

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 Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Thursday, 3 November 2016
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:51] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:34:11] Good morning.
15 Good morning, Mr Witness.
16 I give immediately the floor to Mr Wagemakers, of course, who is on his feet. The
17 microphone, please.
18 MR WAGEMAKERS: [9:34:40] Thank you, your Honour. I will make it short. The
19 Gbagbo Defence left the witness yesterday with a video with which he was
20 confronted. Because it was close to 4 o'clock and consequently the suspension of
21 yesterday's hearing, the witness did not have the opportunity to react on this video.
22 Now, I have a lot of confidence and trust in my learned colleagues at this Court and,
23 of course, because of that, I assured the witness that the Gbagbo Defence will respect
24 the principle of a fair hearing and a fair interrogation of the witness. So they will ask
25 the witness for a reaction on this video that was shown yesterday afternoon.

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1 If this should not be the case, I trust that the -- I trust that the Prosecutor would be
2 keen enough to address the issue. But, of course, I could be mistaken. In that case,
3 I ask your Honours to grant the witness the opportunity to react on the video that was
4 shown yesterday afternoon.

5 But like I said, I trust that the parties will recognize their responsibility to this respect,
6 and if that is indeed the case, my request on behalf of the witness might even be
7 considered as conditional to that. Thank you.

8 PRESIDING JUDGE TARFUSSER: [9:36:03] Thank you, Mr Wagemakers.
9 Mr O'Shea.

10 MR O'SHEA: [9:36:09] I'll address the issue of the video first and then a subsidiary
11 issue. As far as the video is concerned, it's obviously up to us as to how we conduct
12 our questioning. Basically, I asked a series of questions from this witness about the
13 place and the event and the people who were there, your Honours will remember.
14 And then I displayed a video to the witness and then I asked the witness what was
15 the location of the video and whether it was the event in question, and I got the
16 answers. And that was all we wanted.

17 And there is no professional duty to go any further than that.

18 On a subsidiary issue, I'm not sure that my learned friend has kept within his
19 mandate on this particular issue.

20 MR WAGEMAKERS: [9:37:09] I expected this. Your Honours, if you permit me.

21 PRESIDING JUDGE TARFUSSER: [9:37:13] Yes. Please.

22 Office of the Prosecutor.

23 MR DEMIRDJIAN: [9:37:20] Your Honours, we can deal with it in re-examination.

24 That is not a problem.

25 PRESIDING JUDGE TARFUSSER: [9:37:24] Sorry, the Blé Goudé Defence, do you

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1 want to intervene on this?

2 MR GBOUGNON: [9:37:27] (Interpretation) Mr President, I'm just reading over the
3 transcript, and I have not understood the legal issue that is actually raised by my
4 learned friend.

5 To the extent that I -- for 30 seconds I thought it was a self-incrimination issue, but if it
6 is not that, then we have nothing to add.

7 PRESIDING JUDGE TARFUSSER: [9:38:08] I think we are making a problem out of
8 what I don't see being a problem, because the question -- obviously the parties make
9 questions as far as they consider making questions. I mean, it's up to them what to
10 ask and what not to ask. And on the other side, it's up to the witness to ask for the
11 floor if he wants to add, to explain and to say something. I mean something more.
12 So I think this discussion was maybe not necessary. So if the witness wants to say
13 something, he can. But I also am confident that further during the day, this issue
14 will be addressed.

15 So I now give the floor to Maître Altit for his questioning.

16 MR ALTIT: [9:39:25] (Interpretation) Much obliged, Mr President.

17 WITNESS: CIV-OTP-P-0435 (On former oath)

18 (The witness speaks French)

19 QUESTIONED BY MR ALTIT:

20 Q. [9:39:45] Good morning, Mr Witness.

21 A. [9:39:50] Good morning, Counsel.

22 Q. [9:39:54] My name is Emmanuel Altit, lead counsel for Mr Laurent Gbagbo, and
23 I will put a few questions to you. I would really appreciate it if you answer them in
24 a concise and precise manner. The point is to clarify certain aspects of your
25 testimony. So it is not necessary to tell us what you have already told us. Do we

1 agree on that?

2 A. [9:40:25] Yes.

3 Q. [9:40:26] Thank you. Now let me begin by talking to you about Zagbayou.

4 You told us that he was a chief corporal of the regular army who was responsible for
5 training in the GPP in 2002-2003; is that correct?

6 A. [9:41:00] Yes.

7 Q. [9:41:01] And you told us that he had the rank of colonel in the GPP, correct?

8 A. [9:41:13] Correct.

9 Q. [9:41:14] My question is simple, since this was a soldier, a regular soldier on
10 active service, and he was busy during the day, so how did he carry out the training?
11 Was it once a week? Was it in the evening? Can you explain this to us, please?

12 A. [9:41:38] Personally, I did not know how he arranged it with his hierarchy.
13 During the time of our initial training, he was quite available.

14 Q. [9:42:09] Very well. You have also talked to us about the chief of staff of the
15 GPP during that period, and that was Jeff Fada. Was Jeff Fada his real name?

16 THE INTERPRETER: [9:42:30] Witness was inaudible.

17 MR ALTIT: [9:42:34] (Interpretation)

18 Q. [9:42:35] What was his real name?

19 A. [9:42:36] His real name was Jean-François Kouassi.

20 Q. [9:42:41] What does Fada mean?

21 A. [9:42:47] Fada means mad.

22 Q. [9:42:48] Mad?

23 A. [9:42:50] Yes, it means madman.

24 Q. [9:42:55] Yes, I asked a question whether Fada means madman and the witness
25 said yes.

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- 1 THE INTERPRETER: [9:43:14] From the interpreters, that was already in the
2 transcript.
- 3 MR ALTIT: [9:43:20] (Interpretation) So this was a nickname.
- 4 A. [9:43:22] Yes, it was a nickname.
- 5 Q. [9:43:24] What was your nickname yourself?
- 6 A. [9:43:35] I had several.
- 7 Q. [9:43:47] Please go on.
- 8 A. [9:44:11] I think after my names, my nicknames are already included in the file.
- 9 Q. [9:44:15] Please kindly answer my question.
- 10 MR WAGEMAKERS: [9:44:27] Your Honour, the witness.
- 11 (The witness confers with counsel)
- 12 THE WITNESS: [9:44:46] (Interpretation) There was H, there was Commander
13 Hotel, there was Araignée, Koné Ahmed, and then Colonel H.
- 14 MR ALTIT:
- 15 Q. [9:45:09] Very well. Now, you have told us that Jeff Fada had the rank of
16 general in the GPP; is that correct?
- 17 A. [9:45:34] Yes.
- 18 Q. [9:45:34] And you yourself, what was your last rank in the GPP? Was it
19 general also?
- 20 A. [9:45:45] Commandant.
- 21 Q. [9:45:55] Who appointed you commandant?
- 22 A. [9:46:06] I was appointed commandant by General Jeff.
- 23 Q. [9:46:12] Very well. Who appointed Jeff Fada general?
- 24 A. [9:46:20] Jeff was appointed by Groguhet.
- 25 Q. [9:46:33] That is the president of the group at the time; is that correct?

1 A. [9:46:40] Yes.

2 Q. [9:46:40] Very well. And you also told us that a new president of the group
3 Bouazo was himself a general; is that correct?

4 A. [9:46:57] Yes.

5 Q. [9:46:59] Who appointed him general?

6 A. [9:47:02] Personally, I did not put that question to him. Usually the GPP
7 generals would be appointed by the president or the chief of staff.

8 Q. [9:47:31] The president of the GPP or the chief of staff of the GPP; is that what
9 you mean?

10 A. [9:47:36] Yes.

11 Q. [9:47:36] So when the president of the GPP becomes a general like Bouazo, he
12 appoints himself; is that what you would have us believe?

13 A. [9:47:54] Bouazo had that rank before becoming president because he was the
14 commanding officer of one of the GPP units, so he had that rank before becoming
15 president of the GPP.

16 Q. [9:48:13] And who had appointed him general?

17 A. [9:48:16] I believe I answered the question. I said that personally I do not know
18 who of the president or the chief of staff appointed him, but I said that the chief of
19 staff of the GPP and the president had the authority to appoint an element to a rank.

20 Q. [9:48:55] Very well. You told us of an annex of the GPP at the general staff
21 military staff headquarters, do you remember that?

22 A. [9:49:13] Yes.

23 Q. [9:49:14] But you told us that you never went there; is that correct?

24 A. [9:49:18] Yes.

25 Q. [9:49:19] You confirm that?

- 1 A. [9:49:24] Yes.
- 2 Q. [9:49:26] For how long did that annex exist? Up until which date or period?
- 3 A. [9:49:36] I'm not in a position to say.
- 4 Q. [9:49:40] Approximately?
- 5 A. [9:49:41] I do not know when. What I know is that in 2006 I didn't hear
- 6 anything about them anymore.
- 7 Q. [9:50:12] Let us be very clear here, because we need clarity to be able to
- 8 understand what happened. Are you telling us that after 2006 the annex was no
- 9 longer in existence?
- 10 A. [9:50:31] I'm saying that personally I did not hear about it after 2006, but I
- 11 cannot tell you whether it was there or not. I know that at one point it no longer
- 12 existed, but I cannot tell you which year. All I know is that in 2000 -- after 2006, I no
- 13 longer heard of it. And when Bouazo was president, that annex no longer existed.
- 14 Q. [9:51:01] Very well. Now, coming to Bouazo, that he was in a printing press,
- 15 he had a printing press; is that what you said?
- 16 A. [9:51:23] Yes, he had his own printing press and newspaper.
- 17 Q. [9:51:26] Very well. And what was the newspaper's name?
- 18 A. [9:51:30] Dessagnon, D-E-S-S-A-G-N-O-N, Dessagnon.
- 19 Q. [9:51:51] And Jeff Fada, what was his profession? What was his occupation?
- 20 A. [9:51:58] I do not know what training he received. But he was working for an
- 21 intelligence agency in Côte d'Ivoire.
- 22 Q. [9:52:35] Very well. I will repeat the question because there was overlapping.
- 23 And that was when he was in the GPP; is that correct?
- 24 A. [9:52:44] Yes.
- 25 Q. [9:52:45] And you yourself as from 2003, well, you told us that you dropped out

1 of school. You were in the fourth year of secondary school. How did you leave?

2 What type of jobs did you do?

3 A. [9:53:07] I was in building. Construction, building.

4 Q. [9:53:29] Yes. Did you have your own company?

5 A. [9:53:32] I didn't own a company. I did not have a company as such, but I did
6 petty jobs.

7 Q. [9:53:57] Did you work for anyone who himself or herself owned a company, an
8 electrical company or a building company?

9 A. [9:54:05] I worked with private individuals.

10 Q. [9:54:15] That is on a one-off basis?

11 A. [9:54:20] Well, you can say that.

12 Q. [9:54:27] Would it be fair to say that you didn't have a lot of money during all
13 those years?

14 A. [9:54:34] Yes.

15 Q. [9:54:36] Very well. Now, since we are talking about Bouazo, you stated that as
16 from 2005 he had created a subgroup within the GPP with a former soldier whose
17 name was Gnabehi, if my pronunciation is correct. How many people were there in
18 that subgroup?

19 A. [9:55:19] The FPC had at least three squadrons, that is at least 600 members.

20 Q. [9:55:53] Very well. You told us that this subgroup was based in a building
21 under construction in Yopougon-Sable; is that correct?

22 A. [9:56:16] Yes.

23 Q. [9:56:22] Now this building which was not completed, at what level of the
24 construction was it? Was there -- regarding the structure, was there already a
25 building that was unfinished? Can you describe it to us?

1 A. [9:56:40] It was a three-storey building with a basement, as I have said. It was
2 supposed to be the headquarters for an institution linked to education. So there was
3 a meeting room and then a three-storey structure and a basement. As I've said, it
4 was still under construction, so not all parts of the building had been completed.

