

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 Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Thursday, 17 March 2016
10 (The hearing starts in open session at 9.36 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Good morning.
15 Good morning, Mr Witness.
16 Good morning interpreters and to the parties.
17 WITNESS: CIV-OTP-P-0625 (On former oath)
18 (The witness speaks French)
19 THE WITNESS: (Interpretation) Good morning, Mr President.
20 PRESIDING JUDGE TARFUSSER: The floor is immediately to Mr Gbougnon for his
21 examination.
22 MR GBOUGNON: (Interpretation) Good morning, Mr President.
23 QUESTIONED BY MR GBOUGNON: (Continuing)(Interpretation)
24 Q. Good morning, Mr Witness.
25 A. Good morning, Counsel.
26
09.03.2016

1 Q. I know that this is quite difficult for you to have to testify for more than two
2 weeks.

3 A. That is correct, thank you.

4 Q. It must be tiring?

5 A. Yes.

6 Q. Let me reassure you that I will try not to revisit questions that have already
7 been put to you.

8 A. I'll be very pleased.

9 Q. Let us start by talking about Galaxie Patriotique.

10 A. In the course of your testimony, that is on the last day on which you were being
11 examined by the Prosecutor on 10 March 2106, transcript page 102, line 22, the
12 Prosecutor -- this is what you said: "The youth of the self-defence Galaxie
13 Patriotique were not structures, it was just a name. It could be said, for example,
14 Galaxie Patriotique was a name given to Galaxie Patriotique to the young leaders and
15 self-defence persons. It's as good as FDS or police or gendarmerie, as good as any of
16 those words."

17 Can you explain to the Court what you meant by that?

18 A. This is what I wanted to say. It all depended on how I understood the
19 question. When you're talking about the self-defence youth or Galaxie Patriotique,
20 the explanation I provided was about the Galaxie Patriotique, which was the group of
21 young leaders who came up together, who joined together in a group known as
22 Galaxie Patriotique.

23 So when you talk about self-defence, it would be referring to the things that I
24 mentioned yesterday about young people who were ready to defend the sovereignty
25 of their fatherland or the cause for which they stood, namely, their fatherland. That's

1 what I wanted to talk about.

2 I could provide a few examples. So what I meant was that it was not a structure as
3 such, unlike the police, for example, or the national gendarmerie or the FDS, the
4 entire security forces. So it was not, so to speak, an organised structure, but it was
5 simply a name, unlike the FDS which englobes all the national forces. The Galaxie
6 Patriotique was a group of all the youth who came together under that umbrella.
7 I don't know if you've understood me.

8 Q. What I understand is that you mean it is not an organised structure, namely,
9 that the Galaxie was not an organised structure; is that what you're saying?

10 A. Yes, that is what I am saying.

11 Q. When did you join the Galaxie?

12 A. I joined the Galaxie Patriotique during the crisis, during the crisis. I think it
13 must have been 2007, 2006 or thereabouts.

14 Q. So you officially joined the Galaxie between 2006 and 2007?

15 A. If I recollect properly, yes. I believe that it was around that time.

16 Q. Now, since you joined the Galaxie I take it that you participated in a number of
17 meetings with the other leaders?

18 A. Yes, several meetings.

19 Q. Did you attend any meeting at which the Galaxie set up a structure for itself?

20 A. No.

21 Q. There has never been a structure to organise the Galaxie?

22 A. No, because the Galaxie was already organised.

23 Q. You have during this trial on several occasions referred to Mr Blé Goudé as
24 "president" or "minister," and when you said so did you mean that he was president
25 of the Galaxie? And as far as you know, was there any point in time when there was

1 an election, quote unquote, or designation of Mr Charles Blé Goudé as president of
2 the Galaxie?

3 A. Thank you, Counsel. When I call Blé Goudé "president" it is not that I am
4 referring to him as president of the Galaxie Patriotique. I referred to him as
5 president, as president of COJEP. He was president of COJEP. I was president of
6 NACIP. So it is in that context that I referred to him as president. But I never said
7 here that he was president of Galaxie Patriotique. He is the president of his party,
8 COJEP, and that's it.

9 Q. Thank you, Mr Sam. And I appreciate your answer. I say so because it is true
10 that you never said president of Galaxie. So you refer to him as president of COJEP,
11 not as president of Galaxie Patriotique?

12 A. Yes, Counsel.

13 Q. Yesterday you also said that within the Galaxie there were a number of
14 movements?

15 A. Yes.

16 Q. And that each movement was autonomous. And I try to explain that this
17 means that each movement was not accountable to the other and did not receive
18 instructions from the other; is that the case?

19 A. Yes, that is what I said and that is what happened -- or, that's what happens.

20 Q. You never received any orders from the president of COJEP or COJEP, for
21 example, or from any other movement?

22 A. For actions?

23 Q. For actions.

24 A. No, not at all.

25 Q. Do you know most of the structures or organisations that were part of Galaxie?

1 A. Yes, I know some. I know the names, I cannot say that I know all the names,
2 but I know that among the leaders who were part of the Galaxie Patriotique we had
3 some who belonged to organised structures and who were with us. My structure
4 was organised, there was SOAF, Dibopieu, there was La Voix du Nord, there was also
5 Zéguen Touré's organisation and others as well. The FPI youth movement was
6 organised. It was an organised party. So there were several youth leaders from
7 other parties who also belonged to the Galaxie Patriotique. That is all what I'm
8 referring to as independent structures which were organised.

9 Q. Thank you. The association des jeunes pour le sursaut national, AJSN, do you
10 know them?

11 A. Yes, I have heard mention of them.

12 Q. Did you hear mention of them or do you know them properly?

13 A. Yes, I know them and I forget the president's name. If you remind me, I would
14 probably recall.

15 Q. You would know at least two or three organisations which were part of the
16 AJSN, wouldn't you?

17 A. I know that there were more than three organisations that were part of it, part of
18 that movement you referred to.

19 Q. Two or three? Can you mention them, if you can, please, or if you remember
20 any of them, can you just mention them. If you have any doubts, if you do not recall,
21 that's fine, just tell me. If you remember one or two organisations, fine.

22 A. I have no doubt, but I simply do not forget -- I do not remember the names.
23 You might jog my memory and I will tell you whether it is true or false. What I
24 know is that this group had two or three organisations belonging to it, but I don't
25 remember the names of the various organisations.

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1 MR GBOUGNON: (Interpretation) Mr President, I would like to confer with my
2 colleagues.

3 PRESIDING JUDGE TARFUSSER: Yes, of course.
4 (Counsel confer)

5 MR GBOUGNON: (Interpretation)

6 Q. Mr Witness, now, about the AJSN, and when I say COJEP, for example, did
7 COJEP belong to AJSN?

8 A. No, I don't think so.

9 Q. Do you know CONARECI?

10 A. Yes, its president is Jean-Marie. Yes, I know that. Jean-Marie Kona, that must
11 be its president.

12 Q. Its current president?

13 A. No.

14 Q. Which organisations belonged to CONARECI, if you could recall?

15 A. There were many of them, but I don't remember the names. It was a group
16 comprising several associations and I think there was La Voix du Nord and I don't
17 remember the others. All I know is that several organisations belonged to that group
18 and I know -- I knew its president very well.

19 Q. Mr Witness, as far as you know, and from memory if possible, what was the
20 atmosphere like within the Galaxie Patriotique? I'm referring to the atmosphere, the
21 relationship between the leaders. Were things always great, always good within the
22 Galaxie Patriotique?

23 A. As far as I am personally concerned, I did not have any problems with anybody;
24 however, there were times when things did -- well, you know, Galaxie Patriotique
25 was made up of a number of leaders and each one wanted to be the strongest of the

1 leaders. Therefore, from time to time, there were problems, many problems, come to
2 think of it, within the Galaxie. And he is even aware of it. Each leader wanted to
3 be first, each one wanted to be seen to be the most active or the strongest and that
4 created many problems between us and I cannot hide this. I think this is true. I
5 have said that I will tell the truth in answer to your questions and that's what I'm
6 saying. At some point things weren't going well for us at all.

7 Q. Mr Witness, Mr Sam, you have testified here that you stand for non-violence?

8 A. Yes.

9 Q. Now, within the Galaxie were you all of the same view when it came to fighting
10 for the fatherland?

11 A. No, I don't think so. Let me mention a sentence that President Gbagbo used
12 extensively: When you send, you must know how to send. And I think many
13 people did not understand what he meant by "when you send, you must know how
14 to send." And I think I understood what he meant. Many did not. You see, in our
15 group there were many people whose conduct did not tally with the president's ideas
16 and people were very independent, autonomous, they did what they wanted to do.
17 They were not sent to do so, but people took up responsibility feeling that in doing so
18 maybe they could make a name for themselves or stand out as being strong. But that
19 was not good. That was not -- that was not proper and personally I believe that this
20 is not what we wanted to do when we called for a defence of the fatherland in a
21 non-violent manner. I have always stood for non-violence.

22 MR MACDONALD: (Interpretation) I'm sorry to say that the sentence the witness
23 referred to as extensively used by Mr Gbagbo doesn't appear clearly on the transcript
24 in French. Can the witness kindly repeat that sentence so that we are all on the same
25 page.

1 THE WITNESS: (Interpretation) President Gbagbo used to say when you are sent
2 or when you are sent on a mission or you are commissioned, you must know how to
3 send yourself. So if you're on a mission, when you get to that place you must know
4 what the mission is and do it properly. That is what the president said. So when
5 you are sent, you must know how to send yourself. So if you are sent on a mission,
6 you must go to solve the problem of that important mission and know the purpose of
7 your mission so that it doesn't end up creating other problems. So when you are
8 sent, you must know how to send yourself.

9 MR GBOUGNON: (Interpretation)

10 Q. Thank you, Mr Witness. You have mentioned that statement with all the
11 explanation as to the meaning and you stand for non-violence of the fatherland with
12 your bare hands; is that what you stand for?

13 A. Yes, that's what I said.

14 Q. Was there any other movement within the Galaxie as far as you know which
15 had, like you, its own bare-hands policy or option?

16 A. There were some other movements, I can talk about COJEP, for example, I can
17 talk about the La Voix du Nord and yes, there were other movements, although we
18 did not have the same goals, but each organisation, each structure had its own ideas.

19 Q. Therefore, the theory of bare hands was an ideal upheld by COJEP and other
20 movements; is that what you have said?

21 A. Yes, that's what I have said.

22 Q. Apart from the bare-hands theory, was there within the Galaxie any other
23 means of action in support of defending the fatherland?

24 A. Are you talking about the Galaxie Patriotique?

25 Q. Let me repeat my question. You said that within the Galaxie there were those

1 who, including NACIP for you and COJEP for Mr Blé Goudé, who stood for
2 defending the territory and the institutions of Côte d'Ivoire with bare hands. That is
3 why my follow-up question is as follows: That was your theory, the theory that was
4 upheld by some of the members of the Galaxie. Now, I want to ask you whether the
5 other parties within the Galaxie had other positions and if so, what were they?

6 A. Thank you, Counsel. I do not want to delve into whatever interests each of
7 our -- each organisation had and how they acted and what their views and activities
8 and actions were. I've spoken for myself and what I know. I cannot speak on
9 behalf of the others quite sincerely.

10 I already told you here even yesterday, I think -- I don't know whether it is that
11 counsel or the other counsel who asked me a question about people being free to do
12 whatever they wanted to do within their organisations, and my answer was yes, yes,
13 everybody was free to do what they thought was ideal for them. Now, whether it
14 was good or bad, it was for them to determine and for them to be responsible for
15 those things.

16 So I think that it somehow summarises that question. Everybody was free to do
17 what they wanted to do within their movement. Let's say Serges Koffi's movement,
18 for example, known as Trimin.

19 Q. Are you talking about Souroukou Trimin?

20 A. Well, we say Trimin-Trimin. Now, that movement was said to belong to the
21 Galaxie Patriotique, but it never attended our meetings. In any event, I never saw it,
22 I never saw them at any of our meetings, maybe in one meeting, but it was -- the
23 movement was active on the field, it was doing its own things on ground. It had its
24 own members and everybody knows what they were up to.

