

Trial Hearing
WITNESS: CIV-OTP-P-0097

(Closed Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Wednesday, 8 June 2016
10 (The hearing starts in closed session at 9.37 a.m.)
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- 20 (Recess taken at 10.28 a.m.)
- 21 (Upon resuming in open session at 11.44 a.m.)
- 22 THE COURT USHER: All rise.
- 23 PRESIDING JUDGE TARFUSSER: Good morning again.
- 24 Here is the ruling of the Chamber, which is done in open session.
- 25 The Chamber hereby, by majority, the Presiding Judge dissenting, reconsiders its oral

1 ruling of yesterday in which it had decided that Witness P-97 should continue
2 testifying in open session with use of private sessions as appropriate.

3 In light of the ongoing speculations about the witness identity in social media, the
4 Chamber will hear the rest of his testimony in closed session. The Chamber had
5 already stated in prior occasions that if such interference with the case continued, it
6 would be forced to take more robust measures to protect the safety and well-being of
7 witnesses that appear before us.

8 Although the Chamber acknowledges that hearings ought to be conducted in public,
9 it also recognizes its duty to protect witnesses and victims. The Chamber has
10 considered the potential impact on these proceedings, and the present attempt to
11 identify witnesses, how it may result in witness interference through social media
12 may ultimately deter future witnesses from testifying in this case and, thus,
13 preventing the Chamber's duty to establish the truth.

14 The Chamber thus reminds the members of the public gallery, but also in general the
15 public in Côte d'Ivoire, of the reasons why it takes the time and care to impose
16 protective measures to prevent the identification of witnesses, both Prosecution and
17 Defence. It follows that the disclosure of the identity of protected witnesses is
18 prohibited and that any attempt to do so, either successful or futile, may constitute a
19 crime against the administration of justice.

20 It may be appropriate that these matters receive the attention of investigators. The
21 Chamber recognizes that this decision is solely applicable for Witness P-97 and in no
22 way sets a precedent for future witnesses.

23 However, if interference with the well-being and safety of witnesses and the good
24 administration of justice continues, the Court may need to take measures that will
25 ultimately effect the publicity of proceedings, including the suspension of public

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1 broadcasts of the present proceedings and the hearing of other witnesses in entirely
2 closed session, a position that is not desirable, but one which the Chamber may have
3 to impose.

4 So this is the ruling. And now after one and a half day of working but not doing
5 anything -- yes, please, the witness? You're in open session, okay?

6 WITNESS: CIV-OTP-P-0097 (On former oath)

7 (The witness speaks French)

8 THE WITNESS: (Interpretation) Yes. I would like to speak at this particular time,
9 and not in closed session. I want to speak publicly, Mr President.

10 PRESIDING JUDGE TARFUSSER: Please do so. Please do so.

11 THE WITNESS: (Interpretation) I do not know whether my decision is understood,
12 but it is very important, because responsibility is first of all individual and it is
13 incumbent on me.

14 I came here to contribute to the ascertainment of the truth.

15 Mr Presiding Judge, I would like to reassure you that it is not appropriate for this,
16 these hearings to continue in closed session, despite of what the reasons that you have
17 just given.

18 Mr President, this is a request. I'm insisting on it. I'm asking you, I would wish to
19 continue my testimony in public. Thank you, Mr President.

20 PRESIDING JUDGE TARFUSSER: Well, after this, I think we have to adjourn for 5
21 minutes or 10 minutes, because --

22 (Trial Chamber confers)

23 PRESIDING JUDGE TARFUSSER: Yes. The floor to the Prosecutor.

24 MR MACDONALD: I don't want to further stretch the debate, your Honour. I
25 understand the witness expressed a wish. We have responsibilities independently of

1 the subjective requests of witnesses, I understand, pursuant to Article 68 of the Statute.
2 I've expressed the Prosecution's position in the past when a witness was seeking to
3 continue in public. I understand the current circumstances may be a little bit
4 different, but nevertheless, if in-court protective measures had been suggested -- have
5 been suggested by the Victims and Witnesses Unit, and in light of all the information
6 that you have been privy to in closed session, which the witness may not know or be
7 informed of at this very moment, then that has to be factored in. That's the only
8 comment the Prosecution wanted to make. Thank you.

9 PRESIDING JUDGE TARFUSSER: Thank you. Now obviously I -- okay, the
10 floor -- but please, short. Thank you.

11 MR ALTIT: (Interpretation) Well understood, your Honour. Mr President, your
12 Honours, this witness is an adult, and he is someone who is very educated.
13 Sometimes we have to stop trying to patronise people. These are legal proceedings.
14 People have come. They assume their responsibilities and expressing themselves
15 freely. Everything has been done to protect them from any risks. So at one point
16 you have to understand them. So I don't understand this attempt to be protective or
17 overprotective of witnesses, of human beings who have assumed their responsibilities.
18 I wanted to be brief.

19 PRESIDING JUDGE TARFUSSER: Thank you.

20 Mr N'Dry.

21 MR N'DRY: (Interpretation) Mr President, I will also try to be very brief.
22 I am wondering who is in a better position than the witness to assess the security or
23 insecurity in which he may find himself. I believe that the answer is very clear.
24 The witness lives in Côte d'Ivoire. He is familiar with the social realities in Côte
25 d'Ivoire. He knows the political situation in Côte d'Ivoire. He has said "I wish to

1 testify, but I wish to testify in open session."

2 It is not incumbent on the Prosecutor to theoretically assess the security situation of
3 the witness.

4 There is a second point that I would like to raise, but maybe I would like your
5 Chamber to take a decision on this, because it seems to me that when I stop speaking
6 in closed session, I did not explicitly phrase that request for you to take a decision, but
7 now I want to be clearer.

8 Yesterday I said that beyond the fact that the hearings can take place in open or closed
9 session is one thing, but there is another thing that we cannot keep silent in the course
10 of this trial. The witness said that my intention in favourably answering the
11 Prosecutor's request to come and testify, I did that on condition --

12 MR MACDONALD: Objection. Objection. Objection. If we are going -- I'm
13 sorry to intervene, your Honour. We are going into discussions that were held in
14 closed session. My colleague is now going on a very thin ice. If he's going to repeat
15 what the witness said in closed session, he cannot do that. Paraphrase it or comment
16 it in any way. And I'm sorry if I'm interrupting, because we are in open session.
17 And the rules of confidentiality are the rules of confidentiality that are upheld by the
18 Chamber and the Chamber only.

19 PRESIDING JUDGE TARFUSSER: Yes, I think the Prosecutor is right, and we
20 should not now overdo and bring in other things except the ones we are discussing
21 about.

22 THE WITNESS: Excuse moi, Mr President.

23 MR N'DRY: (No interpretation)

24 PRESIDING JUDGE TARFUSSER: Yes, please.

25 MR N'DRY: (Interpretation) So I would like to ask to go into closed session for me

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1 to continue.

2 PRESIDING JUDGE TARFUSSER: No, no. Here we are only talking about what
3 the witness said, the response of the Prosecutor, Maître Altit, and this is the argument
4 and that's it, and then maybe we can come to this later, because otherwise we should
5 focus on one thing and not enlarge the discussion.

6 MR N'DRY: (Interpretation) I agree with your Chamber, Mr President. There is
7 an issue that you have just decided. But the continuation of the hearings, as far as
8 we are concerned, involves another difficulty that we would have to resolve. This is
9 what I was talking about. Since the Prosecutor has said I cannot do that in open
10 session, and I agree with him, that is why I asked that we go into closed session,
11 because this issue is of crucial importance for the continuation of the trial.

12 PRESIDING JUDGE TARFUSSER: Has it to do with open session or closed session,
13 with protection or no protection? This is the issue at stake now in this moment.

14 MR N'DRY: (Interpretation) Mr President, I do not want to come back to your
15 decision which has already been handed down. But for the continuation of these
16 hearings, we believe that there is another difficulty that has to be resolved. I was
17 about to deal with that matter. Mr MacDonald said that it should not be in open
18 session, and that is why I asked for closed session, because it seems to me to be
19 important.

20 PRESIDING JUDGE TARFUSSER: Let's go in private session.

21 (Private session at 12 p.m.)

22 (Redacted)

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5 (Open session at 12.04 p.m.)

6 THE COURT OFFICER: (Interpretation) We are in open session, Mr President.

7 PRESIDING JUDGE TARFUSSER: Thank you.

8 We will again suspend for 10, 15 minutes to deliberate, to speak about what just

9 happened and then come back, probably we will come back to give decisions. And

10 then I would, if and how we continue, we would continue probably with two hours

11 session and then have tomorrow, and after tomorrow extended hours, because

12 otherwise we have worked a lot but done nothing the last one and a half days. And

13 the witness has to be released by Friday.

14 So okay, this is the proposal. I ask also the court officer to try to arrange things in

15 this manner. Thank you. So let's say 15, 15 minutes more or less.

16 THE COURT USHER: All rise.

17 (Recess taken at 12.06 p.m.)

18 (Upon resuming in open session at 12.26 p.m.)

19 PRESIDING JUDGE TARFUSSER: In light of the witness' expressed and informed

20 will to testify in public, and pursuant to Rule 87 of the Rules of Procedure and

21 Evidence, the Chamber hereby rules that the testimony of the witness shall continue

22 as it was in open session with all other protective measures in place, such as use of

23 face and voice distortion and private sessions as appropriate.

24 The Chamber reiterates its duty to protect witnesses and victims and how the present

25 witness interference through social media may ultimately deter future witnesses from

1 testifying in this case, thus preventing the Chamber's duty to establish the truth.
2 If interference with the well-being and safety of witnesses and the good
3 administration of justice continues, the Court may need to take measures that will
4 ultimately affect the publicity of the proceedings, including the suspension of the
5 broadcast of public broadcast of the present -- of public broadcast of the present
6 proceedings and the hearing of other witnesses in entirely closed sessions, a position
7 that is not desirable but one that the Chamber may have to impose as I said also
8 before.

9 So now we continue I think after one and a half days of discussions with the
10 testimony of the witness for half an hour. Then we suspend until 2 o'clock and we
11 go further for another two hours. And probably, but we are waiting for the green
12 light from the Registry, we will have extended hours tomorrow and after tomorrow
13 because, as I said before, we have to finish with this witness by Friday.