5 Q. [9:57:40] Very well. Were you ever a member of the transporters trade union of
6 Treichville?

7 A. [9:57:55] Yes.

8 Q. [9:57:55] And when was that?

9 A. [9:58:05] 2007.

10 Q. [9:58:07] And what did you do?

11 A. [9:58:22] We were responsible for collecting taxes from taxis in the parks, the
12 motor parks, and this money was handed over to the transport unions.

13 Q. [9:58:42] Very well. So if I understand you correctly, you were responsible for
14 collecting money?

15 A. [9:58:48] I had elements, members of the trade union who collected the money
16 and who handed it in. At the end of the day, there was a share that had to come to
17 the office and another share that had to go to the workers. There were many trade
18 unions, several trade unions, and each trade union had one day or two days
19 depending on its importance and position of dominance in the motor park in
20 question.

21 Q. [9:59:38] Thank you.

22 PRESIDING JUDGE TARFUSSER: [9:59:39] Now, I have just a problem with the
23 transcript, because at line 8 of page 11 in the English, it is said "We were responsible
24 for" the "collecting taxis from taxis in the park, the motor parks, and this money was
25 handed over to the transport unions."

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1 Obviously there is a mistake because you can't collect from the taxes. I think it
2 would -- but just want to tell the interpreters and the court reporter there must be a
3 mistake.

4 THE INTERPRETER: [10:00:10] From the interpreters, it is taxes, T-A-X-E-S, from
5 taxis, T-A-X-I-S.

6 MR ALTIT: [10:00:24] (Interpretation) I will ask the question again because it was
7 not very clear.

8 Q. Are you talking about taxes, amounts due by the transporters or taxis,
9 T-A-X-I-S?

10 A. [10:00:44] Yes, we would collect the taxes, the monies owing from the taxis for
11 the trade union. We would give tickets and they would pay. We would jot down
12 the licence number and then later on we would take -- prepare accounts.

13 Q. [10:01:03] So the taxis would pay a certain amount of money to the union?

14 A. [10:01:07] Yes.

15 Q. [10:01:09] Very well. Did you do your military service, sir?

16 A. [10:01:24] No.

17 Q. [10:01:36] (Redacted)

18 (Redacted)

19 MR WAGEMAKERS: [10:01:56] Your Honour, I think the Prosecutor is going to say
20 the same thing.

21 MR MACDONALD: [10:02:03] Yes, it was in closed session, your Honour.

22 MR ALTIT: [10:02:15] (Interpretation) With your leave, your Honour, we can go
23 into private session. I do want to put my questions to the witness. I don't want to
24 waste any time. And in light of what the witness has already told us, I don't think
25 there's any particular need to go into private session but, of course, I'm in your hands,

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1 your Honour.

2 PRESIDING JUDGE TARFUSSER: [10:02:37] I think we should go in private session

3 for caution and then eventually reclassify as we did also yesterday. Thank you.

4 Let's go in private session, please.

5 (Private session at 10.02 a.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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1 (Open session at 10.26 a.m.)

2 THE COURT OFFICER: [10:26:23] We're in open session.

3 PRESIDING JUDGE TARFUSSER: [10:26:25] Yes, Maître Altit.

4 MR ALTIT: [10:26:34] (Interpretation) Thank you, your Honour.

5 Q. [10:27:52] Sir, now just to understand the chronology of the various events
6 relating to your group, could you be more specific about some things. Now, you
7 told us that after the year 2006, you kept a low profile, the group kept a low profile.
8 Do you remember saying that?

9 A. [10:28:20] Yes.

10 Q. [10:28:27] Very well. And you even said that you kept a low profile up until
11 the time of the 2010 election, is that correct?

12 A. [10:28:45] Yes.

13 Q. [10:28:47] Very well. So you have also told us that the members of your
14 group - and I'm speaking in a general fashion - committed what you called acts of
15 violence, and you gave an example. You said that you, the members of the
16 group - not necessarily you personally - that you would refuse to pay for transit when
17 you were taking transit, and you would refuse to pay for meals that you took in bars
18 and restaurants. And you explained to us that that attitude led often to dissent or
19 clashes with the local people.

20 My question is this: Did the police attempt to arrest those of you who were guilty of
21 or suspected of such things?

22 A. [10:30:08] Yes.

23 Q. [10:30:10] Very well. Very well. And is that why you kept a low profile?
24 You mentioned that you were keeping a low profile.

25 A. [10:30:30] Well, I was keeping a low profile because the people in charge, that

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1 was the decision of the authorities that we should -- that we should be disciplined and
2 keep a low profile, because it was very embarrassing to the government and the
3 politicians. The newspapers would talk about these incidents and the supporters of
4 the government, well, the GPP under, under --

5 THE INTERPRETER: [10:31:23] Inaudible.

6 THE WITNESS: [10:31:26] (Interpretation) -- of the government. You see, mention
7 would be made of these things in the press and the government would look bad.
8 But, you see, there were political agreements that they had signed. So it was very
9 embarrassing to the government.

10 MR ALTIT: [10:31:46] (Interpretation)

11 Q. [10:31:47] Very well. You told us that there were confrontations with
12 transporters' unions, and a short while ago you said that you asked for money from
13 public transport vehicles or taxis. Now, were there any competing trade unions with
14 which you had problems, or -- that is when it came to asking money from these public
15 transport vehicles?

16 A. [10:32:38] The confrontation that we had with the unions was not related to the
17 taxis. There were elements who had taken the gbaka, G-B-A-K-A, which is private
18 form of transportation, and they had refused to pay when the driver had asked to pay
19 the fare. So they asked the driver to take them to the camp, and they did not have
20 money to pay. It was that incident that degenerated, because the unions wanted to
21 attack those elements and this led to the confrontation between the unions and the
22 GPP.

23 Q. [10:33:41] Just so we understand well, are you saying that the GPP was involved
24 in this collection of funds that was requested from taxi men and other transporters?

25 A. [10:34:02] Yes.

1 Q. [10:34:13] Very well. You also testified that there was a confrontation with
2 policemen when the police or the authorities expelled you from where you were
3 based, that is the Marie-Thérèse institute. Do you remember that?

4 A. [10:34:39] Yes.

5 Q. [10:34:41] Very well.

6 PRESIDING JUDGE TARFUSSER: [10:34:42] Excuse me, can I just go back to the
7 taxis, the taxes. Can we understand this as a sort of extortion or are these state taxes
8 which were collected by the GPP?

9 THE WITNESS: [10:35:05] (Interpretation) Thank you, Mr President. To begin
10 with, your Honour, what I can explain is that within the GPP there were individuals
11 from various horizons. There were educated people and uneducated members also.
12 So at one point you had members of the GPP who had what you call "the days,"
13 because the transport unions work depending on their strength. If you are stronger
14 than one person, you can come and impose yourself; and also the day that is reserved
15 for you, you can come and work and the leader will put elements there. Then you
16 receive the money in the evening, you will leave the share reserved, the share
17 reserved for the transport unions, and then whatever remains is shared amongst the
18 elements. That is how it worked.

19 Now, even Jeff, before he went to Europe, he was a union leader in Adjamé. So it
20 was when he left, there were his subordinates or his former collaborators who became
21 the leaders.

22 Adjamé was a trading centre, so in the unions, every day you will go and meet the
23 person receiving these monies, and then you sort of extorted them. You hold them
24 to ransom and then you would hand over the money to the responsible officers, to the
25 leaders.

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1 PRESIDING JUDGE TARFUSSER: [10:37:32] So if I understand correct, taxes is not
2 really the right, the right way to understand it. I mean, tax is something imposed by
3 law, and in this case it's not something imposed by law; is that right?

4 THE WITNESS: [10:37:52] (Interpretation) Thank you, Mr President. That is why
5 I explained that, apart from this ransom money that I was talking about, there were
6 other people who were members of the unions. So those who were members of the
7 unions, they have specific days when their unions can collect money on a pre -- in a
8 predetermined day. Those are actually taxes. It has nothing to do with the period
9 when we had a confrontation with the unions, so well before that there were people
10 who were already in the unions, and then they joined the GPP. And once in the GPP,
11 they went down to that union.

12 So apart from that there were also the randoms that I have talked about.

13 PRESIDING JUDGE TARFUSSER: [10:38:57] Thank you.

14 Maître Altit.

15 MR ALTIT: [10:39:06] (Interpretation) Thank you, Mr President.

16 Q. [10:39:15] Now, talking about the Marie-Thérèse institute where you were
17 before you were dislodged by the police, can you describe it to us? What was it?
18 Was it a one-storey, two-storey building? Was it a building in construction? Was it
19 completed? Can you just elaborate please?

20 A. [10:39:40] It was a completed building which was housing an NGO. So institut
21 Marie-Thérèse was the name of the NGO which was involved with child protection.
22 It was at the instructions of General Jeff that the Marie-Thérèse institute was occupied,
23 that is by the GPP and particularly the BCL institute -- the BCL unit.

24 Q. [10:40:28] How many stories were there in that building?

25 A. [10:40:31] The Marie-Thérèse institute is not a huge building as such. There

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1 was one ground floor, but it was well protected with a fence and all the other
2 amenities.

3 Q. [10:41:14] To be very clear, are you saying that this is a normal -- a house, in
4 reality?

5 A. [10:41:18] Yes.

6 Q. [10:41:19] So the police dislodged you from there and then you went to Azito.
7 And if I understood you correctly, this was in November 2006?

8 A. [10:41:36] I corrected the date, I reflected on it, and I can say that the
9 confrontation with the unions took place in January 2005. And one month later in
10 February of the same year the confrontation with the policemen took place.

11 Q. [10:42:10] Very well. And it was after that confrontation -- or, specifically, did
12 that confrontation take place because the police wanted to dislodge you from there?

13 A. [10:42:23] Yes.

14 Q. [10:42:24] So this was February 2005; is that what you are saying?

15 A. [10:42:29] Yes.

16 Q. [10:42:31] Very well. So subsequently you were sent to Azito; correct?

17 A. [10:42:39] Yes.

18 Q. [10:42:41] And there in Azito there were serious confrontations or skirmishes
19 with the members of the population; is that correct?

20 A. [10:42:53] Yes.

21 Q. [10:42:55] You even lost some members on your side; is that correct?

22 A. [10:43:00] Yes.

23 Q. [10:43:03] Then your group was rounded up and confined in the premises of the
24 police school and the gendarmerie school; is that correct?

25 A. [10:43:20] Yes.

1 Q. [10:43:23] Very well. Now, Mr Witness, all these things, are these not the
2 reasons why you kept a low profile, as you have said?

3 A. [10:43:48] That does not explain why we kept a low profile. I have explained
4 that before.

5 Q. [10:43:59] I will rephrase, don't worry. All those incidents, the acts of violence,
6 the arrests, the problems with the authorities and the policemen, is that not the reason
7 that, as you have said, you were compelled to keep a low profile? And I'm quoting
8 you on that when I talk about keeping a low profile.

9 A. [10:44:30] I explained that it was a decision by the authorities. I think you
10 showed a document on a decision of the government which talked about the
11 dissolution of our group. And I responded that during that period at our level, we
12 were talking about relocation, because the premises that we had was a completed
13 building, which was convenient, and we did not want to leave to go to a location that
14 did not have the same amenities. So the confrontation with the unions was widely
15 reported in the media, and it was after that that we were requested to leave the
16 premises. And we refused and we said that if we had to leave, then we should be
17 sent to a regular military base so that we should be integrated, integrated
18 socio-professionally. So this degenerated into a confrontation.

19 Following that the chief of staff went to the location and asked us to accept to move to
20 Azito, and because of the respect that we had for his rank, we accepted to go to Azito.