25 So I'm answering the question by saying that, yes, indeed, using that example as well

1 as others that might be given, it was possible, as you can see, for each group to show
2 what their metal was and each individual, therefore, behaved according to what they
3 wanted to do and undertook their actions in that manner, although everyone claimed
4 that they were part of the Galaxie Patriotique and that they were patriots. And in
5 this particular case I never saw this person at any of our meetings. Thank you.

6 Q. So you are saying that there were differences in terms of actions and within the
7 Galaxie Patriotique?

8 A. Yes, there were many.

9 Q. Each movement is autonomous?

10 A. Very autonomous.

11 Q. And so to your recollection, do you know the relations between Mr Blé Goudé
12 and each of these organisations?

13 A. Thank you. Well, to be clear on the subject when you talk about relations
14 of -- well, quite honestly, I knew what my relations were with Blé Goudé and I knew
15 what my relations were with all the others, but as to his relations with all and sundry
16 I'm not in a position to know because they might have met in their own way, but as to
17 knowing what kind of relations they had, what kind of links, I really don't know, but I
18 know what my relations with him were.

19 Q. Did you attend at least one meeting during which Mr Blé Goudé gave
20 instructions, might have given instructions or orders to another movement, whatever
21 movement it may be?

22 A. Well, all the meetings that I attended or the seminars that were organised
23 together, we always spoke. There were never any -- we always met and we even
24 held seminars in order to ascertain what kind of framework we needed to resolve the
25 crisis in, how we were going to move forward and what type of actions we needed to

1 lead, how we were to meet with parties, how we were to encounter the Muslim and
2 Christian society and how we were to lead civil action in order to come out of this
3 crisis.

4 We had to hold rallies and we also made donations. For example, Blé Goudé went
5 to San Pedro to the north, partners of COJEP, he -- Blé Sépéo Mark (phon) was the
6 former president of COJEP who took Blé to meet with the Muslims and he gave them
7 certain things.

8 So you see, we did lead a certain number of actions and so did Blé. Also I led actions
9 like this. I went to the -- I went in order to give people donations in order to calm
10 down the crisis. Those were the kind of actions that I would lead.

11 There are -- there is proof, there is evidence to this. The media talked about it.

12 There were films. But as to what kind of orders he might have given, I don't know.

13 But we always held meetings and we always talked about how we could mobilise
14 people. You know, if something was going to occur the next day, we had to organise
15 rallies or when we needed to organise big rallies in Daloa or in Agboville on the
16 subject of freedom or in youth or peace or whatever, we'd come together to see how
17 we could organise this and how we could mobilise people and organise large-scale
18 rallies.

19 Q. So to sum up, your various meetings and with Mr Blé Goudé were always based
20 around the idea of a peaceful mobilisation of your supporters; is that what I should
21 understand from the account that you have just provided to me?

22 A. Yes, that's what I said and that's what I am aware of.

23 Q. So we shall now broach what we unfortunately called the hunt for foreigners,
24 I'll come back to that. Do you have any recollection of a call made of one only on the
25 part of Mr Charles Blé Goudé requesting the Young Patriots or the Ivorians in general

1 to drive out foreigners?

2 A. I believe that in this very same room I said that Blé Goudé -- well, everything
3 that he did and said was always communicated, disseminated. So when he made a
4 call, when he requested that people mobilise, there were always films to illustrate this
5 and to my knowledge in the meetings, the meetings that were held amongst the youth
6 of the Galaxie Patriotique, there was never any question of him talking about driving
7 out foreigners. He couldn't.

8 And within the Galaxie Patriotique there were also people hailing from the north.

9 But as I said to you yesterday and earlier, people took their own personal decisions
10 and behaved accordingly. There was no hunt for foreigners. Well, yes, there was
11 in Côte d'Ivoire, but there was, there was no such specific party that did it. But to
12 say that Blé Goudé launched such an appeal at one of our meetings or in public, I did
13 not see that. If you have any films or evidence to that effect, but I personally did not
14 see it. And I am a member of the Galaxie Patriotique.

15 I am from an immigrant family, it's true that I'm an Ivorian, but I am a foreigner who
16 became an Ivorian as millions of Burkinabés who became Ivorians. You know you
17 have people from Burkina Faso who have been there since 1950 and who are Ivorians
18 and who have had children who are Ivorians. The same applies for people from
19 Mali, people from Guinea and even the Lebanese in Côte d'Ivoire today, they are even
20 more patriotic than the average Ivorian. So this is just an illustration to you that it
21 wasn't a decision. It was just that there was tension and each and every person took
22 their own decisions.

23 I'd like to explain to you. Yesterday you showed us a film where the pro-Alassane
24 youth had got hold of weapons, but of course all of the youth got hold of weapons.

25 Who are these youth? They are people who are people who -- Burkinabés, they

1 are -- why did they do this? They thought to themselves that if they did not take up
2 arms in order to dislodge Mr Gbagbo, then were Mr Gbagbo to have the upper hand
3 over Mr Alassane, then they would all be thrown out. So they made the most of it to
4 take things out on the Burkinabé people from the north, the foreigners, et cetera. It's
5 not that there was an appeal for that, it was just that there were some youth who
6 didn't understand anything in Gbagbo's appeal and they just did what they wanted to
7 do and that's what really created problems and that's what created problems for
8 President Gbagbo. It is the behaviour of the people out in the field that really
9 disgusted people.

10 You know, 45 per cent of people in Côte d'Ivoire are foreigners in Côte d'Ivoire.

11 I think to my mind that this is the highest level in the world and that's many people
12 and you need to bear that in mind.

13 Q. Thank you, Mr Sam.

14 A. Thank you, Counsel.

15 Q. So, according to you, even in the meetings, well, you know, the meetings, we
16 can't see them. Your meetings are not televised as such, so it's a good thing that you
17 said that it was also the case during the meetings as well as in the rallies that were
18 televised that there was no call by anybody in your midst to drive out foreigners?

19 MR MACDONALD: Your Honour, there's no need to summarise what the witness
20 has just said. It's on record. We're here to ask questions. Because the way
21 the -- my colleague is summarising is also not totally accurate. Therefore, either we
22 refer to the transcript that just came or we simply just ask questions. We've heard.

23 PRESIDING JUDGE TARFUSSER: Can you please rephrase. Can you please
24 rephrase. Thank you.

25 MR GBOUGNON: (Interpretation) Thank you, Mr President. In fact, I was

1 summarising, seeking his approval as to whether he is in approval with what I'm
2 saying. And if he's not in approval, he can say so. I think it's as simple as that.
3 We're not going to enter polemics. If he says, "Well, that's not what I said," then we
4 can move on to something else. Thank you.

5 Q. Mr Witness, in your opinion, or at least according to the regulations governing a
6 normal, in inverted commas, state --

7 A. Sovereign.

8 Q. No. I'm not talking about sovereignty at this stage. I'm talking about a
9 normal state according to the rules that govern the world. What are those rules
10 in -- those individuals, correction, who are authorised to wear a uniform and carry
11 weapons?

12 A. Very well, Counsel, thank you. As you yourself already pointed out, we're
13 talking about a normal state and those people who are authorised to carry weapons, a
14 state that is not in a state of warfare, a normal state. It is the soldiers, the police, the
15 gendarmerie, the customs, people who work in forestry, those are the people who are
16 in a normal state entitled to carry weapons. That's what you specified.

17 Q. You are a leader of the Galaxie Patriotique. Your movement has today become
18 a political party as far as I'm aware?

19 A. Yes, Counsel.

20 Q. And so you are somebody whom certain people might be inspired by as a
21 leader?

22 A. Yes, Counsel.

23 Q. Let us delve back into the atmosphere that reined between January 2011 and the
24 end of March 2011. You as a leader, if youth want to defend their fatherland and
25 they come to you to ask you to provide them with assistance, what would you do?

1 A. Well, it depends on the type of assistance they're requesting.

2 MR MACDONALD: Your Honour, this is a hypothetical question that can be
3 rephrased into a direct question. It's purely hypothetical. It can be asked: Did
4 people come to you and ask you and how did you help them? But --

5 PRESIDING JUDGE TARFUSSER: Again, I think the Prosecution is right. I mean,
6 if you go in the atmosphere back, I mean it's a little bit -- it's not really a direct
7 question. If you could rephrase this, it would be very helpful.

8 MR GBOUGNON: (Interpretation) Thank you, Mr President. In fact, the
9 situation in Côte d'Ivoire was not hypothetical, but I shall rephrase it.

10 Q. In March, if my memory serves me correctly, in March 2011 there was a call
11 made, a call that was referred to as Mr Blé Goudé's appeal or call for youth to enlist.
12 Now, according to your knowledge, did that youth manage to enlist?

13 A. Yes, to my knowledge, yes, there are some who managed to have themselves
14 enlisted. As to whether all managed, I don't know, but some did.

15 Q. And according to your personal feeling, was that, I'd like to say, normal that
16 people had themselves enlisted in what I understood to be the army, I think that's the
17 case?

18 A. Thank you, Counsel. I'll answer. But before doing so, I'd like to say
19 something. I believe that in the larger countries of the world there are military
20 reservists. We didn't have any military reservists and I think that is entirely normal.
21 I do not see any problem associated with that because it is entirely normal that via
22 such a means, that is via a normal legal means, the youth enlist in order to become
23 soldiers in a legal manner in order to defend the cause because they feel that their
24 fatherland is -- but if there is a law in the world that I'm not aware of that forbids this,
25 I'm not aware of it.

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1 I believe that it is entirely normal that Ivorians seeing war approaching and that they
2 see themselves coming under attack, then go and have themselves enlisted in order to
3 have training in order to defend their fatherland. That's officially recognized, but we
4 also know that larger powers enlist people undercover and train them. It's difficult
5 to manage such a situation, but that's how the world is made.

6 MR MACDONALD: (Overlapping speakers)

7 MR GBOUGNON: (Interpretation) I do not see any objection.

8 MR MACDONALD: (Interpretation) 19 March 2011.

9 MR GBOUGNON: (Interpretation) Thank you, Mr Prosecutor.

10 THE INTERPRETER: Correction from the English booth because there were
11 overlapping speakers: The Prosecutor said that he was ready to make the admission.

12 MR MACDONALD: (Interpretation) I understand that this would also apply for
13 the Gbagbo team.

14 MR O'SHEA: Yes, there is no reason for an objection.

15 MR GBOUGNON:

16 Q. Mr Witness, Mr Sam -- you know, I'm torn between saying Mr Witness and
17 Mr Sam or Mr Madou even, but I think I'll stay with Mr Sam.

18 A. I prefer the African.

19 Q. Very well. So it's Sam l'Africain.

20 A. Or the African.

21 Q. So how long have you known Mr Blé Goudé, since what period?

22 A. I have known Blé Goudé since the time when he came to hold his first rally at
23 the Place de la République, and I believe I saw him on one occasion a little while back
24 at the elections of Mr Gbagbo against General Guéï at the HQ. I'm not sure whether
25 it was he. I believe I saw him there. We just greeted each other. I'm not sure

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1 whether it was him or not, but subsequently I no longer saw him again until his
2 return when he held his large rally at the Place de la République and I saw that he
3 had returned and that he was there again.

4 Q. You saw him. So did you just see him on the podium or did you have dealings
5 with him?

6 A. No, I did not have dealings with him. I just saw him on the podium. We
7 didn't talk to each other.

8 Q. But after this rally in October 2002, if my memory serves me correctly --

9 MR MACDONALD: (Interpretation) Are you suggesting a date, 2 October? 1
10 April? 4 April? Place de la République, there were quite a few rallies held there
11 during that period.

12 THE WITNESS: (Interpretation) Well, in general when he had just arrived during
13 the crisis at the rallies that he held, I didn't approach him. I think I approached him
14 a year later when I went to his office, I believe, and that is where we went into matters
15 a bit more deeply and then we sealed our relationship.

16 MR GBOUGNON: (Interpretation)

17 Q. And so that year later, from that moment in time you frequented him on a
18 regular basis until he was no longer in the country; is that correct?

19 A. Yes.

20 PRESIDING JUDGE TARFUSSER: Excuse me, can we know which year we are
21 talking about? What is the time frame? Because until now I don't know.

