 to be absolutely crystal clear.

8 (Viewing of the video excerpt)

9 MR ALTIT: (Interpretation)

10 Q. Now, did you listen to the lyrics?

11 A. Yes, I did.

12 Q. And can you tell us what it is all about?

13 A. Well, before answering you I would just like to say that the Ivorians are fantastic
14 people. And why do I say this? Because they put everything into amusing themselves.
15 You know, this music here, we call it coupé décalé. That's what we called it, a coupé
16 décalé dance. I'm just going to come back a little bit to the coup d'état that occurred in
17 Côte d'Ivoire against President Bédié. And on the very next day a group of youth
18 created a song called Balayeur song, it was a source of amusement and it really was very
19 popular in Côte d'Ivoire, everyone was singing this Balayeur song.
20 This music, and that's what I said to you, you know, this on gagne ou on gagne, I didn't
21 really know how other people learnt about this, but for me this is quite simply music, this
22 is dance, this is -- this is song. These might have been lyrics coming from the church,
23 they're singing here in name of Jesus, they're talking here about glory, they're talking
24 about winning or winning.

25 Now, in terms of my intelligence, I don't quite know what it means, we win or we win. It

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1 means maybe that even if you win -- you lose today, you might win tomorrow. But as I
2 said, and I shall repeat again, this was really music for the campaign trail. That's what I
3 said to you.

4 Q. Now, here in the song itself, were these political lyrics?

5 A. I do not see anything political about this. In my analysis there's nothing political
6 about this at all.

7 Q. Now, this video clip, you had already seen it, had you not?

8 A. I've even danced to it on a number of occasions. Yes. You want to hear the truth,
9 don't you? Well, I've danced to this on many an occasion. That's the truth.

10 Q. And the first time that you heard this song, where was -- when was that
11 approximately, if you recall?

12 A. I believe that the song came out and I heard it when I went out to eat with some
13 friends.

14 Q. Do you remember the year approximately?

15 A. I don't know. It might have been at the beginning of 2010. 2009, 2010 I believe it
16 was made, this song.

17 MR MACDONALD: On that point, your Honour, I just want to note the
18 metadata -- because the Defence said August 2009, but the metadata seems to be
19 indicating sometime in 2007. So I just want to clarify that, their own metadata of the
20 Defence.

21 PRESIDING JUDGE TARFUSSER: Well, it shouldn't -- sometimes I do not understand.
22 It shouldn't be difficult to know when this song first became public. I mean, I don't think
23 that the witness is best placed to -- he gives an estimate, but I think one can exactly say
24 when this was brought out in the market.

25 MR ALTIT: (Interpretation) It was put online on YouTube on a number of occasions

1 and the one that we took was put online on 20 August 2009, apparently, but we will -- we
2 will verify. Anyway if it was 2007, then it's not a problem. It has absolutely no bearing
3 upon what we are saying at all.

4 Q. Now, this song, was it broadcast at the time, and it might still be broadcast for all I
5 know, in many different contexts? Do you understand the thrust of my question?

6 A. Yes, I have understood what you're saying, but to my knowledge the song that we
7 used for the campaign --

8 Q. Sorry, I'll interrupt you there. It's not precisely my -- my question. We're talking
9 about the question here, not the campaign itself. This song, this song, you know,
10 aside -- campaign aside, was this song broadcast or played in different contexts? You
11 said that you danced to it. Was that during the campaign? Did you dance to it during
12 the campaign?

13 A. One, two, three. Thank you, Counsel. I do understand what you're getting at.
14 The -- well, to my knowledge, it also was played over the television and it was being sung
15 in the maki, in the bars. And I danced to it. I said to you I heard it for the first time in a
16 maki and I think I danced to it on the first occasion at a birthday of a friend.
17 But the truth be told, I did not hear it during the campaign. I didn't hear it during the
18 campaign, that song, but I did hear speak of this on gagne ou on gagne slogan, but
19 without reference to this song itself.

20 MR MACDONALD: Just a second because there's a question of semantics. Is the
21 witness -- because I'm not sure I'm understanding. Is he saying on gagne et on gagne or
22 on gagne ou on gagne? And this is the distinction I'm not -- I'm not hearing from the
23 witness.

24 THE WITNESS: (Interpretation) Very well. I heard people talking about on gagne ou
25 on gagne. That's what I said. I don't know what the difference is. I don't know

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1 whether I heard it direct -- correctly. I'm talking about what is said in the song. I don't
2 know whether I'm saying the words correctly. That's what I was talking about.

3 MR ALTIT: (Interpretation) Mr President, I'm sorry, correct me if I'm mistaken, but I'm
4 under the impression that the Prosecution put a direct question to the witness, if I'm not
5 mistaken.

6 PRESIDING JUDGE TARFUSSER: No, he did not put a direct question. He put the
7 doubt towards me, but the witness answered spontaneously.

8 MR ALTIT: (Interpretation) Spontaneously, very well.

9 PRESIDING JUDGE TARFUSSER: Well, I was looking at him with a question mark in
10 my face, so he understood this and he answered.

11 MR ALTIT: (Interpretation) So everything is dandy.

12 Q. The singer, do you know the singer?

13 A. Yes, I do know her, but I do not recall her name, but I do know her. She's a star,
14 she's a singer in Côte d'Ivoire.

15 Q. And were I to refresh your memory?

16 A. That would be a pleasure.

17 Q. So I shall be providing you with a name and you'll tell me whether it is that
18 individual.

19 A. Very well.

20 Q. Antoinette Allany?

21 A. Yes.

22 Q. Is it her?

23 A. It is.

24 Q. And is she still a star today in Côte d'Ivoire?

25 A. She's still a star, yes, but I haven't heard of her or about her for a while.

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1 Q. So we do have a video to play to you.

2 THE INTERPRETER: Microphone, please, Counsel.

3 MR ALTIT: (Interpretation) Now, we wanted to show you a video that we notified you
4 of a while back. We disclosed this to the OTP, I believe, a year ago on 17 March 2014,
5 that is two years ago now. And last night at about midnight we discovered that there
6 was another version of it, of the same video of the same excerpt that we wanted to
7 broadcast but in better definition, in better quality, shall we say. So we sent this excerpt
8 to the OTP this morning. As you encouraged us to have inter partes relations, we asked
9 the OTP if they had any objections to us showing this new version to which we did not
10 receive an answer.

11 THE INTERPRETER: Off microphone.

12 MR MACDONALD: (Interpretation) Well, we received the video at 11.

13 MR ALTIT: (Interpretation) Well, we sent the video at midnight.

14 MR MACDONALD: (Interpretation) We received it at 11 o'clock. We do not have any
15 objection. We were not requested during the pause. I don't know whether this -- when
16 this video is going to be shown, whether it's going to be today or tomorrow. I have no
17 idea. But the point I wanted to say was that there was --

18 THE INTERPRETER: Change of language.

19 MR MACDONALD: I'm looking at my emails, your Honour. So -- I'm switching
20 languages, I'm sorry. The point is we have no objection, we can show the song, whatever
21 part they want to. It is not a problem.

22 PRESIDING JUDGE TARFUSSER: Thank you, Mr MacDonald.

23 So please, for us it's better in better quality, of course.

24 MR ALTIT: (Interpretation) Now, first and foremost I would like to say thank you very
25 clearly to the OTP because it is true that we sent an email this morning. We did,

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- 1 however, hand them materially speaking the video in the break, and I would like to thank
2 them for this very friendly approach.
- 3 Now, the new number is CIV-D15-0004-1178, and the timestamp -- I can repeat if you
4 want, it is 1178 and the timestamp is 8.42 to 14.13.
- 5 MR MACDONALD: (Interpretation) Do you have any further details?
- 6 MR ALTIT: (Interpretation) Now, this is a video that was broadcast over RTI
7 concerning the closing meeting following the visit of Alassane Ouattara to Bouaké on 30
8 November 2013, 2013. And this was put on line on 30 November 2013 on a site --
- 9 THE INTERPRETER: That the interpreter didn't catch because it was said at the speed of
10 light.
- 11 PRESIDING JUDGE TARFUSSER: There is something missing because the interpreter
12 hasn't caught it because it was said at the speed of light. So I don't know what it was,
13 but --
- 14 MR ALTIT: (Interpretation) I will repeat, but I don't remember exactly what I said, but
15 maybe the interpreters could say what was missing.
- 16 THE INTERPRETER: The name of the website.
- 17 PRESIDING JUDGE TARFUSSER: If you read -- if you read the transcript on your
18 question, probably this helps.
- 19 THE INTERPRETER: Message from the interpreter: It is in fact the name of the website,
20 Mr President.
- 21 PRESIDING JUDGE TARFUSSER: The name of the website --
- 22 MR ALTIT: Oh.
- 23 PRESIDING JUDGE TARFUSSER: -- is missing. Thank you.
- 24 MR ALTIT: (Interpretation) The meeting in Bouaké was on 30 November 2013, video
25 went online on the same day, 30 November 2013, on the website Abidjan.net.

