

Trial Hearing
WITNESS: CIV-OTP-P-0435

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
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-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Monday, 31 October 2016
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:47] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:12] Good morning. Good morning,
15 Mr Witness.
16 Good morning to everybody.
17 WITNESS: CIV-OTP-P-0435 (On former oath)
18 (The witness speaks French)
19 THE WITNESS: [9:33:20] (Interpretation) Good morning, Mr President.
20 PRESIDING JUDGE TARFUSSER: [9:33:22] We are here this morning to continue
21 with the questioning by the Defence, and in particular by the Defence of
22 Mr Blé Goudé, to which I would like to give another two sessions and then I hope we
23 are through, because 9 plus 2 sessions are 12, as I do the mathematics. It is not an
24 opinion.
25 So, Maître Gbougnon, I give you the floor immediately.

1 MR GBOUGNON: [9:33:59] (Interpretation) Good morning, Mr President. Good
2 morning, your Honours.

3 Well, I hope that I will be able to wrap up in these two sessions, Mr President, if I can.
4 It will all depend on the circumstances of the hearing. But whatever the case may be,
5 I shall be finishing today. Now, as to whether it is going to be in two sessions, we
6 shall see.

7 PRESIDING JUDGE TARFUSSER: [9:34:31] Try hard.

8 MR GBOUGNON: [9:34:35] (Interpretation) Thank you, Mr President.

9 QUESTIONED BY MR GBOUGNON: (Interpretation) (Continuing)

10 Q. [9:34:40] Good morning, Mr Witness.

11 A. [9:34:43] Good morning, Counsel.

12 Q. [9:34:47] You just heard what the Presiding Judge said. So we are going to try
13 and be the most specific possible in order to gain some time.

14 Let us come back somewhat to the Galaxie Patriotique. You said that the
15 Galaxie Patriotique was a corpus of organisations; is that correct?

16 A. [9:35:20] That is correct.

17 Q. [9:35:26] It was created in 2002?

18 A. [9:35:38] Yes.

19 Q. [9:35:40] To your knowledge, who gave it the name "Galaxie Patriotique"?

20 A. [9:35:58] It was -- that is how this organisation was called. But as to who it
21 came from --

22 THE INTERPRETER: [9:36:18] The witness trails off.

23 MR GBOUGNON: [9:36:22] (Interpretation)

24 Q. [9:36:24] Thank you. Do you know, well, we're talking about groups of
25 organisation within this galaxy, do you know more or less who those various

1 organisations are that make up this galaxy?

2 A. [9:37:06] The various organisations to my knowledge that made up the
3 Galaxie Patriotique, well, there were the jeune, that's the FPI youth movement, the
4 association of agoras and parlements, there was the FESCI, there was the GPP, there
5 was the COJEP. These are the movements, it was just those movements.

6 Q. [9:37:59] And before the OTP, you made a sketch of an organisational chart, do
7 you recall?

8 A. [9:38:15] Yes, I do recall.

9 Q. [9:38:17] I would like us to present to the witness item CIV-OTP-0060-0011.
10 Do you have it up on the screen before you?

11 A. [9:39:19] Yes.

12 Q. On this document I see in the three boxes that you have drawn, I see FESCI, I
13 see the parliament and agoras, and the GPP FLGO militia; is that correct?

14 A. [9:39:44] Yes.

15 Q. [9:39:49] So in addition to the organisations that you have just mentioned, these
16 are all the organisations that you are aware of within the Galaxie Patriotique; is that
17 correct?

18 A. [9:40:00] Yes, yes.

19 Q. Do you know whether within the Galaxie Patriotique these various
20 organisations were grouped together into a large group?

21 A. [9:40:26] I do not understand the question.

22 Q. [9:40:30] You have named a certain number of organisations such as the FESCI,
23 the parliament and agoras, the GPP and FLGO, these are the various organisations or
24 associations. Do you know whether these "small" organisations -- I am trying to
25 make a distinction here -- do you know whether these small organisations were

1 grouped together within a larger group and all of this within the Galaxie Patriotique?

2 A. [9:41:08] I said that the Galaxie Patriotique comprised all of these movements.

3 But apart from the Galaxie Patriotique, I don't know whether there is a another group
4 that I can give you.

5 Q. [9:41:46] Have you heard speak of the AGSN or the --

6 A. [9:41:55] No.

7 Q. [9:41:58] Have you ever heard of the CONARECI?

8 A. [9:42:04] No.

9 Q. [9:42:08] Thank you very much, Mr Witness.

10 Whilst you were a member of the GPP, on how many occasions did you meet
11 Mr Charles Blé Goudé? And when I say "meet," what I mean by that is did you have
12 an exchange with him? I am not talking about seeing him at a rally or over the
13 television. What I mean is how many times did you interact with him?

14 A. [9:43:05] When we went -- when we escorted him to the river in Attoban in 2011.

15 Q. [9:43:30] Before that, in the context of your activities, did you never meet him?

16 A. [9:43:40] I met him in Adjamé at the Lorvie pharmacy parking lot.

17 THE INTERPRETER: [9:43:51] Message from the interpreter: Could we please be
18 given the spellings of these locations?

19 PRESIDING JUDGE TARFUSSER: [9:43:56] Please, the spelling of the location.

20 THE WITNESS: [9:44:03] (Interpretation) The Lorvie 2 pharmacy, L-O-R-V-I-E,
21 Lorvie.

22 MR GBOUGNON: [9:44:28] (Interpretation)

23 Q. [9:44:31] Yes, please go ahead with your explanation.

24 Could you please explain in what context, date and circumstances you met?

25 A. [9:44:53] When we met at the pharmacy, I was with one of his --

1 THE INTERPRETER: [9:45:04] The witness is mumbling.

2 THE WITNESS: [9:45:10] (Interpretation) -- one of his protégés. Doukrou Stéphane
3 Jean Bédé, who was also called l'oiseau, Doukrou Stéphane.

4 Q. [9:45:24] Could you please repeat and could you please go slowly and enunciate
5 and spell for the booth those names you have just provided us with?

6 A. [9:45:37] I said I was in the company of Sergeant Bédé, B-É-D-É and Doukrou
7 Stéphane, D-O-U-K-R-O-U, Stéphane, alias l'oiseau or the bird.

8 Q. [9:46:03] And in what context was this, he invited you or you invited him, or did
9 you just see him there at the pharmacy?

10 A. [9:46:11] No, no, I didn't know that I was going to meet him. It was Stéphane.
11 His guard called me, asked me to talk to me, and I said it was me. And he said that I
12 should give my position, and that if I'm in Adjamé at our base, he said that he would
13 call me back. And I think that 5 to 10 minutes later he called me and he said he was
14 coming to the pharmacy. So I went to the parking lot in the pharmacy and there
15 was --

16 THE INTERPRETER: [9:46:57] Incomprehensible.

17 THE WITNESS: [9:47:00] (Interpretation) -- that was parked up and I -- he -- he
18 made a sign to me and I went up to him and it was the two of him with Charles Blé
19 Goudé.

20 THE INTERPRETER: [9:47:09] Message from the English interpreter: The witness
21 must enunciate because he is mumbling terribly this morning.

22 PRESIDING JUDGE TARFUSSER: [9:47:14] Mr Witness, please, I received
23 complaints from the interpreters, could you please pronounce better, especially the
24 names. And, in any case, speak clearer. Thank you.

25 THE WITNESS: [9:47:45] (Interpretation) I said that when he asked me he asked

1 what my position was, where I was and I said that I was in Adjamé, at our base, not
2 far from the university campus, and he said that he would call me back. So 10 to 15
3 later he called me back and he said that I should go, this was Sergeant Blédé, he said
4 that I should go to the Lorvie pharmacy, to the parking lot. And when I arrived he
5 was parked in an ML four-by-four black Mercedes, he was driving, he was in the
6 driver's seat and he made a sign to me and I sat down next to him in the passenger's
7 seat. And Mr Charles Blé Goudé and Mr Doukrou Stéphane were in the back. And
8 he asked me -- this was in the month of October 2010. He asked me whether we had
9 received the visit of an individual who had come to see us and I said yes, and he
10 asked -- well, he wanted to reassure us, first and foremost, as to our insertion, as to
11 those who are apt to go into the army, and those who weren't were going to be taken
12 care of. But for them the priority was the elections, so we had to remain calm and
13 we had to continue and go to those various suspect locations where the people from
14 the RHDP were meeting in order to ascertain who the new individuals were whom
15 they were harbouring. So that's what we talked about.

16 Q. [9:49:55] Well, you say -- and who called you on your telephone then?

17 A. [9:50:02] Sergeant Blédé.

18 Q. [9:50:08] In October 2011 -- rather, 2010?

19 A. [9:50:12] Yes, 2010.

20 Q. [9:50:18] You declared that the first time you saw Sergeant Blédé was in
21 January 2011 in Yopougon-Sable, the first time you saw Sergeant Blédé was in
22 Yopougon in January 2011. So how is it that somebody you saw for the first time in
23 January in 2011 called you in October 2010, somebody you had never seen before?

24 MR DEMIRDJIAN: [9:50:50] Can we have the reference, please, where the witness
25 would have said this? Thank you.

1 PRESIDING JUDGE TARFUSSER: [9:50:53] I don't think we got the whole objection
2 by the OTP for the simple reason because it was overlapped with the translation.

3 MR DEMIRDJIAN: [9:51:05] My apologies, your Honours. I was asking my
4 learned friend if we could have the reference as to where the witness would have said
5 that he met Mr Blédé for the first time in January 2011.

6 PRESIDING JUDGE TARFUSSER: [9:51:35] And I think that the question has to be
7 put to the person who telephoned not to him, not to the witness. How can the
8 witness know why, if it's true, a person called him after having him seen only once
9 before, so.

10 MR GBOUGNON: [9:51:52] (Interpretation) No, Mr President. I don't know
11 whether we can show the witness out. I don't know whether we should show him
12 out, but if you want I will explain myself. It is indeed to the witness that this
13 question needs to be put.

14 I shall come back to this at a later stage, Mr President. I shall find my notes. I will
15 come back to it later.

16 Q. [9:53:20] Mr Eugène Djué, how many times have you already seen him, or how
17 many times have you seen him?

18 A. [9:53:47] As to whether I have already seen him or whether I have already met
19 him?

20 Q. [9:53:51] Met him, not seen him on the television or in the treat, but met him.

21 A. [9:53:59] Several times.

22 Q. [9:54:15] And on what occasion?

23 A. [9:54:24] Eugène Djué was very close to Commander Tchang. When Tchang
24 was stationed in Biabou, in the commune of Anyama, he would go there quite often
25 in the period from 2005-2006. He would go there quite often.

1 Q. [9:55:14] You say in your statement CIV-OTP-0063-1641, page 1656, at line 558
2 onwards, quote: "Because the GPP at the time of Bouazo, it was no longer Blé Goudé
3 that was in control of Bouazo, it was Damana Pickass." End of quote. What do you
4 mean by that?

5 A. [9:56:20] What I mean by that is that when Bouazo -- when there was this
6 division within the highest sphere of the GPP it was Damana Pickass who was behind
7 Bouazo within the Galaxie Patriotique, because Bouazo was at the head of the GPP
8 and at that moment in time it was Damana Pickass who -- who had more authority on
9 Bouazo than Charles Blé Goudé did.

10 Q. [9:57:24] You said that there was dissension. Is that the term that you used?
11 Where was that?

12 A. [9:57:33] Within -- at the head of the GPP.

13 MR GBOUGNON: [9:57:40] (Interpretation) I have just found for my learned
14 friend, I have found the page of the transcript. It was transcript dated
15 20 October 2016 at page 62, quote, line 16, this is the question from the Prosecutor,
16 quote: "Could you please tell us during which period you would see
17 Sergeant Blédé?"

18 And the answer is from line 18, and I quote: "During the period of January 2011,
19 January. Anyway in the period of January 2011, that is the time we ran into each
20 other for the first time." End of quote.

21 So this is what you have said before this very Chamber that the first time that you
22 saw Sergeant Blédé was in January 2011 in Yopougon-Sable.

23 Now you say that he called you, that you allegedly saw him in October 2010 at the
24 Lorvie pharmacy parking lot. Now, why is it that there is a variation in your
25 assertions?

1 A. [9:59:18] The question was put to me as to during which period we would see
2 each other. I said that there was no relation of friendship between him and myself.
3 And the first time that we really had an exchange and we met each other properly
4 was in January, because he came to see Commander Tino at the Sable and so this was
5 just in front of the camp and that is when we actually had an exchange, because in
6 October I did not have a discussion with him. When I got into the car, he and I did
7 not exchange anything. He did not talk to me. He called me because he had my
8 number, he called me. We didn't actually talk to each other. We were not the ones
9 who were due to meet and he was the one who talked to me.
10 The time that we talked together was the time, as I explained to you, when he came to
11 the camp.