22 MR GBOUGNON: (Interpretation) I apologise, I didn't have my headset on.

23 PRESIDING JUDGE TARFUSSER: We don't know -- you're speaking of some years,
24 of a time frame when he started to know him, but we don't know which are the years
25 which he started, first knew him and then entered in more, as it seems, more personal

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1 relations. So just also to give the time lines, please.

2 MR GBOUGNON: (Interpretation) Thank you, Mr President. I shall rephrase the
3 question for it to be more specific.

4 Q. Mr Sam, so can you situate in time this period for the Chamber with a little bit
5 more clarification in terms of years.

6 A. Yes. I said that this was after the large-scale meeting at the place -- rally at the
7 Place de la République. I don't know whether it was 2002 that I started to
8 frequent -- well, I started to frequent Blé at the beginning or at the end of 2003, if my
9 memory serves me correctly that is.

10 Q. In the context of your mobilisations or the mobilisation of the Galaxie
11 Patriotique, in inverted commas, did you assist or were you on the organisational
12 committee for rallies held by Mr Blé Goudé?

13 A. No. As I said to you, we held meetings and even if he needed to organise
14 rallies, he would tell us what was going to go on. But within the organisation, well,
15 it was at his own level that things were done. I was never part of the organisation of
16 those large-scale rallies, but I was always at the --

17 THE INTERPRETER: Could the witness please be requested to repeat the last part of
18 his answer. It was unclear.

19 PRESIDING JUDGE TARFUSSER: Mr Witness, the interpretation asks you to repeat
20 the last part of your answer because it was not clear.

21 THE WITNESS: (Interpretation) Thank you, Mr President. I was saying that I did
22 not -- well, we attended all the meetings to prepare the rallies, but as to organising
23 them himself, it was Mr Blé who did that with his members of staff.

24 MR GBOUGNON: (Interpretation)

25 Q. Therefore, when it came to logistics, since you've been in meetings, you know

1 what I'm talking about when I say logistics, chairs and tents and sound systems and
2 what have you, since you were not personally involved, you don't have any idea what
3 the logistics was when it came to organising these things?

4 A. Blé had logistics, including chairs and tents and large sound systems, that's
5 what he used.

6 Q. Let me be more specific. You said that Blé or Mr Blé Goudé had his staff that
7 would take care of all matters pertaining to logistics. Therefore, when it came to
8 matters of cost, you and I would not know anything about that; is that correct?

9 A. Okay, now I understand your question. Let me give you an example, if that's
10 what you want us to talk about. You know, we have all been involved in organising
11 rallies, but it all depends on the scope of the rally. A major rally, for example, at the
12 stadium involves significant costs, as much as 30, 40 to 50 million when you have
13 such a major rally to organise.

14 Q. Now, your estimate is based on what you know but not on what would have
15 been specifically done; is that correct?

16 A. Yes, yes, that's what I'm saying. I'm giving you an assessment based on my
17 own knowledge. It's my own idea of what it might cost. And that's it.

18 Q. Therefore, you agree with me that your assessment or your estimate can be
19 different from what actually obtains in practice?

20 A. Yes, it can be. It can be different.

21 Q. At some point in your testimony, and if I'm mistaken please correct me, you
22 said that the youth or at least the members of the RHDP did not have access to the
23 RTI; is that correct?

24 A. Could not have access during the march or for announcements?

25 Q. For announcements, for example.

1 A. When I said they could not have access, as far as I knew, it was extremely rare
2 for any announcements to come from them, but from time to time there would be the
3 odd announcement.

4 MR MACDONALD: I just want to raise -- because in his testimony the witness
5 specifically was asked during the crisis and that is not part of the question of my
6 colleague. So if we're going to go back to what the witness said, I think it's better
7 again to go to the transcript exactly what was said. But I have a vivid memory that it
8 was associated during the crisis.

9 PRESIDING JUDGE TARFUSSER: I don't know if you go back to the -- if it's a new
10 question, it's a new question. If you go back to what the witness said before, we
11 should be accurate.

12 MR GBOUGNON: (Interpretation) Thank you, Mr President.

13 Q. Let me read out your statement or your testimony of 9 March 2016, from line 15,
14 including the question of my learned colleague of the Prosecution.

15 Question: "If one were a representative of Mr Ouattara was it possible to go to the
16 RTI and make an announcement, was it possible?"

17 Your answer at line 18, page 27: "No, it was not possible, but then it depends. It
18 was already war times. At that time what message would one have been
19 announcing? It was not possible."

20 Is that what you said?

21 A. Yes, that's what I said because we were already at war.

22 Q. So my question then is as follows: You said that "we were already at war."
23 You said "it depends, we were already at war." Now, did that situation -- or did
24 things always happen in that way, namely, did the people of the opposition, quote
25 unquote, did they have access to the RTI before the war?

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1 A. Thank you, Counsel. Before the war, towards the end, the opposition had
2 access to the RTI but not as regularly as they might have wished. Everybody knows
3 that. They had rallies and they made announcements which were broadcast but not
4 on a regular basis.

5 Q. Was that possible on television?

6 A. Yes.

7 (Counsel confer)

8 MR GBOUGNON: (Interpretation) I'm sorry, Mr President.

9 Q. Mr Witness -- or, rather, Mr Sam the African, did you ever belong to -- or did
10 you ever go along with Mr Charles Blé Goudé to an organisation SOTRA or any other
11 organisation to receive money?

12 A. No, I have never been with him to any such transaction.

13 Q. You've never been a direct witness of that, have you?

14 A. No.

15 Q. Did you ever -- were you ever a witness of him receiving any funds for an
16 organisation or to organise an event?

17 A. Not in my presence, no.

18 Q. I didn't quite understand your answer.

19 A. No, not in my presence, no.

20 Q. Mr Sam Jichi, I want to thank you for your collaboration in the quest for the
21 truth. I am very appreciative.

22 MR GBOUGNON: (Interpretation) Mr President, that will be all for this witness.

23 PRESIDING JUDGE TARFUSSER: Thank you very much. I don't know what
24 happens now.

25 Mr N'Dry.

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- 1 MR KNOOPS: Mr President, Mr N'Dry will be the last person and I think he
2 will -- he will probably finish in one session. So we might close I think today with
3 the defence of Mr Blé Goudé, even before the end of the day today, so the Prosecution
4 could, if it appreciates any re-examination, take the floor afterwards.
- 5 PRESIDING JUDGE TARFUSSER: So we could also take the break now and come --
- 6 MR KNOOPS: Yes.
- 7 PRESIDING JUDGE TARFUSSER: -- at 11.30 so we can --
- 8 MR KNOOPS: Mr N'Dry can prepare his documents and we can --
- 9 PRESIDING JUDGE TARFUSSER: Okay.
- 10 MR KNOOPS: -- go forward. Thank you.
- 11 PRESIDING JUDGE TARFUSSER: Okay. So we make the break now and we come
12 back at 11.30.
- 13 THE COURT USHER: All rise.
- 14 PRESIDING JUDGE TARFUSSER: Thank you.
- 15 (Recess taken at 10.43 a.m.)
- 16 (Upon resuming in open session 11.35 a.m.)
- 17 THE COURT USHER: All rise.
- 18 Please be seated.
- 19 PRESIDING JUDGE TARFUSSER: Good morning again. The floor is to
20 Maître N'Dry I think for the questioning of the witness.
- 21 You have the floor.
- 22 MR N'DRY: (Interpretation) Thank you, Mr President.
- 23 QUESTIONED BY MR N'DRY: (Interpretation)
- 24 Q. Good morning, Mr Witness.
- 25 A. Good morning, Counsel.

1 Q. I'm going to call you Sam; is that okay?

2 A. Yes, Counsel.

3 Q. Let me now do the same thing that my other learned colleagues have done
4 before me; namely, I will be examining you, putting some questions to you and you
5 will provide answers to those questions within the limits of your knowledge of what
6 you know with a view to shedding light on those matters for the Court. Initially
7 I had many questions for you; however, I am sure that you must be missing Côte
8 d'Ivoire?

9 A. Yes, of course.

10 Q. That is why I decided to review my questions so that you may be able to quickly
11 return to your wife and to your children whom you miss, of course.

12 A. Thank you very much.

13 MR MACDONALD: Your Honours, I mean, I know it seems very innocuous and
14 nice. We're not here to play nice. We're here to ask questions and let's not use the
15 family members into this.

16 PRESIDING JUDGE TARFUSSER: It's surely nice. I don't know if it's innocuous,
17 but please go ahead.

18 MR N'DRY: (Interpretation)

19 Q. Mr Sam the African.

20 A. Yes, Counsel.

21 Q. I would like to play a video shortly, but let me quote what you said this
22 morning to Mr Gbougnon. In the French transcript for today you said the following
23 at page 13 from line 11 when Maître Gbougnon put the following question to you:
24 "But it was never the question that Mr Blé Goudé should tell us to issue a call or
25 anything to drive out." And you were referring there to foreigners.

1 That having been said, let me now play the video. It is a video with the following
2 reference number: CIV-D25-0005-0002. The video was recorded on
3 23 December 2010. And I would like a 1 minute 44 seconds segment of that video
4 from timestamp 000, so the entire video.

5 (Viewing of the video excerpt)

6 MR N'DRY: (Interpretation)

7 Q. Mr Sam.

8 A. Yes, Counsel.

9 Q. Have you seen this video before?

10 A. Yes, I have.

11 Q. Can you confirm -- no, I'm sorry. Listen to my question. Can you confirm
12 that this has been the consistent position of Mr Blé Goudé whenever he spoke? Now
13 when Maître Gbougnon was examining you, you said that there was never a call
14 issued to drive out foreigners. Can you confirm that this video actually confirms
15 Mr Charles Blé Goudé's position on this matter?

16 A. Thank you, Counsel. I think that yesterday or the day before I said here in this
17 courtroom that we had no problems with white foreigners, international community
18 French people and what have you. We had no problem with them. I said that
19 hatred and revolt was created in Ivory Coast because of the behaviour of their
20 government.

21 Now, that having been said, let me answer your specific question. What Charles,
22 president of COJEP, has just said, and if you listen to his calls whenever he has made
23 them, this is what he said at Christmas, at which time the French government had
24 asked its nationals to leave Côte d'Ivoire and return to their country. He was telling
25 them to remain in the country because we had nothing against them. That is what

1 he was saying. That was the call he was making.

2 Q. Let me revisit the issue of Mr Charles Blé Goudé's company. You talked about
3 Mr Charles Blé Goudé's company. Can you give us the name of his company?

4 A. I think it was Leader Team or something like that.

5 Q. Leaders Team?

6 A. Yes, Leaders Team. Yes.

7 Q. Can you tell us what the business of that company was?

8 A. Yes, it was a communications business and like I said, they were in charge of
9 communication. For me they were the ones who broadcast my films and my adverts
10 and everything in that area. So that was their line of business, communication.

11 Q. You said in relation to that company that it had several contracts with the public
12 administration as well as the private sector and you have just said that you yourself
13 were one of the private sector companies that dealt with that company. Can you
14 confirm that?

15 A. Yes, that is what I said because I was asked where the money came from for the
16 campaigning. That's the question that was put to me, and I said that to the best of
17 my knowledge it was from his business, which was providing communication
18 services to both public and private sector organisations. And I think that's how he
19 made his money. And that's what I said.

20 Q. That's important. Thank you. Please don't feel uncomfortable when we
21 revisit a few items because all we are seeking is clarification.

22 A. Counsel, I'm not uncomfortable at all. If I am not able to answer a question, I
23 will tell you I am not able to answer the question.

24 Q. Thank you, Sam the African. Now, to make things clear for everybody the
25 services provided for NACIP by that company were paid for; is that correct?

1 A. Yes, I received an invoice and I paid for the services.

2 Q. You testified here that you funded your own rallies yourselves from what you
3 earned through your business, through your company; is that correct?

4 A. Yes, that's what I said.

5 Q. So Mr Charles Blé Goudé also had a company and therefore it can be said that
6 he had the resources flowing from that company to be able to also fund his own
7 rallies; is that correct?

8 MR MACDONALD: Objection. If the witness is privy to that. Does he know the
9 money this company makes and so on? It's to the knowledge of the witness if he has,
10 like you've been saying today this morning, direct knowledge of these things.