14 So the floor is to the Office of the Prosecutor.

15 And I see that Mr Stewart wants to go, and I give him, I greet him and, please, you
16 may leave.

17 Excuse me, you have understood everything, Mr Witness, and you are happy with
18 this situation?

19 THE WITNESS: (Interpretation) Yes, I am absolutely in agreement.

20 PRESIDING JUDGE TARFUSSER: Okay, okay. Thank you very much. The floor
21 is to the Prosecutor.

22 QUESTIONED BY MR MACDONALD: (Continuing)

23 Q. (Interpretation) Good afternoon, Mr Witness.

24 I would like to continue with my questions. We will resume from where we left.

25 We were talking about the parlements and agoras. Can you tell us as far as you

1 know, and please indicate the sources, do you still have the list with you? No?

2 (Speaks English) I would kindly request that we provide the list.

3 (Interpretation) To your knowledge, given the sources within the AJSN, who was
4 responsible for the agoras and parlements?

5 A. Mr Idriss Ouattara.

6 Q. And can you spell the organisation, the acronym of Mr Ouattara's organisation?

7 A. I no longer remember precisely.

8 Q. If I put it to you to jog your memory FENOPACI, does that ring a bell?

9 A. FENOPACI, well, that rings a bell. But it was not Idriss Ouattara who was the
10 president of FENOPACI.

11 Q. Who was the president of FENOPACI then?

12 A. The president of FENOPACI was Mr Jean-Marie Koné.

13 Q. You have stated that Mr Ouattara within the AJSN was responsible for the
14 parlements and agoras, but you no longer remember the name of his group. That is
15 fine. We will revisit this issue later if necessary.

16 Now, let us move on to the themes or subjects that were discussed over time and
17 space since you were a witness to that. As you have stated previously, I'm not going
18 to come back to dates and years, but you can do so if you are able, but can you tell us
19 about the subjects discussed over time and space, that is within the parlements and
20 the agoras?

21 A. Mr Prosecutor, Mr MacDonald, before I answer that question, I would like to
22 briefly backtrack to the methodology that is being used or followed by you. I do
23 recall that on the first day, that is the day before yesterday, you referred to the
24 allegory of a house being constructed, being built. You stated that you have the
25 blocks which have to build -- a house has to be built block by block. I understand

1 that procedure and that methodology. But I would like to come back on three issues
2 on which you questioned me on the first day.

3 Now, Mr MacDonald, you asked me how the movement was born, and I explained to
4 you how Blé Goudé halted his studies and returned to Côte d'Ivoire.

5 You then automatically played some video footage. We watched that footage in
6 which Blé Goudé was appearing on the RTI, the national television, saying that he
7 was the general and that he had been appointed as the leader of the Galaxie
8 Patriotique.

9 You asked me whether I had seen that video before, and my answer was yes. If you
10 were referring to the authenticity of the video, then my answer was yes. And then
11 we moved on.

12 Mr MacDonald, this manner of working really does not function very well. I do not
13 know whether this is a prior conceived hypothesis by you that I am corroborating or
14 whether I am present here to shed light on something.

15 Now, I can see maybe one brick in the edifice, the first brick for you might be that
16 since Blé Goudé introduced himself as the leader of the Galaxie Patriotique, we saw
17 him on the television, and you yourself added that he had written that in a book.

18 I don't want to speculate on what you are thinking, but I'm sure now that Blé Goudé
19 was the leader of the Galaxie Patriotique. And since we were then sure, then
20 possibly you would be concluding that the exercise that followed after that might be
21 attributable to him. I don't want to speculate too much, but I'm suspecting that you
22 are moving towards such an interpretation.

23 But if that is actually the case, then I would have wished for you to give me the
24 opportunity to point out to you that in that movement, that is subsequent to the 2nd
25 of November, there was a mushrooming of other movements. There were a lot of

1 coalitions that were born. And the FESCI, which is actually the core of this
2 movement -- well, we saw Blé Goudé on television saying he was president of
3 everything put together. But I really saw that as a joke because I am very familiar
4 with FESCI. And within the FESCI it is difficult for someone who had been the
5 general before you, that person cannot subsequently submit themselves to your
6 authority or directives afterwards.
7 Let me complete my intervention, Mr MacDonald. This is the reason why you
8 should have allowed me the opportunity to elaborate and to tell you that at the time
9 when Blé Goudé was saying this on television, well, as you know, in the army there is
10 a difference between a general and a marshal.

11 THE INTERPRETER: Overlapping speakers.

12 THE WITNESS: (Interpretation) I really want to complete what I wanted to say.
13 Please, I'm insisting. Allow me to finish.

14 At the time when Blé Goudé was claiming to be the overall boss of those movements,
15 there were certain leaders who presented themselves as marshals or maréchal.
16 Those are -- it means that people who were not subservient to anyone else, who were
17 not subordinate to anyone else.

18 BY MR MACDONALD: (Interpretation)

19 Q. Can you mention the names?

20 A. Yes.

21 Q. Damana Pickas.

22 A. No, not Damana Pickas. He was not yet on the scene. Touré Moussa Zéguen,
23 he was there at the time. But during the first meeting he actually came, but he said,
24 "I'm not going in, I'm not going in because that is my junior" and he feels -- and he felt
25 that since he was there at the FESCI before, he was in the national bureau before Blé

1 Goudé, he could not be subordinate him later on.

2 So, frankly, that is the way I want us to move ahead.

3 PRESIDING JUDGE TARFUSSER: May I interrupt you at this point and say to you

4 as witness something. You are a witness. You are not here to give lessons to the

5 Prosecutor on how he has to conduct his questioning. And obviously you will not

6 have the same thing to do with the questioning of the Defence. You are not here to

7 criticise or to determine the strategy and what he might think about your answers or

8 how he will interpret your answers in the context of his strategy.

9 You are here to respond to questions. And the question if I recall well was: What

10 were the arguments which were debated or were said during these parliaments or in

11 these parliaments where you were present and you heard? This was the question if I

12 am not mistaken.

13 MR MACDONALD: You are definitely not mistaken, your Honour. That was my

14 question. But I understand the witness wanted to come back --

15 PRESIDING JUDGE TARFUSSER: Let him. Let him please go.

16 MR MACDONALD: Yes.

17 PRESIDING JUDGE TARFUSSER: Then we can come back. But this is the question.

18 We have 15 minutes before the lunch-break. I think we should go now to the

19 question.

20 What were the arguments which were raised, discussed in the parliaments in the time

21 you have been there and you heard and you've seen?

22 THE WITNESS: (Interpretation) Thank you, Mr Presiding Judge. I think I have

23 dealt with the first brick.

24 Now moving on to the second, you asked me whether the manner of expression

25 within FESCI evolved. And I said yes. I even gave you a date.

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1 PRESIDING JUDGE TARFUSSER: Yes. But we don't understand each other. I
2 asked you a question, and I would ask you also to respond to this question. That's it.

3 THE WITNESS: (Interpretation) Mr President, in the agoras, people were talking
4 about the Defence of the homeland, the Defence of Côte d'Ivoire, which had been
5 attacked on the 19th of September 2002. And generally speaking, those who
6 attended were speaking about resistance.

7 Thank you, Mr Prosecutor.

8 MR MACDONALD: (Interpretation)

9 Q. Mr Witness, I would like to reassure you about one thing. I'm simply asking
10 you questions, and you have the possibility of answering them. It is your answers
11 that are important, not the preconceptions that you might have. So do not try to
12 read my mind regarding the types of questions that I'm asking you, like the Presiding
13 Judge told you.

14 A criminal trial has its own specificities, and you may not be familiar with those, but
15 that being the case, I'm being careful because we are in open session and you are
16 subject to protective measures.

17 You mentioned yesterday that you had certain objections. Maybe there are certain
18 items that I skipped, but my objective was to deal with topics that you personally
19 witnessed. And that is why we were talking about agoras and parliaments. We
20 will come back later to all those sub-groups that made up the galaxy. So you can be
21 reassured of that.

22 Now, still regarding the topics or issues discussed, you mentioned the Defence of the
23 homeland. Were there any subtopics under this general topic, that is around
24 September 2010 and up to the time of the elections of 2010 given that you were a
25 privileged witness?

1 A. Yes, of course. The rhetoric and the themes in the parliaments and agoras
2 evolved in accordance with political developments. Initially people were talking
3 about resistance. And when you talk about resistance, you are resisting something,
4 that is resistance when faced with the attack against the public.
5 Now, secondly, when it came to the audiences foraines or mobile courts, they talked
6 about participation, attendance, massive attendance in those processes.
7 And after 2005, they had been speaking about the acceptance of the Ouagadougou
8 accords. This is a subject that took up a lot of time, because it was difficult for some
9 people to accept that. And so there was a lot of time that passed by when they dealt
10 with accepting the Ouagadougou accords.

11 Now, when it came to the elections, there were topics or subjects relating to the
12 mobilisation of voters and to effective participation in the elections.

13 Thank you, Mr Prosecutor.

14 Q. Let me come back to the resistance. What was the concrete expression, how
15 was this resistance expressed in the agoras and parliaments, that is during that period
16 of resistance?

17 A. There were two aspects. There was what was referred to as agoras and
18 parliaments, which were speakers' corners for free expression. And so this involved
19 speeches.

20 Now, next to those who gathered in these locations, there were others who became
21 interested in the use of weapons through militia groups and self-defense movements.
22 That is what I said on the first day, and it depended on each individual.

23 Q. And, well, let me come back to this issue later.

24 When the homeland was attacked, people were defending, trying to defend the
25 homeland using oratory as you have said. But what was the manner of recruitment

1 of young people?

2 A. Are you talking about the enrolment of young people?

3 Q. Yes.

4 A. I really do not understand your question.

5 Q. What were the topics discussed within the agoras that is within relation to the
6 defence of the homeland?

7 A. Mr MacDonald, you know that we are talking here about 2002, and this was a
8 period during which poverty was widespread. What I mean by that is that during
9 that period, you really did not need a theme to motivate young people to join the
10 army or to join self-defense groups or militia groups.

11 Considering the fact that in each person's conception, once a person is a member of a
12 militia group or a self-defense movement, when the country regains stability, these
13 people would be automatically recruited into the army, and that was enough to
14 mobilise thousands and thousands of young people.

15 Q. Were there any calls to join the army, to enrol in 2002, 2003, 2004 to your
16 knowledge?

17 A. I am not aware of any calls, any appeals. I think what I witnessed was that
18 everyone was trying hard, struggling to join the army. If you look at Côte d'Ivoire,
19 you will realise that everyone wanted to become a uniformed officer or a person.
20 Just the fact that they believed they were going to wear the uniform, that was enough
21 to mobilise them.

22 Q. So this was a spontaneous act, that is mobilisation for enrolment in the army? I
23 just want to understand you better.