12 Q. [10:00:27] Mr Witness, now, Mr Witness, you are telling us that the first time,
13 not the first time that you spoke to him, but the first time you saw him was in
14 January 2011, that was -- and then what is more, you are saying -- you are saying that
15 he called you in October of 2010 and you had a conversation with him. And you
16 have told the Chamber that he is not your friend and the first time that you actually
17 laid eyes on him was January 2011. But obviously what you're telling us now, I
18 mean it's quite clear that you must have seen him at least once beforehand. This is
19 why I am asking you how can you explain this discrepancy in your accounts?

20 PRESIDING JUDGE TARFUSSER: Mr Prosecutor.

21 MR DEMIRDJIAN: [10:01:34] Yes, your Honours, this is the same question, it's the
22 exact same question being asked twice and the witness already has explained, so
23 I don't see why we are asking a second time, it becomes abusive after a while.

24 PRESIDING JUDGE TARFUSSER: [10:01:47] Yes. First of all, I would like just to
25 apologise because you are right, my intervention before was wrong. I just inverted

1 the ears, so it was my mistake. Yes, I think he should respond to this question, but
2 whatever he responds, that's it. Please go ahead.

3 Did you understand the question? Okay, so please respond to this question. Thank
4 you.

5 THE WITNESS: [10:02:18] (Interpretation) I said that the first time we met one
6 another was at the palace when we discussed. But let me be more specific, there was
7 the palace meeting, but there was no friendship between the two of us. He was
8 not -- well, you see, I had already seen him in October, but I did not say -- well, we
9 saw one another, but we really didn't have a conversation. And you asked why
10 I was called. Well, that was through Tino, who I knew beforehand, but you see in
11 October he called me and explained -- and I explained what had happened.

12 MR GBOUGNON: [10:03:26] (Interpretation)

13 Q. [10:03:29] Thank you, Mr Witness.

14 Now, a few moments ago you said -- I will read from the transcript, Page 8, line 27,
15 you said: "I mean by that -- what I mean by that is when Bouazo -- when,
16 because -- when there were these accounts of two leaders within the GPP, it was
17 Pickass who provided greater support to Bouazo until Bouazo took the leadership of
18 the GPP."

19 And then later on you said, "Damana Pickass had more authority over Blé Goudé."
20 What did you mean by that, "more authority"?

21 A. [10:04:43] I explained that even, even within the organisations, the agoras or the
22 parlements, I have explained how things were organised. But you see there were
23 individuals within these groups and there were affinities between various people.
24 Bouazo was a member of the FPI before he became responsible for the GPP.
25 And you see, when there were rivalries between him and Mr Zéguen, and I'm talking

1 about within or amongst the leadership of the Galaxie Patriotique, I'm saying that
2 basically the most support -- most supported him rather than Bouazo. And Pickass
3 had more influence on him than Mr Blé Goudé had over him. He had more
4 influence other him than Blé Goudé did, that is what I meant by --

5 Q. [10:06:09] Thank you, Mr Witness. Now, within the GPP, when you were in
6 Adjamé, you set up a number of roadblocks, didn't you?

7 A. [10:06:38] Yes.

8 Q. [10:06:50] And when did you begin setting up roadblocks?

9 A. [10:06:58] As of October, October 2010.

10 Q. [10:07:14] And what was the purpose of setting up these roadblocks, why did
11 you set them up?

12 A. [10:07:23] Well, the point of having those roadblocks was to check the people in
13 vehicles and make sure that the vehicles were not transporting weapons or
14 other -- any other kind of equipment that could represent a risk to national security.
15 So we were checking the vehicles and the forces of defence and security, well, in order
16 for the FDS to be in a better position to ensure the safety of people.

17 Q. [10:08:30] And could we say that the only criterion at that time when you set up
18 the roadblocks, the only criterion that you were motivated by was the search for
19 weapons, is this what you are telling us?

20 A. [10:08:53] Yes, we were looking for weapons and also we were keeping our eyes
21 out for suspicious individuals. The election was coming up and obviously the
22 government forces and the non-government forces had to ensure that the election was
23 held in both parts of the country, but already there was information to the effect that
24 some members -- or, rather, mercenaries - mercenaries - soldiers who had come from
25 Burkina Faso were in the process of slipping into Abidjan with a view to, how should

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1 I put this? They were on an advance mission, a reconnaissance mission within
2 Abidjan, and any suspicious person was to be -- we were supposed to hand over any
3 suspicious individual to the authorities, as well as any weapons found.

4 Q. [10:10:15] Now, during this period of time did you actually find any weapons
5 within these vehicles when you searched through the vehicles, or any individuals?

6 A. [10:10:36] No.

7 Q. [10:10:37] But yet you said -- what did --

8 A. [10:10:40] No.

9 Q. [10:10:41] Allow me to refresh your memory, sir. I will read back to you your
10 statement, CIV-OTP-0063-2327 at page 2331. Page 2331. I will read from line 113,
11 Interviewee, and I quote: "Because it can be said two intersections, between two
12 intersections, he shot at the first roadblock. So the one who was in front intercepted
13 him."

14 And then you went on to say, 116.

15 "Interviewee: We found all the same six weapons, including three AK-47s, in the
16 trunk."

17 Then at line 123, you said: "And the driver had an automatic handgun on him."

18 Do you remember telling the OTP investigators this?

19 A. [10:12:15] Yes, I remember.

20 MR DEMIRDJIAN: [10:12:17] (Interpretation) Just a moment, Monsieur le témoin.
21 (Speaks English) Your Honours, I don't want to get into it too deeply without
22 affecting the witness's testimony but counsel has read the passage of the time frame
23 when this would have happened.

24 PRESIDING JUDGE TARFUSSER: Well, just ask -- well.

25 MR DEMIRDJIAN: Again, I am not going to go any further. I will leave it to him

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1 to ask the question properly, reading the right portions of the witness's testimony -- of
2 the witness's interview, but if he carries on, I may have to ask the witness to be
3 removed, so.

4 So the objection is time period.

5 PRESIDING JUDGE TARFUSSER: [10:12:55] Yes.

6 Can you please indicate the time period in which this happened, the witness.

7 MR GBOUGNON: [10:13:20] (Interpretation) Your Honour, as usual -- well, I don't
8 see a specific date here in the interview. I see no specific date, and even when the
9 witness answered before the Chamber, he said October, and he did not give a specific
10 date, unless I am mistaken. No, there's no specific temporal frame here. I am not
11 quite sure why the Prosecution has made this request, but if this continues, we will
12 simply have to have the witness escorted out of the courtroom.

13 PRESIDING JUDGE TARFUSSER: [10:14:05] Mr Prosecutor.

14 MR DEMIRDJIAN: [10:14:06] without giving the answer, your Honours, I would
15 advise my learned friend to look at the next page, at line 150. That's all I'm going to
16 say. And if he wants to pursue it, then we will have to debate it without the
17 witness's presence.

18 PRESIDING JUDGE TARFUSSER: [10:14:27] Okay, thank you.

19 MR GBOUGNON: [10:14:31] (Interpretation) Your Honour, in any event, I had
20 concluded my question on this particular aspect or this particular excerpt. The
21 witness said he didn't remember and -- now, if this discussion is to continue, let us
22 have the --

23 MR MACDONALD: [10:14:51] (Interpretation) I beg your pardon, your Honour.
24 (Speaks English) The witness should leave.

25 PRESIDING JUDGE TARFUSSER: [10:14:55] But what is the problem in asking the

1 date, which is on the next page of the same interview?

2 MR MACDONALD: [10:15:03] Because it is not the same date, there is no
3 contradiction, your Honour. That's the point.

4 PRESIDING JUDGE TARFUSSER: [10:15:08] Well, so.

5 MR GBOUGNON: [10:15:18] (Interpretation) If you read the transcript, you will see
6 my question. I asked a question about them setting up the roadblock as of October.
7 And the question was fundamentally -- well, my first question was when the
8 roadblock was set up, and then I asked what was the purpose, and the witness replied.
9 And I asked if any weapons were found, and I did not ask him whether in October or
10 December or November. I just -- I didn't specify a time. I merely asked him if
11 he -- if any weapons had been found. So I did not restrict the witness to a particular
12 temporal frame. I merely asked him why he had set up the roadblock and he
13 answered, saying -- well, and then I asked him -- I never asked the witness whether
14 they found any roadblocks in October 2010.

15 PRESIDING JUDGE TARFUSSER: [10:16:32] I think, Mr Gbougnon, let's go ahead.
16 The Prosecutor will have time to put this in the right place and record -- right place on
17 the record in the re-questioning, if he thinks so.
18 Please go ahead.

19 MR GBOUGNON: [10:16:52] (Interpretation) Before we go on, your Honour, I wish
20 to point out that this is a vain attempt to engage in obstructionism, if I may put it this
21 way, and this is not --

22 PRESIDING JUDGE TARFUSSER: [10:17:15] I would like to point out that you
23 should -- this is a comment which you should avoid and just go on in questioning,
24 please.

25 MR GBOUGNON: [10:18:08] (Interpretation)

1 Q. [10:18:09] Now, Mr Witness, do you remember mentioning this person who
2 apparently this RDR official who was involved with weapons, distributing weapons?

3 A. [10:18:34] Yes.

4 Q. [10:18:38] Could you repeat the name of this person?

5 A. [10:18:44] I explained that during the election period there was information to
6 the effect that it was this person whom Maître Abobo and now mister -- now the
7 current mayor of Yopougon and the person K-A-F-A-N-A and then
8 T-O-U-N-K-A-R-A apparently or allegedly distributed weapons to young people who
9 were linked to the RHDP.

10 Q. [10:19:30] To your knowledge when were these weapons distributed, if you
11 know, of course?

12 A. [10:19:49] The weapons were distributed -- well, I told you the information that
13 came from several sources, that in Adjamé, in Abobo and in Yopougon.

14 Q. [10:20:07] Thank you, Mr Witness. In October 2010 when you set up the
15 roadblock in Adjamé, this roadblock or barricade, call it what you will, now during
16 that period of time, were there other roadblocks manned by other people in other
17 neighbourhoods of Abidjan?

18 A. [10:20:44] In October instructions had been sent to various commanders to the
19 effect that roadblocks were to be set up. First, in October, it was more around the
20 various -- well, mainly around the various GPP camps. And it also depended on the
21 assessment of the commanders in the various zones because they were in a better
22 position to determine what areas were sensitive within their commune. So the
23 roadblocks were set up at several different places.

24 Q. [10:21:50] Now between October, after the second round of voting, after
25 November -- between November and December, other than the GPP, during that

1 period of time between November, December and January, did other people set up
2 roadblocks or barricades in certain communes within Abidjan, if you know?

3 A. [10:22:22] Yes, there were the students from FESCI who also set up roadblocks
4 and, in certain communes, certain sensitive locations, the communes of Abidjan,
5 young people, young people from the neighbourhoods also set up roadblocks.

6 Q. [10:23:11] Now after the call issued by Mr Charles Blé Goudé, were
7 roadblocks -- were yet more roadblocks set up; is that correct?

8 A. [10:23:25] Yes.

9 Q. [10:23:27] Do you remember the date that this call was issued, in approximate
10 terms at least?

11 A. [10:23:40] February 2011.

12 Q. [10:23:49] Thank you. Did you hear this call issued or see it?

13 A. [10:24:19] I said that I wasn't there. I wasn't there when the call was issued. I
14 just knew about it. Well, there was a rally during these gatherings of Mr Blé Goudé
15 in Yopougon, but I don't know the exact location.

16 Q. [10:24:42] Thank you. Now these young people who set up the roadblocks, do
17 you remember what they used to build these roadblocks?

18 A. [10:25:09] The young people would use sticks of wood, machetes, whatever they
19 had at hand. And clubs as well. Whatever they had to face the threat. Whatever
20 they thought they could use.

21 THE INTERPRETER: [10:26:07] Interpreter correction: The witness did not say
22 sticks of wood, he said "les moyens du bord", whatever was at hand.

23 MR GBOUGNON: [10:26:19] (Interpretation)

24 Q. [10:26:21] And did the young people want to ensure the safety of the
25 neighbourhood?

1 A. [10:26:29] Yes, the young people wanted to ensure the safety of their
2 neighbourhood. But also, you see, the roadblocks were not just set up after the
3 election, they weren't set up just then, not just within the roads within
4 a neighbourhood, what is -- you see, some major roads also had roadblocks after
5 January to obstruct the French, the UN tanks, so the roadblocks were not in the
6 individual -- were not only in the individual neighbourhoods.

7 Q. [10:27:19] Thank you, Mr Witness.

8 Now you stated, sir, to the OTP, CIV-OTP-0063-2327, at page 2337, as of line 360:
9 "It was young people from the neighbourhood who knew one another. They
10 ensured the safety of the neighbourhood. They knew the one who ... because they
11 knew ... they knew the people living in the neighbourhood, the people within the
12 neighbourhood knew one another. They knew which person was on which side.
13 They knew which people were not from the neighbourhood. So, all of that, good.
14 If each one ensured the safety of his neighbourhood ..."