21 Q. [10:46:31] Very well. If I understand you correctly, what you are saying is that
22 that necessity to keep a low profile is due, was due and is not very clear. Please
23 correct me if I am wrong, but it was due to the fact also that the young people's
24 movements including the GPP had been dissolved?

25 MR MACDONALD: [10:47:03] Sorry, it's a technical issue, because when Mr Altit

1 leaves his microphone on, then we hear typing in the background and it becomes
2 difficult to follow the witness in French, your Honours. So I don't know, maybe the
3 interpreters have the same, because -- that's it. Thank you.

4 MR ALTIT: [10:47:26] (Interpretation) I apologise, because in fact I had not
5 switched off my microphone. So I will discipline myself and will switch it off
6 systematically. And please do not hesitate to tell me if I forget.

7 THE WITNESS: [10:47:57] (Interpretation) In response to your question, as I have
8 already said, as I said, that from 2006 we kept a low profile. And you asked me
9 whether it was a consequence of all those incidents that compelled the GPP to keep a
10 low profile. I am saying that personally it was our leaders who gave us the
11 instructions and the reasons were that, given those confrontations with the police and
12 others in areas where there were a lot of people, the press widely reported that these
13 people are always there, they have been there for a long time, and they have even
14 been skirmishing with policemen. And in spite of that, they regroup elsewhere and
15 deadly confrontations continued with the population.

16 And in fact, this was quite embarrassing to the government and their policies, so it
17 was absolutely necessary for us to keep a low profile. So these are the reasons that
18 were given to us by the leaders at that time. And to my knowledge, the dissolution
19 of the GPP or even the other self-defence groups officially was done with
20 disarmament in Akouédo.

21 MR ALTIT: [10:49:59] (Interpretation)

22 Q. [10:50:00] Very well. So if I understand you correctly, what you are telling us
23 here is that during those years, and particularly in 2007, you were aware that the GPP
24 as well as the other self-defence groups had been dissolved; isn't that so?

25 A. [10:50:22] What I'm telling you is that, as far as I know, I cannot explain it in that

1 manner, because you showed a communiqué in Fraternité Matin. That communiqué
2 was issued in 2003, if I understand correctly. But we remained at the same location
3 where we were in 2003 right up to 2005. So more than one year. So if that decision
4 was really genuine in its implementation, I believe we would not have waited up to
5 2005 before relocating. It was because there was an incident -- incidents that really
6 drew the attention of both the local and international media.

7 So we definitely had to relocate, otherwise it would be an admission of consent by the
8 government. So to the best of my understanding, that is actually what happened.

9 Q. [10:51:53] Very well. Mr Witness, please kindly limit yourself to the questions
10 that I am putting to you. Please keep yourself to what we are talking about.

11 What you have just said, you have told us one time, two times, and this is even the
12 third time. So we have heard what you have said and it is in the transcript. So we
13 can refer to the record of the case, and we will know exactly what you said. So
14 please simply limit yourself to my questions.

15 A. [10:52:46] I'm sorry about that.

16 Q. [10:52:51] Thank you. Now, what I would like to know is as from what time
17 would you admit to knowing that the GPP had been dissolved? Was it in 2007?
18 Was it in 2003? We talked about it yesterday. At what point specifically that you
19 can say "yes, I knew that they had been dissolved"?

20 A. [10:53:20] 2007.

21 Q. [10:53:22] Very well. Very well. 2007 it is.

22 Now, regarding the Marie-Thérèse institute that we have talked about, you, that is the
23 GPP, how did you come to occupy this institute? Did you do it peacefully or did
24 you drive out the occupants? And if so, who were the occupants? Can you explain
25 further, please?

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1 A. [10:54:02] The occupants were an NGO which was responsible for the protection
2 of children. That was the name of the NGO, the Marie-Thérèse institute for the
3 protection of children. So that is the name that remained because that location was
4 known by that name.

5 Q. [10:54:31] Let me repeat my question. How did you occupy that location?
6 Did you occupy it peacefully or did you drive out the occupants?

7 A. [10:54:43] They were driven out.

8 Q. [10:54:47] They were driven out. Very well.

9 How many of them were there approximately?

10 A. [10:54:55] Personally I did not take part in that operation.

11 Q. [10:55:14] Very well. Now, you left Abidjan, and your group had a history of
12 violence, confrontations with the police and with the population. You have told us
13 that in 2007 your group and other self-defence groups were dissolved, and yet, and
14 yet you are telling us that in 2007 you decided to demand the 3,000 CFA francs that
15 had been promised to demobilised combatants as part of the Ouagadougou accords,
16 and these accords were supposed to ensure that all groups, including rebel groups,
17 should return home and peace would be re-established.

18 And so in 2007 you said "we need this money"; is that correct?

19 PRESIDING JUDGE TARFUSSER: [10:56:52] Mr MacDonald.

20 MR MACDONALD: [10:56:53] If my colleague, if my colleague wants short answers,
21 he needs also to ask pointed questions. Now, this question has a preamble or a
22 summary in it putting in together a bunch of facts, situations, and then asking the
23 witness to answer. So in fairness, the witness then has the opportunity to take all the
24 time he needs to answer the question of my colleague.

25 PRESIDING JUDGE TARFUSSER: [10:57:29] I don't think this was an opposition to

1 the question. It was an opposition to the questioning. But I think this is to be left to
2 the questioner. But still, I also think that shorter questions would be more likely to
3 be better understood by the witness.

4 Please go ahead, but now we can also very soon go to the break. Yes, please.

5 MR ALTIT: [10:58:00] (Interpretation) Thank you, Mr President. For the record I
6 would like to make a remark on Mr MacDonald's intervention. The Prosecution
7 deplores from time to time the fact that there is no time framework, contextual
8 framework and so on. So we are telling the witness: You told us this and this, and
9 you are in a good position.

10 Allow me to ask a question, it's not a question of opinion, it's simply concise and
11 precise. I'm simply recalling what the witness himself said. So there should be no
12 room for misunderstanding.

13 I asked a question, Mr President, and after the answer we can of course take the
14 break.

15 PRESIDING JUDGE TARFUSSER: [10:59:04] Are you prepared to respond or do you
16 recall -- do you recall the question?

17 THE WITNESS: [10:59:13] (Interpretation) No.

18 PRESIDING JUDGE TARFUSSER: [10:59:14] No.

19 MR ALTIT: [10:59:19] (Interpretation) Yes, Mr President. The problem is that, as
20 my learned colleague Mr O'Shea said yesterday, it gives time for the witness to
21 answer. But I will repeat my question.

22 Q. [10:59:55] Mr Witness, I will read out to you what I said. It would be simpler
23 because it will be precisely what I said the first time.

24 So in 2007, when you had all these problems that you have talked about -- and when I
25 say "you," I'm talking about you as a person and as a member of a group.

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1 You decided, even though you have admitted a short while ago that you knew that
2 your group had been dissolved and therefore was illegal, you decided to demand
3 3,000 CFA francs that had been promised to the demobilised combatants within the
4 framework of the Ouagadougou accords; is that correct?

5 A. [11:00:46] The amount we demanded was not the 3,000 francs, it was 5,000
6 francs.

7 Q. [11:00:58] Very well. Per person?

8 A. [11:01:00] Yes.

9 MR ALTIT: (Interpretation) For the record I will repeat what the witness said. He
10 said yes.

11 Mr President, I think we can stop here.

12 PRESIDING JUDGE TARFUSSER: [11:01:14] Yes, we go for the break. We adjourn
13 the hearing for half an hour until 11.30. Thank you.

14 THE COURT USHER: [11:01:23] All rise.

15 (Recess taken at 11.01 a.m.)

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

17 THE COURT USHER: [11:33:08] All rise.

18 Please be seated.

19 PRESIDING JUDGE TARFUSSER: [11:33:31] Maître Altit.

20 MR ALTIT: [11:33:44] (Interpretation) Thank you, your Honour.

21 Q. [11:33:56] Good morning once again, Mr Witness.

22 A. [11:34:04] Good morning.

23 Q. [11:34:09] Do you need a few moments? Are you all right? Very well.

24 Now, just before the break you were telling us that in the year 2007 your group was
25 asking for money and then you explained to us that you, the group, once again were

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1 keeping a low profile up until the 2010 election; is that correct?

2 A. [11:34:50] Yes.

3 Q. [11:34:51] Very well. And then you were demonstrating once again and in
4 September 2010 you were asking for money, demanding money, and this
5 demonstration that you mentioned several times that brought together the various
6 self-defence groups, as you termed it, the point of the demonstration was to demand
7 money?

8 A. [11:35:25] Yes.

9 Q. [11:35:26] Very well. In actual fact, if I've understood correctly, you thought
10 that it was fair that the rebels should receive money in exchange for demobilisation
11 and that -- well, you thought it was unfair?

12 THE INTERPRETER: [11:35:46] Correction: The interpreter is not sure if the
13 question was fair or unfair.

14 THE WITNESS: [11:35:53] (Interpretation) Yes, that's right.

15 MR ALTIT: [11:35:59] (Interpretation)

16 Q. [11:36:00] So you organised this gathering that was mentioned here several
17 times at the Delafosse stadium and this stadium is the place that we saw on the video
18 that was shown by the Prosecution and then we viewed that video yesterday; is that
19 correct?

20 A. [11:36:30] Yes.

21 Q. [11:36:38] Why is it called the stadium? I didn't see a playing field, I didn't
22 see any bleachers.

23 A. [11:36:54] Well, it's a stadium. It was not in very good order, so to speak, but
24 it is a stadium.

25 Q. [11:37:11] Very well. And from the stadium you were trying to cross through

1 a particular part of Abidjan; is that correct?

2 A. [11:37:23] Yes.

3 Q. [11:37:24] Very well. And you explained to us, more specifically, that the
4 police, and we are speaking about September 2010, the police intercepted you and
5 dispersed you; is that correct?

6 A. [11:37:51] Yes.

7 Q. [11:37:57] Were any people hurt, injured, when the police tried to disperse
8 your group?

9 A. [11:38:12] Yes, but no serious injuries.

10 Q. [11:38:20] I beg your pardon, what did you just say?

11 A. [11:38:22] I said yes, but no serious cases, no serious injuries.

12 Q. [11:38:29] Very well. Very well indeed.

13 Now, I do remember that -- I'm moving on to another topic, the march of 16
14 December, we discussed that in great detail yesterday. You told us that you had not
15 been authorised, at least in Adjamé to bear weapons; is that correct?

16 A. [11:39:06] Yes.

17 Q. [11:39:09] Who ordered you not to bear weapons?

18 A. [11:39:28] Bouazo had received the instructions and he passed them on to us
19 not to give the soldiers any firearms in Adjamé.

20 Q. [11:39:44] Instructions from whom?

21 A. [11:39:55] He didn't mention a particular name. He explained that well
22 before when the march had already been announced, the date had been made public.
23 There was a meeting with the minister of the interior, Tagro, and it was agreed that
24 measures would be taken if the march went ahead. And at our level we -- if the
25 march went ahead, he, he -- well, of course, as he explained, he came with some

1 equipment, military equipment, and the cordelettes and the armbands, I explained
2 that, and once we received the call, given the name of someone, I didn't ask really,
3 although I was alongside him, but the instructions were given by the authorities, that
4 is to say the security people.

5 Q. [11:41:29] Very well. Now this meeting you've just mentioned you weren't
6 actually at that meeting, were you?

7 A. [11:41:39] No.

8 Q. [11:41:43] Very well. Concerning this march, the march of 16 December, you
9 told us that it really would have taken very little to have a clash between you and the
10 police. Now, in very simple terms, could you explain, I know you've mentioned this
11 once, could you explain this point to all of us, could you tell us why this clash
12 between you and the police officer or this case of a clash that almost occurred, that it
13 nearly --

14 A. [11:42:26] The commissioner, the commissioner of the station right beside the
15 base complained that we were keeping some marchers in our premises and that that
16 was not legal and, thus, he asked us to free the people. He thought we had done
17 something wrong and we were supposed to release these people. And he had the
18 authority to detain a person and hold them. So that was what it was all about.