24 A. Spontaneous, maybe that would be overstating it a little bit. It was necessary
25 for young people to go and reinforce the national army. There was a call, a mot

1 d'ordres for recruitment which was launched requesting young people to go and
2 reinforce the national army. But beyond that, there was no other form of
3 mobilisation.

4 Q. Who issued this mot d'ordres or this call for recruitment?

5 A. The FANCI, or maybe I'm not very sure; but to be frank with you, I'm really not
6 in a position to tell you whether it was the government or the FANCI. In any case, I
7 observed young people mobilising themselves.

8 Q. Now, those young people who were mobilising themselves, did they have a
9 name?

10 A. The youth mobilising themselves?

11 Q. This group or groups of young people who enrolled, did they have a name?

12 A. There was a generic name, and that generic name was the Young Patriots. But
13 during that period, amongst those who were mobilising themselves, there were
14 young people from almost all political, religious groups, whatever you want. Each
15 person wanted to join, and everyone mobilised themselves to go there.

16 MR MACDONALD: I would suggest that we take a pause here, your Honour.

17 PRESIDING JUDGE TARFUSSER: Yes.

18 MR MACDONALD: And I understand it's back at 2 o'clock, not 2.30?

19 PRESIDING JUDGE TARFUSSER: We will be back, we have now the lunch break,
20 we will be back at 2 o'clock, from 2 to 4 o'clock, so two hours. And I'm expecting the
21 response for the following schedule for the next two days, 9-11, 11.30-1.30, 2.30-4.30.
22 So extended hours, 2, 4, 6.

23 I have also another -- well, this I can't say in open session. So VWU will deal with it.
24 We have the lunch break and see you in one hour. Thank you.

25 THE COURT USHER: All rise.

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1 (Recess taken at 1 p.m.)

2 (Upon resuming in open session at 2.04 p.m.)

3 THE COURT OFFICER: All rise.

4 Please be seated.

5 PRESIDING JUDGE TARFUSSER: Good afternoon.

6 Good afternoon to the witness.

7 Good afternoon to everybody. I know it was a short break, but necessary due to
8 what we have been discussing one day and a half.

9 Just for one housekeeping and one small ruling. The housekeeping is that we,
10 tomorrow and after tomorrow, we will have extended hours, 9 to 11, 11.30 to 1.30 or
11 13.30 and 14.30-16.30. So we're confirmed that we can do so.

12 The second thing is that we, in the hectic of this morning, I forgot to read out the
13 decision regarding the Prosecutor's request to reclassify filing 564 redacted, I mean
14 the thing we were discussing yesterday.

15 And hereby the Chamber notes that the information contained in paragraphs 3, 4 and
16 6 of filing 564 redacted is no longer confidential. The existence of a debate as to the
17 nature of Witness 97 is known since the Chamber's oral rulings of 6 June 2016 and is
18 also mirrored in the public redacted version of filing 562 by the Defence of
19 Mr Blé Goudé.

20 And furthermore the Prosecutor has acknowledged that his email referred to in
21 paragraph 6 of filing 564 was sent in lieu of a filing and therefore it is not subject to
22 the principles governing inter partes exchanges. Therefore, I think this redacted
23 version has to be filed as it is.

24 This said, we come to the witness and to the questioning by the Prosecutor. And
25 also here if I interpret what you said two, three days ago, at the end of the first day,

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1 you said, "Well, by tomorrow morning you'll finish." If I transport it to the day
2 today, you should finish the questioning within the next two hours, I would say.

3 But this is a question more than --

4 MR MACDONALD: We'll see how it develops, your Honour.

5 PRESIDING JUDGE TARFUSSER: Approximately.

6 MR MACDONALD: There may be leftovers to tomorrow because of the time we
7 started today. If you look at the numbers that were left, we had three hours or
8 almost just under two, three hours left, so we'll see how we -- where we stand today.

9 PRESIDING JUDGE TARFUSSER: Yes. Okay, okay. So yours the floor. Just go
10 ahead. Thank you.

11 MR MACDONALD: (Interpretation)

12 Q. Mr Witness, we shall continue. I would like to allow you to expound on what
13 you were talking about or wanted to talk about this morning when you made
14 reference to Mr Maréchal Djué, Zéguen Touré, and I'm also going to ask you to
15 explain and talk about Mr Damana Pickas.

16 Now, of course, Mr Witness, it is difficult for me to put certain questions. We are
17 still in open session with protective measures applied to your person. And as a
18 result, my questions might seem general in nature. This is because I am attempting
19 to protecting to the best of my capacity your identity.

20 I'm taking you back now to the AJSN. Now, in the year 2002, we saw the video of
21 Mr Blé Goudé, who stated that he himself had been chosen as the general of the AJSN.
22 But I do understand there was an evolution. What I mean is evolution in terms of
23 groups, members of the AJSN.

24 So please now explain whether within the AJSN from the year 2003 there were any
25 changes?

1 A. Thank you, Mr Prosecutor. Indeed, in the year 2002, when Mr Charles Blé
2 Goudé returned from abroad, there was put in place what was referred to as the
3 Alliance des Jeunes pour la Sursaut National, the Alliance of Young Patriots for
4 National Revival.

5 And why this national revival? Because it was an interpretation of a speech given by
6 he who was at the time the president of the economic and social counsel, see, he was
7 calling for a national revival to save the country. So that's why this named was
8 coined, if you like, for national revival.

9 Now, at the outset as I explained to you, there was or there were a number of leaders
10 within the alliance. Within the alliance there was MIRAO, there was the SOAF, there
11 was the COJEP, there was the JFP and those were the four movements that I recall.
12 If you might refresh my memory, I talked to you about the JFPI, did I? Very well.
13 So this was the basis, if you like, of the Alliance of Young Patriots for National
14 Revival.

15 Now, everybody was deemed to be a member of the group in theory, but in practice,
16 in practice as I indicated to you, on the very day of the creation -- can I say the names
17 of any individuals?

18 Q. Yes, you can say the name of the individual here, yes, it is okay in this context.

19 A. Zégouen, for example, would tell me that he was present. He was in the cité
20 rouge, the red city, when the first meeting of the AJSN was due to be held. He was
21 of the mind that in order or having set up the FESCI, or by virtue of the fact that he
22 had set up the FESCI before Blé Goudé, and because he was part of a generation that
23 had come before Blé Goudé, he thought in 2002 that he could not be part of this
24 alliance.

25 And the same applied for maréchal Djué. He too for the same question of succession

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1 and generation was of the opinion that he would need to take a pseudonym, that of
2 marshal or maréchal, and this was because he had been a general. Just after IPO, he
3 was general, and then Soro and Damana Pickas. And after Pickas, there was the
4 generation of Blé Goudé.

5 So in the country we say he's my petit, mon petit. So he's my younger brother, if you
6 like. So he thought that Blé Goudé was his petit, his younger brother, so he thought
7 that he could not in any way come under him or be his subordinate.

8 Q. I'm going to intervene here, because I'd like you to specify two points. Who
9 was this personality within the economic and social committee?

10 A. Mr Laurent Dona --

11 THE INTERPRETER: The interpreter did not catch the name said at the speed of
12 light.

13 MR MACDONALD: (Interpretation)

14 Q. One second, please, sir.

15 PRESIDING JUDGE TARFUSSER: The interpreter didn't catch the name.

16 THE WITNESS: (Interpretation) Mr Laurent Dona Fologo, who was the president
17 of the economic and social council of Côte d'Ivoire.

18 MR MACDONALD: (Interpretation)

19 Q. And you said that --

20 A. Well, in 2002, this was the first personality whom I saw on the television come
21 and denounce what he referred to as the assassination of democracy. Those were the
22 words he used.

23 Q. And then he mentioned the fact that a national revival was necessary?

24 A. Yes.

25 Q. Now, the second question, Mr Eugène Djué was before Mr Blé Goudé the

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1 national secretary of the FESCI, in military terms, a marshal, a maréchal, and as such
2 ranked above a general?

3 A. Yes, indeed. Even if I am not a military man, well --

4 THE INTERPRETER: The witness trails off.

5 MR MACDONALD: (Interpretation)

6 Q. Very well. So in order to speed matters up somewhat, it's not that I want to
7 halt you in your tracks, but we do have a number of minutes allocated to us for us
8 examination and then there is going to be an examination of the non-calling party.
9 There are --

10 A. There were first and foremost coalitions, major coalitions. You had the AGSNP.
11 You had the CONARECI, the CONARECI was in 2005, That's when it was set up.
12 And then you have the Union des patriotes pour la libération de Côte d'Ivoire, the
13 ULPLTCIE.

14 Q. Well, the Chamber is aware of all these acronyms because there is an annex.
15 We're going to take these one by one. The UPLTCI, who set it up and in what year,
16 and how are you privy to this information?

17 A. I interviewed.

18 Q. The number?

19 A. I'm under the impression that the name is not here.

20 Q. If you look at the 11 first names.

21 A. The 11 first? Yes, yes, yes. It's number 8. (Redacted)

22 (Redacted). Are you talking about -- are you talking about
23 the UPLTCI?

24 Q. I was talking about the UPLTCI. We shall come back to the groups that you
25 have in mind right now.

1 A. I do apologise. UPLTCI was set up by Mr Eugène Djué.

2 Q. And what were the means voiced for defending the country by Mr Djué and the
3 UPLTCI?

4 A. In a different way from the Alliance, the UPLTCI was of the mind that the
5 country could not be liberated by rhetoric. One had to use weapons in order to be
6 able to face those opposite with weapons.

7 Q. And in which year was this group set up?

8 A. In the year 2003, if I'm not mistaken.

9 Q. And which number on the list informed you of this?

10 A. It was number 4.

11 Q. Let's come back to Mr Zéguen Touré, Moussa Zéguen Touré. Which was his
12 group and when was it set up? And what were the means used in terms of defence?

13 A. There was a polemic at the time as to the paternity of the JPP, because I know
14 that's what you want to talk about. There was a heated discussion on the subject.
15 Now, the name --

16 Q. Could you give us the name on the list, number on the list?

17 A. Well, when talking with Mr 4 -- (Redacted)

18 (Redacted). And when discussing with another individual

19 whose name is not on the list, not at all, it was Charles Groguhet, he would tell you
20 that he was the founding father of the GPP. And whatever the case may be, what we
21 did note was that at the very outset, Mr Charles Groguhet was the president. And
22 just under him there was Mr -- well, mister number 4 on the list -- no. (Redacted). I
23 do apologise.