15 Is that what you said, Mr Witness?

16 A. [10:28:48] Yes.

17 Q. [10:28:50] Thank you.

18 A. [10:28:56] I said that they ensured the safety of the neighbourhood. I'm not just
19 talking about the roads within the neighbourhood. I'm also talking about the major
20 roads, the big roads.

21 MR DEMIRDJIAN: [10:29:24] Your Honours, I am not sure if there is a question here.
22 And where was this going? Because if it's just to have something confirmed on the
23 record through again a partial reading, I am concerned of what the record will reflect
24 right now. Is there a question on this issue? Is the witness being confronted or not?
25 It is a little unclear right now, a statement given in court and then this is what you

1 said in the interview. What's -- what's the question?

2 PRESIDING JUDGE TARFUSSER: [10:29:54] To my understanding it was just the
3 request to confirm something he said in the statement. No -- I don't see the problem
4 with it.

5 MR DEMIRDJIAN: [10:30:06] Well, where does that leave us if we say this is what
6 you said in court, this is what you said in the interview. What's the question? Is
7 there -- is counsel saying that the witness contradicted himself? Because if he did,
8 then we need to -- we need to explore that. But he didn't ask any questions basically.
9 And that's problematic if you just put two statements and just leave it and go.

10 PRESIDING JUDGE TARFUSSER: [10:30:28] Well, if you put two statements which
11 are overlapping, which are the same, it doesn't, so. But let the counsel continue on
12 this and then we will see where we are going.

13 Maître Gbougnon.

14 MR GBOUGNON: [10:30:44] (Interpretation) Mr President, I shan't make any
15 observations as you told me not to do so, I shall just continue with my questioning.

16 Q. [10:31:01] Mr Witness, on 21 October 2016, Article 125, with regard to the Article
17 125, the Prosecutor asked you on page 5 of the transcript dated 21 October 2016, from
18 line 5, you said -- he said:

19 "Did you subsequently find out what Mr Dibopieu's position was and that of other
20 members of the Galaxie Patriotique with regard to the practice of other Article 125
21 activities." End of quote.

22 And then you answer, line 8, and I quote:

23 "According to the information received by the elements in Yopougon by virtue of the
24 fact that I was in Yopougon, but I believe that there was an error in the transcript,
25 because I think you said that you were not in Yopougon at the time, as I said, it was

1 that Article 125, that's when it started.

2 And according to the information gathered by the elements in Yopougon, which
3 means that the information had got through to the agoras and parlements, that was
4 the location where the information had gone or come from. So how can I say it was
5 no longer the time to put anybody behind bars or to try anybody, because we were in
6 mid crisis, which meant that the judges no longer had the time to put anybody on trial,
7 nor did the police have the time to arrest anybody whomsoever, notably the assailants
8 or the attackers. The attackers were going to burn things."

9 Do you remember having stated that before the Trial Chamber?

10 A. [10:33:27] Yes.

11 Q. [10:34:31] Well, that's what you stated to the Office of the Prosecutor,
12 CIV-OTP-0063-2367, at page 0063-2381.

13 Apologies, I am going to come back to a page. I got the page wrong. Rather, it is
14 page 2378, line 367, and I quote: "No, I was not there. I am not in a position to
15 know what was being said there." We are talking here about the parlements, of
16 course. And you went on to say, line 369: "I mustn't lie. I was not there. Most of
17 the neighbourhoods were hot. When I wanted to leave Adjamé to go to Yopougon
18 mid-January, you could already come under fire in that period at the pedestrian
19 bridge in Williamsville, that connects Williamsville to Adjamé. So really in order to
20 go to Yopougon, one had to have a very reason to want to go there. One couldn't
21 just get up and go to Yopougon for fun." End of quote.

22 That is what you stated to the office of the Prosecutor. And you said that you did
23 not know what was being said at the time in the parlements because you had not
24 gone there. And you went on to say that you weren't in a position to lie. So why is
25 it that today you are reporting things that were allegedly said within the parlements

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1 when beforehand you said that you could not say anything to that effect because you
2 never went there?

3 A. [10:37:17] I also said here that I was not -- I had not gone there, I was not present
4 there. But according to the information that some of the Yopougon elements gave
5 me, I -- I knew what was said. But I can't say that it was on that basis, well, that I
6 heard somebody actually say something that Article 125 was to be put into effect.
7 But there were videos of burnt bodies that were filmed by elements. So as to the
8 source as to who took the initiative --

9 THE INTERPRETER: [10:38:04] Incomprehensible. Incomprehensible. The
10 witness needs to repeat slowly and clearly.

11 PRESIDING JUDGE TARFUSSER: [10:38:10] You have to repeat as to, when you say
12 "as to the source," when you talk about the source, you have to repeat. The source of
13 information, I mean.

14 THE WITNESS: [10:38:33] (Interpretation) As I explained, to say that I was there
15 would be to be lying when the information was at the agoras and parlements, because
16 I was not in Yopougon when the Article 125 activities started to be put into practice.
17 But the information that I am giving you is from the various sources, but I was not
18 present.

19 The elements filmed, they filmed, we had those videos, the videos that we saw here of
20 the burnt bodies. I asked them whether they had done that, and they said, "Oh, no,
21 it's not us, it's not us who did that." But there were in the parlements it was said --

22 THE INTERPRETER: [10:39:32] Incomprehensible.

23 THE WITNESS: [10:39:36] (Interpretation) -- I was not present. I was not present.
24 If I said that I was there, I would be lying.

25 MR GBOUGNON: [10:39:50] (Interpretation)

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1 Q. [10:39:51] Mr Witness, do you know that indeed with regard to these sources,

2 your sources, the investigators put questions to you? Do you recall that?

3 To read your statement to you once again, and it is still CIV-OTP-0063-2367, line 489,

4 page 2381. And the question from the investigator is as follows:

5 "Mm-mm. Did Blé Goudé give any messages with regard to that?"

6 "Well, that was rumours."

7 "Mm-mm."

8 And then you go on to say --

9 PRESIDING JUDGE TARFUSSER: [10:40:53] End of quote after -- with regard to
10 that, end of quote.

11 MR GBOUGNON: [10:40:58] (Interpretation) Yes, indeed, end of quote. Thank you,
12 Mr President.

13 Q. And you say at line 494, quote:

14 "There was nobody who came to say that to me directly." End of quote.

15 I repeat, quote:

16 "There was nobody who came to say that to me directly." End of quote.

17 So that means that contrary to what you are saying here, you made no mention of any
18 elements of the GPP. You said that it was rumours. At line 497, you said that these
19 were rumours that were being mongered, and I continue --

20 MR MACDONALD: Your Honour --

21 MR GBOUGNON: (Interpretation) Could we please have the witness shown out
22 of the courtroom, Mr President?

23 PRESIDING JUDGE TARFUSSER: [10:41:45] No, I will not give the floor to the
24 Office of the Prosecutor. Put the question and let him answer.

25 MR GBOUGNON: [10:41:51] (Interpretation) Thank you, Mr President.

1 THE WITNESS: [10:42:03] (Interpretation) Could you please repeat the question?

2 PRESIDING JUDGE TARFUSSER: [10:42:05] The question is that it appears to the
3 counsel that you are contradicting yourself in indicating the source of information
4 between what you said here and what you said to the Office of the Prosecutor to the
5 investigators when you were questioned. And this is the question: Why are you
6 contradicting yourself?

7 THE WITNESS: [10:42:32] (Interpretation) Thank you, Mr President. I do not
8 believe that I contradicted myself, because the question that's been put to me here is
9 whether Mr Blé Goudé gave the order to practice Article 125. And I said, well, that's
10 rumours, these are rumours when people said that, you know, Blé Goudé -- that was
11 rumours.

12 Nobody came to say to me that Blé Goudé had given the order to burn somebody.
13 This has nothing to do with the fact whether -- as to whether I was in the know about
14 Article 125 or not.
15 They heard that Blé Goudé had given the orders. These were rumours. Nobody
16 came to tell me this directly. Nobody came to tell me directly that Mr Blé Goudé had
17 given the order to burn anybody.

18 PRESIDING JUDGE TARFUSSER: [10:43:31] Thank you very much.

19 Maître Gbougnon, go ahead.

20 MR GBOUGNON: [10:43:37] (Interpretation) Thank you, Mr President.

21 Q. [10:43:54] How many Guéi Charles do you know? I don't know how you can
22 spell it. There are so many ways of spelling it. Maybe you might spell it when you
23 answer the question. How many Guéi Charles do you know?

24 A. [10:44:16] I know two.

25 Q. [10:44:17] Could you please slowly spell their different names so that it can be

1 transcribed. Could you please spell those different names for the record, please.

2 A. [10:44:33] G-U-É-I and then Charles.

3 Q. [10:44:46] And do the two names, are they both spelt in the same way?

4 A. [10:44:50] Yes, they are both spelt the same, but they are two different people.

5 Q. [10:44:58] Could you please tell the Chamber how you know those two people,
6 one by one, please.

7 A. [10:45:16] Well, one of them is called CP1, that's his nickname, and he's also part
8 of the GPP; and the second was a chief warrant officer who was within the
9 Republican Guard.

10 Q. [10:45:39] Now we're going to concentrate on the second, that is to say the
11 second being Guéi Charles who was in the Republican Guard. You came to know
12 him in exile, did you not?

13 A. [10:45:58] Yes.

14 Q. [10:45:58] And where specifically?

15 A. [10:46:03] In Lomé.

16 Q. [10:46:14] And when was the last time that you saw him?

17 A. [10:46:39] It was in 2012.

18 Q. [10:46:46] Did you see him after he left his location of exile? Did you see him
19 once again?

20 A. [10:47:02] Yes, when he left we saw each other once again, maybe twice. Yes,
21 we saw each other twice.

22 Q. [10:47:16] Where and when?

23 A. [10:47:18] I do not have the -- it was in Sikensi and the second time we saw each
24 other in Yopougon, but I do not have the date in mind.

25 Q. [10:47:31] You do not have the date in mind, but the period perhaps, 2012, 2013,

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1 2014?

2 A. [10:47:40] 2012. 2012. It was before the attack --

3 THE INTERPRETER: [10:47:54] Incomprehensible.

4 THE WITNESS: [10:47:56] (Interpretation) It was before August.

5 MR GBOUGNON: [10:47:59] (Interpretation)

6 Q. [10:48:00] Did you see him again after having talked to the investigators of the
7 OTP?

8 A. [10:48:11] No.

9 Q. [10:48:26] There's a lot of inaudibles so we are going to try and get things here
10 for the interpreters.

11 At page 27, line 20, I put a question to you: "Where and when?" And you said,
12 "I didn't -- on the 17 May we saw each other (inaudible). Could you please repeat
13 the question?"

14 I asked you: Where and when? And could you please repeat what you said and
15 please, please, can you articulate and speak a little bit louder for the interpreters.

16 A. [10:49:11] I said we saw each other on two occasions after having gone into exile.
17 It was in Sikensi and then in Yopougon. It was before August 2012.

18 Q. [10:49:33] Okay, and you did not see him after -- or in 2014, you did not see him?
19 You did not see him after having met with the investigators of the
20 Office of the Prosecutor; is that correct?

21 A. [10:49:48] Yes.

22 Q. [10:50:04] And with the Office of the Prosecutor, CIV-OTP-0063-1801,
23 page 1825 - 1825 - line 864, and this is the question by the investigator, I quote:
24 "What is the name? Mm?"

25 You answer, line 865, "He is called" -- I am quoting, I do apologise:

1 "He is called warrant officer Major Charles. I do not know his surname. But
2 currently he in the Republican Guard at this moment in time."

3 You say at page 1828 of the very same document, quote:

4 "There was a -- one of the people from his class who was there who also called him
5 'Charles,' so I know that his first name is Charles."

6 You even say, a little higher up at 866, I quote:

7 "I know that his real name, because even his wife, even his wife called him that there,
8 "Charles."

9 You see, my question to you will be as follows. I asked you whether you had seen
10 him again after the investigators of the Office of the Prosecutor had interviewed you,
11 because before the investigators of the OTP, you did not know his surname at all. It
12 was not that you had forgotten it. You explained why you did not know it, did not
13 know his surname, because everybody called him "Charles." Because at the outset
14 he was not your friend. Everyone called him "Charles" and suddenly, whilst you
15 said that in 2014 to the investigators of the OTP, in 2016, before this very Chamber,
16 you suddenly have his family name that you did not know until May 2014, when you
17 met with the investigators for the first time.

18 Can you tell me how that is?

19 A. [10:53:18] Well, that was because when the question was put to me I had no
20 memory of having seen his name because he had never introduced himself to me with
21 his surname. So -- well, as to why I remembered his name subsequently, because in
22 Togo he was not at the refugee camp. He was not at the refugee camp. So often,
23 when the supplies were distributed, this might take all day or it might go over two or
24 three days, and quite often he would leave his documents because we were in the
25 camp and we would go and get the supplies for him, the foodstuffs. And I

1 remember that once I had his UNHCR identification sheet and it was the same name,
2 they were both called au mot (phon), and I thought that it was the -- I thought that
3 they had the same name, I remembered that.