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1 MR MACDONALD: (Interpretation) Are you sure of the ERN number because when
2 we look at the reference we -- we find a map.

3 MR ALTIT: (Interpretation) We will cross-check.

4 THE COURT OFFICER: I confirm that document CIV-D15-0004-1178 is uploaded as a
5 video on the record.

6 MR MACDONALD: Yes, but if you go to the minute it's a map. And it's not a song.

7 PRESIDING JUDGE TARFUSSER: Well, we'll see what it is. If it sings, it's a song. If
8 it's a map, it doesn't sing.

9 MR ALTIT: (Interpretation) We have a little problem of timestamp, but with the
10 indulgence and authorisation of the Court we can play the video now and provide it with
11 a new ERN number which can be done here, or is that the case?

12 (Microphone not activated)

13 (Interpretation) Otherwise the court officer can give it a number for the purposes of this
14 hearing and then we will know what we are referring to subsequently.

15 THE COURT OFFICER: Maître Altit --

16 PRESIDING JUDGE TARFUSSER: It should be a song. The video -- no, it is not a video
17 of a song.

18 MR ALTIT: (Interpretation) It is not exactly that. It is the end of a rally. In fact, there
19 is music on it, but it's at the end of a rally. It's not a musical clip. I have been told that
20 we have the right number now: CIV-D15-0004-1179. Can we proceed to show it now?

21 PRESIDING JUDGE TARFUSSER: Well, and we'll find out if it's the one you wanted to
22 show.

23 (Viewing of the video excerpt)

24 MR MACDONALD: The Prosecution is willing to make an objection -- not an objection,
25 an admission.

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- 1 PRESIDING JUDGE TARFUSSER: Well --
- 2 MR MACDONALD: An admission.
- 3 PRESIDING JUDGE TARFUSSER: Well, that's quite a different thing. Please.
- 4 MR MACDONALD: "On gagne et on gagne kiokokoko on va gagner," that's what is
- 5 mentioned in the song. I have no problem admitting that, your Honour. "On gagne et
- 6 on gagne kiokokoko on va gagner." I'm willing to admit that.
- 7 PRESIDING JUDGE TARFUSSER: Well, you admit that, you have not admitted very
- 8 much because we hear it as well.
- 9 MR MACDONALD: But then it's clear, it's on the record.
- 10 PRESIDING JUDGE TARFUSSER: Okay.
- 11 MR MACDONALD: Are my colleagues willing to admit that?
- 12 PRESIDING JUDGE TARFUSSER: Okay.
- 13 MR MACDONALD: I think we'll -- lunch will feel better also.
- 14 PRESIDING JUDGE TARFUSSER: Thank you.
- 15 Mr Altit.
- 16 MR ALTIT: (Interpretation) Thank you, Mr President. Well, admission, admission.
- 17 Well, that's an admission. Well, can I continue with my examination of the witness?
- 18 PRESIDING JUDGE TARFUSSER: Of course, yes. Please.
- 19 MR ALTIT: (Interpretation) Thank you.
- 20 Q. Did you see those images before today?
- 21 A. Yes.
- 22 Q. For the record, what is Antoinette Allany singing about? What is she saying in that
- 23 song?
- 24 A. This is what I told you a short time ago. Yahweh, I believe is God in Baoulé, maybe.
- 25 She's talking about God's word. "Tchoko Tchoko," we will win, it will be God's victory.

1 That's what she says. So when you believe in God and you are a believer and you
2 surrender your problem to God, you will always meet your goal because God will never
3 let you down. That is what is said in the song. You listen to this song, everybody
4 would like to listen to it and dance to it. You saw the first lady and the president himself
5 doing it.

6 Q. We will get to that. Now, if I understand what you said, this is a religious song,
7 isn't it?

8 A. Yes, that is what it is. That is what the song is all about.

9 Q. The Prosecutor rose to his feet a few seconds ago and I think that he said a few
10 words, but it must be "tchoko tchoko" rather than what he said; is that the case?

11 A. You know, in Ivorian language what you say is tchoko tchoko, which means
12 winning at all cost or at any cost. That's what it means.

13 Q. Very well. Now, let us stop on a specific image at 12.30, we'll freeze on that image
14 and talk about what we can see on the screen at 12.30 timestamp. And you need to press
15 evidence 2 to see what I'm talking about. It's an excerpt of what we have just watched.

16 Can you tell us who is on this photograph? Who do you see?

17 A. Thank you, Counsel. To my left is Madam Dominique Ouattara, the first lady.
18 The person sitting down is Alassane Ouattara. The one backing us is the singer. Now,
19 the other two ladies I do not see their faces clearly, but one of them must be Minister
20 Camara and the other must also be a minister, I believe. She is a minister today, I think.

21 Q. Thank you.

22 MR ALTIT: (Interpretation) We will now play three seconds, about three seconds of
23 this video.

24 (Viewing of the video excerpt)

25 MR ALTIT: (Interpretation) Thank you.

- 1 Q. What was Madam Ouattara doing on the video?
- 2 A. She was dancing.
- 3 Q. She was dancing. What was she dancing to?
- 4 A. To the music, to that song.
- 5 Q. Which song?
- 6 A. The song we just talked about a short while ago, the song on gagne ou on gagne -- et
- 7 on gagne.
- 8 Q. That was in 2013, not too long ago. Is that song still being played? Is it still a
- 9 popular song in Côte d'Ivoire today?
- 10 A. Yes, it is still being broadcast, people still listen to it to this day.
- 11 Q. Is that song used in political meetings apart from this specific rally?
- 12 A. As far as I know, no.
- 13 Q. We will now have a screenshot of the video to show you, Witness.
- 14 Now, you remember the Prosecutor showing you a video on slogans, don't you? He
- 15 showed you a video with the following reference: CIV-OTP-0075-0058, an RTI report of 3
- 16 December 2010. We shall show you three screenshots and put some questions to you
- 17 about those screenshots.
- 18 MR MACDONALD: (Interpretation) Are you sure to have the right ERN number?
- 19 MR ALTIT: (Interpretation) We'll cross-check.
- 20 MR MACDONALD: I'll stand up, your Honour. It's just that when we verify 0075-0058
- 21 we don't -- we don't find it. It doesn't seem to exist, so that's why.
- 22 MR ALTIT: (Interpretation) CIV-OTP.
- 23 PRESIDING JUDGE TARFUSSER: It exists.
- 24 MR MACDONALD: Yes, it does. Sorry.
- 25 PRESIDING JUDGE TARFUSSER: It exists. We verified through the --

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- 1 MR MACDONALD: We were mistaken --
- 2 PRESIDING JUDGE TARFUSSER: -- Registry.
- 3 MR MACDONALD: -- between D15 and OTP. Sorry.
- 4 MR ALTIT: (Interpretation) Well, that's fine. So all is well? Fine.
- 5 MR MACDONALD: (Interpretation) You're the best.
- 6 MR ALTIT: (Interpretation) Well, he scares me sometimes.
- 7 First screenshot from the Prosecutor's video would be at timestamp 2.34.23. It is exhibit
- 8 number -- as Defence exhibit will be CIV-D15- --
- 9 THE INTERPRETER: Too fast for the interpreters, Mr President.
- 10 PRESIDING JUDGE TARFUSSER: You are too fast. Slow -- for the numbers slow down
- 11 a bit for the interpreters.
- 12 MR ALTIT: (Interpretation) I'll repeat the number. Defence
- 13 Exhibit CIV-D15-0004-1158.
- 14 I'll give you the second number, second screenshot, Defence exhibit CIV-D15-0004-1159,
- 15 and the timestamp 2.35 -- 2.35.01.
- 16 And the third document, Defence document, CIV-D15-0004-1160. The timestamp 2.51.18,
- 17 2.51.18.
- 18 (Pause in proceedings)
- 19 PRESIDING JUDGE TARFUSSER: Can I ask what the problem right now is?
- 20 MR ALTIT: (Interpretation) There is no problem. We're just trying to zoom in on the
- 21 screenshots which you can view on evidence 2. We are trying to zoom in to be able to
- 22 put questions to the witness as to what is seen on those screenshots.
- 23 MR MACDONALD: (Interpretation) Maybe it's good to play the video because that's
- 24 probably the best way to view it. From Ringtail you lose definition or resolution, so
- 25 sometimes it's better to show the video otherwise you might have to provide an excerpt of

1 the document itself. In any event, I can -- I can admit, I can admit, if that's what you
2 want, I can admit it. But I think, your Honour, it is the Defence that should make the
3 admissions more. In any event, well --

4 MR ALTIT: (Interpretation) Very true, the Prosecutor is right, the definition or
5 resolution is not very good, so maybe it is best to show a brief excerpt. We are edging up
6 to 1 p.m., what should we do?