24 PRESIDING JUDGE TARFUSSER: Mr Gbougnon.

25 MR GBOUGNON: (Interpretation) For us all to be equally enlightened, because

1 I'm lost, I do not know on what criteria the OTP is founding this. On one occasion
2 he's allowed to give names, on another occasion he's giving us numbers on the list.
3 We need to all be in the same starting block. We need to know when we have to use
4 the list and when we have or can or when the witness can say the names of the
5 individuals.

6 MR MACDONALD: (Interpretation) Mr President, I'm being interrupted in my
7 examination, and the examination of the non-calling party has not started. I might
8 be able to talk to them at 4 o'clock, because I think things are going quite well at
9 present. I don't think there is any issue, is there?

10 PRESIDING JUDGE TARFUSSER: No, I don't think name or -- it's up to the witness
11 if he refers to go to the numbers or to the names. I mean, don't think there is a big
12 problem in this, as long as we know who he is referring to. Obviously we know if he
13 spells out the name, we know through the list when he gives the number.
14 So please continue, Mr Prosecutor.

15 MR MACDONALD: (Interpretation)

16 Q. So my question was in which year to your knowledge was the GPP set up?

17 A. 2003 or -- 2003.

18 Q. And what were the means announced by the GPP for the defence of the
19 country?

20 A. The means were weapons.

21 Q. At an earlier stage you mentioned that in the year 2005 the CONARECI was set
22 up. Let's leave the meaning to one side, because the Chamber is already in the know.
23 But can you explain to us what it is, who its leader was, and when it was set up?
24 And once again use the numbers.

25 A. This coalition was set up in 2005m and the aim of said coalition was to

1 endeavour, to make sure that the movements that had been in existence to date were
2 isolated -- were not isolated, they came together.

3 So it was with a view to capitalising on the situation for the president, the incumbent
4 president and to have all the support of those people.

5 Q. And in which movement are you talking about? I do understand that there
6 was the AJSN and that the alliance has its own groups. We talked about the
7 PLTCI -- UPLTCI. We talked about the GPP, and now we're talking about the
8 coalition, the CONARECI. And which are the member groups of that coalition?

9 A. The GPP was supposed to be part of the CONARECI. The UPLTCI was
10 supposed to be part of the CONARECI. And there were other movements, such as
11 the FENOPACI, which was a dissident and became part of the CONARECI.

12 Q. And this CONARECI, well, I understand there is the GPP and the UPLTCI, and
13 in the 2005, what were the means announced with a view to defending the country?

14 A. Well, the president of the CONARECI, all those movements that I have
15 mentioned that were part of the CONARECI, the president of the CONARECI found
16 them already in place. So all he did was to gather them together. There were no
17 new means put in place for the CONARECI.

18 Q. And I would now like to ask you to speak about the Galaxie Patriotique.
19 I apologise. All these questions to do with CONARECI, could you please tell us the
20 source of your information in line with the numbers on the list?

21 A. There is number 8, number 11, number 10, number 4, 2 and number 1.

22 Q. Let us now talk about the notion or the term "Galaxie Patriotique." What is it
23 and how did this name come into being?

24 A. This name was ascribed by the international press, having noted that there was
25 or there were many movements of Young Patriots and an increase in the number of

1 those movements, so the international press called this group the Galaxie Patriotique.

2 Q. And when talk about the international press, was this because you were an
3 eyewitness to this or did somebody else report this to you; and if so, is there
4 somebody on the list?

5 A. I saw it on the RFI, RFI. That's why I said it.

6 Q. So when you talk about the international press, you're referring to Radio France
7 International?

8 A. Yes.

9 Q. And do you know at approximately what moment in time this term was used or
10 did you note that this term was used for the first time?

11 A. In approximately 2003 or otherwise in 2002, when only the alliance was in
12 existence. People did not yet talk or speak of the Galaxie Patriotique.

13 Q. Now, given the discussions you may have had with the various sources of
14 information, is there some distinction to be made between the Patriotic Galaxy and
15 the Young Patriots?

16 A. A distinction? Well, when people talk about the Patriotic Galaxy, this is a
17 reference to several groups of Young Patriots.

18 Q. And these Young Patriots, how old were they in approximate terms in
19 accordance with what you may have seen?

20 A. Under 35 years of age for the most part.

21 Q. Now, to your knowledge, and once again going by the numbers on the list,
22 what was the relationship between Mr Gbagbo and the patriotic youth?

23 A. I don't understand the relationship.

24 Q. What were the dealings between the patriotic youth, the Jeunes Patriotes, their
25 leaders and Mr Laurent Gbagbo?

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1 MR O'SHEA: Mr President, the question is too broad. It's going to elicit an opinion
2 definitely. It has to be situated in time and space.

3 PRESIDING JUDGE TARFUSSER: I must say it was very attentive on what would
4 have come out from this, of course. But I think as well that, I mean, going over the
5 dealings is a little bit broad.

6 MR MACDONALD: I can put a time frame to situate to begin with --

7 PRESIDING JUDGE TARFUSSER: Please.

8 MR MACDONALD: -- and then take it from there.

9 Q. (Interpretation) Now, Witness, you see, now when this term "Galaxy" or the
10 AJSN or in any event the UPLTCI, late 2002, beginning 2003, what were the dealings
11 like between the Young Patriots and the government in power, and indeed with Mr --

12 MR O'SHEA: I'm sorry, Mr President, but it's still too broad.

13 PRESIDING JUDGE TARFUSSER: Excuse me. Excuse me, Mr Witness,
14 Mr Witness.

15 THE WITNESS: (Interpretation) Yes?

16 PRESIDING JUDGE TARFUSSER: Was there a relation between the Jeunes Patriotes
17 and the government, and if yes, which ones from what you personally know? And
18 then tell us why you know and how you know. Thank you.

19 THE WITNESS: (Interpretation) Well, as far as I know, there was a president who
20 was in power and then rebels attacked. Young people mobilised to maintain the
21 national institutions. Now, according to the terms, and this is what was said at the
22 time, the national institutions were embodied by a number of people such as
23 members of the government. Thus, in other words, well, they, the young people,
24 they were in favour of the government being preserved. So that is what was meant.

25 Q. Now, you said they -- now, I see that -- is something bothering you? I see that

1 you are turning around.

2 A. No. I'm fine. No, no, no. The list is not necessary.

3 So the national institutions had to be preserved. And national institutions were
4 embodied by a number of individuals. Individual people were the incarnation of the
5 national institutions, the ministers, the economic and social council, these institutions
6 and people had to be maintained. Thus, they had to be maintained.

7 Q. Do you know how this group of Young Patriots was financed? And if so, can
8 you tell us how you know? What is the source of your information from the
9 beginning right up until the elections of 2010 or, in other words, from 2002 until 2010?

10 A. Well, when you speak to an official of a group, they always say that they fund
11 themselves. For example, when you speak to an official from one of the agoras, that
12 is what he will say; and that was the same for this coalition, the officials of the
13 coalition said the same thing.

14 However, what would justify the emergence of these many movements was that at
15 one particular time a young person, young official, rightly or wrongly, well, it was
16 thought that since there was a leader, they thought that money was being paid to Blé
17 Goudé and he was not paying it back.

18 So people thought they should have their own group, and that was the rationale that
19 justified the emergence of all these new groups. They were popping up like
20 mushrooms, so to speak.

21 So all the various groups were organising themselves to survive.

22 Q. And you make reference to the fact that Mr Blé Goudé, well, that people had the
23 impression that he was receiving money. Where did that information come from?

24 A. Well, from number 14, from number 19. That is what I can tell you.

25 Q. And did these people say where this money came from, this funding or

1 financing for Mr Blé Goudé?

2 A. I was not told directly what the source of the money was.

3 Q. Did anyone explain to you in practical terms how he actually went about
4 getting the money?

5 A. One could only rely on remarks made by a few people who were unhappy,
6 malcontents. When you look at the internal dynamics of a group, you may say to
7 yourself: Why is it that that particular person is leaving that coalition and is setting
8 up a specific group? And then you have to consider the habitual reasoning, usual
9 reasons, and when you talk to that person and the person says to you, "Oh, well, we
10 think that Blé Goudé is getting money from the presidency," because they don't
11 understand that Blé Goudé is a vehicle, so to speak, and they, and they also members
12 of the Mouvement Patriotique are being taken along for a ride. So, you see, that's
13 what it's all about.

14 Q. Now the list of malcontents, are any people --

15 THE INTERPRETER: Overlapping speakers.

16 THE WITNESS: (Interpretation)

17 A. Yes, many. Number 11, even person number 4, number 1, 14, 17 and 19.

18 PRESIDING JUDGE TARFUSSER: Excuse me, excuse me. Just when you are
19 putting the question, "Now the list of malcontents are any people," then we don't
20 know how the question proceeded because there were overlapping speakers. So at
21 least in the English transcript, we don't see what the question was.

22 MR MACDONALD: The question, your Honour, was "From this list of malcontents,
23 are there any names on the list, and can you give us the numbers." And then the
24 witness gave the numbers.

25 Q. (Interpretation) Witness, now, did these people say to you who more

1 specifically within the office of the president --

2 PRESIDING JUDGE TARFUSSER: What did they say to you in relation to?

3 Because if you start with "Did the people say to you" -- then you obviously are
4 leading.

5 MR MACDONALD: All right.

6 PRESIDING JUDGE TARFUSSER: If you ask "What did they say to you as far as
7 regards this and this," that's it, I would say, I would suggest. Please rephrase.

8 MR MACDONALD: I will rephrase, your Honour.

9 Q. (Interpretation) Now, you see, Witness, the question is this: What were you
10 told about the presidency and the money that was coming from the presidency?

11 A. I told you that in this regard I could only go by what people were supposing. I
12 can only go by suppositions. I may have had credible information, but it was with
13 Mr Charles Blé Goudé. However, during my investigations I was not able to get an
14 opportunity to speak to him.

15 But all what I did see was that many leaders were complaining. They were saying
16 he's the craftiest one. We're going to do the same; we'll set up our own group and
17 we'll try to see how we can approach the president.

18 So, you see, in fact, what I saw was that these officials had the feeling that, well, if
19 the -- if you wanted to have an audience with the president, you had to have a group.
20 But were these feelings a reflection of reality? I don't know.

21 Q. And how or through whom did a person gain access to the presidency?

22 A. I beg your pardon?

23 Q. How did people gain access to --

24 MR O'SHEA: That question is a leading question, because it doesn't follow from
25 what the witness just said. The witness just said he doesn't know the reality.

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1 PRESIDING JUDGE TARFUSSER: Yes, but I think it's another argument. Their
2 argument is stop, go ahead, how does -- I think this is legitimate. I don't think it's a
3 follow of the last -- of what we said until now.