4 And then the question was put to me. Well, it hadn't come to my mind at the time
5 and so I -- when I remembered, I said, "Ah, that's his name," and to give more
6 information I said in which unit he had been detached or seconded in order to make
7 the distinction.

8 Q. [10:55:07] Mr Witness, I have to go into this more. I am not talking about
9 forgetting, because this is what you say --

10 A. [10:55:20] I can explain things to you.

11 Q. [10:55:24] No, let me finish. I am going to finish what I am saying. We've got
12 plenty of time left, and then you can talk.

13 PRESIDING JUDGE TARFUSSER: [10:55:32] Well, the only thing we don't have,
14 plenty of time, so.

15 MR GBOUGNON: [10:55:45] (Interpretation) Yes, I have understood, Mr President.
16 But before, with your leave.

17 Q. [10:55:52] You say, at line 959 to 960 of page 1828 of the same document, you say
18 to the investigator, "You are here, for example" -- I am quoting, I apologise:
19 "You are here, for example, we can see by virtue of your uniform."

20 MR DEMIRDJIAN: [10:56:16] (Interpretation) Just one moment. Please do not
21 read the name of the --

22 MR GBOUGNON: [10:56:22] (Interpretation) Yes, indeed, thank you, learned
23 colleague.

24 Q. "You are here, for example, we can see by virtue of your uniform, Colonel."
25 And you go on to say at line 959 to 960, quote:

1 "And then I say: 'Your Colonel, what is your first name? Why is it that he's asking
2 me this?'"

3 And you go on to say at line 962, I quote:

4 "He is investigating or it's becoming suspicious."

5 Over these five lines, I am not talking about forgetting things, you are justifying to the
6 investigator why it is you do not have the name in your head. You are not talking
7 about forgetting it.

8 In May 2014, we are in May 2014 here, you had never asked Guéi Charles or who was
9 called Guéi Charles, you never asked him, you also -- because everybody within your
10 environment called him "Charles." Now, the investigation took place in May 2014
11 and if, as you say, beforehand, before the investigation, you had said or provided the
12 stage that you've just provided us with here, notably, that you had that piece of
13 identification paper in your hands but you do not recall, that's the difference and
14 that's why I am asking you, Mr Witness, how it is that this witness has suddenly
15 before this Trial Chamber come to your mind.

16 A. [10:58:07] I do apologise, but I am not a computer, Counsel, and I can forget.

17 And I think that, you know, some people follow the same classes and some get
18 nought out of 20 and others get 20 out of 20. If I had that document in my hand, well,
19 I might not have remembered at the time but I remembered it subsequently. You
20 know, somebody might remember something and somebody else might completely
21 forget it because they didn't pay attention, and those two people might then coming
22 together and they say, "Well, we've already met" and the other person will say, "No,
23 I don't recall." And one of them might get annoyed, saying, well, that he was
24 pretending not to recognize him because indeed, in fact, he had just forgotten --

25 THE INTERPRETER: [10:59:08] Incomprehensible.

1 THE WITNESS: [10:59:12] (Interpretation) -- but at the moment in time, you know, I
2 hadn't remembered on the spot. He never gave me his name and I never asked him
3 what his name was. He never gave me his name. I never asked him what his name
4 was, but I remember that that day when I saw that document I had that document in
5 my hand.

6 The other guy is called Guéi Charles. He gave those documents for the distribution
7 of food stamps, and there are thousands of us and this distribution happened over
8 days. He was not at the camp. He was declared at the UNHCR. They had
9 provided him with a subsidy to seek accommodation outside of the camp. Those
10 two people bear the same name and --

11 THE INTERPRETER: Incomprehensible.

12 THE WITNESS: (Interpretation) -- this is the piece of paper of the warrant officer.
13 So Guéi Charles, I can see it. Well, this is the same name and I recalled, I
14 remembered it, so that's why the last time I said, yes, his name is Guéi Charles, he has
15 the same name as the other chap but those are two different people. And I went on
16 to explain that when he came to Côte d'Ivoire, he was no longer at the
17 Republican Guard but he was at a unit to which he had been seconded, in order to
18 shed light on the matter with regard to that individual. And I said that the other guy
19 is in detention at the MACA. These are two different people but they have the same
20 name.

21 MR GBOUGNON: [11:00:45] (Interpretation) Mr President, it is 11 o'clock and
22 I believe that I will try, I hope, to finish in the second session. I really hope so.

23 PRESIDING JUDGE TARFUSSER: [11:00:57] I really hope so too. So we break now.
24 We have half an hour break and then we come back at 11.30. The hearing is
25 adjourned.

1 THE COURT USHER: [11:01:07] All rise.

2 (Recess taken at 11.01 a.m.)

3 (Upon resuming in open session 11.36 a.m.)

4 THE COURT USHER: [11:37:03] Please be seated.

5 PRESIDING JUDGE TARFUSSER: [11:37:18] I thought somebody had ordered
6 closed session without the Chamber knowing.

7 Good morning again.

8 We start now the second session, I was saying the last session, the second session of
9 this morning with the questioning by the Defence for Mr Blé Goudé. I give
10 immediately the floor to Maître Gbougnon.

11 MR GBOUGNON: [11:37:54] (Interpretation) Thank you, your Honour.

12 Q. [11:38:05] Mr Witness, on 21 October 2016, page 26, lines 19 to 21 you testified,
13 and I quote:

14 "No, he did not tell me the sum as such, but the combatants, them -- well the total
15 amount that each was to receive was 5 million, each combatant." End of quote.

16 And you also have said that a certain Charles said nothing to you about that. So
17 where did you get this information from?

18 A. [11:39:26] I received the information from the Liberian warlord with whom I
19 fought. I spent some time in Ghana.

20 Q. [11:39:47] And so in May 2014 when the investigators from the OTP put a
21 number of questions to you, you did not have that information, not at that time?

22 A. [11:40:12] As I said before the break, those events were several years ago and I
23 can't remember everything immediately. If the information comes back to me,
24 I think I'm supposed to say something and tell you.

25 Q. [11:40:44] Mr Witness, I will now read out to you what you said to the OTP

1 investigators. Once again, this is document CIV-OTP-0063-1801 at page 1829, line
2 983. I'll begin with the question put to you by the investigator, and I quote:
3 "Did he give you any specific information about how -- well, how many -- how much
4 did Blé Goudé pay?"

5 And at line 985 you responded saying:

6 "He did not give me any specific information. He did not give me any specific
7 information." End of quote.

8 So here you are reporting the remarks made of Charles, not that you had forgotten
9 but, rather, that the person who told you about this did not give you specific
10 information; is that correct? Is that what you indeed said?

11 A. [11:42:19] That is correct.

12 Q. [11:42:25] Now, on the same page, 1819, line 995, the investigator asked you
13 this:

14 "Did he give you -- did he tell you -- did he tell you who gave him the order?" Line
15 995.

16 And your answer at line 996, and I quote: "He did not tell me."

17 Is that what you said to the investigators?

18 A. [11:43:23] Yes.

19 Q. [11:43:24] Thank you.

20 THE INTERPRETER: [11:43:28] Interpreter correction: The page number
21 reference was page 1829, 1829.

22 MR GBOUGNON: [11:43:57] (Interpretation)

23 Q. [11:44:00] Now, when did you send bodyguards to protect Mr Charles Blé
24 Goudé?

25 A. [11:44:24] After the election, after the results were announced, after the new

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1 government came into place. There was, you see, there were protests by the
2 opposition. Those protests began, several high-level people close to the government
3 began to enhance security and, during that period of time, three men from the
4 Yopougon camp, members of the GPP were deployed there to the home of
5 Mr Blé Goudé to enhance the security detail.

6 Q. [11:45:23] Now, you said specifically, sir, when he was appointed minister, is
7 that correct, when he was appointed minister? So that would be December 2011.

8 A. [11:45:37] Yes, after --

9 THE INTERPRETER: [11:45:40] Inaudible.

10 THE WITNESS: [11:45:45] (Interpretation) -- the government.

11 MR GBOUGNON: [11:45:46] (Interpretation)

12 Q. [11:45:48] And you said at page 16 of the transcript of Thursday,
13 20 October 2016, line 20 and on, you said this: "There were three elements who had
14 been designated and there was Oulaï Franck, Oulaï Franck, there was Yoya Bi, there
15 was" --

16 THE INTERPRETER: Inaudible.

17 MR GBOUGNON: (Interpretation) "I don't remember his name. It was a captain
18 from the camp, camp 2 from Yopougon-Sable camp. But those men when they were
19 seconded at the request of Bouazo and I called the camp commander to have him
20 handle it. So those were the three people who were designated, the three people that
21 I mentioned." End of quote.

22 Q. Do you remember saying that in front of this Chamber on 20 October?

23 A. [11:47:15] Yes.

24 Q. [11:47:19] And according to your statements Mr Bouazo was the one who gave
25 you the instructions to have bodyguards at the home of Mr Charles Blé Goudé; is that

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1 correct?

2 A. [11:47:52] That is correct.

3 Q. [11:48:13] I would now like to read to you what you stated to the OTP,
4 reference CIV-OTP-0063-2227. Now, first of all at page 2229, line 56 onwards you
5 said:

6 "No ... [incomprehensible] ... other ... other ... September ... hum ... since August 2010."

7 And in contrast here you have made mention of sending bodyguards in August,
8 September 2010; is that correct?

9 A. (No interpretation)

10 Q. So you sent those bodyguards to the home of --

11 A. [11:50:02] Could you --

12 Q. [11:50:02] I am the one asking questions. Now, in 20 --

13 MR MACDONALD: [11:50:09] Your Honour, we have to be fair to the witness.

14 How -- the witness is asking for the question to be asked. I understand it is indeed
15 my colleague that is asking the questions, but in all fairness to the witness we have to
16 be able to put him into context. So this is what he's asking, and hence our objection.

17 PRESIDING JUDGE TARFUSSER: [11:50:32] Yes, but he did not even have the
18 time to say something because after the "Could you", there came the "I am asking the
19 questions." It's true that you're asking the questions, but the questions must be
20 legible, so please -- and I think that also the witness can asked to be re-questioned if
21 he doesn't understand.

22 MR GBOUGNON: [11:51:06] (Interpretation) Your Honour, I just have one last
23 session and if I have to read out the entire paragraph, I think we will never -- well, we
24 won't -- but I will read it out.

25 Now, page 2228.

1 Q. [11:51:33] Now, the question was, line 8 was as follows:

2 "Euh ... who guarded high level people like Mr Charles Blé Goudé. Which men did
3 that?"

4 And the answer was:

5 "Well, at the home of Blé Goudé in Millionaire neighbourhood, there were three men,
6 there were three men who had been seconded there who were performing guard
7 duties there."

8 And then you gave the names and then mention was made of August and

9 September 2010, is that okay? Do you remember now saying those things?

10 A. [11:52:29] I said that there were three men who were performing guard duties
11 and then there were some more questions and I said September, so --

12 Q. [11:52:44] Don't worry. Line 54, page 2229, the investigator asked you this:

13 "Yes. They have done that since when?"

14 And your answer was, lines 56:

15 "Well, it was before ... thing ... it was more ... huh ... it was more ... it was since the
16 month of ... I can say the month ... euh ... August. I can say [incomprehensible] we're
17 talking about the month of ... no ... euh ... [Incomprehensible] August ... August ...
18 September ... hum ... since August ... August 2010."

19 That is the answer you gave. That is the answer you gave to the investigators. Do
20 you now remember saying that?

21 A. [11:53:54] If I understand correctly, those are two quite separate questions.

22 First of all, when did you second those men and then when did the men go and

23 perform guard duties? I think these are two separate questions. When did you

24 second men or send men and then when did the men begin to perform guard duties

25 at Mr Blé Goudé's home? Those are two separate things.

1 PRESIDING JUDGE TARFUSSER: [11:54:27] Please respond to those two separate
2 things then.

3 THE WITNESS: [11:54:42] (Interpretation) I explained I wasn't the one who
4 designated or seconded those men. I left instructions to the camp commander so
5 that the orders -- well, I had received -- the orders I had received from Bouazo would
6 be implemented. He at his level, as I explained, well before I met Mr Blé Goudé, the
7 camp commander -- well, I don't know under what circumstances that they knew
8 each other already, what I do know, as of -- after the announcement of the results, that
9 is when I received the instructions from Bouazo to second a number of men and to
10 ensure guard duties.

11 All the same, Tino at his level, he -- well, in his own organisation he managed -- and
12 you see, I had specific instructions, so, all the same, well before I got the instructions,
13 the men were performing guard duties. But you see, there is one thing I need to
14 specify, your Honour, when I said three men, three elements, each day they
15 weren't -- it wasn't all three of them on one day. They would take turns, they would
16 do shifts. So I wouldn't have known which one was doing a shift. But I basically
17 provided three men who went there and worked as guards. Just to specify that
18 point. So the fact that in December those three men were seconded there, all the
19 same, well before, they didn't guard -- there weren't other men at the home of
20 Mr Charles Blé Goudé.