7 PRESIDING JUDGE TARFUSSER: This is the only part where you say that the
8 Prosecution is right, you admit it only limited to this.

9 MR MACDONALD: (Microphone not activated)

10 (Interpretation) Mr President, this is what I propose: Maybe we can break now, I can
11 look at the excerpt with my colleague and we can then clarify things for each party and
12 put the question to the witness accordingly. That's my suggestion.

13 PRESIDING JUDGE TARFUSSER: My suggestion would have been the opposite, to
14 show this now and then go to pause. I don't know how long it will take, but -- so that we
15 can advance.

16 MR ALTIT: (Interpretation) We are ready, Mr President. We can play it.

17 PRESIDING JUDGE TARFUSSER: Okay. So I just --

18 (Viewing of the video excerpt)

19 MR ALTIT: (Interpretation) Mr President, I defer to you. Do I continue or do we take
20 the break?

21 PRESIDING JUDGE TARFUSSER: (Microphone not activated) on the part we have seen
22 I think we should put the questions so we have not to come back.

23 MR ALTIT: (Interpretation) Very well. Very well.

24 Q. You saw the images that were played. What did you see on the video? What
25 were you able to identify on the video that you just watched quickly?

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1 A. The OTP already showed this video when the victory of President Gbagbo was
2 announced. People came out happily to celebrate. They had banners with 100 percent
3 for Gbagbo and something like that. So it was happiness, joy and rejoicing in the streets
4 of Abidjan.

5 Q. When it came to those banners, banners and -- are you talking about those banners
6 or billboards? Now, a short while ago you mentioned the slogan and --

7 A. I think what is written is 100 percent for Gbagbo, or 100 percent Gbagbo wins or
8 something like that. I no longer remember, but I think it was something like 100 percent
9 for Gbagbo. Do you want me to help you to --

10 MR MACDONALD: (Interpretation) "Gbagbo president 100 percent for Côte d'Ivoire."

11 MR ALTIT: (Interpretation) That is correct.

12 THE WITNESS: (Interpretation) That is correct, Mr President.

13 MR ALTIT: (Interpretation)

14 Q. That slogan which we have just talked about, was that one of the -- was that the
15 official slogan for the campaign?

16 A. 100 percent President Gbagbo?

17 Q. Yes, that's what was said.

18 A. No. There were many slogans used at the time, many --

19 Q. I'm sorry. Let me be specific. Maybe the word "slogan" might not be the right
20 word, but you saw what was written on the poster and you said it yourself as well,
21 "Gbagbo president 100 percent for Côte d'Ivoire." Now that expression, that statement
22 "100 percent for Côte d'Ivoire," that's a slogan, it's a statement. Do you understand it?

23 A. Yes.

24 Q. What appears on that poster then, was that a motto, a statement, a -- something that
25 each individual took ownership of at that time?

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1 A. Yes, Counsel. Almost everybody. Yes, yes, indeed.

2 PRESIDING JUDGE TARFUSSER: I think we should pause now otherwise --

3 MR ALTIT: (Interpretation) Just one quick last question before we move to something
4 else.

5 Q. My question then is: We agree that a slogan is a formula that political party
6 members use to bind themselves together. Were there any other statements or mottos or
7 statements of this nature used during the campaign? Do you remember any other such
8 slogans?

9 A. Yes, we had posters with statements like on gagne ou on gagne, that as well.

10 MR ALTIT: (Interpretation) Mr President, that will be all. Thank you.

11 PRESIDING JUDGE TARFUSSER: Thank you very much.

12 So we take the break until 2.30.

13 THE COURT USHER: All rise.

14 (Recess taken at 1.03 p.m.)

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

16 THE COURT USHER: All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: I think the -- good afternoon, first of all.

19 Good afternoon, Mr Witness.

20 I think the floor is again to the Defence for the questioning of the witness.

21 Yours the floor.

22 MR ALTIT: (Interpretation) I thank you, Mr President.

23 Q. Mr Witness, on 18 -- on 8, apologies, March 2016 you said to us on page 48, 49, lines
24 20 to line 4 on page 49, in response to a question put to you with regard to the presence of
25 Bakayoko on the television a few minutes before midnight you answered, "I saw that on

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1 the Ivorian television channel, the RTI."

2 The Prosecution was asking you, "Do you remember what he said at that moment in time
3 before midnight? Do you remember the details of what he said?" End of quote.

4 To which you responded, "If I remember correctly, I can't really go into detail, but he said
5 I believe we should be patient, that it was not yet midnight and that the results are being
6 calculated, they're on their way and that we should wait for midnight before he gives his
7 decision. I think that that is what I heard." End of quote.

8 MR ALTIT: (Interpretation) So we would like to show a video to the witness for which
9 the reference number is CIV-D15-0001-0583, and this is a video that was broadcast over
10 the RTI on 1 December 2010, at 23.55 and put online on YouTube, and it is a press
11 conference provided by Youssouf Bakayoko, he was the president of the CEI on
12 1 December 2010, 23.55 p.m. The timestamp from the beginning of the video to 2.10.
13 (Viewing of the video excerpt)

14 MR MACDONALD: I'd like to say that the Prosecution is willing to admit both date,
15 content video for the purposes of the record. So this I understand happened on 1
16 December, indeed a few minutes before midnight, we have the time code anyway on the
17 left-hand corner, on RTI, it is Mr Ahmed Bakayoko, president of the CEI and the content
18 also we'd like it to be on record, please.

19 PRESIDING JUDGE TARFUSSER: Thank you.

20 Maître Altit.

21 MR ALTIT: (Interpretation) I thank you, Mr President. We note this admission by the
22 OTP.

23 Q. Now, Mr Witness, are these the images that you told me you had seen yourself?

24 A. Yes, Counsel.

25 Q. Now, for the purposes of the transcript, could you please tell us who the individual

1 speaking on the video is?

2 A. Yes, it is the president Youssouf Bakayoko.

3 Q. And he was the president of what?

4 A. President of the CEI.

5 Q. And what is the CEI?

6 A. Those are the individuals who are in charge of organising the elections.

7 Q. Very well. And why was it that President Bakayoko was tasked with announcing
8 the results?

9 A. Well, President Bakayoko was supposed to provide provisional results. That was
10 his role. These were the results coming from the various regions within the country and
11 on occasion Mr Bama (phon), the spokesperson, would provide results and these results
12 were then provided to the committee which were validated. They made sure that these
13 results were not problematic and the spokesperson would then give these results to the
14 population and at the end of the day he was supposed to provide the final results.

15 Q. Very well. And who was the competent authority within the Côte d'Ivoire to
16 announce the definitive or final results of the election?

17 A. According to the constitution of Côte d'Ivoire it was the constitutional court itself.

18 Q. Do you know or did you know Mr Youssouf Bakayoko's political party or belief?

19 A. I'm sorry?

20 Q. Did you know at the time which political party Mr Youssouf Bakayoko belonged to?

21 A. He belonged to the PDCI.

22 Q. Could you please remind us what the PDCI is?

23 A. Do you -- what do you recall the PDCI to be?

24 Q. What is the PDCI specifically?

25 A. It is the democratic party of the Côte d'Ivoire.

1 Q. I thank you.

2 We shall shortly be returning to a subject similar to that we have just broached, but I am
3 going to make the most of this moment to put a question to you: You said something,
4 notably on 9 March, page 14, 9 March of your testimony, something that was very
5 interesting to me, and I quote, "It is not automatic that all the inhabitants of the north
6 belonged to Alassane's party. You will find people from the north belonging to Gbagbo's
7 party. You will find people from Gbagbo's area belonging to Houphouët-Boigny's and
8 each and every person had their own position without a candidate." End of quote.