4 MR O'SHEA: Well, he's leading the witness.

5 PRESIDING JUDGE TARFUSSER: Excuse me. If he says "How did people get
6 access to the president?" put --

7 MR O'SHEA: Yes, but this witness has not said that anybody had access to the
8 president.

9 PRESIDING JUDGE TARFUSSER: Well, he could say "I don't know."

10 MR O'SHEA: He said that there was a sentiment, a feeling on the part of certain
11 people who were not happy that Blé Goudé may have got resources from the
12 presidents. That's as far as he's gone.

13 PRESIDING JUDGE TARFUSSER: Do you know if --

14 MR MACDONALD: Your Honour, with your --

15 PRESIDING JUDGE TARFUSSER: Do you know if people get access to the
16 president and how?

17 THE WITNESS: (Interpretation) You're asking me how people gained access to the
18 president? I didn't take that aspect into consideration.

19 PRESIDING JUDGE TARFUSSER: Mr Prosecutor.

20 MR MACDONALD: (Interpretation)

21 Q. Now, once these groups had been set up, did they have access to the funding
22 from the Presidency to your knowledge?

23 MR GBOUGNON: (Interpretation) I will reply. I will reply. For 30 minutes
24 now the witness has been answering saying he doesn't know, he doesn't know, and
25 the Prosecution is not happy with these replies. These are just suppositions, people

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1 had the feeling that -- I have the floor. I have the floor. Allow me to conclude my
2 remarks.

3 Your Honour, we are wasting our time going around and around and around in
4 circles.

5 MR MACDONALD: (Interpretation) Regarding Mr Blé Goudé, and the witness
6 answered saying according to suppositions about Mr Blé Goudé, and now I am
7 moving on to the issue of the source of funding for the Young Patriots, when these
8 various groups were created. To his knowledge, does the witness know whether
9 these other groups were being paid for, funded, and if so, how and what was the
10 source of that information?

11 MR GBOUGNON: (Interpretation) The witness has answered. He's gone beyond
12 the answer in actual fact. He said that that explained the emergence of all these new
13 groups. People had the feeling that they needed to set up their own group in order
14 to get funding or money. But these are just suppositions. The witness has
15 responded. He has responded. I think we should leave it at that and move on.

16 MR MACDONALD: Well, I see that the reply from the witness is bothering my
17 learned friend opposite, because the witness actually never --

18 PRESIDING JUDGE TARFUSSER: We're not commenting.

19 Mr Witness, the Prosecutor has asked you a question. Now give your answer to this
20 question.

21 And then we go forward whatever the answer is.

22 THE WITNESS: (Interpretation) May I please have a moment and get up for a
23 moment?

24 PRESIDING JUDGE TARFUSSER: No. We don't know why. We don't know
25 why.

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1 THE WITNESS: (Interpretation) I just would like to stretch a bit. But that's fine,
2 No problem.

3 MR MACDONALD: Your Honour, the witness needs to stretch.

4 PRESIDING JUDGE TARFUSSER: No, no. Hang on. I thought you wanted to
5 stand up and make a statement. No? If you want to stand up to stretch a minute
6 and then sit down, that's okay.

7 THE WITNESS: (Interpretation) Okay, okay. No, no, that's fine. I told you that
8 there was this feeling that since right from the very beginning, Blé Goudé was
9 officially accepted as the boss. All the others had the impression that something,
10 something was destined for them, and Mr Blé Goudé got there, he got in there first, so
11 to speak.

12 So you would see -- I'll give you a specific example. Some speakers would leave the
13 Sorbonne, and they've set up FENOPACI. Why? Well, because of the reasons I've
14 already mentioned to you. A month later, some speakers would leave the Sorbonne
15 and set up another federation. I'm sorry, I have the list in mind, but in any event I
16 can give you more than 10 examples, organisations that were set up.

17 At first, you see, the leader or the boss, well, he was the first one. Then some people
18 would leave and form their own group two months later. Another group would say,
19 oh, well, the person we appointed is not managing things properly. We need to
20 have our own group.

21 Three months after that people would say: Oh, well, the one who was complaining
22 about the first one -- and so, you see, this was one organisation after another being set
23 up. That is why I am talking about suppositions because, you see, one day a person
24 would be complaining about another, the next day he would be setting up his own
25 organisation.

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1 I think I've provided you with a clear picture. I can give you dates and the
2 succession of organisations. So in other words, many factions emerged.

3 MR MACDONALD: (Interpretation)

4 Q. Very well. We'll leave this topic for the time being.

5 In the year 2004, who was the chief of staff of the president of the republic?

6 A. I don't remember his name.

7 Q. Who was the head of protocol at the Presidency?

8 A. I think it was Mr Kuyo Téa Narcisse or -- I wasn't very familiar with the
9 members of --

10 Q. Do you remember being interviewed by the Prosecution about the identity of
11 those various people?

12 A. Yes, at the time. I no longer recall, but that doesn't mean that I didn't.

13 MR MACDONALD: With your permission, your Honour, I will refresh the
14 witness's memory?

15 MR O'SHEA: Well, Mr President, I'm of course aware of your rulings on this, but
16 one does have to look at the situations witness by witness. This is an intelligent
17 witness, (Redacted), somebody who has been expressing himself in a great amount
18 of detail. In our submission, it's not necessary for him to refresh his memory if he
19 cannot remember a specific name.

20 PRESIDING JUDGE TARFUSSER: Well, beside being (Redacted), et cetera, he is
21 also a person who can also not recall something, which has happened and it's far
22 away.

23 So I think please proceed with the questioning. May I say --

24 MR MACDONALD: We're building a house.

25 PRESIDING JUDGE TARFUSSER: I'm waiting that we arrive to 2010.

1 MR MACDONALD: We're getting there, your Honour.

2 PRESIDING JUDGE TARFUSSER: Yes, in an hour, okay, in an hour or more, yes,
3 whatever it is. I just say what I --

4 MR MACDONALD: I understand.

5 PRESIDING JUDGE TARFUSSER: Please go ahead.

6 MR MACDONALD: But I would say Rome was not built in a day.

7 PRESIDING JUDGE TARFUSSER: Yes.

8 MR MACDONALD: Okay? So this is why we need what may be innocuous
9 information at this stage, but down the road I can guarantee you, your Honour --

10 PRESIDING JUDGE TARFUSSER: Please go ahead.

11 THE WITNESS: (Interpretation) I beg your pardon. I remember. The head of
12 protocol was Mr Allou Eugène, so there you have it, not Kuyo Téa Narcisse.

13 MR MACDONALD: (Interpretation)

14 Q. So Mr Allou Eugène was the head of protocol within the presidency?

15 A. Yes.

16 Q. And Mr Kuyo Téa was the chief of staff of the presidency of the republic?

17 A. Yes.

18 Q. With the people on this list, was Mr Allou Eugène and Mr Kuyo Téa?

19 A. Yes. I told you that people were making suppositions to the effect that

20 Mr Blé Goudé was receiving money. And when you would ask people who is

21 giving him the money, the same people who were complaining, who were saying, oh,

22 we think that money is being paid to Blé and it's going by way of Narcisse or its going

23 through Allou Eugène, that was line or the conduit. That is what people were

24 saying.

25 Q. And were there any other suppositions about other sources of money,

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1 government money, government funding?

2 MR O'SHEA: With respect, we do not want suspicions or suppositions. We want
3 facts.

4 MR MACDONALD: I'm just using the word of the witness, your Honour, in that
5 context. That's why.

6 I'll rephrase. I will rephrase.

7 MR O'SHEA: This is the point, I just want the point to be clear, that if we are talking
8 about a supposition, if the witness has said that we're talking about suppositions, we
9 stop there, we don't go further into it because we're not dealing with facts anymore.

10 MR MACDONALD: I will ask, rephrase my question, your Honour.

11 Q. (Interpretation) Do you know Mr Marcel Gossio?

12 A. Yes.

13 Q. And what was his function or title?

14 A. He was the head of the autonomous port, the director general of the ports.

15 Q. Of the ports?

16 A. Yes.

17 Q. Laurent Ottro Zirignon?

18 A. I see. Mr MacDonald, Mr MacDonald --

19 Q. Wait for the question. Wait for the question. One thing at a time. Wait for
20 the question. One thing at a time.

21 MR O'SHEA: Yes, and my learned friend is leading the witness again.

22 PRESIDING JUDGE TARFUSSER: Well, I don't see any leading in asking if he
23 knows a person. Excuse me. No.

24 MR O'SHEA: He's going to a specific issue, he's going to the specific issue of the
25 financing of these activities, and then he's naming people specifically to the witness in

1 order to prod the witness to talk about that person. My learned friend has facts in
2 his mind. So that is leading.

3 PRESIDING JUDGE TARFUSSER: Yes, but excuse me, if he asks a person a name, if
4 he knows a person, and then asks what he knows about him within, within our case;
5 whereas I don't see any leading in that.

6 MR O'SHEA: Well, if your Honour pleases, but one has to look at the context of the
7 question. He's pointing the witness in the direction, in my submission. But I hear
8 your Honour.

9 PRESIDING JUDGE TARFUSSER: Thank you.

10 MR MACDONALD: Thank you. I'll continue. And it will go to weight anyway at
11 the end of the case.

12 Q. (Interpretation) Now, Witness, which Mr Ottro Zirignon, what was his --

13 A. Director general of the ports.

14 Q. You said the director general of the ports of Abidjan?

15 A. The refinery.

16 Q. And when you say "refinery," you're talking about the oil refineries; is that
17 correct?

18 A. Frankly, I never really took much interest. I mean, it's so obvious, I really
19 never paid much attention.

20 Q. Very well. Now, did anyone say, anyone on this list, was there mention made
21 of these two people, Zirignon and Gossio?

22 A. Yes. Amongst the people who were complaining, those who thought that they
23 had been hard done by, as they complained and whined, they would denounce Blé
24 Goudé saying: Oh, yes, he's going to take the money from the presidency, the two
25 people mentioned, and he'll take the money from these officials from the state owned

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1 companies, Marcel Gossio.

2 So these were the complaints. These were the denunciations. Others -- no. Those
3 were the denunciation, you see.

4 Q. What do you mean by "the other guy"?

5 A. No. I didn't say "the other one."

6 Q. Very well. I'd like to now move on to November 2004, and I might use the
7 following method to question you in the manner in which my learned colleagues
8 questioned people. I understand that during the interview with the OTP, you talked
9 about November 2004?

10 A. Yes.

11 Q. What can you tell us about the events of November 2004?

12 A. November 2004 was -- was -- what were we -- what was that operation called?
13 It was the Unity Operation, Operation of Unity, is that right?