11 PRESIDING JUDGE TARFUSSER: Yes, just please ask the question what he knows
12 about it. Obviously you can put the question, but as far as it is not a guess by the
13 witness but a knowledge.

14 MR N'DRY: (Interpretation) Thank you, Mr President. I think that the witness's
15 answer on the question is very clear and so I will move forward.

16 Q. Now, let us revisit the issue of the RTI in order to clarify matters properly.
17 During the crisis and from the time of the creation of NACIP you talked about going
18 on a number of tours within the country carrying your peace message to the country.
19 Were your rallies broadcast over the RTI?

20 A. Yes.

21 Q. Was this live or were the programmes broadcast as part of a report on TV
22 newscasts or was the coverage live?

23 A. Thank you, Counsel. I think I see where you're heading. When I went on
24 tour there would be a report on the 8 p.m. newscast and there would be a report on
25 our rally at that time, so it was within the newscasts.

1 Q. When the Prosecutor was examining you, you provided an answer in which
2 you referred to Mr Charles Blé Goudé's rallies as having been broadcast over the RTI.
3 Was it the same principle that applied when it came to his rallies as yours?

4 A. Yes.

5 Q. I would like to know how things happened when you organised an activity or
6 an event or a specific event, how would RTI be informed of the event and how would
7 Ivorians become informed of these events through the TV medium and its newscasts?

8 A. Thank you, Counsel. Before I went to ask for services from Blé's company on
9 behalf of my structure, what happened before then was that we would make an
10 application to the TV and inform them that I will be going to Bouaké on samedi,
11 where I intend to organise a rally and therefore request the services of RTI who will
12 provide a journalist and a cameraman and all the attendant logistics. However,
13 quite often the services were not good because you would not find a good camera or a
14 good journalist to come along on such a mission, and that is how I turned to Mr Blé's
15 company which was active in the area of communication and asked them if they as a
16 business would take care of my activities. And so there was no problem at all, no
17 problem.

18 And that's how things happened. I would go there, they would provide a
19 cameraman and prepare the footage that would then be submitted at the RTI, which
20 would then broadcast it. That is how things happened.

21 Blé's services were better because the RTI services were not regular and they were not
22 good enough. A journalist might not be available, a camera might not be available
23 and what have you. So that is why I resorted -- or I reverted to a private sector
24 which was able to provide better services.

25 Q. Now, so that we can all follow and to be clear on this matter, what happened

1 then was that you would send an application to RTI informing them that you had an
2 event somewhere, and given that RTI had journalists, they would cover the event, if
3 they had a journalist available at the venue. But if they did not have any journalists,
4 you were able then to turn to a communication facility that may have its own camera
5 in order to make up for the shortcoming of the RTI; is that what you are saying?

6 A. Yes, yes, that is what I am saying.

7 Q. Now, when it came to your rallies, did you have a journalist within RTI who
8 generally covered your events?

9 A. Before, before Blé's company?

10 Q. Yes.

11 A. Before Blé's company, yes.

12 Q. Now, let me delve a little further into this matter. Do you know a journalist by
13 the name of Mambo Abbé? When I say do you know him, I'm not referring to his
14 private life, I'm referring to his professional life. Did you know whether -- or do you
15 know whether he is a staff of the RTI or not?

16 A. Thank you, Counsel. I will repeat myself because I have already answered this
17 question. I said that he was a journalist. Now, whether he was a civil servant
18 working at the RTI or not, I did not know. All I know is that he was a journalist who
19 would cover events. Thank you, Counsel.

20 Q. I would now like to discuss with you still in relation to the RTI of a well-known
21 body or institution. If you do not know it, please say so. The National Council of
22 Audiovisual Communication, do you know that institution?

23 A. Yes, I have heard mention of it. We all heard mention of it and it does exist.

24 Q. Now, if I were to put it to you that Frank Anderson Kouassi is a name -- does
25 that name ring a bell?

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1 A. Yes, I know him.

2 Q. During the period that our country experienced and maybe around 2005, that
3 time, you watched TV quite a lot. Now, do you remember any statistics or any
4 reports from that institution to the RTI which regularly mentioned the amount of time
5 used by political parties and civil society organisations on TV? Do you have any
6 recollection of those monthly reports?

7 A. Yes, Counsel. I followed all those reports at the time.

8 Q. If you do remember off the cuff those reports, are you in a position to tell the
9 Court whether in those reports the opposition parties had access to the RTI, the state
10 television?

11 A. Are you talking about the campaign period?

12 Q. No, not during the campaign. We will get there, but I'm talking about the
13 period before the campaign.

14 A. Yes, they provided those reports. They came to TV and showed the airtime for
15 various political parties and other associations and civil movements. All those
16 details were provided spelling out how much time each organisation -- how much
17 airtime each organisation had.

18 Q. At the end of it all, they provided a summary generally speaking?

19 A. Yes.

20 Q. And that summary would mention, for example, that such-and-such a political
21 organisation had more airtime than the others; do you remember that?

22 A. Yes.

23 Q. As far as you recall what was the difference in airtime accorded to opposition
24 parties and the party in power? What was -- or, rather, what was the total airtime of
25 the opposition parties and that of the parties in power?

1 A. To be absolutely honest with you, I'm afraid I don't recall what the total times
2 were in those reports. I know there was a summary section, an overview in the
3 report, but I don't recall.

4 Q. Nonetheless, can you confirm that opposition parties had access to that state
5 body?

6 A. Yes, during the campaign, yes, it was open.

7 Q. When you were answering the questions put by the Prosecutor, you gave a
8 contemporary example of the way in which you are dealt with by the RTI. You were
9 talking about now. You referred to a number of events which had been covered by
10 bodies of the RTI but which had never been broadcast. Do you confirm that?

11 A. Yes, I confirm. I confirm that I invited to -- them to a number of my press
12 conferences and rallies and they attended, but they never broadcast them to the
13 general public. It was never, never broadcast to the general public.

14 Q. Very well. I would like to turn now to the election period when the campaign
15 was launched. Do you recall how the RTI dealt with the various candidates? In
16 fact, how many candidates were there at the first round?

17 A. 12 or 13, I believe.

18 Q. I see. Do you recall the way in which the RTI dealt with or treated those
19 various candidates for the presidency?

20 A. Yes, Counsel. There was an organisation in place, you cited the name of that
21 organisation. That organisation decided the amount of airtime that each candidate
22 or each party would receive, so how much time they would have and when that time
23 would be given. So I believe that everybody received the airtime which had been
24 accorded by that body. I don't recall how much time that was, but I know that there
25 was a body that decided on the airtime for each candidate and on which channel.

1 Q. So you can confirm that all of the political parties or at least those candidates
2 who were involved in that election had access to that state organ?

3 A. Yes, I confirm.

4 Q. Including the RDR?

5 A. The RHDP?

6 Q. The RDR.

7 A. Yes.

8 Q. I'm going to turn to a different matter now. We will leave the topic of RTI.
9 I'd like to refer to a statement which you made here. You referred to foreigners,
10 foreigners who left Abidjan. I would like to get some clarity on this. Now,
11 yesterday when you were answering the questions of my colleague Mr Knoops you
12 said that you had told members of your family that you were -- or, rather, that you
13 had sent members of your family to take refuge in the village. They are citizens of
14 Côte d'Ivoire, I believe?

15 A. Yes.

16 Q. Well, at that time if I were to say to you that there were not only foreigners who
17 were leaving Abidjan but rather that all of the people, the residents of Abidjan were
18 fleeing the city, would that be right?

19 A. Yes, I said that. I said everybody was fleeing, the foreigners, everybody who
20 was based in Abidjan. I agree with that.

21 Q. Very well. Mr Sam the African, I'd like now to put a question regarding a
22 matter which I think is important and will help the Judges to understand well what
23 happened in our country, in Côte d'Ivoire. I'd like you to consult your memory. If
24 you recall, please let us know. If you do not, let us know. Now during the
25 post-electoral crisis, in particular around March or April, were you informed of the

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1 forced opening of the MACA, the main prison of Abidjan, by the rebels?

2 A. Yes, Counsel, we were informed.

3 Q. You were informed of the forced opening of the MACA, the prison of Abidjan?

4 A. Yes, Counsel. We were informed that the prison had been attacked and all of
5 the prisoners had been released.

6 Q. I see. Could you tell us where is the MACA situated in Abidjan, in which
7 commune is it located?

8 A. Thank you, Counsel. The prison of Abidjan is located in the commune of
9 Yopougon not far from the industrial zone, not far from Abobo on the road to
10 Anyama. That's the area where the prison is located.

11 Q. If we bring to mind the main road, you take --

12 THE INTERPRETER: The interpreters understood the quelième (phon).

13 MR N'DRY: (Interpretation)

14 Q. Which bridge do you take?

15 A. On the motorway you take the third bridge above the Adzopé road.

16 MR MACDONALD: (Interpretation) Could -- if you have the map, you will see
17 the way that this runs. There is the motorway to the north. There is the forest of
18 Abobo. It's easy to see on the map.

19 PRESIDING JUDGE TARFUSSER: When you asked in which commune the jail was,
20 I thought why don't you show the map? I mean, why should -- I think this is
21 something very much objective, so just use the means we have, a map or something
22 like this, instead of bringing it through the -- bringing this knowledge in through the
23 witness. Thank you.

24 MR N'DRY: (Interpretation) Thank you, your Honour. We will be going into this
25 question with other witnesses. It's just a matter of timing. It will come up and will

1 be done.

2 Q. Witness, the forced opening of that prison, did that take place towards the end
3 of the crisis, in other words, between March and April?

4 A. Yes, I think it took place towards the end of March, I believe so.

5 Q. Okay. Please see if you also recall the following: Do you recall whether the
6 MACA, that is to say the prison of Abidjan, was also opened in a similar fashion at an
7 earlier stage in Côte d'Ivoire's history, so before the crisis?

8 A. Before the crisis? I don't believe so. You're talking about the prison being
9 attacked and the prisoners released? No, I don't believe so.

10 Q. Of course we're going to deal with this in further detail in relation to the
11 Prosecution and the Court, but you referred to the third bridge. There is a unit of the
12 FDS not far from there, are you aware of that?

13 A. Yes.

14 Q. What unit is that?

15 A. The BAE, I believe.

16 Q. The BAE. Yesterday we showed a report where there was just a police station
17 and I'm going to put you -- I'll put a specific question to you regarding that. Are
18 there several police stations like that, like the one in the report which were treated in
19 the same fashion? Could you just give me a yes or no answer, please?

20 A. All of the police stations in the district of Abidjan had the same fate, all of the
21 police stations.

22 Q. Okay. I promise not to be long.

23 A. Thank you, Counsel.

24 Q. I'm just going to finish with one last video which I'd like to show to you. After
25 viewing the video I'll just have one or two questions to put to you.

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1 MR MACDONALD: (Interpretation) Could we have the details, please.

2 MR N'DRY: (Interpretation) Yes, I shall give those. CIV-D25-0005-0005. This is
3 a video related to the programme Raison d'État, we've talked about that before, so an
4 RTI programme, dated 1 January 2011. That's an estimated date. We would like to
5 view this video from minute 2, from 2.11 through to the end, please.

6 MR MACDONALD: Just before -- we don't have any objections to the presentation.
7 It's not about that. When my colleague is saying an estimated date 1 January 2011,
8 it's that the eCourt system when you don't have a date automatically puts a date.
9 Sorry. Automatically puts -- I have to stand close still.

10 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

11 MR MACDONALD: Exactly, but that's, you know, that's hard.
12 It automatically puts -- the system has to put a date, so it puts 1 January 2011. So I
13 just want to clarify that when my colleague is saying "estimated date" the witness can
14 help us I'm sure try to put a date.

15 PRESIDING JUDGE TARFUSSER: He can say it's for sure before the estimated date;
16 this is clear. Thank you for the clarification.