19 Q. [11:43:30] Very well. So after this incident the police officers forced you to
20 close down your premises; is that correct?

21 A. [11:43:46] They wanted -- well, of course they wanted access to our premises
22 and we closed.

23 Q. [11:44:13] Very well. Now, this particular incident or case that we're
24 discussing that you mentioned a few days ago, now this was the base, the apartment
25 belonging to Bouazo or occupied Bouazo?

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1 A. [11:44:32] The one who got the office, who was in the office.

2 Q. [11:44:40] So beside Bouazo's apartment; is that correct?

3 A. [11:44:44] Yes.

4 Q. [11:44:46] Very well. Sir, you told us that on 12 April 2011, the day after the
5 attack on the presidential residence, on that date you were at the presidential palace,
6 at the palace. So first of all you were -- you were there with members of the group of
7 the GPP?

8 A. [11:45:45] Yes.

9 Q. [11:45:46] How many of them were there, approximately?

10 A. [11:46:03] Initially, the number of men, I was with 60 people that day, I would
11 say -- 35 to 40. Some were not there.

12 Q. [11:46:20] Can you give names, the names of the GPP members who were with
13 you that day at the presidential palace?

14 A. [11:46:44] There was Essoh Wilfried Léger, alias Bogota. There was -- there
15 was -- there was Koudou Didier, alias PKM. There was N'Guessan N'Zoro Grégoire.
16 There was Bahi Tapé Donald. There was Essoh Ange Richmond. There was Kamo
17 Diambara. That's the -- those were --

18 MR MACDONALD: [11:48:57] (Interpretation) I apologise for interrupting
19 Mr Altit, but for the French transcript, your Honour, (Speaks English) -- sorry, on the
20 French transcript there is a reference to another case, so I'm just making sure that
21 there's no overlap or issues. I'm noting that. That's number one.

22 Number two, there's a number of names that have just been identified. I think it
23 would be good to have the full spelling of these names for the record. Thank you.

24 PRESIDING JUDGE TARFUSSER: [11:49:34] Yes, I don't know if this is -- there is
25 effectively also in the English transcript some things which are not really

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1 understandable and probably comes from another source, which is worrisome, but I
2 think the Registry will take care of this. And, yes, the names, the spelling of the
3 names, please, would be maybe helpful.

4 MR ALTIT: [11:50:13] (Interpretation)

5 Q. [11:50:15] Now, sir, I think you can see the French transcript. If you could be
6 so kind as to repeat the names you have just given us and to spell them out as best
7 you can, as best you can recollect.

8 A. [11:50:34] Essoh, the two Essohs, E-S-S-O-H, Essoh Wilfried Léger, alias
9 Bogota. Kamo Diambara, K-A-M-O D-I-A-M-B-R-A, Diambara. N'Guessan,
10 N'G-U-E-S-S-A-N. N'Zoro, N-Z-O-R-O, Grégoire. And Bahi Tapé, B-A-H-I, Tapé,
11 TA-P-É, Donald. Koudou Didier, K-O-U-D-O-U, Didier.

12 MR ALTIT: [11:52:07] (Interpretation) Can we continue, your Honour?

13 PRESIDING JUDGE TARFUSSER: [11:52:10] Of course.

14 MR ALTIT: [11:52:16] (Interpretation) Very well.

15 Q. [11:52:17] Now, sir, on that day, 12 April 2011, how long had it been, how
16 many days had it been that you had -- how many days had you been at the
17 presidential palace?

18 A. [11:52:43] Six days.

19 Q. [11:52:45] So you got there on 6 April then; is that correct?

20 A. Yes.

21 Q. [11:53:10] Very well. Now when you --

22 THE INTERPRETER: [11:53:14] Inaudible.

23 THE WITNESS: (Interpretation) -- already in the morning.

24 THE INTERPRETER: But most of his reply was inaudible.

25 PRESIDING JUDGE TARFUSSER: [11:53:19] Most of your reply was not audible

1 by the interpreters, so please be aware that you have to speak clearly again. Thank
2 you.

3 Maître Altit.

4 THE WITNESS: [11:53:37] (Interpretation) The 5th to the 6th, after midnight, so it
5 would have been the 6th, the night of the 5th to the 6th.

6 MR ALTIT: [11:53:49] (Interpretation)

7 Q. [11:53:50] Very well. And when you make reference to the presidential
8 palace, do you mean the compound or within the area or within the building itself?

9 A. [11:54:09] Well, within the area or the precinct.

10 Q. [11:54:19] Would it be fair to say that you never actually entered the building
11 itself during those six days?

12 A. [11:54:41] In the main building, no.

13 Q. [11:54:48] Now, when you were there during those six days, the building -- or,
14 rather, the presidential palace, the complex, did that complex come under attack?

15 A. [11:55:10] Yes.

16 Q. [11:55:11] When?

17 A. [11:55:22] During that period there were attacks daily.

18 Q. [11:55:27] And attacks by whom?

19 A. [11:55:32] The FESCI, the French forces, who had taken up a position and who
20 were firing upon the area, and also the marine, the Navy.

21 Q. [11:56:02] Very well. And you have told us, sir, that on 12 April ONUCI
22 forces entered the complex and they disarmed the people to be found there, and a
23 number of people were able to leave the complex freely.

24 A. [11:56:38] Well, they didn't go back home directly. They occupied the
25 location, but we were not able to engage in combat and win the battle, so, you see, we

1 surrendered our weapons and we received a guarantee that none of us would -- that
2 there was no risk to our -- to ourselves, to our -- that we would come to no physical
3 harm.

4 Q. [11:57:26] So you, yourself, surrendered your weapon to the members of the
5 UNOCI force?

6 A. [11:57:36] We set down our arms and we went --

7 THE INTERPRETER: [11:57:45] Inaudible.

8 THE WITNESS: [11:57:46] (Interpretation) -- me and my elements.

9 MR ALTIT: [11:57:51] (Interpretation)

10 Q. [11:57:52] Very well. And that was under the watch of the UNOCI, there
11 were UNOCI forces?

12 A. [11:57:59] Yes.

13 Q. [11:58:00] Very well. And what nationality were those soldiers?

14 A. [11:58:06] It was a contingent from Togo.

15 Q. [11:58:13] Very well. And then you went to the naval base; is that correct?

16 A. [11:58:26] Yes.

17 Q. [11:58:26] And had the naval base been shelled?

18 A. [11:58:32] I explained that during that period of time there was shelling by
19 French helicopters upon the naval base.

20 Q. [11:58:46] Very well. And when the time came to surrender or, rather, to set
21 down the weapons and turn them over to the UNOCI contingent, you explained to us
22 that you were not part of the discussions because you only -- well, you were -- your
23 rank was too low to be part of the discussions or part of the decision-making; do you
24 remember saying that?

25 A. [11:59:39] Yes.

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1 Q. [11:59:39] Very well. I'm going to read out specifically what you said just so
2 that everything is crystal clear.

3 So it was on 31 October, page 45 of the French transcript, line 7 - line 7 - and I quote
4 you -- in response, I believe it was the Prosecutor who was putting a question to you
5 as to whether you took part in the discussions, the negotiations. You responded and
6 you specified what I am going to read out to you now. Beginning of quote, "I was
7 not the highest in rank. There were officers who were present. There were the
8 non-commissioned officers of the regular army who were present with whom they
9 talked." End of quote.

10 So if I understand correctly - this is the crux of my question, it is not very
11 complicated - if I understand correctly, your rank was below that of the
12 non-commissioned officers of the regular army; is that correct?

13 A. [12:02:02] Yes.

14 MR MACDONALD: [12:02:03] I'm not sure -- the microphone of the witness was
15 not on. He gave an answer but I'm not sure if it was captured.

16 MR ALTIT: [12:02:16] (Interpretation)

17 Q. Could you please repeat what you said.

18 A. [12:02:19] Yes.

19 Q. [12:02:20] You said "yes."

20 PRESIDING JUDGE TARFUSSER: [12:02:22] And it was captured.

21 MR ALTIT: [12:02:34] (Interpretation)

22 Q. [12:02:34] Mr Witness, does the expression Invisible Commando ring a bell?

23 A. [12:02:53] Yes.

24 Q. [12:02:53] Could you tell us what the Invisible Commando was, very briefly
25 and simply?

1 A. [12:03:07] To my knowledge, the Invisible Commando was a term used by a
2 commando that was in Abobo, to describe a commando in Abobo that was led by
3 Coulibaly, Ibrahim Coulibaly, alias IB. And it was those individuals who were
4 called the Invisible Commando.

5 Q. [12:03:37] Very well. And who was IB? I mean, was he a supporter of
6 anybody? Who was he? What was he about? What was his aim?

7 A. [12:03:53] IB was one of the people in charge of the Forces Nouvelles and he
8 took part in the offensive to remove Mr Gbagbo from power.

9 Q. [12:04:22] So how did he go about it or what was their modus operandi?

10 A. [12:04:41] Well, we had information to the effect that after the elections this
11 commando -- well, we heard speak of this commando and their modus operandi was
12 to integrate the marches and they would fire upon the security forces.

13 Q. [12:05:15] So if I have understood you correctly, their modus operandi was
14 with a view to -- attacking the defence and security forces was to infiltrate the general
15 population, is that what you're saying?

16 A. [12:05:30] Yes, that was the information that we received. That was indeed
17 the information that we had.

18 Q. [12:05:36] Very well. And you, your group, did you go and fight against
19 them?

20 A. [12:05:57] Maguy conducted some joint operations with the elements of the
21 BAE. I believe that it was in the month of December, after or on the occasion of a
22 demonstration, a protest, one of the armoured vehicles was in Abobo. And it was
23 during this mission, during that period that there were also operations led with the
24 forces of defence and security also in Abobo commune.

25 Q. [12:06:41] And you personally, why did you not fight against them?

1 A. [12:06:58] Well, when speaking of the Invisible Commando we would talk
2 about them because they would strike --

3 THE INTERPRETER: [12:07:12] Incomprehensible.

4 THE WITNESS: [12:07:14] (Interpretation) So --

5 PRESIDING JUDGE TARFUSSER: [12:07:16] They would strike -- they would
6 strike. You said something about the strike, but then we couldn't follow, understand
7 the following.

8 THE WITNESS: [12:07:31] (Interpretation) When we were talking about the
9 attacks conducted by the Invisible Commando, they weren't targeted attacks where
10 fighting was occurring as such during that period. These were rather, you know,
11 they would infiltrate the crowd, open fire when there were -- and fire upon the forces
12 of defence and security. And the invisible, the term "invisible" was used because
13 they were unrecognisable. And as to why we didn't fight them, well, I explained
14 that Maguy conducted some operations with the BAE, the elements of Colonel Loba,
15 in Abobo and our elements were also integrated within the forces of defence and
16 security after the election and they were also sent to Abobo and they fought. So it
17 wasn't us to -- it wasn't up to us to take the reins in hand, there was a security plan in
18 place, so it was not upon my proper -- my own initiative to take any decisions because
19 the period in question -- well, we're talking here about December 2010-January 2011,
20 that it wasn't war as such, it happened afterwards.

21 Q. [12:09:40] Very well. Do you recall having spoken to us about rumours that
22 were being mongered concerning the presence of mercenaries and soldiers who had
23 come from Burkina Faso? Do you recall having talked about that?

24 A. [12:09:59] Yes, yes. There were mercenaries and there were soldiers from
25 Burkina Faso who had come who were in Abidjan and who were infiltrating.

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1 Q. [12:10:15] At that moment in time, did you hear or learn any further
2 information about those soldiers that could be of interest to us in shedding light on
3 matters?

