

Trial Hearing
WITNESS: CIV-OTP-P-0176

(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 Wednesday, 5 April 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:22] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:44] So good morning. Good morning to
15 everyone in the courtroom and in the public gallery.
16 I think the floor is back to the Office of the Prosecutor, who as we heard yesterday
17 will take part of this first session and not more in any case of the first session, right?
18 MR GARCIA: [9:34:18] Good morning, your Honours. Yes, that is indeed correct.
19 PRESIDING JUDGE TARFUSSER: [9:34:21] Okay. So you have the floor.
20 Good morning, Mr Witness, also to you.
21 WITNESS: CIV-OTP-P-0176 (On former oath)
22 (The witness speaks French)
23 THE WITNESS: [9:34:28] (Interpretation) Good morning, Mr President.
24 QUESTIONED BY MR GARCIA: (Interpretation)
25 Q. [9:34:35] Good morning, Mr Witness.

1 A. [9:34:38] Good morning, Prosecutor.

2 Q. [9:34:39] Yesterday, Mr Witness, just to bring you up to date on what we were
3 doing, we were talking about friends, Charles Blé Goudé's friends, whom he had
4 known for a long time and in your words whom he had known for always.
5 You talked about Ahoua Stallone. Who was Ahoua Stallone? Can you tell us a
6 little more about that person?

7 A. [9:35:18] Ahoua Stallone is Charles Blé Goudé's friend. I saw him because he
8 was the president of the football club as well. That's all I can say about him. He
9 was also someone who was committed to President Laurent Gbagbo's victory, and he
10 was often with Charles Blé Goudé.

11 Q. [9:35:48] When you say he was committed to Laurent Gbagbo's victory, can you
12 be a little more specific on that? Provide the Court with details, please.

13 A. [9:35:58] What I'm trying to say here is that often once Charles Blé Goudé would
14 organise mobilisation meetings, Ahoua Stallone and Dakouri would be in his
15 company. They would often be seen together.

16 Q. [9:36:24] You also mentioned Dakouri, Richard Dakouri. Who is that person?

17 A. [9:36:32] Richard Dakouri was a youth, Charles Blé Goudé's friend, and who
18 used to organise and run agoras et parlements.

19 Q. [9:36:52] You said he organised and ran -- what do you mean by organise and
20 ran agoras et parlements? Please observe the five-second rule.

21 A. [9:37:05] Mr Prosecutor, the Agoras et Parlements was a space where only
22 politics, the politics of President Laurent Gbagbo was discussed. This happened at
23 the Plateau, at the Sorbonne, where Mr Richard Dakouri would be present. And
24 between noon and 2, there would be entire crowds listening to President
25 Laurent Gbagbo's actions. And that was a forum at which according to him the

1 substance and the style of President Gbagbo's politics was being explained pointing
2 out his mission, the mission that President Gbagbo had for Ivorians.

3 Q. [9:37:57] Yesterday you also talked about one Idriss Ouattara. Can you
4 provide more information on that person?

5 A. [9:38:09] Idriss Ouattara is also a youth, Charles Blé Goudé's friend as well.
6 Well, that's it. He was also one of the supporters of President Laurent Gbagbo's
7 victory.

8 Q. [9:38:38] Thank you, Mr Witness. We will now move on to another line of
9 questioning. To begin with, I believe that you have heard mention of Galaxie
10 Patriotique?

11 A. [9:38:58] Yes.

12 Q. [9:38:58] In your own words, can you tell us what the Galaxie Patriotique was
13 all about?

14 A. [9:39:15] From a literal perspective, the Galaxie Patriotique was a group of all
15 those who loved President Laurent Gbagbo and who believed that President
16 Laurent Gbagbo was the ideal person to hold the position of president of Côte
17 d'Ivoire. There were patriots, senior patriots, female patriots, farmer patriots, artists,
18 musicians, and all those people who loved Laurent Gbagbo because of his
19 programme, came together under what I understood to be known as the Galaxie
20 Patriotique.

21 Q. [9:40:00] You talked about musicians and artists as belonging to Galaxie
22 Patriotique. Who were you referring to if you can remember in that context?

23 A. [9:40:16] Serges Kassy, for example, Gadji.

24 Q. [9:40:43] Could you spell that last name, the last name you just mentioned,
25 Mr Witness, can you spell it?

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1 A. [9:40:52] G-A-D-J-I.

2 Q. [9:41:01] Very well. Mr Witness, the Galaxie Patriotique as far as you know,
3 did it include any movements, any groups?

4 A. [9:41:17] Yes. The Galaxie as I already mentioned was made up of all those
5 who loved President Laurent Gbagbo. The focal point of the Galaxie, the common
6 denominator of the Galaxie was Laurent Gbagbo; farmers, footballers, artists,
7 everyone, all sorts of people who loved Laurent Gbagbo.

8 Q. [9:41:41] In your region, in the west, and I understand that you come from Man,
9 the town of Man, were there any movements in your area which belonged to the
10 Galaxie Patriotique; and if yes, which ones from your area?