17 Please go ahead. Please go ahead. I don't know who is activating, but is it you or
18 the Registry?

19 MR N'DRY: (Interpretation) It is the Defence bench.

20 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

21 (Viewing of the video excerpt)

22 MR N'DRY: (Interpretation)

23 Q. Mr Witness.

24 A. Yes, Counsel.

25 Q. I see a much younger face on this video. Is that you?

1 A. Yes, that's me all right.

2 Q. Can you tell us when this video was recorded or when this programme was
3 broadcast?

4 A. I think it was in January.

5 Q. January which year?

6 A. After the elections, 2011.

7 Q. January 2011. Can you confirm the statements you made in that interview?

8 A. Yes, and I've said the same thing here also.

9 Q. I had promised to be brief and this will be all. I am done. Allow me to simply
10 thank you or did you have something to say?

11 A. Yes, Counsel. Before you finish, I think that counsel put a question to me
12 about the 1995 elections, I think it was yesterday, on the boycott of 1995 and I did not
13 quite understand that question. Now I have thought it over and --

14 Q. He was asking you whether there were any barricades during that elections of
15 the active boycott.

16 A. Well, he didn't quite explain to me what he was looking for and I did not quite
17 understand his question, but now if the Chamber wants, I can provide an answer to
18 that question.

19 Q. Our Defence team, Mr Charles Blé Goudé's team simply wants to thank you and
20 we wish you a safe trip back to Côte d'Ivoire, the country that you love dearly.
21 Thank you.

22 A. Thank you, Counsel.

23 MR N'DRY: (Interpretation) Mr President, that will be all.

24 PRESIDING JUDGE TARFUSSER: Thank you, Maître N'Dry.

25 It's now 12.35 I think we go to the afternoon.

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1 MR MACDONALD: With your indulgence, your Honour, just a second.

2 PRESIDING JUDGE TARFUSSER: Please.

3 MR MACDONALD: Yesterday -- yes, we're ready for this afternoon. We will be
4 ready, but the thing is that last night when we were -- we broke, Mr N'Dry came to
5 me and the whole debate was how much time do I need and he's going to finish next
6 week and so on. So we're sending a list of documents on which we intend to rely for
7 the re-examination because the questions of my colleagues have raised certain issues
8 that -- and we'll send this list.

9 Can I -- our wish would have been to start from 3 to go until 5 and then we're
10 probably done completely, if that's possible. Why 3? Because, you know, initially
11 we were to start next week, so we have to quickly reorganise ourselves, which we're
12 doing at the moment, but I think then by 5 we're done.

13 Now, also another issue is -- and if we can -- in terms of scheduling, if that is
14 appropriate, if the Chamber is amenable to that. In terms of the impact on the
15 witness, I spoke to his counsel, it doesn't have any because -- from a logistical point of
16 view. We're in public session, I limit myself to that.

17 PRESIDING JUDGE TARFUSSER: I also invite you to stick very much to what is
18 said in the -- about the re-examination. It's not a new examination.

19 MR MACDONALD: Of course not. It's all based on questions that were addressed
20 by my colleagues or documents that were shown in part by my colleagues which we
21 never raised in chief and never came close to touch in chief.

22 PRESIDING JUDGE TARFUSSER: Okay. And finish at 5 o'clock?

23 MR MACDONALD: That is my wish, indeed, but of course it all depends on the
24 witness and so on, but that's our utmost intention so that everybody is done and
25 we're done even earlier than expected.

1 PRESIDING JUDGE TARFUSSER: So would that be okay, 3 to 5?

2 MR ALTIT: (Interpretation) Thank you, Mr President. We are flexible and in
3 principle we have no objection. We expect that people would be prepared and we
4 hope that on the other side we can receive the same flexibility and courtesy.
5 A week ago we asked to start a little bit late in order to be able to prepare ourselves,
6 but the Prosecution objected, saying that we ought to be ready at all times. Now, I
7 am in your hands, Mr President, but courtesy would be most welcome,
8 understanding of the workload of each Defence team would be good. We
9 understand what the Prosecution is going through too, but that's all I wanted to say.
10 I am not objecting, but I simply just want to say that we all need to understand that
11 we are in the same, in the same vessel. That's one thing.
12 Secondly, when it comes to the issue of re-examination, if you allow me, I would like
13 to say something about that. Thank you very much.
14 Now, Mr President, your Honours, I would like to seek clarification from you.
15 Mr President, you said on 15 March at page 16 in the French transcript at page 16, line
16 17, and I quote you: " An examination-in-chief and cross-examination does not exist
17 in the Rome Statute. Those terms do not exist, examination-in-chief and
18 cross-examination, and so we're not referring to those terms."
19 But you were in order, you were in order, Mr President, when you said previous that
20 each team would operate at the same level and avoid any leading questions. Be it
21 cross-examination or examination-in-chief, the same rule would apply. And that's
22 why I raise the following question, that's why I raise the following question: Since
23 there is no difference in the examination-in-chief by the calling party and the
24 cross-examination by the non-calling party, given that both are of the same footing,
25 therefore, the non-calling party cannot put open-ended questions to test the

1 credibility of the witness, if that is the case, what then is the position when it comes to
2 re-direct or re-examination?

3 Because this is what we understand, Mr President: In the common law process
4 things are very clear. There is a mechanism in place which has some stages,
5 examination-in-chief being the first stage, which is clear and which gives some room
6 to the calling party to operate in a certain manner.

7 Then there is the second level, which is cross-examination, in the opposite direction,
8 and in that case the elbow room for the non-calling party is different because the
9 purpose of the examination is different.

10 So there is a mechanism, therefore, which needs to -- which calls into place a third
11 phase and that's the third phase whereby the calling party can now revisit some
12 issues that were not new but which were brought forth by the non-calling parties in
13 order to cover all grounds from different angles.

14 That we understand, Mr President. And we also understand, and this is the crux of
15 our application for clarification, is that we do not understand what the Chamber is
16 trying to do, namely by putting the calling party and the non-calling party on the
17 same level with the same elbow room. That's what we have understood. If that is
18 the case, therefore, then it would only be logical to our mind that there should be no
19 re-direct because the re-direct only obtains within the logic of the common law
20 system where the two parties are functioning through examination-in-chief,
21 cross-examination and then cross-examine -- and then re-direct.

22 Otherwise, if we are both on the same footing, that is examination-in-chief and
23 cross-examination, then when you give the floor again to the calling party, it could be
24 the Prosecution or the Defence, that would mean giving that party the opportunity to
25 re-examine and therefore breach the very strict procedure that we understood that

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1 you wanted to put in place for the two parties.

2 So that is a cause for imbalance. That's where we seek clarification so that we can

3 understand the logic behind the system that your Chamber has introduced. Why is

4 there re-direct in that system? Isn't it a cause for imbalance?

5 Now, if we are told that re-direct is part of the decision on the conduct of proceedings,

6 which by the way was based on the common law system, it would seem to me that

7 things have a bit changed -- have changed a bit. Now, if that were to be the

8 consideration, then it would seem to the Defence that we too ought to be able to have

9 the possibility to put questions to the witness.

10 And this is a fundamental principle. It is a fundamental principle for the Defence to

11 have the last word and that's what is contained in paragraph 38 on the decision on the

12 conduct of proceedings, which I quote: "In exceptional circumstances the calling

13 party may be authorised" -- well, you know it, Mr President. Therefore, I will simply

14 stop at one word. Defence teams will put the final questions to the witness pursuant

15 to Rule 140(2)(d) and that would be our request, namely, that we should be able to

16 proceed along those lines.

17 My last point, Mr President, is about the duration of the upcoming session.

18 Mr President, once again, I refer to what was discussed among us, namely that the

19 duration of the sessions should be one and a half hours at most for reasons that have

20 already been stated.

21 That's all I wanted to say, Mr President. Thank you.

22 PRESIDING JUDGE TARFUSSER: The hearing is adjourned until 2.30.

23 THE COURT USHER: All rise.

24 (Recess taken at 12.44 p.m.)

25 (Upon resuming in open session at 2.36 p.m.)

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1 THE COURT USHER: All rise.

2 Please be seated.

3 PRESIDING JUDGE TARFUSSER: Good afternoon. Just before giving the floor to
4 the Prosecutor, I would like to say first that there was no intent by the Chamber
5 to -- somehow to favour the Prosecutor in giving him a little bit -- a few minutes more.
6 The problem was only that myself, I had friends here, so I was happy that I could
7 leave 15 minutes earlier to spend some time more with them. So this is the first
8 thing.

9 The second thing is that we will have an hour and a half session, then we continue
10 tomorrow morning.

11 And the last question, if necessary, questioning, if necessary, is by the Defence.

12 Good?

13 Okay. So now the floor to the Prosecutor. And I really invite the Prosecutor to stay
14 inside the boundaries which were established by the Chamber. Thank you very
15 much.

16 Yes, please.

17 MR ALTIT: (Interpretation) Your Honour, I'd like to ensure that we save time and
18 that we are clear on where we're going. So I think it's worthwhile clarifying a
19 particular point that strikes me as being very important. I'd rather clarify it now
20 rather than raising it each time that the Prosecutor submits a new document during
21 re-examination. This will allow you to handle the matter immediately and we'll
22 know what to expect, thereby saving time.

23 Now, the decision regarding the conduct of proceedings does not provide for a
24 procedure for notifying documents for use during re-examination. That's my first
25 point.

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1 Now, a few moments ago, we received 16 documents from the Prosecution,
2 documents which the Prosecutor intends to use in their entirety or at least some of
3 them during re-examination. And if I've understood rightly, you have just
4 authorised re-examination. So 16 documents. But, in fact, there are little less than
5 16 because some of them are transcripts of videos, so they are not documents in the
6 original sense, but it's 16 items.

7 Now, some of these documents have not been notified.

8 MR MACDONALD: (Interpretation) Excuse me.

9 I'm really uneasy the fact that the witness is here to hear all of this, your Honour.

10 I would really prefer that we do not have the witness. I'm very sorry. I know it
11 creates movement in the courtroom.

12 PRESIDING JUDGE TARFUSSER: No, but it's very procedural. I mean, we're not
13 going into the merits.

14 MR MACDONALD: I know, but he -- you were going into the content, and I don't
15 want the witness to be forewarned of the content even though these are specifically
16 matters raised by the Defence. But that's my only request. I'm sorry to interrupt.

17 PRESIDING JUDGE TARFUSSER: No, I don't know if you go into the content.

18 I -- of the --

19 MR ALTIT: (Interpretation) Your Honour, I think that in this instance, the
20 comment made by my colleague is justified, and it is possible that we will enter into a
21 discussion on the content of the documents and, therefore, in such circumstances, it
22 would be preferable if the witness were not present. But it won't take long, your
23 Honour.

24 PRESIDING JUDGE TARFUSSER: Okay. Court usher, could you please bring the
25 witness outside until the discussion on this matter is over. Thank you.

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1 (The witness stands down)

2 PRESIDING JUDGE TARFUSSER: Maître Altit.

3 MR ALTIT: (Interpretation) Thank you, your Honour. So we have received 16
4 documents from the Prosecution. Now, the protocol on the conduct of the
5 proceedings does not provide for notification of documents for use in re-examination.
6 That's my first point.

7 Secondly, the nature of re-examination is not to address what has already been raised
8 but, rather, to obtain specifications or specific details on points which require further
9 detailing.

10 As a result, the nature or the purpose of re-examination excludes the use of new
11 documents; that is to say, documents which have not already been used in the course
12 of examination-in-chief or cross-examination; or, if you prefer, examination by the
13 calling party and examination by the non-calling party, to use your terminology.

14 Thirdly --

15 (Pause in proceedings)

16 PRESIDING JUDGE TARFUSSER: Please, Mr Altit. Sorry.

17 MR ALTIT: (Interpretation) Third point. Even if one were to have a working
18 method whereby new documents could be used, then one would need to distinguish
19 between different classes of documents.

20 First of all, documents not notified by the Prosecutor amongst those that he should
21 have notified to the Defence during or with a view to examination of the witness.

22 Secondly, documents notified by the Prosecutor with a view to examining the witness
23 but not used by him during his examination of the witness. Thirdly, documents
24 notified by the Defence but not used by the Defence.

25 In the case of each of these three categories of documents, the Defence is opposed to

1 their use during re-examination. There is no reason for them to be used when they
2 have been notified already by a party or where they have not been notified by any
3 party.

4 Once again, one cannot use re-examination as a means to introduce or reintroduce
5 documents and to open discussions even under the cover of these being the
6 discussion of points already raised.