4 A. [12:10:29] The information that we were privy to, we were told to be vigilant at
5 the roadblocks with regard to those individuals, and also with regard to our various
6 positions and zones. The commander said that we needed to keep an eye on the new
7 arrivals in the neighbourhood because those soldiers and mercenaries from Burkina
8 Faso were present in Abidjan and had come with a view to removing the president
9 from power.

10 Q. [12:11:37] Mr Witness, before you came to The Hague were you in detention in
11 Côte d'Ivoire?

12 A. [12:11:42] Yes.

13 Q. [12:11:45] Where were you in detention?

14 MR MACDONALD: [12:11:48] (Interpretation) Objection.

15 (Speaks English) If need be, this question can be discussed outside the presence of the
16 witness.

17 PRESIDING JUDGE TARFUSSER: [12:12:03] No, I do know why you say. It's the
18 matter of security, or the matter of the --

19 MR MACDONALD: [12:12:12] The redacted information.

20 PRESIDING JUDGE TARFUSSER: [12:12:14] The redacted information. Yes, I
21 know.

22 But what do you mean by "where"?

23 MR ALTIT: [12:12:19] (Interpretation) Where?

24 PRESIDING JUDGE TARFUSSER: [12:12:21] In which location?

25 MR ALTIT: [12:12:24] (Interpretation) Of course.

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1 PRESIDING JUDGE TARFUSSER: [12:12:25] But we know that it was redacted
2 from this security interview, this information.

3 MR ALTIT: [12:12:36] (Interpretation) Well, Mr President, with your leave, the
4 leave of the Chamber, let us go into private session and let us talk about this. The
5 witness is here, it's interesting for us to know what is going on and what his life is all
6 about and what his daily existence is about. This is fundamental for us to establish
7 whether he's credible or not.

8 PRESIDING JUDGE TARFUSSER: [12:13:00] No, this is not fundamental. No,
9 this is absolutely not fundamental. It was redacted. We don't talk about his
10 detention and where his detention is. There is no question about it. It was redacted
11 from the -- for this reason from the security interview and it remains such.

12 MR ALTIT: [12:13:21] (Interpretation) Very well. Before my learned colleague
13 rises to his feet once again I'm going to continue to put questions to him on the subject
14 of his detention. We can do that in private session, if you want. Not as to the
15 location itself, your position is quite clear on the matter, but on other points
16 concerning his detention. If you prefer we can move into private session.

17 PRESIDING JUDGE TARFUSSER: [12:13:51] Well, let's go into private session.

18 (Private session at 12.13 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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16 (Redacted)

17 (Redacted)

18 (Redacted)

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20 (Redacted)

21 (Redacted)

22 (Open session at 12.21 p.m.)

23 THE WITNESS: [12:21:31] (Interpretation) Mr President, please.

24 PRESIDING JUDGE TARFUSSER: [12:21:34] Yes, please.

25 THE WITNESS: [12:21:35] (Interpretation) Before we leave the private session, I

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1 wanted to explain to you that when I was sent to the DST --

2 MR MACDONALD: [12:21:48] (Microphone not activated)

3 PRESIDING JUDGE TARFUSSER: [12:21:49] Yes, but he is just asking -- we are in
4 this moment in public.

5 THE WITNESS: [12:21:55] (Speaks English) Ah, okay.

6 PRESIDING JUDGE TARFUSSER: [12:21:58] In this moment we are in public. So
7 if you have to say something, say it, but be aware that you are in public session.

8 THE WITNESS: [12:22:04] (No interpretation)

9 PRESIDING JUDGE TARFUSSER: [12:22:06] Now, you said you would like to
10 continue in private?

11 THE WITNESS: [12:22:11] (Interpretation) Well, I wanted to bring a clarification
12 to what was said in private session, but I don't know.

13 PRESIDING JUDGE TARFUSSER: [12:22:18] So let's go for this clarification back
14 into private session.

15 (Private session at 12.22 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 12.23 p.m.)

4 THE COURT OFFICER: [12:23:35] We are in open session.

5 PRESIDING JUDGE TARFUSSER: [12:23:45] Thank you.

6 Maître Altit.

7 MR ALTIT: [12:23:59] (Interpretation) Thank you, Mr President.

8 Q. [12:24:00] So we were talking about a journey between the presidential palace
9 and the Riviera. What day was that journey made on, do you recall?

10 A. [12:24:18] On 4 April 2011.

11 Q. [12:24:21] Very well. Was it during the day or at night-time?

12 A. [12:24:31] During the day.

13 Q. [12:24:38] Very well. And on the journey did you see any non-Ivorian
14 military vehicles, whether it be ONUCI vehicles or French vehicles?

15 A. [12:25:13] The non-Ivorian vehicles were not present, they were not present in
16 that area. They were towards the Golf Hotel at the intersection far from that
17 location.

18 Q. [12:25:31] Very well. Were there any helicopters flying above?

19 A. [12:25:37] Yes.

20 Q. [12:25:38] And what were they doing?

21 A. [12:25:52] The helicopters were flying over, flying over, and on occasion they
22 would open fire on the forces of our camp, of our side.

23 Q. [12:26:07] So to understand correctly, they were opening fire on the Ivorian
24 army; is that what you're saying?

25 A. [12:26:15] Yes.

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1 Q. [12:26:17] Very well. I'm going to put a question to you. You talked about a
2 package at a given -- oh, no, something that activates at night-time and that you
3 would recognize each other by a -- these were chapelets, rosaries, were they?

4 A. [12:27:11] Yes, they were.

5 Q. [12:27:13] Very well. So these were luminescent or fluorescent rosaries; is
6 that correct?

7 A. [12:27:20] Yes.

8 Q. [12:27:20] And that was the means by which the members of the group would
9 recognize each other; is that correct?

10 A. [12:27:29] It was not throughout all of the GPP, it was the PCL, it was the way
11 that they would recognize each other.

12 Q. [12:27:38] Very well. So these were plastic rosaries that were borne -- that
13 were bought at the markets?

14 A. In front of the church, in fact.

15 Q. [12:27:53] Very well.

16 Very well, Mr President, I do believe I've come to the end of my questioning.

17 And I would like to thank Mr Witness. Mr Witness, I would like to thank you for
18 having answered my questions.

19 PRESIDING JUDGE TARFUSSER: [12:28:38] Thank you. I just want to come back
20 to what you said and what I read from the transcript, English, so with all the caution,
21 of course, page 49, line 6 and following, when you said, "The fact that an item of
22 information has been redacted by the OTP has no consequences whatsoever as to
23 whether your Chamber accepts it or not."

24 The redaction was ordered by the Chamber, not by the OTP, so.

25 Now I would ask the Office of the Prosecutor whether they want to re-examine.

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1 MR MACDONALD: [12:29:24] Yes, we do want to re-examine. And,
2 your Honour, in order to fast track our re-examination, what I propose if you grant it
3 is to break now and come back at 2 o'clock maybe instead of 2.30, so we take the break,
4 the one hour and a half lunch, our lunch break now, and then that way we'll be able
5 to I think do our re-examination in about 20-25 minutes maximum.

6 PRESIDING JUDGE TARFUSSER: [12:29:49] Okay, granted. So now we go for
7 lunch, we come back at 2 o'clock instead of 2.30. Thank you.

8 THE COURT USHER: [12:30:00] All rise.

9 (Recess taken at 12.30 p.m.)

10 (Upon resuming in open session at 2.05 p.m.)

11 THE COURT USHER: [14:05:17] All rise.

12 Please be seated.

13 PRESIDING JUDGE TARFUSSER: [14:05:44] Good afternoon.

14 Good afternoon, Mr Witness.

15 THE WITNESS: [14:05:50] (Interpretation) Good afternoon.

16 PRESIDING JUDGE TARFUSSER: [14:05:54] This should be the last session you're
17 here and it's a session for the re-questioning by the Office of the Prosecutor and then
18 the last word is, in any case, to the Defence counsel.

19 The OTP has the word.

20 MR DEMIRDJIAN: [14:06:15] Thank you, Mr President.

21 QUESTIONED BY MR DEMIRDJIAN: (Interpretation)

22 Q. [14:06:21] Good afternoon, Mr Witness.

23 A. [14:06:23] Thank you, Mr Prosecutor.

24 Q. [14:06:26] Before I start I have four or five subject areas to cover with you. I'd
25 like to request some clarification with regard to questions that were put to you by our

1 learned colleagues from the Defence. But before I put those questions to you, this
2 morning you wanted to make some clarification with regard to the video that was
3 shown to you yesterday, the video of the stade Delafosse, the Delafosse stadium, the
4 GPP march of September 2010. Now, what were the clarifications that you wanted
5 to bring?

6 A. [14:07:09] I believe that the video was broadcast once again and we saw that it
7 had been filmed -- well, at that moment in time not everybody was present and only
8 present were those who had the knowledge of the series number and they could
9 respond to orders within the ranks. Now, the counsel did not know the -- the
10 location, our base is just next door, and there is a primary school where there were
11 other people present, and there were other people who were also present with regard
12 to that demonstration.

13 Q. [14:08:10] So that excerpt of 15 seconds in duration that was shown to you
14 yesterday, what you were saying is that those who took part in the march were not
15 present, they were in the ranks, so you're saying that there were other people outside
16 of the stadium; is that what you're saying?

17 A. [14:08:28] Yes, that is quite what I was saying.

18 Q. [14:08:31] Very well. Is that the only clarification you wanted to make?

19 A. [14:08:35] Yes.

20 Q. [14:08:38] Very well. Now, I'd like to bring you back to last Friday when
21 Mr Gbougnon was putting questions to you with regard to the relations between the
22 GPP and the army, the Ivorian army, and more specifically with regard to training, he
23 put questions to you on the subject of training. Page 71, that's T-93, page 71, page 71,
24 line 8. And I'm going to read to you some of -- one of the answers you gave with
25 regard to the question on training. And you said, I quote:

- 1 "Well, explaining that in the -- that the official call was issued by
2 Mr Charles Blé Goudé, that was in February, and well before that there was a first
3 wave, a first wave that had already returned and normally there should have been
4 another wave to follow, and he, at his level, started to recycle the elements because
5 the priority had been given to the GPP. The lists were being drawn up at our level
6 and we would then transmit those lists to the national service."
7 So that's the answer is that you provided and you explained that there was -- that
8 there were -- or, there was a list that was drafted and transferred to the national
9 service. What I would like to do now is to show to you a document that is a list, this
10 is a document that you might not have seen, you might have seen it, you shall tell us.
11 What is of interest to us in this list is the names, all right?
12 MR DEMIRDJIAN: (Interpretation) So I'd like to have called up on the screen
13 document CIV-OTP-0071-0850, and that is item 151 on our list. And if I could have
14 the assistance of the usher, I have a hard copy for the witness so that he can glance at
15 it.
16 MR ALTIT: [14:11:05] (Interpretation) I do apologise.
17 PRESIDING JUDGE TARFUSSER: [14:11:09] Maître Altit.
18 MR ALTIT: [14:11:12] (Interpretation) I do apologise for interrupting you, but I
19 would just like to have a few moments so that we can verify whether this has already
20 been used or not. Thank you.
21 MR DEMIRDJIAN: [14:11:29] To my knowledge it hasn't been used so far in the
22 trial, your Honours.
23 PRESIDING JUDGE TARFUSSER: [14:11:35] It has not been used.
24 MR ALTIT: [14:11:43] (Interpretation) Mr President.
25 PRESIDING JUDGE TARFUSSER: [14:11:47] Maître Altit.

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1 MR ALTIT: [14:11:49] (Interpretation) Thank you, Mr President. If this
2 document has not been used before, then we are objecting to it being used. And
3 with your leave, I shall explain to you why, if you authorise.