9 I understand, as we all do, what you meant by that, but it is important for us, for you to
10 provide us with the thrust of what you meant because you know when we are far afield
11 from what's going on we tend to simplify things. We want to know really how complex
12 things were at the time through what you were saying.

13 A. Thank you, Counsel. Well, this is what I can say in summary for everybody to
14 understand what is going on in Côte d'Ivoire. I'm going to tell you this because I'm
15 under the impression that people believe or are led to believe that all the inhabitants of the
16 north called the Dioula belonged to the RDR, that is to say Mr Alassane's party, and all the
17 Baoulé and the Agni belonged to the PDCI, the party belonging to the late
18 Houphouët-Boigny, and that the Bété belonged -- no, that's not what it is in Côte d'Ivoire.
19 You will find people hailing from the north and amongst them you will find them
20 belonging to the RDR, to Mr Alassane's party, but you'll also find people hailing from the
21 north who are activists of the PDCR who are also activists of the FDI, Mr Gbagbo's party.
22 You will also find activists from the PIT or other parties amongst these Bété people hailing
23 from Gbagbo's area. There are many of them who are PCDI or FPI or RDR coming from
24 this region. Also the same applies to the south of the country. So as I'm saying to you,
25 there is a real mix of inhabitants who belong to different parties. That's what I meant by

1 that and I hope I've had myself understood.

2 Q. It is very clear and I find it very interesting what you're saying.

3 A. Thank you.

4 Q. Now, in view of the fact that things were so complex, to your knowledge were there
5 any leaders within the Galaxie Patriotique who hailed from the north?

6 A. Yes.

7 Q. And who were they, for example?

8 A. There was Youssouf Fofana, there was Zéguen Touré, there was Seydou, there was
9 Navigué Konaté and all of those people came from the north. There were a number of
10 them.

11 Q. There were a number of them?

12 A. Yes.

13 Q. And yesterday you were talking to us of the youth of the RHDP.

14 A. Yes.

15 Q. That is to say the other side if I've understood you correctly. And was there a
16 similar diversity amongst the leaders of the RHDP?

17 A. To my knowledge I would say yes, but I might not be able to give you many names,
18 two or three, but there was a mixture, yes, Counsel, yes. As the same applied for the
19 other side.

20 THE INTERPRETER: Microphone, please, Counsel.

21 MR ALTIT: (Interpretation)

22 Q. Now, if you will allow I would like now to come back for a few moments to the
23 events around the march on the RTI rapidly. You say on 9 March, page 19, line 5 and
24 following on from there, in response to a question put to you by the Prosecution on the
25 perception, what they call the perception of the pro-Gbagbo camp and yourself where

1 Mr Soro announced that there was going to be a march on the RTI, you responded by
2 saying, quote, "They had to stop them and the youth went about setting up roadblocks
3 everywhere." End of quote.

4 So we understand from what you have said and in reading them now that this was a
5 spontaneous reaction; is that correct? Is that what you meant to say when you said that?

6 A. Yes, that is what I meant to say that there was a need to organise themselves in
7 order to stop them from marching on the television. That's what I wanted to say.

8 Q. Very well. And you say a little bit further on, page 22, and I quote you again.

9 Question: "You had to reach the civilian roadblocks before getting to the RTI where the
10 FDS were located." End of quote.

11 So what you're saying, for me to be sure to understand, and for everyone to be sure to
12 have understood, the FDS had indeed set up a number of roadblocks - if I understand
13 correctly, tell me if I do - around the RTI, but that the civilians -- civilians had also
14 organised a number of roadblocks along the way the road to the RTI?

15 A. Yes, that is what I said.

16 Q. And you also said to us, and once again this is very interesting, that those who, like
17 yourself, had mobilised had done so with a view to protecting their country. And I can
18 quote you. You speak once again on page 22 about those who were organising
19 themselves and you say, quote, "Everybody knew what they had to do. They had to
20 protect their country. They had to protect the regime and patriots are always ready to
21 protect their fatherland." End of quote.

22 So my question is the following so that we understand correctly: The impetus behind
23 this mobilisation was that the fatherland was in danger; is that correct?

24 MR MACDONALD: Sorry, I don't have the line. I'm just trying to find the line.

25 MR ALTIT: (Interpretation) That is page 22, line 19. It might not be line 19, but it

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1 might be a little further on.

2 MR MACDONALD: (Interpretation) No, I can't find the quote.

3 MR ALTIT: (Interpretation) I shall find it for you. Page 22, lines 25 and 26.

4 "Everybody had a role to play."

5 MR MACDONALD: (Interpretation) Very well.

6 (Speaks English) Okay, fine, but don't extend the citation to say certain things it doesn't
7 say. If you're -- I will read in French: (Interpretation) "We no longer needed to have
8 our slogans. Everybody had a role to play and everybody knew what they needed to do.
9 They had to protect their fatherland. They had to protect the regime which was there."

10 (Speaks English) That's the exact quote.

11 MR ALTIT: (Interpretation) Yes, I went even a bit further forward.

12 "The patriots are always ready to defend their fatherland; is that correct?

13 Yes, that is correct."

14 So that is the precise quotation.

15 MR MACDONALD: Which line?

16 MR ALTIT: (Microphone not activated)

17 MR MACDONALD: Your Honours, I understand, but my colleague is opening the
18 brackets and closing the brackets. And in between that -- yesterday was the same. It is
19 not the full quote. He's taking one part, then going to the next and then closing it, but
20 this goes over 10 lines and there's a whole context to it. So we cannot -- the French
21 expression that comes --

22 PRESIDING JUDGE TARFUSSER: I do understand what you mean.

23 MR MACDONALD: Thank you.

24 PRESIDING JUDGE TARFUSSER: I do exactly understand what you mean and I think
25 we cannot pick and choose and put things together. The quotation must be in itself then

1 closed and then put the question, please.

2 MR ALTIT: (Interpretation) Well, Mr President, it is quoted. I don't have it before me.
3 The time -- the important time when saying everyone had a role to play, we can go up,
4 everybody had a role to play, that is the thrust of what the witness is saying, and then the
5 citation is complete in the sense that he had to protect his country, had to protect the
6 regime.

7 THE INTERPRETER: And Maître Altit is very far from his microphone.

8 MR ALTIT: (Interpretation) My microphone is here now so it's more difficult because I
9 can no longer see.

10 But anyway he says on two occasions that he had to protect his country. We did away
11 with the one occasion of he had to protect his country, then we were talking about the
12 regime and then he went on to add on "that is there."

13 PRESIDING JUDGE TARFUSSER: You could split your question in two parts without
14 merging two things which are far away somehow, but --

15 MR ALTIT: (Interpretation) Very well. But you see that we're far -- a far cry from the
16 suspicion that the Prosecution has that we're transforming the quotation.

17 MR MACDONALD: I'm just saying that it should be quoted in full, your Honour. To
18 quote a sentence, it should not -- it should be quoted in full.

19 PRESIDING JUDGE TARFUSSER: No, wait. Nobody said that you're inventing the
20 quotation. It's just to make it more -- to make it close to the quotation, the question -- to
21 put the question close to the quotation. Thank you.

22 MR ALTIT: (Interpretation) Mr President, you are right. However, these citations are
23 provided from the first version of the transcript which are a realtime version of the
24 transcripts and we know that it was not correctly transcribed, so this is on the basis of the
25 first transcripts that are not the definitive or final version. We're working on the realtime

1 versions here. Anyway.

2 Q. Yes, my question was with reference to patriotism. Could you tell us a little bit
3 about this. Was it important? What did it represent exactly?

4 A. It depends on what each and every person understood by patriotism and patriots,
5 but it was important to defend the fatherland and of course the youth felt that the
6 fatherland or nation was a victim because we were really touched to the core of our nation
7 by what was going on, and that's what was in the minds of all the youth and the patriots,
8 that they had to defend their fatherland.

9 Q. Page 52, line 24, you say, and I quote, "The patriots were being mobilised, those who
10 felt that the country," and I think you then said -- maybe we can look it up, page 52, line
11 24.

12 I'm going to give you an example, Mr President. The witness said "ou chose" does not
13 mean much on the 9 March in the transcript of that day. So line 24, page 52.