14 Q. Yes, indeed, that's it, November 2004.

15 PRESIDING JUDGE TARFUSSER: Maître Gbougnon.

16 MR GBOUGNON: (Interpretation) Yes, Mr President, 2004 has 12 months in it.

17 And in the year 2004, there are a multitude of events in Côte d'Ivoire, please. And
18 even in the month of November there are 30 days.

19 So, Mr President, the OTP needs to put a more specific question to the witness so that
20 he can respond in a more specific manner. You know, there are 30 days in the month
21 of November, there could be 30 different events. Let's have a more specific question,
22 please, Mr President.

23 PRESIDING JUDGE TARFUSSER: That's right --

24 MR MACDONALD: I don't want to suggest a date, but if my colleague wants a date,
25 I can give it a date.

1 PRESIDING JUDGE TARFUSSER: Yes. But the problem is if he gives a date, then
2 he's leading. If he doesn't give a date, then he's not specific.

3 Please, Mr Prosecutor, go ahead.

4 MR MACDONALD: Thank you.

5 Q. (Interpretation) Mr Witness, you've understood the question only too well.
6 The Operation of Unity, could you describe it to the Chamber, please? That's the
7 question.

8 A. The Operation of Unity or the Unity Operation in November 2004, well, soldiers
9 were of the opinion that the neither peace nor war situation had to come to an end.
10 Also, the division of the county in two had to come to an end. And by extrapolation,
11 one had to dislodge the rebellion from its main headquarters, which was Bouaké.
12 That is the second military city in Côte d'Ivoire.

13 Q. Now, there were a number of admissions made in the dossier previously,
14 during previous hearings with regard to dates. So that might answer one of
15 my -- one of the concerns of my learned colleague, Mr Gbougnon.

16 Now, Witness, I would like to put a question to you. To your knowledge and
17 according to the interviews or discussions that you had with groups of Young Patriots,
18 was there any -- was there any relation or cooperation between the Ivorian army and
19 these groups?

20 MR GBOUGNON: (Interpretation) Mr President, there is a suggestion being made
21 here. The Prosecutor should ask who the witness had this conversation with. You
22 can't just say, well, he talked to a Young Patriots. You should ask the witness with
23 whom he had such a conversation so that he can say yes, he did and what it was
24 about. You can't just say he had a conversation with any old Young Patriot.

25 PRESIDING JUDGE TARFUSSER: Excuse me. But before he has to say if at all he

1 had this discussion, then with whom, because otherwise he can't say I had the
2 discussion with this about what. I mean, it's from the consecutio, it's the opposite.
3 But I'm very much aware that just that somewhere the witness said "soldiers were of
4 the opinion," which I didn't like. What means soldiers were of the opinion? This is
5 not a fact. It's an opinion of an opinion. So, I mean, we are going a little bit far
6 from what the witness has to say.

7 MR MACDONALD: I'll clarify all of that, your Honour, I'll clarify.

8 PRESIDING JUDGE TARFUSSER: Yes. I really and for the nth time I ask questions,
9 answer, questions, answer and not long statements, not statements. And this is to
10 both of you. Thank you. I mean to both of you to the OTP and to the witness.

11 MR MACDONALD: (Interpretation)

12 Q. Did you discuss the Dignity Operation with any of the leaders or any members
13 of the groups that are to be found on the list with their numbers?

14 A. I discussed matters or I discussed this with young people who talked about the
15 Operation Dignity, but I didn't take it as a subject matter specifically.

16 Q. And when you discussed this operation with the youth, what were the
17 questions that you raised with them?

18 A. Well, what I talked to them about was the reasons why there was an increase in
19 the number of movements. And amongst what they had to say, the malcontents,
20 what they had to say was that, yes, we did all the ground work, even Operation
21 Dignity, we were the ones who were fighting. So those were the conditions under
22 which reference to Opération Dignité was referred to.

23 But I would like to say something that would probably or most probably be of interest
24 to you, is that in my experience in this movement, there was -- you could put a foot
25 wrong very easily if you did not take care. There was a tendency to say things that

1 did not reflect reality, just to show that you are amongst the entitled, and this seemed
2 to be a very fundamental aspect within the movement.

3 PRESIDING JUDGE TARFUSSER: Excuse me, Mr Prosecutor.

4 Now, you at a certain point say, and I always refer to the English transcript, "Well,
5 when I talked to them about what was the reason why there was an increase in the
6 number of movements," et cetera, when I talked to them where? At the bar? At the
7 university? On the street? How are these -- how can we imagine these talks with
8 these young people, not very much identified? Was these structured talk or
9 unstructured, just --

10 MR MACDONALD: Can we go in closed session, private session for this, your
11 Honours, because it's topics that we touched upon in private session previously with
12 this witness.

13 PRESIDING JUDGE TARFUSSER: Well, I'm asking if they talked in a bar --

14 MR MACDONALD: The methodology, the methodology, the methodology was
15 addressed in private session, your Honour.

16 PRESIDING JUDGE TARFUSSER: Well, if you remember, I do not -- that we did
17 touch the methodology.

18 MR MACDONALD: At the very beginning, within the first half hour.

19 PRESIDING JUDGE TARFUSSER: Well, so let's go in private session, please.

20 (Private session at 3.11 p.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Open session at 3.14 p.m.)
- 21 THE COURT OFFICER: (Interpretation) We are in open session, Mr President.
- 22 PRESIDING JUDGE TARFUSSER: Thank you.
- 23 Yours the floor. Thank you. Yours the floor.
- 24 MR MACDONALD: (Interpretation)
- 25 Q. Mr Witness, to your knowledge, Mr Olivier Zoulou was part of which group?

1 A. He was in the GPP, first of all, and then for reasons of discontent that I
2 mentioned earlier, he then set up the FLP, the Force de libération du peuple, the
3 People's Liberation Force.

4 Q. I'm going to call him by his nickname.

5 A. Olivier Le Zoulou.

6 Q. Maguy Le Tocard, which group did he belong to?

7 A. He was a member of the UPLTCI and the Nouvelle Forces, the New Forces,
8 which belonged to Mr Eugène Djué.

9 Q. Mao Glofiéhi?

10 A. That was the OS self-defense movement.

11 Q. Do you remember the acronym FLGO?

12 A. FLGO. Yes, thanks.

13 Q. Yes, the FLGO that you mentioned earlier on.

14 A. The force de libération du grand ouest.

15 Q. And Rita Djédjé, who is also known as Rita Marley, which group?

16 A. GPP.

17 Q. Very well. I would like you -- this is still in the context of November 2004,
18 what was Mr Blé Goudé doing to your knowledge during that period?

19 A. That was 2004, that's long.

20 Q. November 2004, and more specifically in the aftermath of this Operation
21 Dignity and the destruction of the French aviation, how did all -- how did
22 Mr Blé Goudé react?

23 A. In 2004, Mr Blé Goudé had stepped away from all the preparatory meetings and
24 all the meetings associated with the execution of Operation Dignity under the pretext
25 that he or that his line of conduct -- well, people said that he was -- he was in keeping

1 with Martin Luther King. There were those who wanted to fight like Martin Luther
2 King and the other one was Malcolm X, you know, there was that division.
3 So it was like he had stepped away from the organisation of Operation Dignity. And
4 when the operation took place, I do not know whether it was my informants who
5 misled me or not, but I do not know how it came about, but it was Blé Goudé that we
6 saw on the television saying that the Ivorian flotilla had been destroyed.

7 Q. And do you remember what he said over the television at that time?

8 A. Blé Goudé appeared on the television on numerous occasions with regard to
9 Operation Dignity, I do not remember specifically what he said.

10 Q. And was there any mobilisation to your knowledge at that moment in time in
11 reaction to the bombing of the Ivorian air force?

12 A. There was an extraordinary level of mobilisation. I saw women. I saw young
13 people. I saw the elderly. I saw many people out in the streets.

14 Q. And where did they go?

15 PRESIDING JUDGE TARFUSSER: All of them? All of them? What do you mean
16 "Where did they go?"

17 MR MACDONALD: (Interpretation) Where did they go? (Speaks English) That
18 includes everybody, I'm sorry, in French.

19 PRESIDING JUDGE TARFUSSER: Yes, yes.

20 MR MACDONALD: Où sont-ils allés.

21 PRESIDING JUDGE TARFUSSER: Oui, Oui.

22 THE WITNESS: (Interpretation) Some of them went -- what happened? I'm sorry.
23 I'm getting a bit mixed up.

24 Well, rumour had it that the residency of the president had come under attack, and
25 many people went there, and others just came out in protest. They didn't even

1 manage to get to Le Plateau. They then went home.

2 MR MACDONALD: (Interpretation)

3 Q. Very well. Thank you.

4 I'm going to show you a video, and this is video CIV-OTP-0009-0342 from minute
5 45.25 to 46.25. And there is a transcript, and it's translation 0062-0712, line 71 to 101,
6 and the translation is 0063-0920, lines 74 to lines 107.

7 And before presenting this, Mr President, this excerpt, the excerpt is in French, with a
8 voice-over in French -- in English, apologies. So it's a little difficult to understand
9 some things that are said. And I shall read it back for the record some of the things
10 that are said.

11 (Speaks English) Just to clarify in English, there is a voice-over from French to
12 English, but you have the transcripts. In any event, I'll read everything.

13 MR O'SHEA: Your Honours, the witness has said that in relation to Operation
14 Dignity, he does not remember the words that were spoken by Blé Goudé. Now, a
15 video is going to be shown to him speaking about where Blé Goudé speaks about that
16 subject.

17 So I'm just putting the Chamber and my learned friend on notice that if -- at the
18 moment all I can imagine is that one is going to ask his opinion or just put the video
19 in front of him and then withdraw it. But if it is an exercise in trying to elicit the
20 opinion of this witness on the words, then I will be objecting, because at the
21 moment --

22 PRESIDING JUDGE TARFUSSER: I will be objecting before you.

23 MR O'SHEA: All right. Because I can't see the direction if he says he can't
24 remember the words.

25 MR MACDONALD: Just I'm reading from the French transcript --

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1 PRESIDING JUDGE TARFUSSER: If he remembers or not remembers, I think it
2 doesn't -- it was me, sorry.