4 PRESIDING JUDGE TARFUSSER: [14:12:03] Of course I authorise.

5 MR ALTIT: [14:12:10] (Interpretation) Thank you, Mr President.

6 The Defence is opposed to the utilisation of this item in re-examination because it has
7 not been used by any of the parties in the examination-in-chief or in the
8 cross-examination of P-435. The Defence would like to recall that the decision on the
9 conduct of proceedings did not provide for a procedure of notifying new documents
10 by the calling party during any possible re-examination, and the absence for this is
11 quite simple, re-examination, which is not a forgone conclusion, does not have as its
12 objective the presentation of new elements to the witness but to revisit items that have
13 been raised by -- during the hearing by the non-calling party, that is to say the subject
14 areas that were not broached by the calling party. It is, therefore, logical that the
15 calling party cannot question the witness on new items during re-examination.
16 Furthermore, authorising the OTP to re-examine the witness on new items during
17 re-examination would have as a consequence allowing him to introduce new items of
18 evidence into the case, which means that this is questioning the witness once again,
19 which is not the purpose of re-examination.

20 The Defence would like to recall that the Chamber rendered a very clear decision in
21 March of last year -- in last March and in that decision it was indicated that only the
22 documents submitted to the witness during the testimony can be used during
23 re-examination. And I quote the Chamber, your Honours, that is transcript T-32 of
24 17 March 2016, page 52, line 2. I quote:

25 "This means that the Prosecution's not authorised to use new documents." End of

1 quote.

2 It would seem to us, Mr President, your Honours, that the decision handed down by
3 your Chamber on 17 March 2016 is crystal clear and that it is not possible in any way
4 whatsoever for it to be circumvented. It must be imposed in all its clarity upon all
5 parties.

6 PRESIDING JUDGE TARFUSSER: [14:15:05] Defence for Mr Blé Goudé.

7 MR GBOUGNON: [14:15:10] (Interpretation) We would like to subscribe to the
8 observations just made by Defence for Mr Gbagbo.

9 PRESIDING JUDGE TARFUSSER: [14:15:22] OTP.

10 MR DEMIRDJIAN: [14:15:24] Thank you, Mr President. I'm afraid my learned
11 friend is mistaken because this document is not a new document, it is already listed
12 on the list of material we submitted to the parties a few weeks ago. As I said, it was
13 number 151 on our list. So on that point I think the whole issue is moot.
14 Secondly, your Honours, we have one witness here who is a member of the GPP who
15 can actually comment. I'm not going to get into it because I don't want to be accused
16 of saying that we're influencing the witness, but he can comment on the substance. If
17 you want me to elaborate on that, I'll have to do it in his absence.

18 PRESIDING JUDGE TARFUSSER: [14:16:03] I think you have to do it because
19 paragraph 33 of the conduct of the proceedings, which supersedes the March decision,
20 by the way, says that "The parties and the LRV may always seek leave to use during
21 their questioning additional material other than the one including the list subject to
22 demonstrating to the Chamber..." Sorry for the speed, "...the relevance of such
23 additional material and the reason for which it was not originally included in the list
24 or shown in this case."

25 But furthermore, this document was shown, only the first part, not as a whole

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1 document, but the first page of this document, I think it was shown, as I was told by
2 the Registry just before.

3 MR DEMIRDJIAN: [14:16:57] Can I just clarify again, it is on the list,
4 your Honours.

5 PRESIDING JUDGE TARFUSSER: [14:17:00] Yes.

6 MR DEMIRDJIAN: [14:17:01] Yes. Just to be perfectly clear. So do you want me
7 to make my additional comments outside the witness?

8 PRESIDING JUDGE TARFUSSER: [14:17:10] Yes, yes.

9 MR DEMIRDJIAN: Okay.

10 PRESIDING JUDGE TARFUSSER: So I would like the witness to go out for a few
11 minutes.

12 (The witness stands down)

13 PRESIDING JUDGE TARFUSSER: [14:17:48] Okay, Mr Prosecutor.

14 MR DEMIRDJIAN: [14:17:50] Yes, your Honours, with respect to the relevance, the
15 witness clearly stated in cross-examination that lists were provided to the armed
16 forces of Ivory Coast. Those lists were then transmitted. They were prepared by
17 the GPP, they were transmitted to the army. He said it very clearly in
18 cross-examination. So this is an issue that emerges for the first time during my
19 learned friend's cross-examination.

20 Your conduct of proceedings allow the calling party to explore in re-examination
21 issues that have arisen for the very first time in cross-examination. That is the first
22 reason why we wish to show the document.

23 Second of all, the document is a 10-page list. It lists various members of the GPP and
24 other groups, other militia groups, and their assignment within the army.

25 Your Honours will remember that Maître Gbougnon questioned at length this

1 witness, showing incredulity to his answers with respect to the relationship between
2 the GPP and the armed forces. At one point he even asked, "Is it really your answer
3 that the head of the army, Mr Mangou, was sending you soldiers for training?"

4 So all these matters, your Honours, have been dealt with in cross-examination and it
5 is only fair for us to be able to use it in re-examination.

6 PRESIDING JUDGE TARFUSSER: [14:19:27] Thank you very much, but yes --

7 MR GBOUGNON: [14:19:30] (Interpretation) My name was mentioned on three
8 occasions, Mr President, so I need to make things clear.

9 First and foremost, I can see page 63, line 6 of the transcript, that "Mr Gbougnon
10 asked questions on this subject at length on this document."

11 Mr President, I never questioned the witness on the subject of these documents. I
12 did put questions to him with regard to his statement when he said that he had
13 received money. Those are the questions that I put to him, as to who gave him the
14 order to -- to take the money and who that money was paid on to. I never put
15 questions to him on the subject of this document. And I think I heard from you at an
16 earlier stage that that document had already been presented, one page of it had
17 already been presented. Okay, well, if that's a mistake, thank God for that.

18 Mr President, in your decision of 17 March 2016, page 52, from line 13 onwards, it is
19 written as follows:

20 "This was our decision. You can challenge it, of course, but you can put questions
21 but you are not authorised to use documents that have not already been presented to
22 the Chamber." End of quote.

23 I believe that things are very clear, as my learned colleague underscored at an earlier
24 stage.

25 MR DEMIRDJIAN: [14:21:08] Mr President, I forgot one aspect I was reminded of.

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1 This is the only member of the GPP who is coming to testify. He'll be the only one
2 who'll be able to comment on the document. Thank you.

3 PRESIDING JUDGE TARFUSSER: [14:21:21] As I said before, the decision of
4 17 March was, as repeatedly cited by you, is superseded by Article -- by paragraph 36
5 of the conduct of the proceedings, which is successive timing. Okay. In the
6 conduct of Article 36 in the conduct of the proceedings, I read it out before, "The
7 parties and the LRV may always seek leave to use during their questioning additional
8 material other than the one included in the list..." and this is included in the list,
9 "...subject to demonstrating to the Chamber the relevance of such additional material
10 and the reasons for which it was not originally included in the list." But, again, this
11 one is -- is included in the list.

12 As far as the re-questioning itself concerns the questioning of a witness, and I read
13 paragraph 25, "By the calling party shall only be allowed to the extent that it bears
14 upon and is limited to issues having arisen during the questioning by the non-calling
15 parties or the LRV."

16 Therefore, this document is admitted and at least call the witness in and we go ahead
17 with the questioning.

18 (The witness enters the courtroom)

19 MR DEMIRDJIAN: [14:23:26] (Interpretation)

20 Q. [14:23:27] Mr Witness, do you have the document before you?

21 MR DEMIRDJIAN: [14:23:35] Well, it's not on the screen. (Speaks English) Do
22 you need me to read the ERN again or -- no? (No interpretation)

23 THE INTERPRETER: [14:23:39] Message from the English interpreter: Could
24 counsel not mix his languages constantly. Thank you.

25 MR DEMIRDJIAN: [14:23:49] On evidence 1, yes.

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1 PRESIDING JUDGE TARFUSSER: [14:23:50] You should not mix languages is the
2 request from the interpreter.

3 MR DEMIRDJIAN: [14:23:57] It is the problem from being Montreal,
4 your Honours, we do that all the time.

5 Q. [14:24:04] (Interpretation) Mr Witness, just by method of introduction, you
6 can see that this document is signed by a colonel from the land forces, and the subject,
7 can you see the term "Primo: Elements whose names figure in the annex are placed
8 at your disposal for military training from Tuesday, 22 February 2011"? Do you
9 see all of that before you?

10 A. [14:24:37] Yes, yes.

11 Q. [14:24:38] Very well.

12 MR DEMIRDJIAN: (Interpretation) I'd like to go to the list now, which is page 3 of
13 this document. Could we please zoom in on this document.

14 MR GBOUGNON: [14:24:56] (Interpretation) Mr President.

15 PRESIDING JUDGE TARFUSSER: [14:24:59] Maître Gbougnon.

16 MR GBOUGNON: [14:25:01] (Interpretation) Yes, Mr President, I do not believe
17 that we can do what has always been held against me. These are questions that have
18 not -- the questions have not been put to the witness as to whether he knows the
19 sender, the recipient, the dates, the signee, all these things that I have been
20 reproached for in the past, and I'm surprised that the OTP is doing the same.

21 PRESIDING JUDGE TARFUSSER: [14:25:29] You're right, but you have always
22 also been relieved from doing so.

23 So, please.

24 MR DEMIRDJIAN: [14:25:35] Thank you.

25 PRESIDING JUDGE TARFUSSER: [14:25:36] But try also to do what you request

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1 from others.

2 MR DEMIRDJIAN: [14:25:40] I'm not asking him to authenticate this document,
3 your Honours, just to be on that side.

4 Q. [14:25:48] (Interpretation) Now, Mr Witness, can you see this list before you?

5 A. [14:25:54] Yes, I do.

6 Q. [14:25:56] Very well.

7 Now, for everybody in the courtroom we might zoom in on the upper section of this
8 document. There we are.

9 So on this list you can see some names, their date of birth, their place of birth, their
10 diplomas, their group, et cetera. The first name on the list, Mr Witness, can you see
11 under the item -- column group the term "GPP"?

12 A. [14:26:31] Yes, yes.

13 Q. [14:26:31] If I ask you to peruse this list for a few moments, could you then
14 please tell us whether there are some names that you recognize. And you might just
15 look at the copy before you, that might assist you.

16 A. [14:26:52] The first name, I recognize.

17 Q. [14:26:54] Could you please tell us what you recognize about that first name?

18 THE INTERPRETER: [14:26:58] Message from the English interpreter: There is
19 constant overlapping.

20 PRESIDING JUDGE TARFUSSER: [14:27:05] There is constant, constant
21 overlapping. Please do not overlap. Thank you.

22 THE WITNESS: [14:27:14] (Interpretation) During my testimony, I spoke about
23 Gnaka Koré Michel and Bahi Tapé. And Gnaka Koré, he is the younger brother of
24 Oré Michel.

25 MR DEMIRDJIAN: [14:27:36] (Interpretation)

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1 Q. [14:27:36] Very well. So Gnaka Koré Anthony?

2 A. [14:27:41] Yes.

3 Q. [14:27:42] Do you know whether he was a member of the GPP at the time?

4 A. [14:27:50] Yes, as I said, because in -- because the age group was requested of
5 us for this recruitment, and we could not be part of that, we the older ones, so it was
6 the younger members that we put in the list for that recruitment.

7 Q. [14:28:16] And during the post-election period, do you know where he was
8 based?

9 A. [14:28:28] He was sent to the armoured battalion. That's where he was sent.

10 Q. [14:28:38] And I wanted to ask you whether before the training he was based
11 anywhere within the GPP?

12 A. [14:28:45] Before the training he was in Gagnoa, he was in Gagnoa. But
13 before the training, he was in the Adjamé base.

14 Q. [14:28:56] Very well.

15 MR DEMIRDJIAN: [14:28:58] (Interpretation) Could we please go to page 5, it
16 ends with the figures 0854. Could we please zoom in on the upper part of the
17 document.