21 PRESIDING JUDGE TARFUSSER: [11:57:13] Thank you.

22 Maître Gbougnon.

23 MR GBOUGNON: [11:57:17] (Interpretation) Thank you.

24 Q. [11:57:20] Now, you've just said two or three times, I believe, as you did in the
25 transcript that it was upon the instructions of Mr Bouazo that you apparently sent

1 men to perform guard duties at the home of Mr Charles Blé Goudé; is that correct?

2 A. [11:57:40] Yes.

3 Q. [11:57:44] Thank you. I would now like to read out to you what you said.

4 And I quote from CIV-OTP-0063-2227 at page 2230, 2230, line 79 onwards. And I
5 quote, or at least -- well, I'll begin at line 76:

6 "He? Sergeant of the regular army; he was one of the bodyguards of Blé Goudé."

7 End of quote.

8 And then you went on and you said, and I quote once again:

9 "Who was -- there you have it ... who really was ... he who ... I believe ... that he really
10 liked us ... who was close to us. Often he would come and visit us, so he is the one
11 who all the same negotiated so that ... all the same, that we would have the same men
12 who would be performing guard duties there. It allowed them [incomprehensible]
13 all the same a bit of ... to have some per diem payments."

14 So unlikely -- contrary to what you said to the Chamber, here you're saying -- well,
15 you're not mentioning Bouazo, it was the sergeant who was negotiating this
16 arrangement so that you would -- and you never mentioned Mr Bouazo in this
17 particular account.

18 A. [11:59:48] When you put the question to me just a few moments ago, I cast my
19 mind back and I explained that well before I gave the order I specified that there were
20 two different questions: First of all when the instructions were given, and then,
21 secondly, when the men went to perform guard duties.

22 Those are two different things. I explained that I met the sergeant. He and the
23 commander of the camp already knew one another. And how would it be that the
24 men would be working as guards. It wouldn't be the same reasons as Bouazo was
25 asking when he asked. It was in light of the dealings between Tino. I explained

1 that he managed the camp in accordance with -- well, as he wished, according to his
2 will. He was the one who would set aside people for one thing or -- he was the one
3 who carried out activities around the camp to ensure the smooth management of the
4 camp.

5 So when I mentioned what happened and how it came to be that the men found
6 themselves there, it was upon the initiative of the sergeant. He was the one -- he
7 went to the camp several times. I wasn't at the camp. He went there several times
8 and he negotiated to ensure that members would -- or, men would be sent there to
9 perform guard duties but, you see, they weren't getting per diems. It wasn't free.
10 They had to pay something, at least the minimum. But when Bouazo gave me the
11 instructions, after the election he explained, he said it was a security measure because
12 Minister Blé Goudé was not the only one. He wasn't the only high level person who
13 asked for such arrangements to be made, namely, for security to be stepped up.

14 Q. [12:02:32] Thank you, Mr Witness. When he said -- when you said in your
15 statement that he frequently came to see us, you said "us", who are you referring to
16 there?

17 A. [12:02:53] I'm referring to the GPP.

18 Q. [12:03:02] Thank you. On 12 April 2011 where were you?

19 A. [12:03:28] I was at the presidential palace at the Plateau.

20 Q. [12:03:51] When did you leave the palace?

21 A. [12:03:58] On the 12th.

22 Q. [12:04:10] And with whom were you at the palace?

23 A. [12:04:24] I was there with other elements of the GPP, members of the
24 Republican Guard and also soldiers of the BASA, and BASA is B-A-S-A.

25 MR GBOUGNON: [12:05:04] (Interpretation) Just a moment, if you please,

1 Mr President.

2 (Counsel confers)

3 MR GBOUGNON: [12:05:45] (Interpretation)

4 Q. [12:05:47] On 12 April 2011 did you sign a surrender?

5 A. [12:06:17] We did not sign any documents. What happened was that the UN
6 forces allowed us to return to our homes. They asked us to give up our weapons
7 and that that was a condition for us to be able to go home freely because, otherwise
8 we could be shot while trying to leave the palace, because that was also a security
9 problem, that would be a security problem for us. So we left, depending on the
10 neighbourhoods. We all said that they lived in Yopougon, and so from there we
11 went to Yopougon.

12 Q. [12:07:19] Mr Witness, I'm talking of a surrender because you yourself talked
13 about it in your statement to the OTP, and it's CIV-OTP-0063-2410, page 2412, line 42,
14 and I quote:

15 "Yes, 2011, because those of us in the palace, when they took the president of the
16 republic, we did not sign any surrender."

17 And you continue on line 45, and I quote you:

18 "We spent three days there. When ONUCI came and negotiated with us and guided
19 us. When ONUCI came to negotiate with us ..."

20 And you continue on line 49:

21 "... they negotiated with us for us to leave the palace."

22 And my first question to you -- my first question to you was which surrender are you
23 talking about?

24 A. [12:09:01] When the OTP put the questions, I corrected the date because they
25 were talking about 14th, and I said no, it was the 12th. But when I talked about

1 surrender, I was not referring to a signed document. It was just our handing over
2 our weapons.

3 On the 11th, the ONUCI had come to take over the palace but they could not do that
4 until the following day. So we received the information that the president had been
5 arrested, but we did not sign any surrender. That's the same thing that happened
6 with those who were at the marine base.

7 Q. [12:10:00] Now, on that day at the presidential palace, was General Dogbo Blé
8 still there, or not? And I'm talking about 12 April.

9 A. [12:10:15] The general was not there.

10 Q. [12:10:28] Which were the ONUCI forces that you were negotiating with, from
11 which contingent? In fact, I don't know whether it was a commander or someone
12 else.

13 A. [12:10:50] You're talking about which nationality?

14 Q. [12:10:59] I would like to have details about the ONUCI people that you are
15 talking about here. Who were they, what rank and from which contingent? So can
16 you tell us more specifics? Can you give us more specifics about the ONUCI people
17 that negotiated with you?

18 A. [12:11:26] I do not know what ranks they were -- they had, but they had the
19 commander. So I don't know whether -- how they had been organised prior to their
20 arrival. So it was the highest ranking one of them who started the negotiations.

21 Q. [12:11:54] With you directly?

22 A. [12:11:59] No, not with me directly. Speaking about myself personally, I did
23 not even think they were going to allow us to leave. I thought they would just
24 surround us and shell us and maybe capture us, and just like the others, I was not
25 expecting them to ask us to hand over our weapons so as to avoid further killings and

1 then we could go home. There were -- even before that, there were certain elements
2 who had started jumping over the fence. So I was not even the highest-ranking
3 person there, there were non-commissioned officers and so on with whom they
4 negotiated.

5 Q. [12:13:03] And at what time did you leave the palace?

6 A. [12:13:11] I have said it was on the 12th, 12th.

7 Q. [12:13:17] At what time specifically?

8 A. [12:13:20] I would say 1400 hours, although I'm not certain, given the
9 atmospheric conditions, the weather.

10 Q. [12:13:43] A52 - I don't know whether you remember his name - where was he?
11 You understand who I'm referring to?

12 A. [12:13:54] A52 was in Cocody commune.

13 Q. [12:14:04] And the last time that you saw him before the 12th, when was that?

14 A. [12:14:23] It must have been on 6 April.

15 Q. [12:14:26] Was that the last time before the 12th?

16 A. [12:14:32] Yes, yes.

17 Q. [12:14:37] And on what occasion was that?

18 A. [12:14:53] We were together at the Adjamé base before I returned to the
19 Plateau.

20 Q. [12:15:15] So before the 12th, the last time you saw A52 was when you went to
21 Adjamé; is that correct?

22 A. [12:15:25] Yes.

23 Q. [12:15:27] And after the 12th, when was the last time you saw him?

24 A. [12:15:38] The last time I saw him after the 12th was in Yopougon.

25 Q. [12:15:43] And when was that?

1 A. [12:15:50] I would say 14 April -- or, rather, the 15th, the 15th of April. I think
2 it was a Sunday. Just one moment.

3 It was on 17 April.

4 Q. [12:16:55] And so the last time you saw Mr Stéphane was on 17 April; is that
5 correct?

6 A. [12:17:12] Yes.

7 Q. [12:17:33] When did you escort Mr Charles Blé Goudé?

8 A. [12:17:49] 4 April.

9 Q. [12:18:18] 4 April? In your statement CIV-OTP-0063-1801, on page 1814, line
10 492 you stated as follows:

11 "In one of his lady friend's houses, that is where we hid him. We sent him to the
12 building there. We sent him there. I think, I believe it was between the 6th and 8th
13 of April. It was before the president was arrested." End of quote.

14 That is what you told the OTP.

15 A. [12:19:44] I am saying it was the 4th. I could be mistaken because when
16 questions were put to me, I gave approximate dates because I could not be very
17 precise about the timeline. I know that it was before the president was taken
18 because after that we went and we searched for some food and then after I returned
19 to the palace, I did not go back to Cocody.

20 Q. [12:20:34] So at whose request did you escort him?

21 A. [12:20:55] It was his bodyguard who asked that we should come and fetch him.
22 During that period moving around was quite risky because we did not know the
23 various positions of the opposing camps or factions.

24 Q. [12:21:26] Which bodyguard?

25 A. [12:21:33] You want me to give you his name?

1 Q. [12:21:39] In your account there are two bodyguards, that is why I'm asking
2 you which one?

3 A. [12:21:45] Sergeant Blédé.

4 Q. [12:21:51] And so it was Sergeant Blédé who had seen you on a single occasion
5 in January and then, on 7 or 8 April 2011, he asked you to come and assist in escorting
6 Mr Charles Blé Goudé; is that correct?

7 A. [12:22:13] Yes.

8 Q. [12:22:20] And when you escorted him, where did you take him from or to?

9 THE INTERPRETER: It's not clear.

10 THE WITNESS: [12:22:43] Just before the slope down to the south entry -- entrance
11 of the Cocody university there is a road there that goes directly to the residence of the
12 president, so it was at that junction --

13 PRESIDING JUDGE TARFUSSER: [12:23:16] Excuse me, could we understand how
14 this is related to the charges? Because I don't.

15 MR GBOUGNON: [12:23:32] (Interpretation) Mr President, if the witness could
16 be excused, please.

17 MR MACDONALD: [12:23:38] Indeed, your Honour. I think this would be wise.

18 PRESIDING JUDGE TARFUSSER: [12:23:45] Could the court usher please bring
19 the witness out.

20 (The witness stands down)

21 PRESIDING JUDGE TARFUSSER: [12:24:05] Maître Gbougnon.

22 MR GBOUGNON: [12:24:07] (Interpretation) Mr President, it is true that there is
23 no direct link with the charges, but here we are trying to establish the credibility of
24 the witness and we are doing that because his account is extremely extraordinary and
25 it is good to underscore to the Chamber the abnormalities or discrepancies in his

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1 account. That is why we are trying to put certain questions to the witness so that the
2 Chamber can realise itself that this witness is anything but a credible witness. And
3 in fact you can see from his answers that everything that he is saying is anything but
4 credible.

5 PRESIDING JUDGE TARFUSSER: [12:25:11] Well, that was again a comment, is
6 okay.

7 Has the OTP something to say about this? I still -- well.

8 MR MACDONALD: [12:25:20] Yes, your Honour. Very briefly, to begin with, I
9 just want clarification maybe because I'm not sure what the witness response, if
10 he -- because he said the 4th and then he was reminded that he said 7, 8 in the
11 statement -- no, no, but just a second, your Honour. So I just want to know because
12 he said "Yes, I made a mistake." If it would be possible to clarify, is the 7, 8 the
13 mistake, or the 4th here in the courtroom is the mistake. That's number one.
14 Number two, your Honour, I refer you to the confirmation decision. We do believe
15 this is very relevant.

16 PRESIDING JUDGE TARFUSSER: [12:25:59] Is very? This is very?

17 MR MACDONALD: [12:26:00] That it is very relevant.

18 PRESIDING JUDGE TARFUSSER: [12:26:03] What?

19 MR MACDONALD: [12:26:05] At one point, the whereabouts of Mr Blé Goudé
20 and what he may have said, done and so on.

21 PRESIDING JUDGE TARFUSSER: [12:26:12] I will leave it here and ask court
22 usher to bring the witness back in.

23 (The witness enters the courtroom)

24 MR GBOUGNON: [12:27:05] (Interpretation) Mr President, I will continue.

25 Thank you, Mr President.

1 Q. On page 48 of today's transcript, line 5 onwards:

2 "He was taken at the level of just before the slope down to the south entrance of the
3 west of Cocody, there. There is a road there that you can take directly to the
4 residence of the president. It was at that junction."

5 So you are telling the Court that it was at that location that you took Mr Charles Blé
6 Goudé; is that correct?

7 A. [12:28:03] Yes.

8 Q. [12:28:03] And yet on 21 October 2016 before this courtroom, page 58, lines 9 to
9 11 you say:

10 "Before he left, he passed by the residence of the president of the republic and from
11 there we escorted him right up to the M'Maya residence."