3 If he remembers or not remembers, I think it's irrelevant. If they are there or -- they
4 are there in the footage. So I mean, where is the --

5 MR O'SHEA: If all my learned friend wants to do is show the Chamber the video,
6 that's fine.

7 PRESIDING JUDGE TARFUSSER: Yes. Then we see what the question is, if there
8 is a question. Please.

9 MR MACDONALD: (Microphone not activated)

10 PRESIDING JUDGE TARFUSSER: Yes.

11 MR MACDONALD: Thank you.

12 THE INTERPRETER: Microphone please, counsel.

13 MR MACDONALD: (Interpretation)

14 Q. Evidence 2?

15 A. Evidence 2, okay.

16 MR MACDONALD: And if we can have the floor, please.

17 (Viewing of the video excerpt)

18 MR MACDONALD: (Interpretation)

19 Q. So, Mr Witness, before putting a question to you so things are clear, I'm going to
20 read from the transcript what Mr Blé Goudé said. Quote:

21 "What I am asking you now is if you are asleep, then wake up. If you are eating,
22 then stop eating. Get up now. Go and free the airport of Côte d'Ivoire. There is a
23 question at hand now. We have a choice between dying in shame or dying in
24 dignity.

25 Brothers, are you ready to die in shame or to die in dignity? Go to the airport, all of

1 you.

2 Did you say dignity?

3 Go to the airport, all of you. Everybody, go to the 43rd BIMA. Nobody should be
4 asleep. Everybody should be out in the streets. I am calling upon you all for
5 popular resistance to free Côte d'Ivoire. We are not a neighbourhood of Paris."
6 End of quote.

7 MR N'DRY: (Interpretation) I just wanted to know whether this was a literal
8 reading of the video that we have just seen. I do not see here where what
9 Mr Blé Goudé said at the beginning. "I'm not asking you to go and attack the French,
10 the poor French who are at home." And I don't know -- "And they have nothing to
11 do with the crisis." I don't know whether you, you know, you dropped that bit.
12 Could you just specify?

13 MR MACDONALD: (Interpretation) This part is in the transcript that you have,
14 Mr President. And the entirety of this speech is in the exhibits. But, of course, it
15 has to be submitted.

16 But the OTP or the Prosecution is quoting that part to the witness. We're not playing
17 hide and seek here. And our colleagues will have the opportunity to come back to
18 this in examining the witness. So I do not see the point of an objection at this
19 juncture, unless to make mention of what Mr Blé Goudé said prior.

20 MR GBOUGNON: (Interpretation) Mr President, I believe that my learned friend
21 is often repeating that, you know, we should be honest with the witness, talking in
22 good faith or bad faith. He's saying that he does not remember what Mr Blé Goudé
23 said. So to be honest with the witness, when you want to quote something, either
24 you say that you're going from line such and such to line such and such. We don't
25 just say, you don't just extract words in order to make a travesty of them or make a

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1 travesty of all of the statement. That's all.

2 PRESIDING JUDGE TARFUSSER: Yes, you might be right, but this has been done
3 also by the Defence where they just extracted a part of the -- now I say "the Defence"
4 generally speaking, extracted only a part. But we have the whole piece submitted to
5 the Chamber, so there shouldn't be a big problem in this. We have the whole piece
6 submitted to the Chamber.

7 Please go ahead.

8 I don't know why, why one has to -- I mean, we have the footage.

9 MR MACDONALD: Yes.

10 PRESIDING JUDGE TARFUSSER: We should now explain through the witness
11 what this means.

12 MR MACDONALD: No, no, no.

13 PRESIDING JUDGE TARFUSSER: Okay.

14 MR MACDONALD: I'm just asking him one question.

15 PRESIDING JUDGE TARFUSSER: Yes, please.

16 MR MACDONALD: Just one question.

17 PRESIDING JUDGE TARFUSSER: One question.

18 MR MACDONALD: Listen, your Honour, I'll be quite honest, at this rhythm, I'm
19 not finished today, that's guaranteed, because there is objections after objections,
20 which I think are just meant to derail the whole thing.

21 PRESIDING JUDGE TARFUSSER: There are not so many objections, Mr Prosecutor.
22 I would have thought more.

23 But please go ahead.

24 MR MACDONALD:

25 Q. (Interpretation) Mr Witness, did you see this famous speech by Mr Blé Goudé

1 at the time?

2 PRESIDING JUDGE TARFUSSER: This speech, not this famous speech.

3 MR MACDONALD: (Interpretation)

4 Q. I apologise. This speech.

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted).

10 Now, the truth be told, I believe that it was over YouTube or the Internet that I believe

11 I saw this film, because it's not the first time that I've seen it, I believe.

12 Q. Very well. January 2006, shall we move to that time? Now, I'd like to speak
13 about the international working group.

14 A. The GTI.

15 Q. Yes, the GTI. Were you in Côte d'Ivoire at that time?

16 A. Yes, I was in Côte d'Ivoire.

17 Q. What can you tell us about the events surrounding the decision made by the
18 international working group that saw that the national assembly had come to an end
19 of its term? What sort of response?

20 PRESIDING JUDGE TARFUSSER: Mr Gbougnon.

21 MR GBOUGNON: (Interpretation) Mr President, once again, the same story. I
22 think this is the same problem, very general questions. Now, who said what?

23 PRESIDING JUDGE TARFUSSER: That is exactly what I was going to say. If you
24 say, if the question is "What can you tell us about the events surrounding the decision
25 made by the international working group," et cetera, et cetera, I think this is not a

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1 question. This is the opening for a statement and not a question to a witness.

2 So please could you rephrase.

3 MR MACDONALD: (Interpretation)

4 Q. Were there demonstrations in January 2006 to your knowledge?

5 A. Yes. People told me that they, they who thought of themselves as Young

6 Patriots fighting for the maintenance and the protection of institutions, they thought

7 the national assembly was very much a strong component, one of the primary

8 national institutions. And to say that the term of the national assembly had come to

9 an end, that meant that the very purpose of their mobilisation had come to an end.

10 So, you see, that, that was the argument. Those were the reasons why the youth

11 mobilised during -- that was the reason for these demonstrations.

12 Q. Who told you?

13 A. Everyone, everyone. A great many people said that.

14 Q. And if we look at the list?

15 THE INTERPRETER: Overlapping speakers.

16 THE WITNESS: (Interpretation) 3, 4, 5, 6, 7, 8, 9, 10, 11.

17 MR MACDONALD: (Interpretation)

18 Q. That's fine.

19 A. Pretty much all of them, and there are even some names not on this list.

20 Q. Witness, could you explain what the mobilisation in January 2006, what was it

21 all about? You were in Côte d'Ivoire?

22 A. Yes.

23 Q. In Abidjan, what happened exactly?

24 A. The international working group thought that the mandate of the national

25 assembly had come to an end. And I saw various groups mobilising in -- well, if I

1 say the neighbourhood where I live, that's not a good thing. But I did see many
2 groups come out with signs. And these signs or placards would say, "No, don't kill
3 our national institutions. No to France's decision," so a great many placards.
4 I also saw groups of young people who went to Cocody, for example, to the RTI that
5 was announcing. And unless I'm mistaken, it was during that event, during that
6 event we saw Blé Goudé with a mattress. I believe that particular image went
7 around the world. And he set it down and he lay down, and I believe it was in front
8 of the 43rd BIMA. You see, those events were a while ago. I have to be rigorous. I
9 don't want to spout nonsense. But in any event, he took a mattress. He laid it
10 down. He lay upon it. And the other people from the alliance were around him,
11 surrounding him with other groups. So that is what I can tell you.

12 Q. Well, we can come back to the whole question of the mattress later.

13 But why were people so critical of France? Why were those things -- why were
14 people denouncing -- why was the word "France" on the -- what was France doing in
15 there, in the middle of all that?

16 MR GBOUGNON: (Interpretation) The Prosecution is asking the witness to
17 comment upon or to interpret what was written on the signs. But he did not make
18 these signs. So how can he be expected to explain why something had been written
19 on a sign? How could he know?

20 MR MACDONALD: Because he was there, your Honour.

21 PRESIDING JUDGE TARFUSSER: Mr Witness, did you speak to somebody who
22 had these signs with these type of wording on it and asked him why he has written
23 this on these signs?

24 THE WITNESS: (Interpretation) Well, I would have never finished my research if I
25 had taken interest in all of those things, all of those signs. There were thousands.

1 Quite frankly, I did not take any particular notice of what was said on.

2 MR MACDONALD: (Interpretation)

3 Q. Now, as part of -- let me reformulate my question.

4 Now, during your discussions with the people on the list and regarding the defence
5 of the country, the motherland, what was France doing there in all of that? What
6 was France's role?

7 A. In relation to the defence of the country, what France was doing there or what
8 was France's involvement? Well, fundamentally this was all about the rebellion,
9 because the rebels were direct stakeholders or people saw them directly. And so you
10 see, all those people were referred to as a movement, a counter-insurgency. People
11 said that there had been an insurgency and then a counter-insurgency.

12 Now, as far as France was concerned, I couldn't say that I never heard rhetoric against
13 France. But what I do know is that as part of this movement, the primary
14 stakeholder was the rebellion -- the rebels as of 2006 -- no, 2007, within all of Abidjan,
15 there was four of these parlements, these speakers' corners, these gatherings.

16 Q. (Overlapping speakers)

17 A. Just one minute about that, if you don't mind.

18 And when you asked the young people about this, they would say: Our reason for
19 being here is the rebellion. But the leader of the rebellion is in the government.

20 So what it was, it was as if the movement had died, so to speak. And this is why we
21 saw these agoras.

22 Q. Well, we will talk about that, we will talk about the caravan of peace and that
23 period of time.

24 But I beg your pardon, one thing I took note of, you said that in January 2006 people
25 went to the RTI in Cocody. And what was that to do? What was that all about?

1 A. Well, you see, there were some places and there were some symbols. And the
2 43rd BIMA was a symbol, the RTI, the street. So I really can't tell you why they went
3 to the RTI in any event. They did not make statements when they were there in the
4 premises of the RTI. Perhaps they were afraid that the RTI might be attacked. But
5 that's my interpretation. Myself, I don't see why.

6 Q. To your knowledge, did they restrict themselves to the exterior or did they
7 actually go into the building?

8 A. I didn't have that information. I wasn't there. I don't know whether they
9 actually went into the building.

10 Q. July 2006 and briefly, briefly, because I think the Chamber has already heard
11 testimony about this period, but I would like to get some information about the
12 audiences foraines. What were the audiences foraines?

13 A. Well, simply put they were a process whereby administrative papers were
14 provided, birth certificates as you like. And you see, basically birth certificates were
15 issued to people who had never had one. A person might be 35 or 40 years old, but
16 the person did not exist officially because there was no official birth certificate for that
17 person. So that is what these audiences foraines were all about.