14 Answer: "Those who felt that the country ou chose" -- "ou chose" doesn't really mean
15 anything in this sentence, it doesn't mean a thing, it is one of the things the witness says
16 on a regular basis. When I bring you this citation, if we want to be specific, ou chose,
17 then I'm going to tell you that that word appears, but I do not see the -- what interest -- of
18 interest that is. I'm just saying this to be specific that sometimes we need to be a little bit
19 flexible, you know, we need to be able to adapt, so I can say the word "ou chose," if you
20 like.

21 MR MACDONALD: Very brief on that topic, the previous example, it's not a word, it's a
22 total sentence.

23 PRESIDING JUDGE TARFUSSER: I do understand it. It was not the "ou chose," but
24 just go ahead without -- we don't argue on this. I think -- I invite you just to go ahead. I
25 know that you have to try to adapt because we're working with raw material, of course,

1 but the issue which was raised by the OTP before was a little different. But it is okay.

2 MR ALTIT: (Interpretation)

3 Q. So it was the patriots who were being mobilised, those who felt that the country ou
4 chose were victims of an injustice or that other countries were getting involved. I don't
5 know whether that's really what you said, but that's what you meant, other countries
6 were getting involved in the problems. So this is a type of definition of patriotism that
7 you're providing us with here. Could you elaborate somewhat? Could you tell us a
8 little bit more?

9 A. Okay, Counsel. As I was just saying to you, you know the role of a patriot as far as
10 I'm concerned is somebody who feels that his country has come under attack, for example,
11 or has suffered from some injustice from another country or elsewhere and that he or she
12 is not in agreement with his or her country being in such a situation and reacts. You
13 know that there are things that happen around the world and sometimes this gives rise to
14 revolution or hatred amongst peoples. This is the type of behaviour between people.
15 What I meant by this was that the youth, the patriots were always at the ready because
16 they felt that their country was suffering an injustice or that people were in -- getting
17 involved in things that did not concern them. That's what I said.

18 THE INTERPRETER: Microphone, Counsel.

19 PRESIDING JUDGE TARFUSSER: Microphone. Micro.

20 MR ALTIT: (Interpretation)

21 Q. In the French transcript of 5 March 2016, page 75, you stated, during this
22 three-month period, and if I understand well, it was after the proclamation of the results
23 for the two candidates, during that three-month period there were all types of
24 intervention from the African Union, ECOWAS, the UN and mediators who had been
25 designated. You said the president was going to discuss with Alassane and each person

1 had their position.

2 According to you, did President Gbagbo wish to have a solution reached through
3 dialogue?

4 A. Yes. President Gbagbo had always wanted a solution through dialogue. He even
5 made several appeals for everyone to come and carry out a recount of the votes. He
6 called on everyone to come and participate in a recount to determine who had really won
7 because people were coming, they would discuss with President Gbagbo and then they
8 would go and discuss with President Alassane. There were always discussions going on.
9 That was my testimony.

10 Q. Thank you. We would like to play CIV-D15-0001-0589. It is an interview given by
11 Laurent Gbagbo to Chignac, a journalist on 30 December 2010. It was taken from an
12 internet site by the Defence and it was broadcast on RTI. The timestamp is 13.35 to 13.52.

13 PRESIDING JUDGE TARFUSSER: Mr MacDonald.

14 MR MACDONALD: I'm willing for the whole speech to be admitted on evidence, if the
15 Defence is willing to admit it, the whole interview to Euronews which was filmed I think
16 on the 29th but indeed only showed on RTI on the 31st or something like that. I have the
17 exact dates, but I'm willing to have this admitted if the Defence wants to. And of course
18 they can continue with their questions but -- and while I'm here I know I'm asking
19 Maître Altit quite often, but I presume that Maître Knoops also doesn't have any
20 objections because of course admissions go through both ideally, but if there's any
21 objection, then I understand you'll be raising them. So in other words silence is
22 acquiescence.

23 PRESIDING JUDGE TARFUSSER: Mr Knoops is there, well awake and he will jump in
24 as soon as he has something to say.

25 Maître Altit, is this okay?

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1 MR ALTIT: (Interpretation) Very well, your Honour.

2 PRESIDING JUDGE TARFUSSER: So we consider it submitted as a whole.

3 (Viewing of the video excerpt)

4 MR ALTIT: (Interpretation)

5 Q. You said on page 77, "President Gbagbo had always wanted peaceful solutions
6 through dialogue. He even made appeals for everyone to come and carry out a recount
7 of the votes. He always said people should come and participate in a recount because he
8 had won the elections."

9 Now, the images that have just been played, you have seen them; right?

10 A. Correct.

11 Q. Who was President Gbagbo addressing?

12 A. He was addressing himself, I believe, to the international community, the African
13 Union, to everyone.

14 Q. Very well. And the mediators were the ones that you have just named, the
15 international community, the African Union and so on and so forth?

16 A. Yes.

17 Q. Very well. To your knowledge, did he express himself several times publicly to say
18 that he wanted a recount of the votes?

19 A. If I remember correctly, yes. I believe it was broadcast on several occasions on
20 various channels.

21 Q. Did he say that he wanted dialogue with the African Union?

22 PRESIDING JUDGE TARFUSSER: That was a question. Mr Witness, that was a
23 question.

24 THE WITNESS: (Interpretation) Counsel, can you repeat? I didn't quite get you.

25 MR ALTIT: (Interpretation)

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1 Q. Did President Gbagbo say that he wished to have dialogue with the African Union
2 to your knowledge?

3 A. Yes. President Gbagbo always wished to dialogue with everyone. He appealed to
4 everyone. You have shown a very brief footage, but there are long videos in which he
5 appealed to the African Union and several others. And he expressed himself on several
6 occasions.

7 Q. We will display CIV-D15-0004-1157, and this is an interview of Laurent Gbagbo to
8 Michel Denisot, a journalist of Canal+, a French TV station on January 2011. It was
9 broadcast on 13 January 2011. And the timestamp is 31 seconds to 1.30.

10 MR MACDONALD: Same admission, your Honour. The Prosecution with the
11 cooperation of both Defence teams would like to have the whole interview admitted into
12 evidence if they're so agreeable to do so instead of just -- the whole interview.

13 MR ALTIT: (Interpretation) Accepted, your Honour.

14 MR MACDONALD: Okay, which is good news because then we can withdraw a
15 Prosecution's request pursuant to regulation 35 where such a video we wanted to add on
16 our LOE, which we found, we'll get you the number, but then it becomes moot. Thank
17 you.

18 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

19 MR ALTIT: (Interpretation) Your Honour, I would like for a brief moment to consult,
20 with your leave. Thank you.

21 (Counsel confer)

22 MR ALTIT: (Interpretation) Mr President, I think there is a slight misunderstanding
23 here. If I understand what the Prosecutor has just said, he would like to consider -- I
24 want to find the real -- the correct word, the entirety of the video.

25 MR MACDONALD: I just want to clarify -- I just want to clarify one thing. The

1 Defence wants to use it in the cross-examination of the witness. We have no objection.
2 Our request goes even further to my colleagues, is to have the whole video, the whole
3 interview of Mr Gbagbo admitted on the record for the truth of its content so that the
4 Chamber can rely on this as admitted between the parties.
5 Now, independently of that, that's separate, we had file for this video a few weeks ago to
6 have added on our list of evidence and the Chamber has not ruled, but now you're using
7 the same video in the cross-examination of a witness or the examination of a witness, so in
8 any event I think our -- if you admit the whole video then our request becomes moot. I
9 mean that's what I'm saying. There's no surprises, there's no guet-apens and if you don't
10 want that, well, it's fine, but by using the video in cross-examination then you're
11 indicating why our request becomes even more relevant so that it be available to the
12 Chamber, to the record. Either way or I come back in re-examination also is another
13 option and show the full video. So in order to save time, let's just admit it.
14 MR ALTIT: (Interpretation) Yes, your Honour, very well, we can use the video, but
15 putting it on the list of evidence of the Prosecutor is something else. There are
16 procedural consequences.
17 MR MACDONALD: (Interpretation) When the parties -- I want us to understand.
18 (Speaks English) Maybe we need to clarify this, your Honour, and I'm sorry to the
19 interpreters.
20 PRESIDING JUDGE TARFUSSER: I have understood.
21 MR MACDONALD: But I'm not sure my colleague understands the legal implications of
22 admissions on the record. It doesn't matter on whose list it is any more, it is now with
23 the Chamber. The parties recognize that it is a proven fact. And the Chamber does not
24 need to bother with evaluating the weight or the reasonableness because the parties
25 together agree that it is real, it is true and it is reliable. That's what the legal significance

1 of an admission is, unless I am mistaken.