11 A. [9:41:59] Let me repeat what I already told you. There was COMAJMG and I
12 was the president and we loved Laurent Gbagbo. There was COJEP. There was
13 JFPI. There was the farmers or peasants of Tonkpi area in support of
14 Laurent Gbagbo.

15 Q. [9:42:39] Let me put a more general question to you. Of all the movements that
16 belonged to the Galaxie Patriotique, which one was the most dominant, the most
17 significant of all those movements?

18 A. [9:42:59] Well, it was the movement the COJEP, whose leader was Charles Blé
19 Goudé, because he was the president of COJEP.

20 Q. [9:43:17] Why do you say that it was the most significant movement? Can you
21 explain that to the Court?

22 PRESIDING JUDGE TARFUSSER: [9:43:25] On the basis of facts and not of your
23 evaluation, I mean not your impression.

24 MR GARCIA: [9:43:31] (Interpretation)

25 Q. [9:43:32] Witness, based on what you know, on the facts that you know, can you

1 tell the Court about that?

2 A. [9:43:43] I say so because for one thing Charles Blé Goudé was the president of
3 COJEP and, quite obviously, he was the boss of the Galaxie. He was the boss of the
4 Galaxie, and at all the rallies, at all the events that happened, he and his bureau were
5 the ones that organised such events.

6 Mr Koué and all those who gravitated around him were those involved in organising
7 the major events that were organised by COJEP. And since he was the president of
8 COJEP, he was the one in charge who took the decisions along with his collaborators.

9 Q. [9:44:30] A short while ago you also asserted that he was the boss of the Galaxie.
10 What do you mean by that?

11 A. [9:44:50] Well, you see, patron, when I say boss, it means that he was the chief.
12 He was the one in the forefront. He was the one who facilitated all the major
13 meetings or rallies relating to ensuring success for Laurent Gbagbo. He's the one
14 who made the decisions. He's the one who did the rounds. He's the one who was
15 in the forefront, so to speak.

16 Q. [9:45:34] Very well, Mr Witness. Let me hop back to the west, your region,
17 your area. Does the name Denis Maho Glofiéhi ring a bell?

18 A. [9:45:52] Yes.

19 Q. [9:45:52] Who is that person?

20 A. [9:46:03] Mr Maho Glofiéhi is a gentleman who lives in Abidjan, today at least.
21 He's the man who used to run a paramilitary group.

22 Q. [9:46:33] As far as you know, did he belong to the Galaxie Patriotique?

23 A. [9:46:48] I'm not able to say so. But what I know is that I saw him on one
24 occasion with the general at a meeting.

25 Q. [9:46:59] For purposes of clarity, when you say "general," when you talk or refer

1 to "the general," who are you referring to specifically?

2 A. [9:47:13] Charles Blé Goudé.

3 Q. [9:47:18] So you say you saw him at a meeting or a rally. At what time,
4 approximately at what time did that rally take place? Was it during the campaign or
5 after the campaign?

6 A. [9:47:35] I believe it was during the campaign.

7 Q. [9:47:53] Where did that meeting or rally take place?

8 A. [9:47:59] At the place CP1 in Yopougon.

9 Q. [9:48:08] You talked about a meeting or rally. What is it exactly? What
10 happened at place CP1?

11 A. [9:48:19] At place CP1 in Yopougon, this is the space in one of the biggest
12 communes in Côte d'Ivoire, which is Yopougon. Charles Blé Goudé had called a
13 rally or meeting on that day.

14 Q. [9:48:47] Continuez.

15 A. [9:48:48] On that day I was in Abidjan and I decided to attend that rally. I went
16 with my men. And there was a tarpaulin and then there was a podium and then
17 there was the public on the other side.

18 When we got to the location, I was in my little red car. I alighted from the car. And
19 I was going to sit under the tarpaulin area. And Mr Koué and his services threw me
20 out. They asked me to leave along with all my people, because, you know, when
21 such things happen, all leaders come together to talk about Laurent Gbagbo.

22 I came with my own people and I was asked to leave the protected area because I was
23 not invited. So we left the area and, you see, nearby there is what we call maquis in
24 Côte d'Ivoire or bistro, which would simply be a drinking spot. So we went to have
25 a drink, and there were people there, and we remained at the rally as part of the

1 crowd to listen, to see and to hear what those who would have the floor would be
2 saying, what the substance of their messages would be.

3 And it is thereafter that the convoy of all the leaders arrived with Mr Blé Goudé at the
4 front. And thereafter Mr Maho Glofiéhi arrived. He was wearing a traditional
5 Ivorian boubou, sort of a gown. He at the time was a traditional leader of the Wé
6 people. So they arrived hand in hand and went up to the stage, and they were
7 sitting side by side along with the other leaders. That is where I saw him.

8 Q. [9:51:03] When you say they came "hand in hand," who are you referring to?

9 A. [9:51:07] Charles Blé Goudé and Maho Glofiéhi came in hand in hand along
10 with the other leaders when they came into the shaded area.