12 That is what you said to this Chamber. You said from the residence you took him to
13 the M'Maya residence. And today you are talking about a junction, a branch of the
14 road that leads to the residence. Why have these locations changed?

15 A. [12:28:50] The locations have not changed. I simply explained the reason
16 because Mr Blé Goudé was not at the residence on a permanent basis like others.
17 And I did not say the southwest entrance, I said the south entrance of the Cocody
18 university. He had gone to the residence and he had now to retreat to the M'Maya
19 residence. We were supposed to send food. I myself was supposed to go and fetch
20 food to bring back to the residence. It was not something that we had to really show
21 openly that we were carrying someone like that. It was supposed to be a normal
22 convoy of vehicles moving about, even if they were gendarmerie vehicles. But we
23 did not leave the residence at the same time. That is not what I said in my testimony.
24 I said that he went to the residence and from there he was going to the M'Maya
25 residence, and it is from that point that we escorted him.

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1 Q. [12:30:41] Thank you, Mr Witness. Now, the path that Mr Blé Goudé took,
2 who told you exactly where he went and when were you told about this particular
3 itinerary?

4 A. [12:31:02] Quel parcours?

5 Q. [12:31:18] His itinerary from the M'Maya residence to Ghana, who told you
6 this and how were you told this account?

7 A. [12:31:37] It was explained to me by A52.

8 Q. [12:31:42] When?

9 A. [12:31:45] In Yopougon, during the period of the 13th when I was in
10 Yopougon.

11 Q. [12:32:13] When? When did Mr A52 tell you this itinerary that Mr Charles
12 Blé Goudé allegedly took, when?

13 A. [12:32:33] I would say the 12th if you want a specific date, 12 April 2011.

14 Q. [12:32:42] And thus, if I've understood you correctly, Mr A52 went with
15 Mr Blé Goudé to Ghana on 12 April 2011, he was in Abidjan at the M'Maya residence,
16 then he went to Ghana, so how would you know which particular itinerary he took?

17 A. [12:33:08] He didn't say he was going with him to Ghana. I didn't say that he
18 went with him to Ghana, I'm sorry.

19 PRESIDING JUDGE TARFUSSER: [12:33:27] Mr Demirdjian.

20 MR DEMIRDJIAN: [12:33:28] Your Honours, I think the questions are confusing
21 the witness because he earlier answered that this was explained by A52 between the
22 period of 13 to 17 April in Yopougon. So I'm not sure why my learned friend
23 repeated the question in a confusing manner. Now we have a very confused record.
24 The answer was already given. So it's asked and answered.

25 MR GBOUGNON: [12:33:50] (Interpretation) Your Honour, your Honour, I think

1 this just won't do to hear such observations be made before the witness. I am
2 questioning a witness about an event, not two events or two facts, just one. There is
3 a witness here. I think the witness really needs to be taken out of the courtroom.

4 PRESIDING JUDGE TARFUSSER: [12:34:17] Why does he now need to be taken
5 out of the courtroom? Just ask the question. Why does he need now to be taken
6 out of the courtroom? There is nothing to explain or to be clarified now.

7 MR GBOUGNON: [12:34:34] (Interpretation) Thank you, your Honour.

8 Q. [12:34:53] Mr Witness, you said that Mr A52 did not escort Mr Blé Goudé to
9 Ghana; is that correct?

10 A. [12:35:00] Yes.

11 Q. [12:35:03] I'd like to read to you something that you said, CIV-OTP-0063-2468
12 at page 2510, 2510. I'll begin at line 1495:

13 "A52?"

14 That is the interviewer putting the question to you.

15 And you answered saying:

16 "They were the ones who," then you went on to say "escort him to Ébra."

17 Then you went on:

18 "There is a village at Bingerville, an Ébrié village called Ébra. Ébra. It is along there,
19 along by the lagoon. So there you have it. And that is where they crossed over.
20 They went out at Moossou, Moossou. Yes. And from Moossou they went to
21 Ghana."

22 Now, Mr Witness, you did say that Mr Stéphane Kouamé (phon) A52 went with
23 Mr Charles Blé Goudé all the way to Ghana. That is what you told you the
24 investigators.

25 A. [12:36:59] I said that he escorted him all the way to Ébra. That's all the way to

1 Ébra. And from Ébra they continued their way and crossed over by Moosou and
2 from there they went to Ghana. So A52 went as far as Ébra, not all the way to Ghana.
3 I didn't say that. They just went -- he just went part of the way and then they
4 continued their journey, the other people who were with Mr Charles Blé Goudé.

5 Q. [12:37:58] Mr Witness, before the Chamber you stated, and I quote from
6 transcript of 21 October 2016, line -- page 59, lines 1 to 7, I quote:

7 "I took part in the convoy when sent -- when it was sent to the M'Maya residence. I
8 wasn't present when they were supposed to leave. It was Stéphane A52 who was in
9 the zone there. The residence -- the -- in the Riviéra that took part, so he explained to
10 me how he escorted him from -- to Bingerville and that is where he went to Moosou
11 to go on to Ghana. This is what you told the Chamber. So you did say that
12 Mr Stéphane A52 accompanied Mr Blé Goudé to Ghana.

13 MR DEMIRDJIAN: [12:39:08] (Overlapping speakers) your Honours.

14 PRESIDING JUDGE TARFUSSER: [12:39:09] Mr Prosecutor.

15 MR DEMIRDJIAN: [12:39:11] That's argumentative. He's arguing with the
16 witness.

17 PRESIDING JUDGE TARFUSSER: [12:39:16] That's very argumentative. That's
18 very argumentative. Thank you.

19 MR GBOUGNON: [12:39:29] (Interpretation)

20 Q. [12:39:31] Mr Witness, thank you very much. I have concluded my
21 questioning and I thank you.

22 MR GBOUGNON: [12:39:40] (Interpretation) Madam president -- I correct,
23 mister -- your Honours, rather. I believe I have concluded my examination of the
24 witness and, what is more, I wish to apologise if at any point in time I was impulsive
25 and I do hope that you will understand. Thank you.

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- 1 PRESIDING JUDGE TARFUSSER: [12:40:08] Maître Gbougnon, no problem. I
2 myself sometimes am impulsive, so I can understand, I do understand.
3 It's now quarter to 1. I think we break and we go to 2.30 in order to give the floor to
4 the Defence of Mr Gbagbo.
5 By the end of the day if we could have an overview. Thank you very much.
6 Always recalling that on Thursday we have to send the witness back.
7 Thank you very much. The hearing is adjourned to 2.30.
8 THE COURT USHER: [12:40:50] All rise.
9 (Recess taken at 12.40 p.m.)
10 (Upon resuming in open session at 2.35 p.m.)
11 THE COURT USHER: [14:35:28] All rise.
12 Please be seated.
13 PRESIDING JUDGE TARFUSSER: [14:35:54] Good afternoon. The floor is
14 immediately to Maître Altit for the Defence of Mr Gbagbo. Yours the floor.
15 MR ALTIT: [14:36:10] (Interpretation) Thank you, Mr President. Mr President,
16 your Honours, it will be Mr Andreas O'Shea who will begin the questioning on behalf
17 of the Gbagbo Defence team, and I will continue after Mr O'Shea has finished.
18 PRESIDING JUDGE TARFUSSER: [14:36:32] Mr O'Shea.
19 MR O'SHEA: [14:36:38] Good morning, your Honours.
20 PRESIDING JUDGE TARFUSSER: [14:36:43] Good afternoon, Mr O'Shea.
21 MR O'SHEA: [14:36:45] Good afternoon, your Honours. Since it's the first thing I'm
22 doing in the day, maybe it's my morning.
23 QUESTIONED BY MR O'SHEA:
24 Q. [14:36:58] Good afternoon, Mr Witness.
25 A. [14:37:01] Good afternoon, counsel.

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1 PRESIDING JUDGE TARFUSSER: [14:37:18] Excuse me. Excuse me, court officer, I
2 don't think it doesn't work, the microphone here. The headphone doesn't work.
3 Yours works?

4 MR MACDONALD: [14:37:33] We seem to have a problem also at the back.

5 PRESIDING JUDGE TARFUSSER: [14:37:49] If we say something -- now you hear,
6 okay. Do you hear now? Does it work? Okay. Mr O'Shea, please. I think
7 everything is okay now.

8 MR O'SHEA: [14:37:59] Yes, thank you very much. A bit of an echo, but I'll live
9 with that.

10 Q. [14:38:11] Mr Witness, did you have a difficult childhood?

11 A. [14:38:37] No.

12 Q. [14:38:41] Have you at any stage over the last few years told anybody else that
13 you had a difficult childhood?

14 A. [14:39:03] No.

15 Q. [14:39:17] In 1998, how old were you?

16 A. [14:39:29] (Speaks English) 15.

17 Q. [14:39:44] And in 2002 you were 19, were you?

18 A. [14:39:48] (Speaks English) Yes.

19 MR MACDONALD: [14:39:53] Your Honour, I understand the witness is continuing,
20 is answering in English, but I think he needs to stick to one language for the
21 interpretation and the responses.

22 PRESIDING JUDGE TARFUSSER: [14:40:11] Mr Witness, you may reply in French,
23 okay? Thank you.

24 MR O'SHEA: [14:40:24]

25 Q. [14:40:24] You're comfortable in the English language, are you, Mr Witness?

- 1 A. [14:40:39] (Interpretation) Can you kindly repeat your question, counsel?
- 2 Q. [14:40:48] You're comfortable in the English language, are you?
- 3 A. [14:40:51] I can say that I get by.
- 4 THE INTERPRETER: [14:41:09] From the interpreters, if Mr O'Shea could wait for
- 5 interpretation, please.
- 6 PRESIDING JUDGE TARFUSSER: [14:41:13] Yes. If Mr O'Shea could wait for the
- 7 interpretation, it would be fine for the record.
- 8 MR O'SHEA: [14:41:21] Yes. I'm sorry. Mr or Madam Interpreter, if you could
- 9 just say what the witness's answer was, if you would.
- 10 THE INTERPRETER: [14:41:45] Could the witness be asked to repeat, please.
- 11 PRESIDING JUDGE TARFUSSER: [14:41:48] The answer was, because it's in the
- 12 transcript, "I can say that I can get by."
- 13 MR O'SHEA: [14:41:57]
- 14 Q. [14:41:58] And, Mr Witness, my next question was: Where did you learn
- 15 English?
- 16 A. [14:42:03] At school.
- 17 Q. [14:42:17] And is that the only place where you learned English, at school?
- 18 A. [14:42:36] Well, you asked me the question where I learned English, and where
- 19 you can learn English is at school. I also mixed with some anglophones, but the
- 20 main place where you can learn a language or English is at school.
- 21 Q. [14:43:31] And between 1998 and 2002, you were at school, were you?
- 22 A. [14:43:47] Yes.
- 23 Q. [14:43:57] And in 2002, you left school of your own choice?
- 24 A. [14:44:12] Yes.
- 25 Q. [14:44:19] Why?

1 A. [14:44:25] I dropped out of school because I wanted to join the army.

2 Q. [14:44:43] And during those years between 1998 and 2002 you were, during that
3 period, you were smoking cannabis, you told us; right?

4 A. [14:45:13] Yes.

5 Q. [14:45:25] Did you have a heavy habit during those years?

6 A. [14:45:44] I cannot call it an addiction because I did not go through detox. I left
7 it on my own volition.

8 Q. [14:45:58] And how much were you smoking on a daily basis?

9 A. [14:46:10] I cannot give you any precise numbers. It is not like cigarettes where
10 you have packets with a certain number of cigarettes in it. But as I have said, I
11 smoked it, but not to the point of not being able to sleep or eat because I had taken so
12 much cannabis. So I could say I smoked, but I was not dependent on it.

13 Q. [14:47:13] And where did you get the money to buy it?

14 A. [14:47:28] Frequently I would not go to school, and then I'd go and do little jobs
15 and have some money, and sometimes I would get some pocket money, and
16 sometimes I would also steal some money from my parents.

17 Q. [14:48:18] Did your parents come to know of this?

18 A. [14:48:27] Yes, they ended up learning about that.

19 Q. [14:48:48] Did that have any consequences for you?

20 MR DEMIRDJIAN: [14:48:58] Your Honours, may I ask what is the relevance of
21 questions before 2002 and this issue? I don't see where this is going at all.

22 PRESIDING JUDGE TARFUSSER: [14:49:05] I don't know either where this is going.
23 I would have waited another couple of questions, then I would have asked myself
24 where we are going.