18 Q. Now, this page starts off with four names for which once again the group seems
19 to be the GPP. In fact, this is from number one. Could you please tell us whether
20 you recognize any of those four people?

21 A. [14:29:52] Yes, Nestor Bi Traboue Guessan. I think he had --

22 THE INTERPRETER: [14:30:04] Incomprehensible.

23 PRESIDING JUDGE TARFUSSER: [14:30:07] I think he had -- you think he had,
24 and then you mumbled and the interpreter couldn't get it.

25 THE WITNESS: [14:30:23] (Interpretation) Well, I think he's -- here the date is

1 1985, but in fact he is much older than I am.

2 MR DEMIRDJIAN: [14:30:40] (Interpretation)

3 Q. [14:30:40] Is it the same Guessan that you mentioned in hotel Ivoire in 2004?

4 A. [14:30:46] Yes.

5 Q. [14:30:48] Do you recognize other names on this page?

6 If you recognize a name, please ask us to stop.

7 A. [14:31:56] No.

8 Q. [14:32:01] On the last column for all these names you can see first BCP; what
9 does that mean?

10 A. [14:32:12] These were the units where these people had to be trained.

11 MR DEMIRDJIAN: [14:32:26] (Interpretation) Let us go to the bottom of the next
12 page please. If you can zoom into the bottom of the page please. Thank you.

13 Q. [14:32:54] As from 184, number 184, we can see some members of the GPP.
14 Can you tell us if you recognize any of the names?

15 A. [14:33:27] The last two names, N'Guessan Mea Emile and N'Guessan
16 N'Zoro Grégoire.

17 Q. [14:33:39] Very well. Can you tell us who these people were and how you
18 got to know them?

19 A. [14:33:53] They are cousins or brothers. They are from the same family.
20 Grégoire was with us. He had the rank of lieutenant. So he was a member of the
21 close protection of Bouazo, and whenever Bouazo went out, it was rare for him not to
22 go with Bouazo.

23 Q. [14:34:24] Very well. On this page you can see that there are other groups, at
24 number 182, the GCLCI. Can you tell us what that is?

25 A. [14:34:39] That was the unit of Tchang, the Groupement of Commandos for

1 the Liberation of Côte d'Ivoire.

2 Q. [14:34:50] There is also the group on this page called Lima. Do you know the
3 group?

4 A. [14:35:01] It is the Lima force. This was one of the self-defence groups.

5 Q. [14:35:15] Did the Lima, did they have a particular characteristic?

6 A. [14:35:30] The Lima force was a bit like the FLGO and they operated in the
7 west of the country.

8 Q. [14:35:42] Very well. We can see other groups, the MI24 and the MPLGO.

9 Do you know anything about those groups?

10 A. [14:35:57] Yes, the MPLGO is a movement from the west, combatants from the
11 west.

12 Q. [14:36:14] And towards the bottom of the page we can see CORJEPAS. Do
13 you know what it is?

14 A. [14:36:23] No, I do not know.

15 PRESIDING JUDGE TARFUSSER: [14:36:25] Maître Altit.

16 MR ALTIT: [14:36:26] (Interpretation) Thank you, Mr President.

17 I'm sorry, my learned friend, to interrupt you.

18 Mr President, I'm a little bit disturbed here. The Prosecutor is using a document, and
19 he said he would not use the witness to establish the authenticity, so the document
20 itself is not something fundamental in this approach. He could actually mention the
21 names without using the document. That was the first thing.

22 The second thing is that the military training that is being talked about here was not a
23 new issue, because it was already dealt with during the main questioning. So the
24 question that arises is how -- what -- how can this be useful?

25 So one of the things is to get the witness to talk of different things, for example, such

1 and such a group because they were never mentioned before. I have it on my screen.
2 They are talking about such and such a group from the west and so on. And we are
3 getting further and further away. We are getting out of re-examination and far away
4 from anything that was said in examination-in-chief and in the two
5 cross-examinations.

6 So there is a sort of skirting of the instructions that were issued by your Chamber, and
7 I'm simply putting out -- my thoughts out there. I can phrase them as an objection,
8 but it goes beyond a simple objection. It involves the procedure itself. So we are
9 very, very far away from the questioning, the examination here, and this is a really
10 serious problem. That's what I can say, Mr President.

11 PRESIDING JUDGE TARFUSSER: [14:38:30] Yes, please.

12 MR MACDONALD: [14:38:33] Mr President, like we've said earlier, we have a
13 member of a militia that is testifying whose credibility the Defence obviously try to
14 challenge. The witness mentioned, yes, in examination-in-chief certain things about
15 trainings. In re-examination there was a discussion about lists and integration,
16 including in February. Here we are in February with a document relating to that
17 very topic of militia being trained.

18 I see that my colleague is standing, but I understand he will not interrupt me, because
19 I am not done, and then afterwards he can have the word.

20 PRESIDING JUDGE TARFUSSER: [14:39:26] Yes, but -- yes.

21 MR MACDONALD: [14:39:27] So that's what we're doing and only doing that
22 because, your Honours, yes, we can make a Bar table motion, but even on a decision
23 on a Bar table motion, you need to have information to decide on the relevance and so
24 on, and here we have a witness that can identify these individuals, tell them where
25 they are from or identify their groups and inform you as to where they were

1 operating and so on. We do think it is very relevant, your Honours.

2 PRESIDING JUDGE TARFUSSER: [14:39:59] Mr Gbougnon.

3 MR GBOUGNON: [14:40:01] (Interpretation) Mr President, it is -- my name has
4 been mentioned unfortunately on two occasions now. During our cross-examination
5 I never questioned the witness about any list at all. I never asked him who belonged
6 to or did not belong to any group. I simply asked him questions on the fact that
7 amounts of money are supposed to have been received by his group. So this is the
8 only things on which I put questions to the witness. I never questioned him on any
9 list or who belonged to which group.

10 If the Prosecutor wishes to seize the opportunity to talk about that, he should
11 remember I never talked about training or who belonged to which group.

12 PRESIDING JUDGE TARFUSSER: [14:41:15] How this can be useful, I don't know
13 yet, of course I don't know, but here it's not about the list itself. I don't know why
14 the names or recognising the names can ever be useful to this, but you're talking
15 about the names. But in the re-questioning, maybe in 15 hours of re-questioning,
16 every topic was touched upon, also this about the training. So it is, the
17 re-questioning is here in order to clarify things which were touched upon by the
18 non-calling parties, and I think we are in this area, therefore, I would ask the
19 Prosecutor to go ahead. But I don't understand why the questioning if he knows one
20 or the other is relevant. But it's up to you as it was up to the Defence to ask relevant
21 questions, although maybe the Chamber does not yet understand the relevance of
22 such questions. Please go ahead.

23 MR DEMIRDJIAN: [14:42:26] Thank you, Mr President. And just to comfort you
24 in the direction that I'm taking, the Defence spent a lot of time in assessing the
25 credibility of the witness, and we'll tell you at the end of the case that you cannot rely

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1 on his evidence and whatnot, so being able to recognize names of people who were
2 trained --

3 PRESIDING JUDGE TARFUSSER: Yes.

4 MR DEMIRDJIAN: -- I think is very relevant for -- (overlapping speakers)

5 PRESIDING JUDGE TARFUSSER: [14:42:47] Yes, please go ahead with the
6 questioning --

7 MR DEMIRDJIAN: Thank you.

8 PRESIDING JUDGE TARFUSSER: -- and come also to an end with the questioning.

9 MR DEMIRDJIAN: [14:42:53] Okay.

10 Can we go back to page 0852, that was page 3 of the document.

11 Q. [14:43:11] (Interpretation) Mr Witness, we are going back to the first page of
12 the list. We examined it very quickly and you mentioned a name, but I didn't ask
13 you whether you know other members of the GPP on that page.

14 So if we can zoom in a little bit please. and tell us if you recognize any names?

15 A. [14:43:37] Yes.

16 Q. [14:43:39] Please proceed.

17 A. [14:43:42] Bouazo Kanon Landry, that is number 8, number 8.

18 Q. [14:43:50] Very well. Who was he?

19 A. [14:43:57] He was an RPC element who was in the Yopougon-Sable camp.

20 Q. [14:44:05] Any others?

21 A. [14:44:13] Number 10, Djedjagne Prince Moreau Ezzedine.

22 Q. [14:44:22] Who was he?

23 A. [14:44:23] One of my junior persons.

24 Q. [14:44:32] Where was he before the first battalion?

25 A. [14:44:41] Dabou.

- 1 Q. [14:44:43] For number 14 you have second BCL. Which group is that?
- 2 A. [14:44:59] That was one of the commands of the first BCL which created the
- 3 company in Gagnoa and named it the second BCL.
- 4 Q. [14:45:15] Very well. You talked about the first BCL which was part of the
- 5 GPP, and did a second BCL also belong to the GPP?
- 6 A. [14:45:28] Yes.
- 7 Q. [14:45:29] Please continue and see if you recognize other names.
- 8 A. [14:45:52] Number 20.
- 9 Q. [14:45:53] Who is that?
- 10 A. [14:45:56] Yrabe Deproust Eric-Marius.
- 11 Q. [14:46:00] Who was he?
- 12 A. [14:46:01] One of the elements of Bingerville. We were in exile together but
- 13 he died in exile in Togo.
- 14 PRESIDING JUDGE TARFUSSER: [14:46:10] Mr Prosecutor, I don't think that the
- 15 credibility of the fact that he was in the GPP is -- there is no doubt that he was in the
- 16 GPP I think.
- 17 MR MACDONALD: [14:46:19] You have to ask that question to the Defence,
- 18 your Honour.
- 19 PRESIDING JUDGE TARFUSSER: [14:46:22] Yeah, but --
- 20 MR MACDONALD: [14:46:24] Because they've challenged the credibility of the
- 21 witness --
- 22 PRESIDING JUDGE TARFUSSER: [14:46:27] Yes, but please.
- 23 MR MACDONALD: [14:46:31] Unless the --
- 24 PRESIDING JUDGE TARFUSSER: [14:46:32] No.
- 25 MR MACDONALD: [14:46:33] -- the Chamber is willing to admit the document as

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1 submitted right now, fine, we move on. Because the point is that this document will
2 become very much relevant later on in this case. There's a challenge as to the
3 intergrade -- our case theory, your Honour, has been based on the pro-Gbagbo forces
4 being --

5 PRESIDING JUDGE TARFUSSER: [14:46:53] We will not discuss this --

6 MR MACDONALD: That's right.

7 PRESIDING JUDGE TARFUSSER: -- in front of the witness and not at this point in
8 time.

9 MR MACDONALD: [14:46:57] Thank you.

10 PRESIDING JUDGE TARFUSSER: [14:46:58] Okay. Thank you.

11 But I also think that we cannot go ahead with a list saying "who do you know? Who
12 do you not know?" If it is to exemplify, we have done it, but otherwise we stay here
13 a long time just to go through a list.

14 MR DEMIRDJIAN: [14:47:33] Yes. Thank you, your Honours. Let's just finish
15 with this page.

16 Q. [14:47:37] (Interpretation) Mr Witness, can you look at the rest of the page
17 and tell us whether you recognize any other individuals?

18 A. [14:48:19] No.

19 Q. [14:48:20] Very well. Mr Witness, just one last question on this topic:
20 During that period, that is February 2011, is this a list of individuals that were
21 integrated into the army?

22 A. [14:48:36] Yes.

23 Q. [14:48:41] And based on your experience, you were there, was this effective in
24 the field?

25 A. [14:48:46] Yes, this effectively happened. Some of these elements took part in

1 the fighting in Abobo after their training.