11 Q. [9:51:19] Who were the other leaders?

12 A. [9:51:25] Richard Dakouri. There was Abdallah, there were many of them,
13 there were many of them. There were many youth leaders who supported President
14 Gbagbo's cause.

15 Q. [9:52:03] Apart from that time when you saw them in person, have you had the
16 opportunity to meet or see Mr Maho Glofiéhi at another occasion?

17 A. [9:52:17] No, no.

18 PRESIDING JUDGE TARFUSSER: [9:52:34] Excuse me, one question, you referred to
19 at page 6, English transcript, line 14, 15 and 16, you said "Mr Glofiéhi is a gentleman
20 who lives in Abidjan, today at least. He's the man who used to run a paramilitary
21 group."

22 What is a paramilitary group? And how do you know?

23 THE WITNESS: [9:53:09] (Interpretation) Your Honour, Mr Maho Glofiéhi, we
24 used to see him in Yopougon in the town where we used to live. We saw him with
25 his convoy and with his retinue of people made up of military gear. They would be

1 bearing weapons, and that is why I said, although, your Honour, they were not
2 officially rank-bearing officers within the army of Côte d'Ivoire, but everybody knew
3 his convoy and everyone could see them with their uniforms and their weapons.

4 And I saw this myself.

5 PRESIDING JUDGE TARFUSSER: [9:53:59] And in what period did you see this
6 yourself? What period of time, more or less?

7 THE WITNESS: [9:54:27] (Interpretation) Your Honour, I'm not able to provide an
8 exact time frame, but I think I saw him again before the elections, because on that day
9 I was at the presidency of the republic. I had gone there to see, may his soul rest in
10 peace, the former secretary general. And on that day, while I was in the waiting
11 room, he arrived. And, you know, there is only one exit from the presidency, and at
12 that exit area I also saw him as he left with his convoy.

13 That's what I can say, your Honour.

14 PRESIDING JUDGE TARFUSSER: [9:55:20] Do you want to say that he came to the
15 residence with a convoy? What do you mean by "convoy" because --

16 THE WITNESS: [9:55:32] (Interpretation) I didn't say at the residence, your
17 Honour. I said at the presidency.

18 PRESIDING JUDGE TARFUSSER: Presidency, yes.

19 THE WITNESS: (Interpretation) Yes, yes, your Honour. At the presidency of the
20 republic he had come with his convoy, that is of one, two or three vehicles. As far as
21 I am concerned, that is a convoy.

22 Now, there is a parking area for visitors to the presidency. On that day I had gone to
23 see, may his soul rest in peace, Minister Tagro, and I parked my small car there.

24 And all the visitors who came also parked their cars. And he came with three
25 vehicles, and that's why I was referring to it as a convoy, a convoy.

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1 PRESIDING JUDGE TARFUSSER: [9:56:15] Military vehicles?

2 THE WITNESS: [9:56:22] (Interpretation) No, not military vehicles, four-by-four
3 vehicles, black with -- you couldn't see through, the one who was outside couldn't see
4 through.

5 PRESIDING JUDGE TARFUSSER: [9:56:44] I give you back the floor.

6 MR GARCIA: [9:56:47] Thank you, your Honour.

7 Q. [9:56:51] (Interpretation) Just to make things clear about that meeting, was that
8 a meeting at the presidential palace?

9 A. [9:57:02] Yes.

10 Q. [9:57:05] Why did you go to the presidency? Why were you there?

11 PRESIDING JUDGE TARFUSSER: [9:57:10] Maître Altit.

12 MR ALTIT: [9:57:12] (Interpretation) Thank you, Mr President. Except I am
13 mistaken, the witness said he saw the person in the parking lot and then subsequently
14 within the building. I think those questions need to be raised with him for clarity.

15 PRESIDING JUDGE TARFUSSER: [9:57:30] I think that's what the OTP is doing then
16 now.

17 MR GARCIA: [9:57:33] I don't understand the sense of that objection.

18 MR ALTIT: [9:57:37] (No interpretation)

19 MR GARCIA: [9:57:41] Maybe I can reformulate the question and Mr Altit can -- we
20 can proceed with this much more efficiently.

21 MR ALTIT: [9:57:47] (Interpretation) Let me be specific, because you've asked me
22 to. This is your question to the witness, and I quote you at line 12, page 10, French
23 transcript: "So just to be clear about the meeting, it was a meeting at the presidential
24 palace, is that the case at the palace?" In French, "in the palace."

25 And the witness has just said that he was in the parking lot of the palace and that's

1 not in the palace. So if you want to find out from him whether he had gone to the
2 palace and he saw him in the palace, then, please, you need to put the question to him.

3 That was the thrust of my objection.

4 PRESIDING JUDGE TARFUSSER: [9:58:35] Yes. But I repeat, I think that this was
5 the intention of the Prosecutor first, and then as far as I have understood from the
6 translation at least, that he saw the vehicles at the parking place of course, and that's
7 why I asked "the convoy?" I couldn't -- but before he said, he talked about inside the
8 presidency. Then he said "And then I saw the convoy."