25 MR DEMIRDJIAN: [14:49:15] Right.

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- 1 PRESIDING JUDGE TARFUSSER: [14:49:15] Please.
- 2 MR DEMIRDJIAN: [14:49:16] Maybe my tolerance level is a bit lower, your Honours.
- 3 I was waiting, too.
- 4 MR O'SHEA: [14:49:23] Well, I think if my learned friend thinks about it carefully,
- 5 he'll see it's obvious.
- 6 PRESIDING JUDGE TARFUSSER: [14:49:30] No, it's not at all obvious, no, not to me,
- 7 in any case.
- 8 MR O'SHEA: [14:49:32] To my learned friend I think it is.
- 9 MR DEMIRDJIAN: [14:49:36] That's not an answer to relevance, really.
- 10 MR O'SHEA: [14:49:41]
- 11 Q. [14:49:48] So, Mr Witness, were there any consequences of your parents finding
- 12 out about this?
- 13 A. [14:49:56] What do you mean by "consequences"?
- 14 Q. [14:50:15] Did you continue to live with your parents?
- 15 A. [14:50:21] Yes, I continued to live at my parents' house.
- 16 Q. [14:50:33] So were you living with your mother and your father?
- 17 A. [14:50:39] I lost my mother while I was still in primary school, so I was living
- 18 with my father.
- 19 Q. [14:51:02] Did you steal from anyone else during that period?
- 20 A. [14:51:12] No.
- 21 Q. [14:51:27] Have you ever been arrested for petty crimes?
- 22 A. [14:51:44] I have never been arrested.
- 23 Q. [14:52:02] And then when you made the decision to join other youngsters, to run
- 24 and move together as a group in 2002, at that point were you smoking cannabis, at
- 25 that point when you joined those young men?

1 A. [14:52:39] It is when I joined these young men in a group that I decided to stop
2 that habit.

3 Q. [14:53:09] And when were you selling from wheelbarrows and carts near the
4 station at Yopougon? When were you doing that?

5 A. [14:53:42] That was before I joined the GPP.

6 Q. [14:54:18] So at that point just before you decided to join these other men in a
7 group, at that point were you -- would you say you were struggling, from a financial
8 point of view?

9 A. [14:54:49] During that period I was not autonomous or independent to talk
10 about struggling financially. I was living in my parents' home, so they were the ones
11 lodging me. And that is also where I had my food. So I was doing those little jobs
12 just to have my own pocket money.

13 Q. [14:55:50] Did you have any episodes of depression during that period
14 immediately before embarking on your activities with the other men?

15 A. [14:56:08] No, I did not have depression.

16 Q. [14:56:29] The translation which came through is that you did not have
17 depression. Have you ever had depression?

18 A. [14:56:48] As I have said, I have never suffered from depression. Just like
19 anyone, there are joyful times and sad times in my life. But talking about depression,
20 I have never suffered from depression per se.

21 Q. [14:57:29] Have you ever been prescribed antidepressants, medication?

22 A. [14:57:39] I was never prescribed antidepressants because there was never any
23 need for me to see a specialised doctor in that regard because I did not suffer from
24 that disease. I did not suffer from depression.

25 Q. [14:58:20] And in that period of time between 1998 and let's say 2003, so we

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1 overlap into the period when you begin your activities, would you describe yourself
2 as being a person at that time who had a tendency to violence or not?

3 A. [14:58:59] I am someone who is impulsive by nature, but I cannot describe
4 myself as someone violent, and that is because, to begin with, either when I'm with
5 my brothers or my wife or children, I can shout and scream at them, but I am always
6 the first one to calm things down, to let go. So I'm impulsive but not violent.

7 Q. [15:00:24] And when you later on found yourself committing acts of violence,
8 was that something that you found easy or difficult?

9 A. [15:00:41] Well, what I can say is that it is never an easy thing to raise your hand
10 upon somebody or to hurt somebody. It's always difficult for me.

11 Q. [15:01:30] And in the year 2003, did you find yourself committing acts of
12 violence a lot?

13 A. [15:01:51] Yes, I did commit acts of violence.

14 Q. [15:02:18] And again in that same year in 2003, did you with the other men that
15 you were with steal from individuals who you came across during your activities?

16 MR MACDONALD: [15:02:50] Your Honour, I wonder if it's --

17 PRESIDING JUDGE TARFUSSER: [15:02:56] Mr MacDonald.

18 MR MACDONALD: [15:02:57] I wonder if it's not opportune, very briefly, to
19 address this topic for the witness to be excluded from the courtroom and then it may
20 pave the way for the next questions, because of what -- I want to discuss this topic
21 right now, and it touches on the person of the witness.

22 PRESIDING JUDGE TARFUSSER: [15:03:21] Can the court usher bring out the
23 witness, please.

24 (The witness stands down)

25 PRESIDING JUDGE TARFUSSER: [15:03:41] Mr MacDonald.

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1 MR MACDONALD: [15:03:43] Thank you, your Honour.

2 Listen, I understand we're in cross-examination. I understand also that there are
3 questions as to the personality of the witness that can be asked. But here we're on
4 petty crimes, when we have a witness that has admitted killing civilians. So at one
5 point we need to also be reminded of that fact that obviously you have a witness
6 under oath admitting to killing civilians.

7 Now, also what my colleague is doing, which was not self-evident from the very
8 beginning, is going on the topic of the expertise report that was submitted on the
9 record and for which you prohibited any questions to the -- Blé Goudé on the report
10 itself.

11 So what my colleague is basically doing is extracting facts from that report, putting it
12 to the witness, trying to obviously go to the weight of this report. So this is where
13 we're at now at this very moment, your Honour. And I come back on your decision
14 on this. I think facts can be put to the witness, then we're to presume -- and the
15 Defence will want to call back or call the expert in question that did that in their
16 defence when they present their case.

17 But I come back, your Honour, to the first point I was making, which touches on the
18 second one, the witness has been here testifying. You've been able to appreciate all
19 these aspects so far, and you're an arbiter of the credibility of the witness. So at one
20 point I understand personality plays a part, but I think we also need to come back to
21 the facts of the case.

22 Thank you.

23 PRESIDING JUDGE TARFUSSER: [15:05:38] Mr O'Shea.

24 MR O'SHEA: [15:05:39] Your Honours, my learned friend is quite right that your
25 Honours made a ruling on an expert report.

1 And, Mr President, you will remember that I asked the question of clarification after
2 that ruling, and your Honour said "We shall see."

3 And essentially the "we shall see" aspect of this has to, in my submission, take into
4 account the interests of justice.

5 The rationale behind your Honours' decision is clear. The rationale was that this
6 witness cannot comment on psychiatric expertise, or at least that's the way I
7 understood the gist of the reasoning behind the decision.

8 But, of course, this witness can comment on his own previous behaviour, his own
9 previous feelings, whether he has been taking medication, whether he's been feeling
10 depression and things like that. He can comment on those things. And in my
11 submission, if we have documentation or we have material which suggests that there
12 may be reasons why the witness's reliability is put into question, and it may very well
13 be that at a later stage in these proceedings there will be an argument over documents,
14 including the document which has been referred to by my learned friend, and the
15 weight to be attached to those documents.

16 In my submission, it's within the rights of the Defence to explore the issues which go
17 to the reliability of such documents, which go to the reliability of the witness.

18 Particularly in the light of what that material says, it would be a manifest injustice, in
19 my submission, to block the Defence from doing that.

20 PRESIDING JUDGE TARFUSSER: [15:07:52] The Defence is not blocked. But for
21 sure the witness cannot comment, as you said, the witness can comment, the witness
22 cannot comment, the witness has to respond onto facts, to questions which elicit facts,
23 not comments.

24 And on the other side, I think there should be a limit, and this limit is given by the
25 witness should not be humiliated. And to my understanding, we are not very far

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1 from that, I think. So I would like to ask you to continue your questioning, eliciting
2 facts from the witness, to which he can respond, but not to comment on his own
3 subjective -- subjectively comment on his own status. Please.

4 MR O'SHEA: [15:08:42] Your Honour, I --

5 PRESIDING JUDGE TARFUSSER: [15:08:43] No.

6 MR O'SHEA: [15:08:44] I hear your Honour and I accept that I must of course deal
7 with the greatest of sensitivity with witnesses, of course, having in mind who the
8 witness is in front of me.

9 PRESIDING JUDGE TARFUSSER: [15:08:56] Of course.

10 MR O'SHEA: [15:08:57] And the question of the extent of the vulnerability of that
11 particular witness, and in my submission my questions have not been of such a
12 nature as to, as it were, traumatise this particular witness with his particular level of
13 vulnerability.

14 PRESIDING JUDGE TARFUSSER: [15:09:13] I would not like to engage in a
15 discussion. I think you should be very much aware it's in any case a person, a
16 human being. It's as we talk about the witness, he should not be humiliated by the
17 questions, and you are requested to elicit facts and not comments from him. That's
18 all I can say, and then I will obviously be here and sit and try to understand and
19 eventually also to stop you if need be.

20 Can the witness be called in again. Thank you.

21 (The witness enters the courtroom)

22 PRESIDING JUDGE TARFUSSER: [15:10:27] Mr O'Shea.

23 MR O'SHEA: [15:10:41]

24 Q. [15:10:41] Mr Witness, in the year 2003, did you and/or the men with which you
25 ran steal from others with whom you came into contact?

1 A. [15:11:06] I do not understand the question. The people with whom we were
2 in contact.

3 Q. [15:11:44] I can put the question more simply. Did you and/or your group
4 together steal the possessions or money of other people in the year 2003?

5 A. [15:12:10] Well, I explained that it would occur that the group that I belonged to,
6 well, we often went to eat in the area, and then when we finished and when the
7 person owning the establishment requested for us to pay up, we said that it was the
8 government's bill. And then during patrols, we would take money from
9 non-nationals who did not have their ID papers. There were also searches
10 conducted at residences, and it did happen that in those places personal effects were
11 taken when we left the location.

12 Q. [15:13:52] And again within the same time frame, 2003, so the beginning period
13 of your activities, what was the position during marches? Were possessions and
14 money taken from people during marches?

15 A. [15:14:16] As I said, when we talk about a group, we're talking about several
16 individuals. So each person has their way of behaving, and sometimes the effect of
17 being in a group when one is a member of a group, one does not necessarily have the
18 same way of thinking or acting as the others. So there were cases like that where, for
19 example, when we were going running or when there was a march, the elements
20 would take civilians or individuals as their prey.

21 Q. [15:15:37] And would it be right that in that same year, in 2003, the government
22 openly condemned such actions? Is that right?

23 A. [15:16:00] These are actions that are not normal from a legal standpoint. So
24 anybody would condemn actions of that type.

25 PRESIDING JUDGE TARFUSSER: [15:16:53] The government, did the

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1 government -- the question was, if you know if the government condemned this
2 behaviour?

3 THE WITNESS: [15:17:09] (Interpretation) Well, the government, I don't know,
4 condemning it via press releases or what? What I do know is that the military
5 authorities who were in charge of our affairs on several occasions called us to order
6 whenever there were certain actions, and I explained a number of cases where things
7 degenerated and when there was direct confrontation between ourselves and some
8 parts of the population. And then the authorities would of course, the authorities
9 would denounce such deviant behaviour.

10 MR O'SHEA: [15:19:07]

11 Q. [15:19:08] And is it right that during that same year, 2003, so not long after the
12 beginning of your activities, the government while condemning such activities
13 actually banned the GPP and such like groups?

14 A. [15:19:33] In 2003? Mm-mm, in 2003 I would answer no.

15 MR O'SHEA: [15:20:06] Just one moment please, your Honour.

16 Q. [15:20:24] Now, Mr Witness, I understand of course that you're not a lawyer.
17 Your level of education is limited. That's all understood. And you will not
18 necessarily have read the text that I'm about to put to you. But just in the light of
19 your answers, I'd like to read to you certain sections of government decisions which
20 are reported in a document which is indeed dated 2003, to be specific, 31 December
21 2003.

22 And for the benefit of my learned friends and the Court, the reference is
23 CIV-D15-0004-1966.

24 I should say, your Honours, we have disclosed this document late, and I apologise for
25 that, but it's because we found it late. But it has been disclosed to the other side just

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1 before the luncheon adjournment.

2 PRESIDING JUDGE TARFUSSER: [15:22:25] (Microphone not activated)

3 MR O'SHEA: [15:22:28] Yes, today. We had disclosed previously other documents
4 which address the same issue but which have far less reliability because they were
5 basically newspapers.