7 Fourth point, the documents notified by the Defence and used by the Defence. Here
8 I'm still referring to the second scenario; that is to say, documents which have been
9 notified. In that case, it is our position, the position of the Defence, that the
10 Prosecution may only use that which has been used by the Defence; for example, a
11 specific video excerpt from such a time code to such a time code, and may not go
12 beyond that, beyond what has been used, and this only when it has been used.

13 Finally, my last point, the Defence notes that the table sent to it by the Prosecutor, the
14 table which contains the 16 documents, the Defence has seen that the Prosecutor
15 intends to use those to conduct a cross-examination of its own witness, something
16 which is not possible, is not allowed under examination-in-chief and certainly not in
17 re-examination and to do so on topics which have already been addressed and which
18 are, therefore, not new topics which the Defence raised in its cross-examination.

19 For example, the RTI, it seems clear from the table that the Prosecutor intends to
20 question his witness on this topic, although it has already been addressed by him and
21 by the Defence and it is not new. Therefore, it seems that the Prosecutor is utilising
22 the notion of re-examination to the ends for which it was not intended. This is clear
23 from his table of 16 documents.

24 The Prosecutor intends to use this examination to supplement or fill in the gaps of his
25 own examination-in-chief, his first examination-in-chief; whereas, it is our position

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1 that the questions and answers put to the witness must not be intended to
2 complement what has already been said or not been said or to put matters to him that
3 had not already been addressed.

4 It is very important that these issues are addressed, I believe, before re-examination
5 commences, and the answer from the Bench will be of use to us all. Thank you.

6 PRESIDING JUDGE TARFUSSER: Mr Knoops?

7 MR KNOOPS: Thank you, Mr President. Very briefly. Two observations:
8 Directive 38 provides for the situation of exceptional circumstances for
9 re-examination. And directive 42 stipulates the way materials should be introduced
10 for the calling party to examine the witness.

11 We have observed that out of the 16 documents, which are on the list to announce a
12 re-examination of this witness, 10 documents were not notified by the Prosecution in
13 accordance with directive 42. Therefore, we submit that the Prosecution should not
14 be allowed to use these documents during re-examination. And Mr President, my
15 last point is, in our submission, the balance or the disbalance which will be created as
16 such cannot be remedied by allowing the Defence, in reply to a re-examination, to
17 re-re-examine the witness because it will not countervail the handicap the Defence
18 will face that it cannot use any document in countervailance of the 10 new documents
19 the Prosecution intends to rely upon during the re-examination.

20 In this way, Mr President, the Prosecution would be granted a second chance for its
21 case, to present its case through re-examination and, therefore, we believe that at least
22 these 10 documents should not be allowed to rely upon. Thank you.

23 PRESIDING JUDGE TARFUSSER: Legal Representative, I think, yes.

24 MS MASSIDDA: Your Honour, I think that the Prosecution can take the floor. I
25 have no observation.

1 PRESIDING JUDGE TARFUSSER: Office of the Prosecutor.

2 MR MACDONALD: Your Honours, the purpose of a re-examination is to explore
3 topics that the Prosecution did not anticipate or touching upon in its own
4 examination-in-chief and that the Defence raised.

5 We are to send our list of documents on the Thursday before the following week.

6 The Defence is to send their list of documents 24 hours before the start of their cross.

7 So we have no clue what the Defence will be asking the witness questions on. We
8 find out in the courtroom. And I'll give you an example -- two examples that
9 I would like to come back in re-examination with this witness.

10 We never touched upon 3 March incident. They did. Mr O'Shea asked questions.

11 Therefore, we now have the video of the RTI that was being discussed, and we want
12 to be able to show that to the witness in a non-leading way.

13 Same thing with the events surrounding the bombing -- of the killings at the hôtel
14 Ivoire. It is in 2004. There's a whole chain of events surrounding that, including a
15 call of Mr Blé Goudé at the -- for the people to go to the 43rd BIMA. We did not
16 intend to touch this with this witness. We tried to focus as much as we could with
17 the witness we had on given topics. The Defence chose to do that.

18 Now we have documents that have been disclosed that are either on our LOE, but I
19 would say even if they're not on our LOE that's a separate issue, but here they are.

20 Because we cannot anticipate that the Defence -- if not, well, we put everything. We
21 put -- I mean, our whole list of evidence will be at play each and single time. But
22 that's not the purpose of these lists.

23 There is nothing in the Rules. I mean, the directives about the list but, to be quite
24 honest, it's Defence documents that they know about, they used them here.

25 And it's another thing, I totally disagree with Mr Altit because we cannot be

1 misleading here. Showing an excerpt of 30 seconds in the context of a 10-minute
2 interview is one thing, but I want to be able to come back with the witness.

3 So these are all topics that were raised by the Defence the first time or went into
4 details. I think I could have finished within an hour and a half, maybe even quicker,
5 depends on the witness. And I'm using visual support in order to -- for the Chamber
6 to understand these events with clear days, clear images, clear discourse, clear
7 comments. That's what the Prosecution is attempting to do right now. And there's
8 no surprises about these documents. There's nothing of a surprise. They were even
9 in our DCC, in our PTB, in our element-based charts and whatever other chart we
10 disclosed.

11 PRESIDING JUDGE TARFUSSER: Thank you.

12 We suspend 10 minutes to deliberate on this.

13 THE COURT USHER: All rise.

14 (Recess taken at 2.54 p.m.)

15 (Upon resuming in open session at 3.09 p.m.)

16 THE COURT USHER: All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: The Chamber, on the issues raised by the
19 Defence of Mr Gbagbo, and having heard the other parties, decides as follows: The
20 re-examination by the calling party is allowed, and the documents he can use is
21 limited to the documents which are already submitted to the Chamber during the
22 testimony of the witness, meaning without the possibility to use new documents.
23 Mr Prosecutor.

24 MR MACDONALD: So just so I understand, when the Defence is raising a topic that
25 the Prosecution had no clue it would raise, you allowed questioning on that,

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1 which -- so it's a topic never raised by the Prosecution in-chief, which I understand
2 they can go on anything. If we want to come back in re-examination to clarify using
3 video footage, you're not allowing it?

4 PRESIDING JUDGE TARFUSSER: That's what the Chamber decided.

5 MR MACDONALD: Okay.

6 PRESIDING JUDGE TARFUSSER: You can question on this, but without new
7 documents, without new -- documents which are not yet already submitted to the
8 Chamber.

9 MR MACDONALD: And can we know why, the reasoning behind this? Because
10 right now there is no reasoning. There's a decision saying that this is not permitted,
11 but there's nothing to understand the decision of the Chamber.

12 And I'm saying this very respectfully, your Honour, because we're -- the hands of the
13 parties are like this. It's going to be the same thing when the Defence is going to be
14 crossing.

15 PRESIDING JUDGE TARFUSSER: Absolutely, yes.

16 MR MACDONALD: And there's no -- there's no preparation sessions with
17 witnesses, there's no nothing. What -- the consequence of this, your Honour, and I
18 tell you right now, is that the Prosecution will now be adding hundreds of documents
19 to its list of documents. I'm sorry. Because anything is up for grabs now.

20 PRESIDING JUDGE TARFUSSER: I would invite you now to start with the
21 examination, with the re-examination. Thank you.

22 (The witness enters the courtroom)

23 QUESTIONED BY MR MACDONALD: (Interpretation)

24 Q. Good afternoon, Mr Witness.

25 A. Good afternoon, Mr Prosecutor. Good afternoon, Mr President.

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1 THE INTERPRETER: Says the witness.

2 PRESIDING JUDGE TARFUSSER: Please, sit down. Yes, please.

3 THE WITNESS: (Interpretation) I do apologise. I just wanted to have a little
4 clarification and know when my testimony will be coming to an end because, you
5 know, people are saying tomorrow, people are saying Tuesday. It's important for
6 me to know.

7 PRESIDING JUDGE TARFUSSER: No, I would say, without asking the parties, but I
8 would say tomorrow for sure. So this is -- tomorrow for sure. And I would also
9 say maybe tomorrow during the morning hours. So I think that by tomorrow noon
10 you are free somehow. Okay.

11 THE WITNESS: (Interpretation) Thank you, Mr President. I just wanted to know.
12 Mr Prosecutor, you may go ahead.

13 PRESIDING JUDGE TARFUSSER: Thank you, Mr Witness.

14 MR MACDONALD: (Interpretation)

15 Q. Mr Witness, I'd like to make a few points of clarification here during this
16 re-examination session. The adviser, the defence adviser to Mr Gbagbo, was
17 somebody we talked about in T-31, page 13, lines 25 to 27. Do you recall his name?

18 A. Yes. It was Mr Bertin Kadet.

19 Q. And yesterday the -- Mr Gbagbo's wife, who hails from the north, was also
20 talked about. I'm talking about transcript 31, page 31, line 31. Do you remember
21 her name?

22 A. Yes, Nady Bamba.

23 Q. And do you know what kind of company or what kind of profession Madam
24 Nady Bamba has?

25 MR ALTIT: (Interpretation) I do apologise, Mr President. We are raising an

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1 objection. Yes, I do believe that the Prosecution is broaching a subject that was not
2 broached at all, notably the private life of the president, the professional activities of
3 his wife. Nothing was broached, and I do not see the nexus with anything that was
4 discussed over the past few days.

5 PRESIDING JUDGE TARFUSSER: We'll see where the Prosecutor is going.

6 Please, Mr Prosecutor.

7 MR MACDONALD: (Interpretation)

8 Q. And during the post-electoral crisis, Madam Bamba was the spouse of
9 Mr Gbagbo. When I say "spouse," I mean the traditional spouse or wife of
10 Mr Gbagbo; is that correct?

11 A. Yes.

12 Q. And to your knowledge, what were her professional activities during the
13 post-election crisis?

14 A. I believe that she is a journalist by profession.

15 Q. And for which newspaper or newspapers?

16 A. I think that she, herself, was a journalist, I believe, for RFI or something at the
17 time.

18 Q. Do you know whether, in addition to this, she was the proprietor of any
19 companies during the post-electoral crisis?

20 A. Yes. The newspaper Le Temps is hers.

21 Q. So that you -- you think that she is proprietor of the newspaper Le Temps?

22 A. I do believe so.

23 Q. It was said that Mr Blé Goudé has a communications company. To your
24 knowledge, did Mrs Bamba also have a communications company?

25 MR ALTIT: (Interpretation) Mr President, I do apologise. The Prosecutor should

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1 say a little bit more on this line of questioning because we have five or six questions
2 here. We see -- we do not see what he is getting at. We'd like to know whether the
3 line of questioning corresponds to what was covered over the last few days or not
4 because we seem to be beating around the bush here. We'd like to know whether
5 this is something that was broached over the last few days. We'd like to know what
6 this line of questioning is about and either we stop here or we raise an objection.

7 MR MACDONALD: I'll reformulate, your Honour.

8 MR ALTIT: (Interpretation) I do apologise. I would like to specify what I was
9 saying. The question that was put, notably with regard to the lady that we are
10 discussing was with regard to her ethnic group, and it was the witness who raised
11 this point saying to you that he wanted provide an example of the open mindedness
12 of the -- of President Gbagbo, and he gave the example of this lady. So it has nothing
13 to do with what is being broached now. It was the nature of her ethnic group, and
14 we object to this line of questioning.

15 PRESIDING JUDGE TARFUSSER: Mr Prosecutor, would you please --

16 MR MACDONALD: Reformulate the question?

17 PRESIDING JUDGE TARFUSSER: No. And tell us where you go in relation to the
18 fact that as was objected -- to the fact what was the relation to the questioning by the
19 Defence of this topic.

20 Can it be on the record that the witness took off the headphones due to an invitation
21 addressing --

22 MR MACDONALD: (Overlapping speakers) by the Prosecution.

23 PRESIDING JUDGE TARFUSSER: -- an invitation in this sense by the Prosecutor.

24 MR MACDONALD: Thank you. Your Honour, I have one last question because
25 even though it's the witness that volunteered the information in the context of a

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1 response, the Prosecution -- now, this element is on the record. I don't want to dwell
2 on this. I have one more question and then I'm moving to another topic.