2 So I don't want to take anybody by surprise here. I mean, an admission is an admission,
3 which is different from ...

4 PRESIDING JUDGE TARFUSSER: I have difficulties to understand why we debate on
5 this, I must say, because this is a document submitted and that's it.

6 MR ALTIT: (Interpretation) With your leave, your Honour, we will really need some
7 time to reflect if -- and if necessary, we will revisit this this afternoon, so we will need to
8 discuss that amongst ourselves.

9 PRESIDING JUDGE TARFUSSER: Well, if you need to discuss, it's okay, but I really
10 don't understand why you need to discuss. But that's okay. Discuss and then tell me
11 we're going to come back.

12 MR ALTIT: (Interpretation) I have been told that the video has not yet been broadcast
13 or played on the screen.

14 (Viewing of the video excerpt)

15 MR ALTIT: (Interpretation)

16 Q. Did you see those images?

17 A. Yes.

18 Q. Could it be correct to say that it was public knowledge that President Gbagbo was
19 going to meet the representatives of the African Union?

20 A. Yes, that is what he said.

21 Q. And what discussions was he referring to?

22 A. He is talking of discussions about the crisis, not about the elections. He was talking
23 about how to put an end to the crisis, to reach an understanding between him and his
24 brother. And the president always said let us sit down and talk. He said this
25 frequently.

1 Q. What was the reaction of those that President Gbagbo mentioned?

2 A. I do not know. I don't know what their answer was. They came and left. I don't
3 know the questions they asked, or what the -- the answers were that they gave. Each
4 time someone came they would give a press conference and they say what they wish to
5 say and then they would leave.

6 Q. We'll move to something else. On 7 March, that is the first day of your testimony,
7 you said, page 50, line 5, and I quote you, "The tension in Côte d'Ivoire was too high."

8 And further on. "There were people who took up arms who attacked."

9 You believe that people want to attack your country?

10 MR ALTIT: (Interpretation) Mr President, I have a small problem reading the
11 transcript. I would like a moment to go over it.

12 "The tension in Côte d'Ivoire was too high. You can see -- you could see for yourself.

13 You were being asked. People had taken up weapons and you think they're going to
14 attack your country? And then they ask you to have a rebel to be your prime minister.

15 The agreement was imposed and that you should appoint ministers from the rebel group."

16 Now, after the 2002 attack, can you tell me what you really meant? I believe we
17 understand it, but can you really clarify what you meant by that?

18 A. Very well, Counsel. I was explaining that the Côte d'Ivoire had just entered into
19 that period of crisis. We were not used to it. And so there was a crisis, there was the
20 attack. They decided that the various parties should go and negotiate in Marcoussis and
21 that is where decisions were taken asking President Gbagbo to remove his prime minister,
22 Mr N'Guessan, and they appointed a prime minister, Seydou Diarra, and then they
23 wanted other people to come into the government. So that was revolting to the
24 population. People felt it was immoral to bring these people into the government. It
25 was not a good example for Africa that in any country people, if they wanted to get into

1 the government they will take up arms and then they would be asked to join the
2 government. That is what revolted people in Abidjan because they felt that it was not a
3 good thing that people should take up arms and then simply be invited to join the
4 government.

5 Q. But who was imposing that decision?

6 A. The discussion took place in France, so it was the French government authorities
7 who were around the table. They were the ones who convened the meeting, so the
8 discussion took place in France. So when I say "imposed," there were people who
9 were -- who had organised this meeting. President Gbagbo himself is here and he can
10 tell you those who imposed those decisions.

11 Q. You said later President Gbagbo did not have a choice, but the population was not
12 in agreement because you have to understand the population did not accept such injustice.
13 Why did the population not agree?

14 A. I said it. I was in Abidjan myself when the meeting ended and the decisions were
15 taken. The prime minister was removed from his position and another one brought in.
16 In Abidjan people were not happy. They took out their anger against French people and
17 even all white people. It was badly perceived.

18 But when the president returned he calmed things down, he held several meetings at the
19 plateau, at the presidential palace with the youth and with other associations during
20 which he explained the Marcoussis negotiations and he explained why he had accepted
21 those sacrifices. He also explained that he was still in control of the country. So there
22 were concessions that he had to make to ensure that things returned to normal in the
23 country. I think you can see the footage. All of it was filmed and broadcast.

24 Q. So if I understand you correctly, it was the intervention of President Gbagbo which
25 led to the calm?

1 A. Yes, that is what I said. That is what happened.

2 Q. Very well. And you say, line 16, "But frankly it was not easy because the
3 population felt that this was unjust."

4 What was not easy?

5 A. The decisions were not easy, that is the decisions that the president accepted. He
6 made certain concessions. It was not easy because most of the inhabitants of Abidjan felt
7 that it was unfair that it was not normal to go and negotiate with people who had taken
8 up arms and then give them ministerial positions and so on. That is what people were
9 talking about in Abidjan.

10 Q. Very well. You gave an explanation and you stated, talking about the population
11 that they were not in agreement, but they had to take it as it was. "We were compelled to
12 accept that decision because we believe that he was doing it in the interest of
13 Côte d'Ivoire." End of quote.

14 And you said "he." Who were you referring to?

15 A. I have told you that when the president of the republic returned, he tried to calm
16 things down. He met with the youth at the presidential palace, he met with several
17 associations and organisations in the country to explain what the meeting was. He
18 addressed the Ivorians and told them that he was the president of Côte d'Ivoire, but there
19 were certain conditions that had been imposed during the meeting but that he had
20 accepted those sacrifices in the interest of Côte d'Ivoire in order to save the country. He
21 said that and it was broadcast on television.

22 Q. On 8 March, page 64, line 2, and I quote, "Mr Gbagbo was not only a great head of
23 state of Côte d'Ivoire, but in the past he had also been a great opposition leader." End of
24 quote.

25 What did you mean by that?

1 A. I wanted to say that before he was a head of state he had been a great opposition
2 leader. And I explained that this morning. He is the one who brought multi-partyism
3 in Côte d'Ivoire and he was the one who promoted democracy. He was the first
4 opposition leader in Côte d'Ivoire. He was the first person who opposed President Félix
5 Houphouët-Boigny, that is why I said that he was a great opposition leader. And
6 subsequently he was a great head of state, President Gbagbo. That was my testimony.
7 So as far as I'm concerned, he was a great head of state, someone who was always ready to
8 dialogue, to discuss and to find solutions. He was always appealing to people to come,
9 sit down and discuss around the table. That is how President Gbagbo was working.
10 That is how he worked.

11 Q. And a little further on this page 64 still you say, line 21, and I quote, "The man that I
12 know has always fought for the full sovereignty of Côte d'Ivoire and even" then it's not
13 very clear, but I suppose that it is "for the African countries to have sovereignty and to be
14 respected." End of quote.

15 And you say -- and my question is: Was that also the reason why you considered him to
16 be a great head of state?

17 A. Yes. Let me explain this to you. You see President Gbagbo -- can you see
18 him -- well, in Cameroon he is very much respected and very well liked, and the same
19 applies for Togo, same in Guinea. I also went to South Africa and I met people who
20 talked about him in the same vein. I went to Cameroon for one or two weeks, I was in
21 Douala. I went all over the place and I met people and they talked about the president.
22 And for them he really was making people aware of Africa, of Africans.
23 He is a professor. He knows the history of Africa. He knows the history of the world.
24 And it was he who could defend the African sovereignty, not only in Côte d'Ivoire, he
25 could defend Africans in general.

1 And as I've always said, in terms of injustice, that's what I was talking about, that's why I
2 said that he was a great head of state. And people all over Africa know him. That's my
3 personal analysis. And in the investigations and in many documents you will read that
4 this is the truth what I say to you.

5 Q. And I suppose that this is what you are referring to when you say a few lines further
6 on, and I quote, "I believe, believe that that is why today he is here." End of quote.

7 Is that right?

8 A. Yes, that's what I said. It is because, you know, sometimes in life not all fights are
9 the right ones, or not all truths are the right ones and that is why he is here. That's what I
10 said.

11 When I see the history of President Gbagbo it reminds me a little of that of Jesus and
12 Barnabas, just in general to those who know that story, they'll understand what I mean.
13 And that story has just repeated itself after thousands of years. It's history repeating
14 itself with the story between Jesus and Barnabas. I don't know if you know the story,
15 you know, the story of the world. This is my analysis. This is what's happening to
16 Gbagbo, Jesus and Barnabas.