9 Then I said "How can you see a convoy in the presidency?" That was my further
10 questioning.

11 But I think and I believe that the OTP is going exactly the way you suggested. Please
12 go ahead.

13 MR GARCIA: [9:59:24] (Interpretation)

14 Q. [9:59:25] Mr Witness, I was going to ask you what you were doing there at the
15 presidency on that day. What were you doing there? I understand you were at the
16 presidency, at the presidential palace on that day. Why had you gone to the
17 presidency on that day?

18 A. [9:59:48] I went to the presidential palace. You see, whenever we had a
19 mission, a mission with my boss, the secretary general, we would go to the palace.
20 We would go to see the secretary general at the palace to be given instructions about
21 fuel or money that would be used for the mission that had been conferred upon us in
22 the west.

23 I was at the secretariat of the secretary general, may his soul rest in peace, the minister,
24 and it is there that I saw Mr Maho Glofiéhi.

25 Q. [10:00:38] And when you saw Mr Maho Glofiéhi, what was he doing precisely?

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1 A. [10:00:42] Well, he was waiting. He said that he also had an appointment.

2 And because the minister, the secretary general has a secretariat, Mr Tagro, of course,
3 all of those people who arrived would sit there. There were quite a lot of people
4 when he arrived. But he was waiting. He looked a little bit in a hurry, but I saw
5 him there.

6 Q. [10:01:03] For things to be clear on the record, did you have any opportunity to
7 discuss with him whilst you were waiting?

8 A. [10:01:10] He greeted everybody. I greeted him, and he said that he had an
9 appointment with the secretary general.

10 Q. [10:01:22] And also so that there is no confusion, you talked about the minister
11 and the secretary general. Who is this person?

12 A. [10:01:30] The secretary general is the minister, may his soul rest in peace,
13 Désiré Tagro.

14 Q. [10:01:40] Now, Mr Witness, I'm just going to play a video to you,
15 CIV-OTP-0062-1003. It's number 105 on our list of evidence. It's going to be played
16 without any sound. It's going to be inaudible to the witness. Could we please have
17 control?

18 THE COURT OFFICER: [10:02:42] You have the floor, evidence channel 2.

19 PRESIDING JUDGE TARFUSSER: [10:02:44] Mr Knoops.

20 MR KNOOPS: [10:02:45] Mr President, I believe this is one of the videos which was
21 only disclosed on Monday evening at 6.20 by the Prosecution, which is in
22 contravention to directive 6 of your guidelines. And this contained numerous clips
23 which were not prepared by the Defence timely in advance in accordance with the
24 five days' rule. So we object to the introduction of these videos or this particular clip.
25 Thank you.

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1 PRESIDING JUDGE TARFUSSER: [10:03:33] Maître Altit.

2 MR ALTIT: [10:03:35] (Interpretation) I thank you, Mr President. We would like
3 to support this request.

4 MR GARCIA: [10:03:43] Your Honours, indeed, we were late on that, on that video.
5 It was an oversight. But I want to reassure the Defence counsel and the Chamber
6 that it's just, we just want to play a couple of, maybe 30 seconds of this video, and it's
7 simply for identification purposes of the person who's on the video.

8 I'll say no more. A very technical, punctual usage of this video, and that I think
9 would reassure Mr Knoops, Defence counsel, it's nothing else, not for the -- and that's
10 why exactly we're now playing this without the sound. It's just simply for
11 identification purposes.

12 And on that basis I'd ask for the Court's indulgence in this regard given that we are
13 indeed -- we were indeed late on this video, but everything else was disclosed in a
14 timely fashion. This was a last minute thing obviously. So we ask for the Court's
15 indulgence, very specific identification on it, which would be useful for the Chamber
16 in its examination and determination of the truth, we plead.

17 Just one last mention, your Honour, this is a video that has been disclosed over two
18 years ago already to the Defence, so it's nothing surprising. I think this reassures as
19 well Mr Knoops.

20 PRESIDING JUDGE TARFUSSER: [10:04:56] In September 2014, I would say.

21 MR GARCIA: [10:05:00] Thank you, your Honour.

22 MR KNOOPS: [10:05:04] Mr President, one observation. This clip or this set of
23 clips on the list of the Prosecution 103 is also subjected to the submissions on the
24 directive 43, and the Defence is yet to respond on this issue.

25 (Trial Chamber confers)

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1 MR GARCIA: [10:05:34] Your Honour, just to reassure the Chamber even further,
2 we just want that specific, a specific excerpt, nothing else to be submitted of that
3 video.

4 PRESIDING JUDGE TARFUSSER: [10:05:45] You may play the video on the -- well,
5 play the video. You will show the person you want to identify and without playing
6 the whole video.