18 Q. Do you remember how these -- how this process unfolded?

19 A. Well, it was quite tense because, if I remember, the prime minister of the day,
20 Jean Konan Banny, he was appointed after international discussions, unless I'm
21 mistaken, and he was the one, he was given a road map, and within the road map we
22 saw this particular issue of the audiences foraines. And this was led -- all of this was
23 in order for registration to occur. People would be placed on the voters' list and then
24 the elections could be held.

25 Q. So (Overlapping speakers)

1 THE INTERPRETER: Message from the interpreters: Owing to the speed of the
2 exchanges, the last question was not interpreted.

3 PRESIDING JUDGE TARFUSSER: The last question was not interpreted because
4 there was no pause.

5 MR MACDONALD: (Interpretation)

6 Q. I beg your pardon. The 5-second rule.

7 The president of the RFPI, Mr Affi N'Guessan, to your knowledge, how did he react?

8 A. I didn't receive a direct statement from him, but what I can tell you, what I can
9 tell you comes from the people that I spoke to. And they said --

10 Q. (Overlapping speakers)

11 A. Eleven. Most of the officials from the agoras and the parliaments, number 14.

12 PRESIDING JUDGE TARFUSSER: This is a third-hand witness then, not even a
13 secondhand. Well --

14 MR MACDONALD: Your Honour, you have previous evidence on record --

15 PRESIDING JUDGE TARFUSSER: Yes.

16 MR MACDONALD: -- which will in the end, the reliability of any will be assessed
17 by the Chamber.

18 PRESIDING JUDGE TARFUSSER: I just take note.

19 MR MACDONALD: I understand. But yes.

20 Q. (Interpretation) Go ahead.

21 A. May I? Well, you see, I spoke to these people, and they told me that this issue
22 of the audiences foraines, the registration process, this was a very delicate issue
23 politically because, you must realise the whole issue of the registration process really
24 involved or impacted directly the election itself.

25 They thought that there was no consensus around the mode, the modus operandi.

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1 There was no consensus about the various practical arrangements that would be
2 made for the registration process. And they received instructions to stop these
3 audiences foraines, to shut them down.

4 Q. And did they tell you where the instructions came from, these instructions to
5 shut down the process?

6 A. Yes. They said it was the president of the FPI who told them that, without my
7 asking him directly.

8 Q. Very well. Now, if we could now move to 2007. After the Ouagadougou
9 accords in March, and then, you see, the caravan of peace was organised. And I
10 would like to ask you a general question: What was the caravan of peace? What
11 was this all about?

12 A. You're not --

13 You're not objecting? Not too general? It's an inside joke, your Honour, within the
14 courtroom because the answer will --

15 MR ALTIT: Monsieur le Président --

16 PRESIDING JUDGE TARFUSSER: I don't like the jokes inside the courtroom. I
17 don't know. I think there is nothing here to joke about.

18 But I think, please, Mr Witness, answer this question.

19 MR MACDONALD: (Interpretation)

20 Q. What was the caravan of peace?

21 A. Now, you said -- I can't quite remember. Oh, yes, the caravan of peace, yes,
22 yes. The caravan of peace was practically popular celebrations and against a
23 backdrop of major rallies led by Mr Charles Blé Goudé.

24 As the name indicates, caravan of peace, peace, people had to accept the

25 Ouagadougou accords. People had to accept that the people within the rebellion

1 had to be part of the government. People had to accept that well-known members of
2 the rebellion previously confined to Bouaké should come to Abidjan to the
3 governmental zone to go about their business.

4 So, you see, peace, it was about peace.

5 Q. You say that, you say that Mr Blé Goudé was at the forefront of the caravan.
6 He was the leader. Is that what you are telling us?

7 A. Yes, exactly. He was the person who was the most visible.

8 Q. I would like to briefly continue on this particular topic. But you mentioned the
9 impact that this had on the agoras and you mentioned -- I don't want to deal with that
10 necessarily, but the GPP to your knowledge, as part of the interviews that you
11 conducted, during this period of time, 2007, this time of peace, what was the impact
12 on the GPP?

13 A. The GPP disappeared for all practical purposes. The leaders told me that there
14 were no activities. And you see, since their reason for existence was the rebellion,
15 and with the acceptance of the rebellion, they thought they really -- there was no
16 longer any rationale for them to be present.

17 Q. In Abidjan, which places were they located, what neighbourhoods during that
18 time, that specific time frame?

19 A. Well, I said that they disappeared, really, for all practical purposes. They
20 could not be seen anywhere. I couldn't identify them anywhere.

21 Q. Now, before they disappeared, where were they?

22 A. Well, the GPP would gather only -- the only place -- well, the only thing I heard
23 about in the press, but I never actually saw myself the GPP, but what I would see in
24 the press was that there was one group in Adjamé at Mamie Fatai school. I believe
25 that was the name of the school, Mamie Fatai.

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1 Q. Did you talk to the leaders who were at these places?

2 A. I talked to them, but outside of their spot, the place where they were stationed,
3 so to speak. Sometimes we would have a meal in a quiet restaurant and we would
4 speak, we would relax and we would speak.

5 Q. Very well. Three days before the last round of voting, 25 November 2010, 25
6 November '10, there was presidential debate between Mr Gbagbo and Mr Ouattara,
7 and the debate was broadcast on the television. Did you attend the debate? Did
8 you see it on the television?

9 A. Yes, I did see the debate.

10 PRESIDING JUDGE TARFUSSER: No, because the question was "Did you attend or
11 did you see it?" And he said "Oui."

12 MR MACDONALD: "Oui, j'ai regardé le débat." The question was always look at
13 the debate.

14 PRESIDING JUDGE TARFUSSER: Okay.

15 MR MACDONALD:

16 Q. (Interpretation) Were any security measures mentioned by Mr Gbagbo that --

17 MR O'SHEA: That is leading. That is a leading question, your Honours.

18 PRESIDING JUDGE TARFUSSER: Yes. Is there a footage of this debate or is
19 there --

20 MR MACDONALD: Yes, there is a footage, but it's not on our list of evidence.

21 PRESIDING JUDGE TARFUSSER: Well, please rephrase.

22 MR MACDONALD: The witness looked at it.

23 Q. (Interpretation) Very well. Now, on the day of voting, 28 November, on that
24 particular day, at what time were people to go home?

25 A. That day I was at my locality, and you can see the place on the list. And

1 there -- well, the village, my village. So we stayed until midnight, 1 in the morning.

2 Q. And the rest of the country, to your knowledge, what was the time at which
3 people had to be back at home?

4 MR O'SHEA: Again, it's a leading question.

5 PRESIDING JUDGE TARFUSSER: No, no. But I do not understand. If we --

6 MR MACDONALD: Your Honour, I can ask was there --

7 PRESIDING JUDGE TARFUSSER: If you are asking me when the people go home in
8 Italy, I don't know.

9 MR MACDONALD: Okay. I'll ask the question right out.

10 Q. (Interpretation) Was there curfew?

11 MR O'SHEA: Leading.

12 MR MACDONALD: It's maybe "yes" or "no," but then I'm going to follow up with
13 other questions. It's not because it's answered by "yes" or "no" that it's leading de
14 facto. It is not. And I'm asking him if there is a couvre feu, and then I'm going to
15 ask him how he knows. And that's how we're going to get to the point. But, I mean,
16 I'm sorry, how do you want me to ask a question about, you know --

17 MR O'SHEA: I agree that not all questions which end in a "yes" or "no" are
18 necessarily a leading question. But if one is dealing with a controversial subject,
19 then it becomes a leading question.

20 PRESIDING JUDGE TARFUSSER: Yes, but can it be controversial if there is
21 officially a curfew or not? I mean, this is my question.

22 MR MACDONALD: No. That's the whole point, your Honour. I sent an email,
23 which I didn't get any responses by none of the Defence teams, because there is a
24 document that demonstrates that which is on our list.

25 PRESIDING JUDGE TARFUSSER: My question is: Why don't you submit the

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1 document then? May I ask you? I mean --

2 MR MACDONALD: Okay. I'm making an oral request pursuant to paragraph 43 --

3 PRESIDING JUDGE TARFUSSER: Yes, but I do not understand it. Why should we
4 know from a witness what is probably a document, an official document? I have -- I
5 really don't understand.

6 MR MACDONALD: All right, all right.

7 Can we pull up, can we pull up, your Honour, and I'll finish with that today, can we
8 pull up, Mr Rojas, please, CIV-OTP-0047-0069, please.

9 Q. (Interpretation) Witness, you'll have to press the button labelled Evidence 1.

10 (Speaks English) If we could just show the two pages very quickly. It's a public
11 document.

12 (Interpretation) Witness, here we can see a decree, 26 December 2010. This is a
13 document that establishes a curfew. Now, my question is this: It's dated the 26th.
14 Do you remember the first time -- well, are you aware that there was a curfew, and if
15 so, when did you hear about a curfew for the first time?

16 A. A curfew? Could you scroll up? I can't see the date.

17 Q. It was actually past this decree on 26 of December -- no. 28th of November,
18 that was the voting day on the second round. Were you aware that there was a
19 curfew?

20 A. Yes, I did know about that. But where I was living, you see, we did not respect
21 the curfew.

22 Q. So my question is this, when did you hear that there was a curfew? When did
23 you hear or find out or see that there was a curfew on the day of voting?

24 A. It was the day, the day of the debate, the very same day as the debate.

25 Q. How did you hear about that on the day of the debate?

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1 A. Your Honour, it was announced that in order to ensure that the elections run
2 smoothly or something like that for the harmonious holding of elections, a curfew had
3 been decreed.

4 Q. And do you remember what was the reaction from Mr Ouattara, the candidate
5 at the time?

6 A. I don't think he was in favour of a curfew.

7 MR MACDONALD: (Interpretation) Very well. Now, with your permission, Mr
8 President, I would like to submit this exhibit into evidence.

9 Is there any objection?

10 Who remains silent consents, so I --

11 PRESIDING JUDGE TARFUSSER: No, no, but it's submitted.

12 MR MACDONALD: I'm making -- if not, I'm making a request following --

13 PRESIDING JUDGE TARFUSSER: No, no. It's submitted. It's submitted as an
14 exhibit.

15 MR MACDONALD: Thank you.

16 PRESIDING JUDGE TARFUSSER: I would now stop it here because we are going
17 over the two hours now. I just recalled that the OTP out of the 6 hours estimated
18 have 5 hours and 35 already done. So I hope that in half an hour tomorrow morning,
19 also because I see we have arrived at 2010, this could be enough to close and then give
20 over to the Defence.

21 So tomorrow morning, 9 o'clock. Thank you very much.

22 THE COURT USHER: All rise.

23 (The hearing ends in open session at 4.02 p.m.)