3 Very briefly, what was the role of this wife of Mr Gbagbo during the crisis? And I'm
4 going through her profession. And now one more question as to the newspaper Le
5 Temps.

6 PRESIDING JUDGE TARFUSSER: Okay. Go. No, we -- it can't -- it can't go on
7 like this, it's questioning. I mean --

8 MR ALTIT: (Interpretation) Mr President, I do apologise, but you can see -- well, it
9 would seem to me that the -- it's a very tenuous link. There is no link. He is
10 grabbing hold of this name that was mentioned during a discussion that has nothing
11 to do with this and then moving on to activities that nobody has been talking about
12 for the last few days. I mean, how long have we been having discussions with this
13 witness, eight or nine days, and we haven't broached this at all? So he gets hold of
14 the name with a view to moving on to another subject. That's not a re-examination.
15 Really. It might be that it's a problem of translation, but it seems so self-evident to us
16 that under the cover of re-examination we move on to talking about something else
17 and other individuals, and that's the reason why we we're objecting.

18 MR MACDONALD: Your Honours, we were disclosed open sources coming from
19 that newspaper by the Defence. And I think it's important for the Chamber,
20 eventually, to have on record where these things come from.

21 PRESIDING JUDGE TARFUSSER: Yes. Mr MacDonald, please, can you just go
22 ahead with a new topic.

23 MR MACDONALD: I will.

24 PRESIDING JUDGE TARFUSSER: Thank you.

25 MR MACDONALD: (Interpretation)

1 Q. I just wanted to clarify something for the transcript. This meeting in Addis
2 Ababa, you do not know the date at which it occurred, do you?

3 A. No.

4 MR MACDONALD: (Interpretation) I have a proposal for an admission to the
5 date to my colleagues. And if they are ready to admit or make an admission, then
6 we'll move on to something else. 10 March 2011.

7 A decision?

8 Have a think, and we'll come back to it later.

9 Q. Now, Mr Witness, I would like to come back to 3 March 2011. You said that
10 you were watching the RTI when Maître O'Shea put questions to you which showed
11 the death of the women during the march. Did I understand your testimony
12 correctly? This is transcript 31, page 36, lines 13 and ongoing.

13 A. Yes.

14 Q. And on how many occasions, to your knowledge, did this report that you saw
15 on the RTI, how many occasions was that same report aired?

16 A. I believe on a number of occasions.

17 Q. So it was presented on one first occasion, and then it was presented again and
18 again on the same day or the following days?

19 A. I think it was presented more than one time, two or three times over that day or
20 the following days.

21 Q. And on each occasion what did the RTI say about this incident?

22 A. Well, if my memory serves me correctly, the video, before explaining the
23 women's march, showed the women's march and the presence of armed men. And I
24 believe that a little further on then -- well, you should have the video. And if we
25 could see it, that would be good because before actually showing the women, they

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1 showed the march itself, they showed the march, and in the midst of the march, there
2 were armed men. And I believe after then -- well, I don't know whether it's one and
3 the same video, but I think it's the same one.

4 MR MACDONALD: I want to note, your Honour, and I seek your permission. I
5 know your decision, but now the witness indicates that if he could see the video. We
6 have it. It's video of exactly -- if we watch that excerpt in full as presented, it's
7 2 minutes. 2 minutes.

8 PRESIDING JUDGE TARFUSSER: One of the six which are not --

9 THE INTERPRETER: Microphone, please, Mr President.

10 MR MACDONALD: That's right. That's right.

11 PRESIDING JUDGE TARFUSSER: Is it one of the six which have not been shown?

12 MR MACDONALD: But the witness now says if he could see the video.

13 PRESIDING JUDGE TARFUSSER: Yeah, of course.

14 MR MACDONALD: I know, but it's your decision.

15 PRESIDING JUDGE TARFUSSER: But it's -- now we will see what the Defence says.

16 MR ALTIT: (Interpretation) It's saying what you said.

17 PRESIDING JUDGE TARFUSSER: Okay.

18 MR ALTIT: It's clear. It's very clear. And what is more - I apologise - it would
19 seem to me that we're putting words in the witness's mouth. He didn't say that there
20 are two different videos, but whatever the case may be, let's not beat around the bush,
21 the decision is clear and we will hold by that -- every letter of that decision.

22 MR KNOOPS: Mr President, support -- with all due respect, I don't think that the
23 witness can set aside a ruling of the Court.

24 PRESIDING JUDGE TARFUSSER: That's why I ask you, Mr Knoops. Of course not.
25 We know what the witness -- that the witness can't do that. That's why I ask the

1 parties because on the consensus we could, right, so --

2 Please, Mr MacDonald, go ahead.

3 MR MACDONALD: (Interpretation) Let's move on to another topic.

4 (Speaks English) If you allow me just a second.

5 Q. (Interpretation) Mr Witness, I would like to come back to a video that was

6 presented by the Defence, and I will provide the reference CIV-D15-0001-0570. And

7 I note for the record that this video is a YouTube video, one and the same that was

8 presented to the witness, 0547, and that the estimated date of the Defence is

9 17 December; whereas, this same exhibit was presented over the RTI on 30 December,

10 as I have already mentioned, 31 -- or, 30 December.

11 Now, my question is as follows: You were shown this appeal or call made at the

12 Golf Hotel where Mr Soro is seen with the soldiers whom you said were FRCI. We

13 can see Mr Wattao. We see Mr Moro, I believe. What about the call made by

14 Mr Soro to the population, what do you remember about that? In the days

15 preceding the march, the call that he made, the call that Mr Soro made to the

16 population, what do you remember about it?

17 A. Are we talking about the march on the RTI?

18 Q. Yes. Do you remember where he was when he talked?

19 A. We saw him in the gardens of the hôtel du Golf.

20 Q. No, no. Before. Before this excerpt. What about Mr Soro's call to the

21 population?

22 A. Well, the call he made to march upon the RTI where he asked President

23 Ouattara to appoint a director general for the RTI and that this person be

24 installed -- so he came to give this communiqué and he called upon people to go and

25 install the general director of the RTI. I believe that is the case.

1 Q. Very well. Mr Achi, who is he?

2 A. Achi Patrick? Well, he is the minister of infrastructure today.

3 Q. And at the time?

4 A. He was a minister in the government of President Laurent Gbagbo.

5 Q. Do you recall what he said before the march with reference to this march?

6 A. No. I do not remember whether he said anything, or maybe I didn't see -- see
7 it.

8 Q. Now, still with reference to this same Defence video that was shown to you,
9 I would like to show you or have this played from the outset.

10 A. 30 December?

11 Q. What was presented on 30 December.

12 MR ALTIT: (Interpretation) Objection. The Prosecutor can only show the excerpt
13 that has been used. He cannot show any other item. This has been tendered in
14 Court at time code 2.41 to 3.31. Only that excerpt may be used and not what is
15 before and not what is after. To do so would be in violation of the decision of this
16 Court.

17 PRESIDING JUDGE TARFUSSER: Of which decision do you mean?

18 MR ALTIT: (Interpretation) The decision on use of new documents by the
19 Prosecution. The excerpt which we used is the piece of evidence which was used.
20 Anything before or after that excerpt or from this video or another would be another
21 document and, therefore, cannot be used because that would be a new document
22 being used by the Prosecutor. I'm referring also to your decision on what has been
23 submitted to the record. According to your decision, that is the excerpts, the
24 excerpts or the evidence which has been submitted. So we're talking about a very
25 specific part of the video.

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1 PRESIDING JUDGE TARFUSSER: Okay. Prosecutor. Mr Knoops?

2 MR KNOOPS: No separate observation, Mr President. Thank you very much.

3 PRESIDING JUDGE TARFUSSER: Mr Prosecutor?

4 MR MACDONALD: Your Honours, where does this stop? I mean, you can show
5 an excerpt that is -- it's like citing a decision. You just cite what you want and you
6 ignore the bits that are not helpful; is that how we work here?

7 PRESIDING JUDGE TARFUSSER: No. I mean, I don't think -- what is submitted is
8 submitted, and we -- and it's not the parties who choose what to submit. Well, they
9 choose what to submit, but then the document is submitted as such and
10 we -- obviously we are not limited, the Chamber I must say, is not limited to show a
11 piece which the parties wants us to see and not the rest.

12 So once a document is submitted, it is submitted, then we cannot show here the whole
13 document, but what is submitted is submitted.

14 And therefore, I invite the Prosecutor to continue because this -- to continue with his
15 questioning and showing it. And this is not in contradiction with what we said
16 before because this is not a new document. We just -- the document is a document
17 as such in its entirety and it's not the piece we have seen. And this is also a
18 Chamber's decision.

19 Please, Mr Prosecutor.

20 MR MACDONALD: If we could have the floor, court officer, please.

21 MR ALTIT: (Interpretation) Please excuse me just one moment. Your Honour,
22 I think that this is an important matter, and we would like to have a clarification, a
23 clarification for everybody. I think it would be to the general good.

24 Does one consider as being a document submitted in the record only that part of the
25 document which has been presented; for instance, with time codes, or is the entirety

1 of the document considered to have been submitted in the record?

2 For instance, one might only use screenshots or excerpts in Court. Normally it is the
3 screenshot in that case which is entered in the record and not the entirety of the larger
4 document. My colleague would also like to address the Court on this matter. It
5 strikes me as an important matter, an important matter for everybody, and that's why
6 we'd quite like a clarification on it.

7 MR MACDONALD: But before doing that, your Honour.

8 PRESIDING JUDGE TARFUSSER: Let me first --

9 MR MACDONALD: But just to -- I agree with my colleague, in principle, that it's
10 not because you show five seconds of a video that lasts two hours that then the whole
11 thing goes in. But here, and this is what is important, take the Gbagbo speech
12 of the -- the speech, sorry, of Mr Gbagbo on 13 January, where we show only an
13 excerpt, but it's a speech of 10 minutes, then it would be, I think, inappropriate to just
14 keep that.

15 Here's the same thing. This is a reportage that was shown that starts from minute
16 zero and then goes to, let's say, minute 2.49, the end. And that is the reportage from
17 start to beginning of a -- bigger extracts of other things afterwards.

18 So what we want to present and have admitted in full is the reportage that is shown
19 on RTI from beginning to end related to that event, and that way it's what you have
20 on record. If, afterwards, we're talking about the weather, well, of course, the
21 weather is not part of the Court record in that sense. And that's what I'm saying
22 here. And in this instant case, it's the reportage that we're looking for which the
23 Defence only showed a bit.

24 MS NAOURI: (Interpretation) Your Honour, I'll be quite brief. I think we're
25 talking about two different things. The first is admission of evidence after it has

1 been submitted and what we submit. We have discussed quite a lot in the various
2 ways of submitting evidence, and we have the court officer who provides us with a
3 list of the evidence submitted. So when we read, for instance, a previous statement
4 of a witness, it is very clear that only that excerpt which has been read out in court has
5 been tendered into evidence.

6 However, in the case of a video, if only an excerpt is shown from one time code to
7 another, our understanding is that only that excerpt is tendered into the record.

8 The Prosecutor is saying that he agrees that the document in its entirety should be
9 tendered into the record. That means that he has agreed with us. Of course the

10 Judges then go on to analyse the video, that part of the video which has been
11 tendered into evidence by the Prosecutor or the Defence.

12 If we are to understand this as being the principle behind the term "evidence
13 submitted into evidence," then the Prosecutor can only use those items and those
14 excerpts which have been submitted by one of the parties into evidence. So, in this
15 case, only the excerpt which was shown by the Defence, otherwise we would be
16 changing the method of disclosure and notification because we would then be obliged
17 to announce in advance which extract from a statement or which excerpt, based on
18 time codes, is going to be used in court, and that is very difficult. And with the
19 method whereby the exact parts in the document are noted, then one knows exactly
20 what has been presented in the courtroom, for instance, on a transcript, on what page,
21 what line. Thank you.

22 PRESIDING JUDGE TARFUSSER: Other parties?

23 MR KNOOPS: Mr President, we concur with the view of the team of Mr Gbagbo
24 because it will still come down to introducing new evidence, and it will be quite
25 arbitrary where you draw the line, whether it will be a video of five minutes,

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1 10 minutes, 20 minutes. So I think the Court should draw the line. Just the portions
2 which have been submitted should be accepted for potentially a re-examination.