7 MR GARCIA: [10:05:56] Thank you, your Honour.

8 PRESIDING JUDGE TARFUSSER: [10:06:15] This video having been disclosed and
9 on the list of evidence, of course.

10 (Viewing of the video excerpt)

11 MR GARCIA: [10:06:27] So we have an image on the screen, your Honour. We're
12 not going to play the video. It's just simply for the witness to look at it and be able to
13 say if he recognises the person. Evidence 2, evidence 2.

14 Q. [10:06:52] (Interpretation) Now just for the record this is CIV-OTP-0062-1003.

15 We are freezing the screen. Mr Witness, you can see the image before you. Are you
16 in a position to identify the image?

17 THE INTERPRETER: The interpreter did not catch the minute because it was said at
18 the speed of light.

19 THE WITNESS: [10:07:10] (Interpretation) Yes.

20 MR GARCIA: [10:07:13] (Interpretation)

21 Q. [10:07:14] Who is that individual?

22 A. [10:07:16] It is Maho Glofiéhi.

23 Q. [10:07:20] Thank you. We can remove it.

24 Now, Mr Witness, the name Touré Zéquen, does the name ring a bell?

25 A. [10:07:49] Yes.

1 Q. [10:07:51] Who is that individual?

2 A. [10:07:57] Touré Zéguen, as I said, this individual, this gentleman is a guard,
3 because I saw him on the television during the events when he was being broadcast,
4 when there were two televisions. I think it was after the election, it was the TCI, the
5 television of our adversaries at that time at the Golf hotel, and the RTI.

6 So it was Touré Zéguen. And he would broadcast messages over the television.

7 That's where I saw him. And the second occasion when I saw him was in Ghana in
8 exile.

9 Q. [10:08:57] To your knowledge, did he belong to any movement at all?

10 A. [10:09:03] On the television, if my memory serves me correctly, we had been
11 presented as or introduced as the leader of I think a movement called the GPP, yes,
12 yes.

13 Q. [10:09:23] Very well. Watchard Kédjébo, does that ring a bell?

14 A. [10:09:32] Yes.

15 Q. [10:09:33] Who is that individual?

16 A. [10:09:37] Well, he's a leader from the region of Bouaké, and he was also
17 somebody who had espoused the ideals of President Laurent Gbagbo.

18 Q. [10:09:55] Just to find out, where exactly is Bouaké?

19 A. [10:10:07] Bouaké is in the centre of Côte d'Ivoire after Yamoussoukro.

20 PRESIDING JUDGE TARFUSSER: [10:10:13] We have Internet.

21 MR GARCIA: [10:10:18] I'll move on, your Honour.

22 PRESIDING JUDGE TARFUSSER: [10:10:20] We know where Bouaké is.

23 MR GARCIA: [10:10:22]

24 Q. [10:10:25] (Interpretation) You said he was a leader. A leader of what or of
25 whom?

1 A. [10:10:29] Well, he had a movement in Bouaké. I can't remember the name of it.
2 But he was fighting, that is to say he was defending the cause and promoting
3 President Gbagbo's victory.

4 Q. [10:10:47] You say that he was fighting for something. What kind of ... what
5 did he do exactly?

6 A. [10:11:12] He was fighting in the negative sense of the word in a sense that I
7 knew him as a leader who has really taken to the cause of Laurent Gbagbo, and one of
8 the occasions when I met him was when he came to greet me when I was nearly
9 caught myself.

10 Q. [10:11:34] Very well. You say he is a leader. When we talk about a leader,
11 that presupposes that he is a leader of somebody or a group. What exactly?

12 A. [10:11:45] He had a movement, but I do not remember the name anymore. You
13 know, it's a long time ago now. I don't remember, but he did have a movement.

14 Q. [10:11:53] What type of movement was it? Was it a movement like yours, like
15 the COMAJMG or was it another kind of movement?

16 A. [10:12:15] I'm not in a position to tell you specifically what his movement was,
17 but I know that he was also called "the general." People called him "the general." I
18 remember that. He did have a movement, but the specific name thereof escapes me.
19 But it was a movement in Bouaké. You know, he did espouse the Laurent Gbagbo
20 cause and ideals, and that movement was in Bouaké. It was a self-defence
21 movement I think. I can't remember specifically, and I don't want to claim things for
22 which I have no evidence.

23 Q. [10:13:06] Thank you, Mr Witness. I do understand.

24 Are you in a position to tell us to your knowledge whether he had any link with
25 Charles Blé Goudé?

1 A. [10:13:19] I know that he knew Charles Blé Goudé.

2 Q. [10:13:24] Explain to us how you know that.

3 A. [10:13:31] I told you, Mr Prosecutor, that when I went to Man in Tonkpi, and
4 when the supporters of our adversary nearly lynched me, they nearly killed me, they
5 took my car. When I returned to Abidjan, he was one of the individuals who called
6 me, who came to see me to say "Yako" to me as we say in Côte d'Ivoire, you know,
7 "Courage, have courage."