17 Q. And who is Jesus?

18 A. Jesus? Well, I know, but --

19 PRESIDING JUDGE TARFUSSER: I think we're going a little bit too far with this
20 questioning on the Holy Bible. We should come back a bit to the facts. Please.

21 MR ALTIT: (Interpretation) Yes, the question that we were putting to the witness is
22 who is he comparing to Jesus when he's talking about African personalities so that we
23 understand the comparison here.

24 PRESIDING JUDGE TARFUSSER: Well, but I think it's self-evident. I mean, why
25 should we go further into this. I think we can leave it like here. I think it is quite clear.

1 But this is a personal opinion, an impression he has. It's not a fact, I would say.

2 MR ALTIT: (Interpretation)

3 Q. Well, it's very riveting what you're saying. And you go on to add, on 9 March,
4 page 87, line 17, talking of President Gbagbo, I quote, "I will never let him down."

5 And a little further on you say, "He is not a criminal. I want -- I want everyone to know
6 that. I think -- it is true that there was a crisis, there were people who died, but it wasn't
7 planned, it was during a crisis." End of quote.

8 Could you tell us a little bit more about this idea that it wasn't planned. On the one hand
9 you say that people died during the crisis and on the one hand you say that it wasn't
10 planned. Can you please explain because we need to understand things.

11 A. I thank you, Counsel. I am speaking with regard to what I am aware of. I said
12 that there was a crisis, there was a very serious political crisis where there were constant
13 clashes, constant turnouts in the streets. There were issues throughout the country.
14 And this gave rise to deaths.

15 But when I said that it is true that there were many people who died, I think that there
16 were more than 3,000 people. I didn't count them. I know that there were many people
17 who died, far too many people died, far too much violence. So I said it was not planned
18 and when I said it wasn't planned I mean that these were not crimes that were planned by
19 such-and-such a group saying, you know, tomorrow morning we're going to go and
20 attack such-and-such a group and we're going to eliminate them and kill them, or, for
21 example, another group might say we're going to attack another group. No.

22 What I'm saying is that it was a general crisis that hit Côte d'Ivoire. It might be wrong, it
23 might not, but what I'm saying is that there were many dead, but it wasn't planned in the
24 sense that people -- nobody gave an order to go and kill people. It was a crisis during
25 which there were clashes everywhere. That's what I said and that is what I am saying. I

1 think I've had myself understood, Counsel.

2 THE INTERPRETER: Message from the English booth: Could the witness please be
3 requested to slow down. Thank you.

4 MR ALTIT: (Interpretation)

5 Q. I think you have had yourself understood.

6 A little bit further on on page 87, when you say "they" -- or "He, President Gbagbo, was
7 arrested on 11 April. A thousand people died in a single day to the west of the country."

8 And a little bit further on, "However, Alassane didn't order this, President Alassane did
9 not plan this." And you say that this occurred in complete disorder.

10 So my first question to you is as follows: That the supporters of Alassane committed a
11 massacre and that a thousand died in one day to the west of the country, could you please
12 tell us what you are referring to?

13 A. Yes, I was talking about what happened in Duékoué in the refugee camp after the
14 elections when Mr Gbagbo was elected and people were -- the people were looking for
15 Gbagbo supporters, there were many people who died. Everyone knows that. I wasn't
16 present there on location, but that's what we saw in images, what we heard. I think that
17 there are mass graves and those bodies are under the authority of human rights groups
18 because investigations have not yet been completed, or maybe they haven't even
19 commenced.

20 So this is an example that I gave. This is an example that I gave saying that this was
21 complete disorder and this is how this came to occur. It wasn't planned. It happened
22 during a war. It happened during a political situation. Nothing was planned.

23 Whether it happened to the west of the country, whether it happened in Abidjan, nothing
24 was planned, it just happened. It was part of the crisis and that's what I mean.

25 Q. So what you are saying to us is that disorder --

1 A. I'm following you.

2 Q. Yes, I know. The notion of disorder is a very important point of explanation to
3 your mind to explain what happened during the crisis, the notion of disorder?

4 A. Yes, Counsel, that's what I mean because really there was no more control, you
5 couldn't control people. That's what I mean by disorder. When a population cannot be
6 controlled, it's difficult because there is complete disorder. That's what I mean.

7 Q. And for us to understand correctly, you are talking in general about all the -- all
8 sides, you're saying that nobody controlled anybody?

9 A. Yes, I'm talking about all sides. I'm talking here about all sides. I'm not talking
10 pro-this or pro-that, I'm not talking about Alassane supporters or Gbagbo supporters.
11 I'm talking about the fact that there was a difficulty in controlling people. It wasn't
12 planned. That's what I said and that's what I said to the Office of the Prosecutor and
13 that's what I'm saying to you and that's what I'm saying to the Chamber that there was
14 total disorder.

15 THE INTERPRETER: Message from the interpreter: Could he please be asked to slow
16 down.

17 THE WITNESS: (Interpretation) This is what I'm saying that everybody had -- well, it
18 wasn't planned. Everybody was doing what he wanted to do. That's what I mean by
19 this. And I believe that many people believe that this is the case.

20 MR ALTIT: (Interpretation)

21 Q. For us to understand you correctly and to understand what you are saying, this
22 general disorder really was -- gave rise to a lot of score-settling; is that correct?

23 A. Yes, generally speaking.

24 Q. And favourable means, you know, that it allowed for score-settling to occur?

25 A. Yes, that's what I meant.

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1 Q. Very well. Very well. Very well.

2 Still on 9 March, page 14, you say when the diplomatic solution was no longer
3 appropriate, the government of Mr Alassane, Soro Guillaume confirmed this himself, all
4 solutions, even those of taking up weapons were not excluded from -- in order to dislodge
5 President Gbagbo.

6 And a little further on you say, "They now have moved on to the military phase and that
7 is where things became very serious because the fighting commenced."

8 And then still further on you say, "It was he", and you're referring here to Alassane, "who
9 was to be installed at all costs, whatever the cost for Côte d'Ivoire for the Ivorians." Now,
10 from what you say here --

11 MR MACDONALD: Your Honours.

12 MR ALTIT: (Interpretation) I apologise.

13 MR MACDONALD: I would invite the Chamber to have a look at transcript of 9 March,
14 and the pages -- the page 14, and where my colleague started and what he's omitting to
15 see if it's fair to the witness to contextualise the question because he is omitting just not
16 words but full sentences that refer to concepts I submit in the question. And I think we
17 have to be fair with the witness, but also with everyone in this Chamber.

18 PRESIDING JUDGE TARFUSSER: I don't know if this was a quote or not a
19 quote -- please.

20 MR ALTIT: (Interpretation) Mr President, first and foremost, I'm not -- we need to say
21 that it's not correct for one reason or another.

22 Secondly, because a question is going to be put to a witness, we're not going to read out 30
23 lines, we need to understand the crux or the thrust of what he was saying in order to ask
24 him whether this is indeed what he meant to say. We're not here to repeat things, we're
25 here to attempt to understand and to have clarification. And, Mr President, we are here

1 because you've said this yourself in search of the truth. And God knows, God only
2 knows that it is difficult for us, for we who have not experienced the events who are far
3 from the country who are here.

4 And let me say that it is misunderstanding or also it is going about it so that the witness
5 does not answer the question. If you will allow, I shall take again what I have just said
6 and we will see together quite how it is just or unjust. What we have done here is to
7 attempt to understand what the witness has said, put it to him and ask him whether that
8 was indeed his testimony and if yes, if he has anything further to add for us to understand
9 what happened. There's nothing more to it.

10 And this really is a cross-examination that is respectful of what the witness said. What
11 the Prosecution is doing is not respectful to what he said because he is trying to allude any
12 problematic issues that were raised during the testimony of the witness.

13 MR MACDONALD: And I think again it starts clearly from the beginning of line 27 with
14 what is at the beginning of line 27 in the transcript that my colleague did not quote. He
15 paraphrased and then continues in the middle of a sentence. So there is a missing link
16 here to situate the witness in time and space.

17 PRESIDING JUDGE TARFUSSER: I would just request that you quote and then put the
18 question. I would -- I think it would be quite straightforward to have a quotation and
19 then the question to this quotation. Okay, thank you.