3 Thank you.

4 PRESIDING JUDGE TARFUSSER: I think here we have two issues: One is what is
5 tendered into the evidence from a video, from timestamp to timestamp; and the other
6 issue is is this video being used or not and not timestamped from timestamp to
7 timestamp.

8 So, of course, tendered into the evidence is the part which has been shown to the
9 video -- or, to the witness, but - and now I'm going back to the decision of just
10 15 minutes ago - this is not a new document as a whole, which is -- which can be used
11 now into this -- in the part of re-examination, the video as a whole, because this is not
12 new evidence. Therefore, I invite the Prosecutor to continue.

13 MR MACDONALD: Thank you, your Honour.

14 Q. (Interpretation) Well, we're going to view an excerpt now and then I will come
15 back to you with some questions.

16 (Viewing of the video excerpt)

17 MR MACDONALD: Just a note. In all fairness, I stop here because the rest was
18 shown, so I understand it was shown previously by the witness -- to the witness.

19 Q. (Interpretation) Have you already seen this footage?

20 A. The speech by Mr Soro? No. And by Mr Achi, no.

21 Q. So this is the first time you are seeing these excerpts?

22 A. Yes. Those parts, yes.

23 Q. When you say that Mr Soro made a call, is it the call that you saw in the
24 presence of the soldiers, or was it something else?

25 A. When he entered the courtyard with the soldiers.

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1 Q. And what date did you see that? Because based on information which we
2 have, this was shown on RTI for the first time on 30 December 2010. And that's why
3 I'm putting the question to you as to the date at which you saw it. I'd like to be sure.

4 A. I can't give you the exact date, but I think it was shown twice on RTI. I don't
5 recall the date, the exact date, but I remember that it was broadcast twice.

6 THE INTERPRETER: Microphone, please. Microphone, please.

7 PRESIDING JUDGE TARFUSSER: Microphone.

8 MR MACDONALD: (Interpretation) I'd like to return now to the speech of 13
9 January 2011, CIV-D15-004-1157. Unless the Defence is prepared to admit the full
10 interview with Mr Daunizeau, Mr Gbagbo, this is the interview given to Canal +,
11 otherwise, I shall show the excerpt it in its entirety so that it is on file.

12 MR ALTIT: (Interpretation) We shall admit it, your Honour.

13 PRESIDING JUDGE TARFUSSER: Thank you.

14 MR MACDONALD: (Interpretation) Thank you.

15 Q. Witness, I'd now like to turn to the matter of Mr Ibrahim Coulibaly, and his
16 nickname IB, and to something which you mentioned, that is, the matter of the
17 various attacks on RTI. To your knowledge, in what district in Abobo was
18 Mr Ibrahim Coulibaly's basis located?

19 A. Based on what I heard, I think it was PK18 towards the end of Abobo and the
20 beginning of Anana (phon), but I don't know exactly. That's what I've heard.

21 Q. To your knowledge, there is the headquarters of RTI, we've spoken about
22 16 December and the march to RTI. Also, later in the crisis when there was a war,
23 there was an attack on RTI. And we'll be looking at that with other witnesses. But
24 during the crisis, the head office -- the head office in Cocody, now, to your knowledge,
25 how many times was that head office attacked by Mr Ibrahim Coulibaly, if it was

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1 attacked by him at all?

2 A. I'm sure that RTI was attacked on a number of occasions, and I believe it was
3 always said that it was Ibrahim Coulibaly's men who had attacked.

4 Q. Who said that? Who said that it was Ibrahim Coulibaly's men that attacked?
5 I'm referring to the tower, the RTI tower in Cocody.

6 A. Yeah, the RTI in Cocody. That's where the tower is, the tall tower. That's the
7 one and only head office, I believe.

8 Because there were clashes there were people who went to liberate the television
9 station. This was spoken of on television as well. There are people who spoke
10 about it on television, soldiers, and they referred to who had attacked RTI.

11 Q. My question is the following: Are you certain that it was Mr Ibrahim
12 Coulibaly's soldiers who were responsible? That's my question.

13 MR GBOUGNON: (Interpretation) This is verging on harassment. He has put the
14 same question two or three times. He said that he heard that RTI was attacked by
15 Ibrahim Coulibaly's men. We've heard perhaps three times the witness say that he
16 has heard that it was these men. He's answered the question.

17 PRESIDING JUDGE TARFUSSER: Mr Witness, from who did you hear this? Who
18 is your source?

19 THE WITNESS: (Interpretation) Well, from the soldiers who went to liberate the
20 television station.

21 MR MACDONALD: (Interpretation)

22 Q. To your knowledge, were there RTI branches in Abobo?

23 A. Yes.

24 Q. What happened at those branches, to your knowledge?

25 A. I think that it was also attacked twice, I think, I believe.

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1 Q. By whom?

2 A. It wasn't said.

3 MR MACDONALD: (Interpretation) I see my colleague, Mr Gbougnon, smiling.

4 Q. Are you confused about this matter?

5 A. No. I think that the head office in Abobo was attacked twice. But as to who
6 attacked it, whether it was IB's men or not, I don't have any specific information on
7 that.

8 Q. I have a last question for you. To your knowledge, when was RTI liberated by
9 those assailants, wherever it was?

10 A. I think it was in February or March. Prosecutor, I don't recall exactly, but it
11 was approximately at that point in time. I don't have the date in mind.

12 Q. I'd like to turn now to a different topic, the matter of the Dozos, page 51, line 11
13 to 12. As regards their number --

14 PRESIDING JUDGE TARFUSSER: Which day?

15 MR MACDONALD: Sorry. Transcript 29. Transcript 29, page 41 -- 51, sorry, lines
16 11 to 12 in relation to the numbers.

17 Q. (Interpretation) You mentioned that even before the crisis started, there were
18 people who, I presume, previously had been Dozos because by then they were part of
19 the security forces. And you referred to a number. You refer to thousands, almost
20 3,000. Later you referred to a number of approximately 5,000 coming down from the
21 north.

22 MR ALTIT: (Interpretation) Could the Prosecutor quote the witness's words?

23 There he is speaking from memory, perhaps interpreting a little. It would be better
24 if we had a quotation.

25 MR MACDONALD: (Interpretation)

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1 Q. Page 51. "They were numerous, very numerous, perhaps 2,000, 3,000, 4,000.

2 I don't know. They were very numerous."

3 "At the end of March 2011 other rebels came from the north. Were they

4 accompanied by Dozos?"

5 "When you say the end of March, which year are you referring to?"

6 "2011, beginning of April?"

7 "I think so. At that point in time, it was the end of the crisis, but as I said, and as I

8 always said, there were a lot of them. There were films. You have all the evidence.

9 There were a lot of Dozos. A lot of Dozos volunteered to come and dislodge

10 President Gbagbo."

11 "So if we take those who arrived into Abidjan, how many were they then? Could

12 you give us an approximation?"

13 "To my knowledge, there were more than 5,000 because in order to dislodge President

14 Gbagbo in Abidjan. They were very numerous." We are on page 51, starting line 11

15 to line 28, okay?

16 A. Yes, Prosecutor.

17 Q. There were Dozos in Abidjan at the beginning of the crisis?

18 A. Yes.

19 Q. Where were they assigned?

20 A. They were operating in a private security framework. They were -- if you like,

21 they were guards guarding private premises.

22 Q. You had come from the north --

23 PRESIDING JUDGE TARFUSSER: Please, could you -- you're jumping. You're

24 jumping.

25 MR MACDONALD: I need to slow down.

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1 PRESIDING JUDGE TARFUSSER: Yes.

2 MR GBOUGNON: (Interpretation) I have an objection because the Prosecutor is
3 speaking from his memory regarding what the witness went on to say. I would
4 prefer that he would also quote the transcript when he refers to the private security
5 firms. I think that it was said that after the crisis some of them continued to work.
6 Perhaps it would be better if you could cite exactly what was said on this topic.

7 MR MACDONALD: (Interpretation) No, I will not read it because the witness has
8 just mentioned --

9 PRESIDING JUDGE TARFUSSER: Excuse me.

10 MR MACDONALD: -- the witness has already answered the question.

11 PRESIDING JUDGE TARFUSSER: But you are talking to -- about what he said
12 before.

13 MR GBOUGNON: (Interpretation) Your Honour, I think that on this specific point,
14 the witness is being led to err.

15 PRESIDING JUDGE TARFUSSER: In which specific point?

16 MR GBOUGNON: (Interpretation) My colleague has made some comments.

17 First of all, he has read from the transcript to cite the number of Dozos who allegedly
18 came from the north. Then he left the transcript and went on to refer to other
19 matters regarding the Dozos, the fact that -- or, the idea that Dozos allegedly were
20 employed by private companies.

21 I would prefer that he read from the transcript, given that the witness addressed this
22 matter and it has been captured in the transcript. I think that here he may be
23 misleading the witness because there may be some confusion on the period.

24 PRESIDING JUDGE TARFUSSER: Please.

25 MR MACDONALD: (Interpretation)

1 Q. I certainly don't want to mislead you. I will quote. That's what my colleague
2 would prefer.

3 Page 52 of the same transcript, answer at line 4:

4 "There were a lot. Before the crisis at Abidjan, there were a lot of Dozos, and there
5 were a lot of Dozos who were service providers and who were based in Abidjan."

6 Do you recall having said that?

7 A. Yes, that's what I said.

8 Q. And so you answered what their services were at that time and that they were
9 security services notably?

10 A. Yes.

11 Q. My question is as follows: So, they were present in Abidjan before the crisis,
12 and you would seem to be saying that they were working?

13 A. Yes.

14 Q. Is that only the Dozos who do that, come down from the north to go and work
15 in Abidjan?

16 A. Yes. Well, they've been doing that for quite some years now that the Dozos
17 have come down to Abidjan and that they've been working in the houses where
18 people have been using them for security. That's been happening for quite some
19 time. They came before the crisis. They didn't just come during the crisis. I think
20 they've been doing that for some time before the crisis in Abidjan.

21 Q. And this move or immigration, if you like, to Abidjan, is it unique to the Dozos,
22 people coming down from the north, east and west to go to the capital, the economic
23 capital?

24 A. To look for work? Yes, everyone did that.

25 Q. Now, these 5,000 people, how did you get to that figure?

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1 A. Mr Prosecutor, if you will allow, we were all present here. I'm not a Dozo chief.
2 Please. And I'm not the person who could conduct a census. I said that they were
3 numerous. I told you all. I said that they were very numerous. They were in
4 Abidjan and they had been working there. They had been working there in numbers
5 before. And then you asked whether people came. Yes, they did. The Dozos
6 volunteered. They're traditional hunters, and they volunteered to come and
7 accompany the FRCI and dislodge President Laurent Gbagbo. They were numerous.
8 Maître Altit wanted me to provide figures, so I said 3,000, 5,000, 2,000. They were
9 numerous, but I can't say. I didn't count them. They were very numerous. That's
10 what I said.

11 PRESIDING JUDGE TARFUSSER: Can you come to an end more or less slowly?

12 MR MACDONALD: Last question on this topic --

13 PRESIDING JUDGE TARFUSSER: Okay.

14 MR MACDONALD: -- and then we can end today.

15 PRESIDING JUDGE TARFUSSER: Okay.

16 MR MACDONALD: And tomorrow it should be less than an hour, 45 minutes.

17 There's hardly anything left.

18 Q. (Interpretation) So you just said that they accompanied the FRCI descending
19 upon Abidjan at the outset of the war?

20 A. Yes, that is what I said.

21 Q. Thank you. That's all for today, and we'll see you tomorrow.

22 A. Inshallah.

23 Q. Inshallah.

24 PRESIDING JUDGE TARFUSSER: Mr Witness, tomorrow morning at 9.30.

25 Hopefully your last day. Well, I will say surely your last day. Have a good

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- 1 evening.
- 2 Good evening to everybody. The hearing is adjourned to tomorrow 9.30. Thank
- 3 you.
- 4 THE WITNESS: (Interpretation) Thank you, Mr President.
- 5 THE COURT USHER: All rise.
- 6 (The hearing ends in open session at 4.05 p.m.)