8 And I remember that he was with another gentleman from the north. He castigated
9 the fact that Charles Blé Goudé did not even pick up the phone to call me, because
10 everyone had called me and to encourage me, but I didn't receive a single phone call
11 from Charles. And he asked me; and I said no, he hasn't. Those who called me
12 were he himself, Sam le African, Elie (phon). And then I saw Watchard, whom I
13 didn't know, and then we saw each other face to face, and he said to me that he didn't
14 think that that was the right way to act. There we are.

15 Q. [10:15:02] When you talk about the Voix du Nord, the Voice of the North, who
16 are you referring to?

17 A. [10:15:20] Well, I can't remember his name. I know he's a large gentleman.
18 He was always in the company of Watchard. There we are.

19 Q. [10:15:27] And were I to put the name of Youssouf Fofana to you, does that ring
20 a bell?

21 A. [10:15:48] Mr Prosecutor, I don't remember. But I know him visually. He's a
22 tall gentleman.

23 Q. [10:16:02] Very well. Thank you, Mr Witness. That's all right.

24 Does the name Djimi Willy ring a bell?

25 A. [10:16:13] Yes.

1 Q. [10:16:17] who is that individual?

2 A. [10:16:20] Djimi Willy Zan Bi Ballo, Zan Bi Ballo, a/k/a Djimi Willy was a
3 member of the JFPI, which I think was his organisation. He was a young brother
4 whom I knew in Ghana when we were in exile. And it was with him and other
5 friends that we set up the National Committee for Refugees Return and Reconciliation
6 in Côte d'Ivoire.

7 Q. [10:17:07] I'm going to specify my question. During the post-election crisis,
8 that is to say before Ghana, did he have any particular duties, this Djimi Willy?

9 A. [10:17:19] No. I didn't know him before Ghana.

10 Q. [10:17:25] Very well. So you also spoke to us this morning at the outset, you
11 talked about the agoras and the parlements if I'm not mistaken. Can you explain to
12 us -- or you explained to us a little bit of what this was all about. Are you in a
13 position to tell us whether there was somebody who was in charge, who was a boss of
14 these agoras and parlements, somebody who managed them?

15 A. [10:17:55] Well, there was Richard Dakouri on the one side, and on the other
16 side there was Nadaud Clément. And there was a gentleman, another young Baoulé
17 whose name I don't recall, I can't remember his name.

18 Q. [10:18:22] And what was Nadaud Clément's position? What was he doing
19 specifically?

20 A. [10:18:29] He was the president, because there were two agoras and parlements
21 side by side, he was the president of an area at the Plateau, at the Sorbonne. That
22 was when Nadaud Clément was the president of his space and next door was the
23 other space.

24 Q. [10:18:58] Mr Idriss Ouattara, did he have a specific function with regard to the
25 agoras and parlements?

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1 A. [10:19:11] Yes, yes, I believe that he too had -- well, he was a president or
2 something of that ilk. You know, it's a long time ago now, but yes, yes, Idriss
3 Ouattara, that name does ring a bell.

4 Q. [10:19:34] Mr Witness, did you personally have the opportunity to go and make
5 speeches at any of these agoras or parlements?

6 A. [10:19:43] Honestly speaking, yes. As I said to you, the agoras and the
7 parlements, these are spaces where we would speak of the actions of Laurent Gbagbo.

8 Q. [10:20:03] Very well, Mr Witness. I'm going to be showing you a video,
9 CIV-OTP-0064-0096, and this is number 62 of our evidence. It's number 81,
10 CIV-0087-0937. Could we please have control.

11 THE COURT OFFICER: [10:20:34] You have the floor, evidence channel 2.
12 (Viewing of the video excerpt)

13 THE INTERPRETER: [10:21:00] The interpreters have not found the transcript, your
14 Honour. We apologise.

15 PRESIDING JUDGE TARFUSSER: [10:21:08] Excuse me. We have no transcript,
16 the interpreters have no transcript. They didn't find it.

17 MR GARCIA: Your Honour, we're going to proceed as we did last time I believe
18 with another witness. We'll give a clean copy. If somebody can come down and
19 fetch it, we'll give it to them and it will be much easier.

20 PRESIDING JUDGE TARFUSSER: [10:21:32] For the interpreters it could also not be
21 clean.

22 (Pause in proceedings)

23 MR GARCIA: [10:22:07] Short transcript, your Honour.

24 Your Honour, we can continue, I hope? It's a very short transcript.

25 THE INTERPRETER: [10:22:45] The interpreters have the transcript. Could we

1 please have the line number, please?

2 PRESIDING JUDGE TARFUSSER: [10:22:50] The line number, the line number?

3 MR GARCIA: [10:22:57] 10 to 24, your Honour.

4 PRESIDING JUDGE TARFUSSER: [10:23:00] 10 to 24.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [10:23:09] (Interpretation of the video excerpt) Furthermore,
7 the Ivorians were mobilised to ensure that the legal constitutionality and the
8 sovereignty of the state of Côte d'Ivoire are respected by the major nations and
9 democracies of the world. The Jeunes Patriotes of Yopougon-Jérusalem, initiators of
10 the rally, Jaurès, president of the forum analysing the policies of the republic,
11 congratulated the armed forces of Côte d'Ivoire and all the organisations in defending
12 the institutions of the republic as well as Ivorians for their determination with a view
13 to ensuring the constitutional legality incarnated by the president of the republic,
14 Laurent Gbagbo, and ensuring that such is respected. For Évariste Yaké, president
15 of the Jeunesse uni pour la développement de Man, it must be specifically indicated
16 that he spoke of peace demonstrating the national opinion and international
17 determination that the UN and France have had concerning Côte d'Ivoire and
18 therefore in so doing interfering in the affairs of Côte d'Ivoire and going beyond the
19 scope of their mission.