2 Q. [14:49:02] Very well. Thank you. One clarification on a question that was
3 put to you last Monday. I am sorry to mention Maître Gbougnon again, but he
4 asked you the question whether you met Charles Blé Goudé in October 2010 and you
5 said it was in a black Mercedes four-by-four. And for the record, it is T-94, page 6,
6 and I will quote you. You said the following:

7 "Mr Charles Blé Goudé was at the back with Mr Blédé Stéphane and he asked me -- it
8 was in October 2010, he asked whether we had received the visit. There was
9 someone who had -- whether there was someone who had come to see us and I said
10 'yes'."

11 Now, to be clear, can you tell us who this person was who came to see you?

12 A. [14:50:23] The name was Doukou Stéphane, not Blédé Stéphane. And the
13 other person was Mr Ahoua Stallone.

14 Q. [14:50:36] So for the record, was it Mr Blé Goudé himself who asked you about
15 Mr Ahoua Stallone's visit?

16 A. [14:50:50] He asked us whether his emissary had visited us and so we asked
17 who it was.

18 Q. [14:51:00] Very well. Now, let me move on to something else, another point
19 of clarification.

20 On Friday, and that's T-93, page 7, the Defence asked you regarding the march on the
21 RTI on the 16th, they asked you which groups were present, and I will quote you
22 from line 13. You said the following:

23 "When that meeting took place I said there was the GPP and other groups. The
24 leaders of other groups also participated. On that day I was not the one who gave
25 them instructions. Usually that would be the same instructions that we received.

1 So apart from the GPP, I explained that even in Cocody, apart from the GPP there
2 were also students, the FESCI, which was also present, and also took part. Those
3 people did not have the same view, they also beat up the marchers."

4 MR GBOUGNON: [14:52:43] (No interpretation)

5 PRESIDING JUDGE TARFUSSER: [14:52:45] Have you finished the quotation?

6 MR DEMIRDJIAN: [14:52:48] Yes. I haven't put the question, but --

7 PRESIDING JUDGE TARFUSSER: [14:52:51] No, no, but you finished the
8 quotation?

9 MR DEMIRDJIAN: Yes.

10 PRESIDING JUDGE TARFUSSER: Maître Gbougnon.

11 MR GBOUGNON: [14:52:55] (Interpretation) Mr President, I do not see why my
12 learned colleague is making a selective reading, because on that same point the
13 witness said the same thing in a different way three or four other times. The
14 Prosecutor is doing selective reading here. I think he should be shown everything he
15 said. And he's mentioned this topic at least 10 times on his statement. On this
16 particular point, it would mean, Mr President, what is going to happen is that the
17 Defence may need to use one hour or one and a half hours to take the floor the last,
18 because if the Prosecutor has to choose, select excerpts such as those, either they read
19 out the entire passages that could be of interest to the Chamber, it would be pointless.

20 PRESIDING JUDGE TARFUSSER: [14:54:13] Mr Prosecutor.

21 MR DEMIRDJIAN: [14:54:14] The problem is, your Honours, my learned friend
22 has not heard my question.

23 PRESIDING JUDGE TARFUSSER: [14:54:17] Yes.

24 MR DEMIRDJIAN: [14:54:18] He doesn't know what I'm going to ask him.

25 PRESIDING JUDGE TARFUSSER: [14:54:20] That's what I think. We don't know

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1 the question yet, so I don't know. Let's hear the question and then we --

2 MR DEMIRDJIAN: [14:54:31] Thank you, your Honours.

3 PRESIDING JUDGE TARFUSSER: [14:54:32] -- we can see if you're right or not.

4 MR DEMIRDJIAN: [14:54:40] (Interpretation)

5 Q. [14:54:43] You ended that sentence by talking about the participation of FESCI
6 and you say that they also beat up the marchers. The clarification that I wanted to
7 ask you is how did you learn that the FESCI had beaten up the marchers?

8 MR GBOUGNON: [14:55:06] (Interpretation) Mr President, my concern is the
9 same, and I can quote.

10 PRESIDING JUDGE TARFUSSER: [14:55:10] I would ask you -- I would ask you to
11 calm down, please, first of all. Okay, this is the first request, to calm down and then
12 we continue. Now you have the floor.

13 MR GBOUGNON: [14:55:26] (Interpretation) Mr President, I'm sorry if I got
14 taken away, I was accused of being selective and I do not believe that the Prosecution
15 should be doing the same thing. As I was saying, two pages before the witness said
16 that there were no other groups apart from FESCI, so I wanted that if he has to
17 mention something he has to quote the entire passage.

18 PRESIDING JUDGE TARFUSSER: [14:56:09] Mr Prosecutor.

19 MR DEMIRDJIAN: [14:56:10] I think my learned friend missed the point. I was
20 not asking about which other groups were present, I'm asking a clarification as to the
21 source of his knowledge, because he gave us an answer, there is no follow up, we
22 wish to know how does he know that the FESCI were beating some of the protesters
23 on that day. So ...

24 MR GBOUGNON: [14:56:36] (Interpretation) Mr President, I stand by my
25 submissions. I was the one who asked the question and I know the context in which

1 I asked that question. And as the Prosecution has frequently said, we have to be fair
2 with the witness. I established the context and the witness had already said that
3 there was no other groups apart from the GPP. So if my learned friend wants to
4 paraphrase me or quote me, they should quote the entire excerpt and he should read
5 out the part that says that there were no other groups but the GPP, and three pages
6 later he says there were other groups and otherwise we can quote all the entire
7 statement every time he mentions these particular points so that we should be aware
8 of the variations, the various variations of his account.

9 PRESIDING JUDGE TARFUSSER: [14:57:47] Mr Prosecutor, could you please
10 quote also the part Maître Gbougnon is referring to, and if you would like to give the
11 reference to the part you wanted to be quoted.

12 MR DEMIRDJIAN: [14:58:02] Your Honours, indeed, I mean we can do that.

13 PRESIDING JUDGE TARFUSSER: [14:58:07] Do you know the reference?

14 MR DEMIRDJIAN: [14:58:08] Yeah, I have it right in front of me.

15 PRESIDING JUDGE TARFUSSER: Okay.

16 MR DEMIRDJIAN: That's not a problem at all, but it misses the point, that's the
17 thing.

18 PRESIDING JUDGE TARFUSSER: [14:58:14] So do it, otherwise we will not finish
19 here.

20 MR DEMIRDJIAN: [14:58:17] Yes, very well.

21 Q. [14:58:19] (Interpretation) Mr Witness, I will read out the question that was
22 put to you by Mr Gbougnon and then the answer, after which I will put my question
23 to you again.

24 The question was as follows:

25 "And yet on page 1787 of document CIV-OTP-0063-1765, you stated as follows, page

1 1787, line 789, it is a question of the Prosecutor, the same question that I put to you a
2 short while ago: 'Do you know whether there were other militias or other groups?'

3 That is the question that the Prosecutor put to you.

4 You answered in line 790, in a single sentence, you said:

5 'we do not have any details about that.' That is what you said. And so why is it that
6 today you are saying that there were other groups?"

7 And that was Mr Gbougnon's question. And your answer was as follows, and I
8 quote you:

9 "Because when that meeting took place, I said that there was the GPP and other
10 groups. The leaders of the other groups took part. On that day, the D day, I was
11 not the one who gave them instructions. Generally, it is the same instructions that
12 we received, so it depends. I said that apart from the GPP, even in Cocody there
13 were students also. The FESCI, which also took part, they did not have the same
14 view, they also beat up the marchers." That was your answer.

15 And my question to you now is: What is your source of information? How do you
16 know that the FESCI beat up the marchers?

17 A. [15:01:15] Thank you, Counsel. There is a nuance there. In my opinion it is
18 clear. I said that I do not have details about who the other people who were at the
19 meeting, but I said that there were two groups that took part in that meeting. If the
20 march had been cancelled it would have been cancelled, but it was maintained, so I
21 do not have any confirmation. I did not agree or disagree, but I simply said what I
22 knew.

23 If I did not say that during your questioning, it is because I told it to the investigators,
24 so I can remember some -- the things that I talked about even though I do not have
25 the precise date. I said that in Cocody, Cité Rouge or Cité Mermoz the students had

1 attacked the marchers. I explained that. And regarding how I knew that, I had also
2 mentioned that there were members of the GPP who were at the same time also
3 members of the FESCI and they were the ones who had been members of the FESCI
4 ever since secondary school, so as I said, there were contacts with the secretary
5 general of the Adjamé university residential campus and there was also Fantôme who
6 was also a member of FESCI. Those were the people who gave me information.

7 Q. [15:03:20] A second point of clarification with regard to this subject,
8 Mr Witness: What do you know at the time to do with the actual weaponry or
9 armament of the FESCI?

10 A. [15:03:38] I explained that before we received the information that we were to
11 recycle our elements with a view to integrating them, these students, the FESCI, had
12 received -- they had been issued with weapons. And how did I come to know that?
13 Well, because at our level the secretary general -- deputy secretary general in charge
14 of social affairs, Mr Gosse, had entered into contact with me, as had Fantôme.

15 MR N'DRY: [15:04:28] (Interpretation) Mr President.

16 PRESIDING JUDGE TARFUSSER: [15:04:29] Maître N'Dry.

17 MR N'DRY: [15:04:31] Unless I'm mistaken, I do not know whether the Prosecutor
18 will be able to confirm this to me, the weapons given to the militia, was this a
19 question of -- brought up by the Defence for the Prosecutor to now be able to broach
20 it?

21 MR DEMIRDJIAN: [15:04:53] It emerges from the answer the witness gave about
22 protesters being beaten up by the FESCI. It is relevant to know how. And that's all,
23 your Honours.

24 PRESIDING JUDGE TARFUSSER: [15:05:07] Yes, the answer is given. I hope you
25 come to an end because I have to give the floor also to the Defence.

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1 MR DEMIRDJIAN: [15:05:17] One last question, your Honours.

2 Q. [15:05:29] (Interpretation) Mr Witness, I have a last question on this point of
3 clarification: Did you hear what kind of issuance they had received, what kind of
4 weapons had been issued to them?

5 A. [15:05:41] AK-47s.

6 Q. [15:05:43] Thank you, Mr Witness.

7 MR DEMIRDJIAN: [15:05:45] Your Honours, I complete my re-examination.

8 Thank you very much.

9 PRESIDING JUDGE TARFUSSER: [15:05:48] Thank you very much.

10 The floor goes to the Defence.

11 Maître Altit, I see that you want to take the floor.

12 MR ALTIT: [15:05:59] (Interpretation) Thank you, Mr President. We have no
13 questions for the witness.

14 PRESIDING JUDGE TARFUSSER: [15:06:04] Thank you very much.

15 The Defence for Mr Blé Goudé.

16 MR N'DRY: [15:06:32] Mr President, please just two minutes for him to
17 consult -- Maître Gbougnon to consult with Maître Dyk.

18 PRESIDING JUDGE TARFUSSER: [15:06:40] I am waiting. I have seen. I have
19 seen and I wait. But I also consider that you have to consult so long, so much -- can't
20 we very much, but please, yours the floor.

21 MR GBOUGNON: [15:07:06] (Interpretation) Mr President, the Defence of
22 Mr Blé Goudé has no further questions.

23 PRESIDING JUDGE TARFUSSER: [15:07:12] Okay, thank you very much.

24 Mr Witness, this after 10 days in the stand I can tell you that your testimony has

25 finished. I thank you for having been here to have told us all and responded to the

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- 1 questions by the parties. And I wish you a safe trip home. Thank you also to
- 2 Mr Wagemakers who was at your side the whole time.
- 3 (The witness is excused)
- 4 PRESIDING JUDGE TARFUSSER: Now the hearing is adjourned to Monday,
- 5 14 November, and I think everybody is happy about this.
- 6 Thank you very much. The hearing is adjourned.
- 7 THE COURT USHER: [15:08:02] All rise.
- 8 (The hearing ends in open session at 3.08 p.m.)