20 MR ALTIT: (Interpretation) Very well. So I'm going to read it in full.

21 Q. So it begins with "when" on page 20, and I'm quoting you, Mr Witness, okay? Oh,
22 page 14, line 20.

23 "So after people negotiated, after they discussed, after they did everything and there was a
24 solution for dialogue and the diplomatic solution was no longer working, the Alassane
25 government, as confirmed by Guillaume Soro, who is the president of the assemblée

1 nationale today, saying that all solutions, even those of taking up weapons were not
2 excluded with a view to dislodging President Gbagbo. And it was after the negotiations
3 were inconclusive that they went on to the military phase and that's when things became
4 very serious indeed because that's when the fighting started and the soldiers, the FRCI,"
5 so that we understand each other correctly, "and so the soldiers, FRCI soldiers who were
6 appointed by President Ouattara were received with the knowledge of the all-powerful,
7 the international community who were supporting the president because he had won and
8 because it was he who had to be installed. Whatever the price that this
9 would -- whatever the price to the Côte d'Ivoire to the Ivorians, this is what was going to
10 happen." End of quote.

11 So you will admit that the meaning is the same, but that they understand it a little less
12 well, but it is complete with linguistic mistakes included due to the rapid transcription.
13 So I am reading from this and more specifically, upon reading this, we are under the
14 impression, and you will tell me whether you agree with me or not as to whether this is
15 what you meant, under the impression that it was the RHDP side that was actually the
16 driving force behind the war and I would say -- or maybe not, that the RHDP was behind
17 the war and it would seem, according to what you say, and that's why I'm asking you this,
18 is that right, is that what you wanted to say or did you want to say something else?

19 A. It's not what you wanted -- what you've just said. I wanted to say something else.
20 And I shall repeat myself. I wanted to say, this is an example that I gave I believe the
21 day before yesterday or yesterday. I said that after all the negotiations, they decided to
22 move on to the military phase, which was supported by the international community and
23 the all-powerful states.

24 So this is an example that I'm providing you with. I provided you with examples of
25 other countries such as Libya, they wanted to remove Gaddafi, and they bombed Libya.

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1 There were many people who died and people are still dying in Libya, the country never
2 became stable again. They killed Gaddafi and nothing happened, nobody was brought
3 to book.

4 And the same thing is happening in Syria, they do not want the president, the Syrian
5 president, and the international community is organising itself in a block supporting
6 people whom were treated as terrorists because they wanted to have people to fight the
7 Syrian war. These people who were defined as terrorists previously were supported by
8 the international community because they wanted to change the regime in Syria. And as
9 you see today, Syria is destroyed. It no longer exists. That's what I mean.

10 PRESIDING JUDGE TARFUSSER: Excuse me, can we come back to Côte d'Ivoire
11 instead of making the politics of the whole world, I would ask you. Thank you.

12 THE WITNESS: (Interpretation) I do apologise, Mr President. I -- this was just an
13 example I wanted to really explain to counsel where there comes a point where you just
14 have to stop because you -- you can't stand up to certain individuals. That's why I gave
15 you some examples so that he can understand quite what I'm getting at. You know, you
16 have to stop at one point in time. There's a point at which you cannot go on. Those are
17 the examples I wanted to give you.

18 MR ALTIT: (Interpretation)

19 Q. Did you also mean to say on 8 March, page 69, line 26, I quote, "France has come
20 under 100 percent criticism in this crisis in the affairs of Côte d'Ivoire"?

21 A. Yes, that's the same thing that I meant to say there as well.

22 Q. And you say a little bit further on, page 70, line 1,

23 "We were disgusted by the fact that there was President Sarkozy who" --

24 THE INTERPRETER: The interpreter did not hear what Maître Altit said because he was
25 speaking very low.

1 PRESIDING JUDGE TARFUSSER: The interpreter didn't hear because you were far
2 away from the microphone and you spoke very low.

3 MR ALTIT: (Interpretation) I was quoting page 70, line 1 of the witness's testimony,
4 dated 8 March 2016. And the quote is as follows: "We were disgusted by this because
5 President Sarkozy and with your leave we're going to have to" -- so I think that the
6 question --

7 MR MACDONALD: (Interpretation) I think this is what your -- your meetings -- he
8 was managing France and if you -- if you follow on with the following line then --

9 MR ALTIT: (Interpretation) Well, let's ask the witness what he means by this.

10 Q. I shall repeat what you said and you will say what you wanted to say and I'm going
11 to repeat the sentence once again. I'm going to repeat the sentence once again.

12 "Yes, Mr Prosecutor, this case did not hide anything. France has been accused 100
13 percent in the crisis in Côte d'Ivoire. Everyone knows that. The medias are talking
14 about it. Everybody was talking about it. We, we found this disgusting because there
15 was President Sarkozy who was governing France." What do you mean by that? He
16 was interfering. What do you mean by that? What do you mean?

17 A. I'm going to repeat what I said. I was saying that we found this disgusting when
18 we saw that President Sarkozy, who was the president of France, was getting involved,
19 was meddling in the Ivorian crisis when I said that he was giving President Gbagbo 24
20 hours to leave power. Well, then, nobody accepted that. I was saying that he was
21 meddling, he was interfering and that is what I was saying that everybody knew that
22 France was really 100 percent involved in this crisis.

23 Q. That's what you said?

24 A. That's what I said.

25 Q. Yes, that's what we understood, but that's what the Prosecution --

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1 MR MACDONALD: No, no, no, no, no.

2 MR ALTIT:

3 Q. -- has not understood. You see what I mean?

4 MR MACDONALD: No, no, no, no, no, no, no, no.

5 PRESIDING JUDGE TARFUSSER: Just slowly. You can reply but not -- without
6 overlapping.

7 MR MACDONALD: That's not --

8 PRESIDING JUDGE TARFUSSER: And also this is a comment, Maître Altit. If the
9 Prosecutor had understood or not understood, I mean, it's a comment you make. Okay.

10 MR MACDONALD: (Interpretation) This is what the witness says a little further on
11 and I can read. You know, this is a faculty that I have also curiously, but in the context
12 where this word is included, we're talking here about managing, the word "management,"
13 gérance, but you don't talk about the bit of sentence that follows, but don't then say that
14 the Prosecution doesn't understand. You're playing to the gallery here. You shouldn't
15 be playing to the gallery, you should be making your case before the Chamber.

16 PRESIDING JUDGE TARFUSSER: I'll make no comment on the playing for the gallery
17 because otherwise I could say many things, but I do not.

18 Maître Altit.

19 MR ALTIT: (Interpretation) I don't want to go into this argument which to me is not
20 indispensable. The Prosecutor said the witness said this; whereas 30 minutes before the
21 witness has said the contrary.

22 PRESIDING JUDGE TARFUSSER: And I think it is now a good time to stop here while
23 the -- also to calm down until tomorrow.

24 I thank you, Mr Witness.

25 The witness can be brought out.

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1 (The witness stands down)

2 PRESIDING JUDGE TARFUSSER: At this point in time I ask after about over eight hours,
3 I ask Maître Altit on an estimate, a realistic estimate, always bearing in mind the time
4 constraints we have, please.

5 MR ALTIT: (Interpretation) I was waiting for the end of the interpretation. It is a bit
6 difficult, but it is easier than yesterday. Subject to what happens, and I will really
7 approximate here, subject to any surprises, we should end tomorrow by the end of the
8 day, maybe even before, but I really do not want to be precise here because I know what
9 can happen. I want to be a bit more flexible, take a longer approach. We'll end by the
10 end of the day, maybe plus or minus one hour, and then after, Mr Blé Goudé's Defence
11 can take over. I think that is the approximation that I can make.

12 PRESIDING JUDGE TARFUSSER: Okay.

13 Mr Prosecutor.

14 MR MACDONALD: One last thing, we just -- I understand my colleague will be sending
15 an email on the question of admissions so that we can wrap this up tomorrow with
16 certainty.

17 PRESIDING JUDGE TARFUSSER: You mean admission of the --

18 MR MACDONALD: Yes, the --

19 PRESIDING JUDGE TARFUSSER: -- video?

20 MR MACDONALD: -- legal interpretation they have of admissions because we've been
21 using admissions for a while now.

22 PRESIDING JUDGE TARFUSSER: Okay. So we can adjourn until tomorrow morning.
23 And I really urge you to -- okay, we understand each other. Thank you.

24 The hearing is adjourned till tomorrow 9.30.

25 THE COURT USHER: All rise.

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- 1 (The hearing ends in open session at 4.03 p.m.)