20 MR GARCIA: [10:25:05] (Interpretation)

21 Q. [10:25:06] So, Mr Witness, we can indeed see that it was indeed you who was on
22 the screen?

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

24 Q. [10:25:10] Can you please tell us specifically where that speech took place?

25 A. [10:25:18] It was in Yopougon if my memory serves me correctly.

1 Q. [10:25:26] For us to be clear on the question, is this an agoras or a parlements
2 that you mentioned or is it just a place that you went to make a speech?

3 A. [10:25:35] I was invited by young leaders in Yopougon. You saw Doué
4 Jean-Jaurès, whom I recognize, who was the person who was addressing the crowd.
5 It was in Yopougon in a place with some awnings and there was a ceremony taking
6 place.

7 Q. [10:26:08] Just for it to be clear on the record, the main, the name that you just
8 mentioned, can you spell it to us, the person who invited you if I understand
9 correctly?

10 A. [10:26:17] Leader of Yopougon, there was the young Doué, D-O-U-É and
11 Jean-Jaurès.

12 Q. [10:26:44] Thank you, Mr Witness. Let's change subject.
13 I would like to put the following question to you: During this election campaign,
14 which started in the month of August 2010, were there words that were uttered that
15 you were in disagreement with? You know, could you tell us the most important or
16 salient points that you were in disagreement with?

17 A. [10:27:15] Yes.

18 Q. [10:27:17] What was that specifically?

19 A. [10:27:23] Well, listen, I had seen on the television, I don't remember the specific
20 moment in time, it was somewhere in the past, where it had been said each person
21 could speak French the way they want to; or, you know, as a father of a French child, I
22 didn't really agree with that. So the expression is literally "to each person his French,
23 to each person his French."

24 So I didn't agree with that way of speaking.

25 PRESIDING JUDGE TARFUSSER: [10:28:15] Well, I didn't understand this. What

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1 does it mean, "to each person its French"?

2 MR MACDONALD: [10:28:25] It's maybe an inaccurate translation, your Honour.

3 PRESIDING JUDGE TARFUSSER: [10:28:29] Yes, maybe.

4 MR MACDONALD: [10:28:30] I refer the Chamber to our pre-trial brief as to the
5 translation.

6 PRESIDING JUDGE TARFUSSER: [10:28:35] Yes. But I would refer to the witness.

7 THE INTERPRETER: [10:28:40] Message from the booth, Mr President: "Chacun
8 son Français" can mean "to each person his French or his Frenchman," and then the
9 Chamber can conclude what it wants.

10 THE WITNESS: [10:28:53] (Interpretation) Your Honour, I saw it on the television
11 or in a statement I no longer recall. There was Charles Blé Goudé present, and I
12 heard the word "to each person his French or Frenchman" because they were
13 castigating France, his president. But subsequently, those words were uttered, "to
14 each person his French or Frenchman," and I didn't agree with that, because I am the
15 father, your Honour, of a French child, a white or half-caste, if you like, but French
16 whatever the case may be.

17 PRESIDING JUDGE TARFUSSER: [10:29:51] Thank you.

18 Mr Prosecutor.

19 MR GARCIA: [10:29:54] (Interpretation)

20 Q. [10:29:55] Thank you, Mr Witness. Were there any other statements or any
21 other words that were uttered that you disagreed with?

22 A. [10:30:06] I remember, I'm trying to recall, there was another word that I saw on
23 the television where it was said that, I think it was subsequent to repeated attacks, it
24 was said: If you see somebody dressed in a strange way wearing amulets, it's an
25 assailant.

1 Q. [10:30:53] Do you recall approximately at what moment in time you heard that?
2 Was it during or before or after the election campaign?

3 A. [10:31:06] I wouldn't be able to tell you specifically what period it was, Mr
4 Prosecutor. But I do know that it was subsequent to some repeated attacks in
5 Abidjan. On the television, on the screen, I heard this call: That if you see
6 somebody strange wearing amulets, you need to be careful because this person is an
7 assailant.

8 Q. [10:31:41] And who was saying that specifically over the television?

9 A. [10:31:45] Well, it was Mr Charles who was issuing that call or message.

10 Q. [10:31:51] And so when you saw that on the television, what neighbourhood
11 were you living in? Please remember to wait those 5 seconds.

12 A. [10:32:07] I said to you that before living in Locodjoro in Attécoubé commune,
13 this is the administrative side of the cité des quatre villas, because we thought we
14 were in Yopougon, but the administration said that we were in Locodjoro in the cité
15 des quatre villas with a view ...