6 Q. [15:23:01] So, Mr Witness, I'm reading from a document which is the official
7 journal of Ivory Coast.

8 PRESIDING JUDGE TARFUSSER: [15:23:06] And it's not uploaded, yes.

9 MR O'SHEA: [15:23:09] It's not uploaded in the eCourt.

10 PRESIDING JUDGE TARFUSSER: [15:23:15] Yes, it seems to be.

11 MR O'SHEA: Now it seems it be.

12 PRESIDING JUDGE TARFUSSER: It seems to be.

13 MR O'SHEA: Or it was.

14 PRESIDING JUDGE TARFUSSER: Do we have it? It should come up.

15 MR O'SHEA: [15:23:30] So then the page which I'm referring to is page 228.

16 PRESIDING JUDGE TARFUSSER: [15:23:52] We need the ERN page, not the page of
17 the journal.

18 MR MACDONALD: [15:23:58] Of the first page and that page in question.

19 MR O'SHEA: [15:24:04] I'm being assisted with that right now. So the first page is
20 0004-1966 and the page referred to is 0004-1968, and it's making reference to a

21 decision of 16 October 2003. And I shall read under the section II, "Communication,"
22 top of the second column: (Interpretation)

23 "However, with regard to political demonstrations" --

24 THE INTERPRETER: [15:26:07] The interpreter cannot see the document on the
25 screen in the right position.

1 MR O'SHEA: [15:26:12] (Interpretation) -- "the minister for interior security
2 presented a sombre account. In fact, for the last week demonstrations, spontaneous
3 demonstrations of unbelievable violence and barbarity have been organised in
4 various communes within Abidjan. This violence and this barbarity has been
5 characterised by break-ins, lootings, robberies and attacks. These acts have been
6 committed without any apparent motive -- motivation against targeted companies
7 and certain individuals.

8 It should be noted, furthermore, that other demonstrations of this type have been
9 announced. In the face of such a situation that is contrary to legality, this is a serious
10 offence against public order. It violates human rights and thereby places in peril the
11 peace process and the minister for internal security made the following proposals ..."
12 (Speaks English) Unreadable.

13 THE INTERPRETER: [15:28:11] The next bit is unreadable, says counsel. It is also
14 for the interpreters.

15 MR O'SHEA: [15:28:16] (Interpretation) "Idoine" -- (Speaks English) I am assisted
16 by those who recognise the script. (Interpretation) "The council has adopted the
17 conclusion for this communication and taken the following measures ..."

18 (Speaks English) The first line: (Interpretation)

19 "To prosecute individuals, the perpetrators of the break-ins and acts of looting who
20 were caught red-handed on the occasion of the demonstrations dated Thursday, 9 and
21 Friday, 10 October 2003, and for an in-depth investigation to be led with a view to
22 shedding light on all of these offences.

23 (Speaks English) Second line: (Interpretation)

24 "The suspension of any public demonstration for a duration of three months from the
25 Thursday, 16 October 2003."

1 (Speaks English) Third line: (Interpretation)

2 "The dissolution of the Groupement des Patriotes pour la Paix, the (GPP), in all its
3 components for having used fakes -- have made fakes and used fakes and falsely
4 using titles."

5 (Speaks English) I will stop there for now. So does that give you opportunity to
6 reconsider your answer about the year 2003?

7 A. [15:30:44] What do you --

8 Q. [15:30:45] Well, I suggest it to you that the government had in fact banned the
9 GPP in 2003 and your answer was not 2003. So I'm now giving you an opportunity
10 to reconsider that answer.

11 A. [15:31:15] Thank you, Counsel. When I look at that document it is supposed to
12 have been as a result of looting of the CEI and the companies belonging to French
13 nationals.

14 It is true that it is a document talking about the dissolution of the GPP and it is dated
15 December 2003. However, I would like to point out that in December 2003 the GPP
16 was not a secret organisation. It was based in Marie-Thérèse, where there was an
17 international NGO and, geographically speaking, this was right at the centre of
18 Adjamé. And we stayed there right up to 2006. And more than one year after this
19 communiqué was issued, the GPP was carrying out its activities and still based at the
20 same location as it had been when this communiqué was issued.

21 So if you look at what is written there, you would say that the GPP was dissolved.
22 But if you look at what actually happened, you'll see that the GPP was still very
23 operational and in broad daylight. So that is what I can say.

24 Q. [15:33:40] Well, let me first of all give you a direction, Mr Witness, before I ask
25 my next question, which is to listen to my questions carefully and to only answer the

1 question which I ask and not questions which I do not ask.

2 If there is anything that can be filled in, then my learned friend on the other side will

3 do so at the appropriate time. But please try to answer the question which I ask.

4 And the question which I had asked on that occasion was for you to reconsider the

5 year, reconsider the year when the GPP was banned, because you had said it wasn't

6 2003. And then I put the document to you. So I'm just pointing that out to you for

7 the continuation of these questions because we don't have much time. So I'd like to

8 get through my questions expeditiously. So if you can confine yourself to answering

9 what I ask, that would be helpful.

10 Now, notwithstanding what you've just said to the Chamber, would you agree with

11 me that the activities of the GPP if they did carry on did so illegally?

12 A. [15:35:24] What I can say is that the GPP continued with its activities in any case.

13 Now, to determine whether the activities were illegal or not, well, I do not have the

14 authority to judge.

15 Q. [15:36:17] And at the time in 2003 itself, did you learn of this government

16 decision through the press?

17 A. [15:36:46] What I learnt during that period was that the government had wanted

18 to relocate us because the position at which we were based was at the very centre of a

19 commune which was mostly characterised by trading activities, so there were quite a

20 good number of complaints from members of the population and from the traders.

21 So what I heard during that period was that we were going to be relocated, but not

22 that the GPP as such was going to be banned.

23 Q. [15:38:07] So is it your position that you didn't hear from other members of your

24 group about the banning of your group or from others?

25 A. [15:38:36] I believe what I said is that we heard a lot more talk about relocating

1 us, that is, moving us from the Marie-Thérèse institute to a location that would be less
2 exposed to the general public and also to the international community. And so it
3 was the leaders, the authorities, who could have taken such a decision or who would
4 have known of such a decision. But those of us who were there at the time, what we
5 heard was simply that we would change location because everything we did was
6 visible to everyone, and the press automatically reported this, so this was being a bit
7 embarrassing for the government.

8 Q. [15:40:20] So when you say you heard, does this mean there was no direct
9 communication between you and your colleagues and the authorities on this topic?

10 A. [15:40:45] I said that at our level, that is amongst the elements, we were rather
11 talking about relocation. And if there had been anything about the GPP being
12 banned, then it would have been the leaders, those who were the leaders at that time
13 to talk to it about -- to talk to it to the rest of the GPP members. So the rank and file
14 soldiers and noncommissioned officers that we were, were instead discussing the
15 possibility of our being relocated because the excesses that were committed were
16 disturbing to the authorities, and because of our location, everything we did or said
17 was seen by everyone.

18 So when someone, some members, behaved improperly or illegally, the media would
19 immediately report on this so this was really very embarrassing for the government.
20 And so, as I have said, we did not take it seriously because we even spent more than
21 one year again at that particular location and we were not disturbed. So given my
22 position within the group at that time, that is what I can tell you about this decision.

23 Q. [15:43:14] So you do have some knowledge of the media reactions then at the
24 time?

25 A. [15:43:25] Yes.

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1 MR O'SHEA: [15:43:39] If I could pull up, please, document CIV-D15-0004-1937.

2 Can we, because there is quite a bit cut off of the text here, can we just look at the next
3 page.

4 Q. [15:45:31] Okay. Well, Mr Witness, you see --

5 Sorry, can we just go back to the previous page.

6 So you see here a newspaper, *Fraternité Matin*. Is *Fraternité Matin* a newspaper that
7 you knew about at the time?

8 A. [15:46:08] Yes. *Fraternité Matin* is the oldest newspaper still in circulation in
9 Côte d'Ivoire.

10 Q. [15:46:35] And were there friends of yours within your group who used to
11 sometimes look at that newspaper or read that newspaper?

12 A. [15:46:51] Yes.

13 Q. [15:47:02] And what about yourself?

14 A. [15:47:07] At that time I would say from time to time, but it was really not a
15 priority for me to get up and say I should go and look at the newspaper. So from
16 time to time if I passed by some newspaper stalls, well...

17 Q. [15:47:45] And at that time, you see, this article, we don't see the whole text, but
18 you can see the words there "GPP dissous." During that -- during that time, do you
19 remember newspaper articles of this nature talking about the dissolution or the
20 banning of the GPP being discussed?

21 A. [15:48:17] Yes.

22 MR O'SHEA: [15:48:34] If I could now pull up CIV-D15-0004-1940. I should have
23 been saying all this time that these documents are public, but I think the Registry
24 correctly deduced it.

25 PRESIDING JUDGE TARFUSSER: [15:49:20] Well, it's a newspaper --

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1 MR O'SHEA: [15:49:22] Yes.

2 PRESIDING JUDGE TARFUSSER: [15:49:23] -- and an official journal of Côte
3 d'Ivoire. It should be clear that they're public.

4 MR O'SHEA: [15:49:27] Yes. Would it be possible to try and expand that,
5 preserving the title as much as possible?

6 Q. [15:50:04] This is an article which was published on an Internet site of RFI, 17
7 October 2003. Did you look at material from Internet sites? Did you have material
8 sent to you from Internet sites, perhaps on your phone, at that time, or is that a bit
9 early in the technology?

10 THE INTERPRETER: [15:50:43] Inaudible. Can the witness repeat?

11 PRESIDING JUDGE TARFUSSER: [15:50:46] Mr Witness, what did you say? It was
12 not heard by --

13 THE WITNESS: [15:50:52] (Interpretation) I said it was too early, too early.

14 PRESIDING JUDGE TARFUSSER: [15:50:56] Yes.

15 MR O'SHEA: [15:50:58]

16 Q. [15:50:59] So this article is entitled (Interpretation) "Militias dissolved and
17 demonstrations banned."

18 (Speaks English) So did you come across articles like this at the time? Were you
19 told about articles like this at the time referring to the dissolution of militia?

20 A. [15:51:41] Yes, I saw them.

21 Q. [15:51:49] So when you portrayed to the Chamber a few moments ago that you
22 heard about the need for relocation but not about dissolution as such, that's not quite
23 correct, is it?

24 A. [15:52:22] What I said was that when it came to this story about dissolution, it
25 was only at the level of the leaders at that time who could talk about it at their own

1 level. But those of us lower-ranking members were simply talking about relocation
2 and setting up at a new base. So I don't understand why you are saying that I did
3 not answer your question directly and I was talking about something else. But this
4 is because I was trying to explain my answer in relation to the previous answers.

5 MR O'SHEA: [15:53:38] Your Honours, I'm going to move on to another topic now,
6 and with the 5 minutes to spare it would be quite complicated for me. I wouldn't
7 want to start it and stop at the very beginning of it. So with your Honour's
8 permission I would prefer to move on to that topic on Wednesday morning.

9 PRESIDING JUDGE TARFUSSER: [15:54:03] That's okay. I would like also to, as I
10 asked before, to have an overall estimate so that we can manage also with VWU,
11 because that's a bigger issue and with other witnesses. So please, Maître Altit.

12 MR ALTIT: [15:54:23] (Interpretation) Thank you, Mr President. Mr President,
13 your Honours, regarding the duration of our questioning, we will definitely need the
14 entire day of Wednesday and most of Thursday and maybe even the entire day of
15 Thursday, but I reassure you that we will not go beyond that, and we will stop
16 probably during the last or third session of Thursday.

17 PRESIDING JUDGE TARFUSSER: [15:55:08] To remind we have the re-questioning
18 and then the last word again. I mean, we have to finish by Thursday evening.

19 MR ALTIT: [15:55:24] (Interpretation) Everything will of course depend on how
20 the questioning moves forward. We will do everything possible to end as quickly as
21 possible after putting the questions that seem to us to be essential.

22 And if it is possible, we will end probably after the first session on Thursday, but I
23 would like to keep some flexibility here and tell you that it is quite possible that we
24 will need a second session, and that being the case, I can really commit myself that we
25 will complete by the end of the second session Thursday, maybe slightly before, but

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- 1 at the end of the second session latest.
- 2 PRESIDING JUDGE TARFUSSER: [15:56:23] Well, the end of the second session
- 3 would be okay, I would say, but obviously be aware that we have to finish and we
- 4 have the re-questioning, we have to manage a lot of things.
- 5 Okay. Thank you very much.
- 6 MR ALTIT: [15:56:35] (Interpretation) We will do our best.
- 7 MR MACDONALD: [15:56:37] On that topic, your Honour, very briefly, maybe
- 8 you've considered it -- sorry, I have something in my eyes -- extended hours if need
- 9 be?
- 10 PRESIDING JUDGE TARFUSSER: [15:56:44] Yes, yes, we do --
- 11 MR MACDONALD: [15:56:44] Of course.
- 12 PRESIDING JUDGE TARFUSSER: [15:56:45] -- we do consider everything, but we
- 13 try to do it in the normal --
- 14 MR MACDONALD: [15:56:49] Of course.
- 15 PRESIDING JUDGE TARFUSSER: [15:56:52] -- timing, but we consider everything.
- 16 But one thing must be clear, on Thursday at 4 o'clock we have to close. Then that's
- 17 why step by step we try to adjust. But in the first, as a first step, we would like to
- 18 have the normal sessions and try to finish in that. If that is not possible, we will see
- 19 how we can manage.
- 20 Thank you very much. The hearing is adjourned to Wednesday at 9.30.
- 21 THE COURT USHER: [15:57:22] All rise.
- 22 (The hearing ends in open session at 3.57 p.m.)