16 Q. [10:32:44] Are you able to tell us today the context in which those words were
17 mentioned by Mr Charles Blé Goudé? And please observe the 5 second rule,
18 Mr Witness.

19 A. [10:33:22] Mr Prosecutor, well, I told you that as far as I can remember, there
20 was a period when there was an unrelenting string of attacks, and I don't know by
21 whom. And I also believe that in our various neighbourhoods people used to
22 murmur or talk about attacks being carried out at night by unknown persons. Now,
23 that is when I heard that call. It was on TV.

24 Q. [10:34:30] In your neighbourhood at that time, if you can remember, were there
25 any roadblocks, yes or no?

1 A. [10:34:42] Yes.

2 Q. [10:34:46] What happened at those roadblocks? Who was present there?

3 A. [10:35:06] The roadblocks were manned by youth. People had put tree trunks
4 across the road. And whenever you went by, you would be stopped. Your vehicle
5 would be searched. The trunk would be searched to determine whether you were
6 armed or not. In any event, your vehicle would be searched and you will be then let
7 through. You would also be frisked before being let through.

8 Q. [10:36:04] Who were those at the roadblocks?

9 A. [10:36:06] They were youth, youth from the various neighbourhoods, from the
10 various surrounding areas, the youth who were there, they were manning the
11 roadblocks.

12 Q. [10:36:20] Did you yourself have any problems going through those roadblocks?

13 A. [10:36:29] Yes, I do remember once I was in my little red car, I went out to get
14 some food, and there were roadblocks. There were problems. And these youth,
15 one could tell that they were nervous, they were excited. They were searching and
16 they were stopping all vehicles. So when I got there, they stopped my vehicle as
17 well. And when they did that, I stopped. I parked. They came. They opened
18 the trunk. And one of them recognized me and then he -- they looked around and
19 then they said, "No, no, no, no. Let him through."
20 But they were in a hurry. They were excited. One could tell that they had not slept,
21 that they were very anxious. But they let me through. And I was praying that they
22 would let me through as quickly as possible, because it was quite frightening to
23 experience such a thing.

24 Q. [10:37:36] As far as you know and having been a witness, who were they
25 looking for?

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1 A. [10:37:44] Well, they were looking for armed people. And given that there
2 were recurrent attacks, they were probably looking for people bearing weapons.

3 Q. [10:38:05] You yourself, did you recognise anybody at those roadblocks even if
4 you did not know them, people whom you had seen previously, maybe in another
5 context?

6 A. [10:38:18] Mr Prosecutor, I wasn't looking to identify anybody. My sole
7 purpose was to leave that place as soon as possible.

8 PRESIDING JUDGE TARFUSSER: [10:38:30] Excuse me. You said, page 28, line 1,
9 "Yes, I do remember once I was in my little red car." This is a translation. Once
10 when? Period, not date. I don't want the day and the hour, but period, if you relate
11 it to the election and the crisis and this period.

12 THE WITNESS: [10:39:05] (Interpretation) Your Honour, if memory doesn't fail me,
13 I think it was during the crisis, during the crisis after the elections.

14 PRESIDING JUDGE TARFUSSER: [10:39:27] Okay. Thank you.

15 MR GARCIA: [10:39:29] (Interpretation)

16 Q. [10:39:30] The reference we're looking at is 0062-0574. The page number is 0609,
17 lines 1219 to 1224. And we'll wait for the page to be displayed, Mr Witness. So
18 from line 1219, and you're the one speaking, I quote:

19 "Well, there were some young people whom I knew who were at the roadblocks.

20 Interviewer: Can you tell us who?"

21 Answer, well, I quote you:

22 "Yes, I know someone who was at the roadblocks. These were youths whom I saw
23 during the parlements who had come to listen to people, and I knew that they were
24 with us. Now, when I say by leaning, they were with us, it means that those who
25 came to listen to what was being said about Gbagbo because they loved Gbagbo."

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1 A. [10:41:34] Mr Prosecutor, I was telling you that these things happened a long
2 time ago. When you asked me the question previously, I said these were young
3 people from the neighbourhood. Yes, I do remember that, that they were young
4 people from our neighbourhood whom I had more or less seen at other locations.
5 But at this very specific time, when I was in my vehicle at that time, I was in a hurry
6 to leave that place. I wanted to get out of there.

7 Q. [10:42:05] I did understand you very well, Mr Witness. But what you said to
8 the investigators; is that correct?

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

10 Q. [10:42:16] Very well. Then we will move on to talk a little bit more about any
11 other statements that you may have disagreed with. Was there anything else that
12 was said that you disagreed with?

13 A. [10:42:37] Well, Mr Prosecutor, I was particularly struck by those things which I
14 have already told you, but I think that I did not agree with those statements. Yes, I
15 didn't agree with them.

16 Q. [10:43:12] Very well, Mr Witness. I will now show you a video, and I'll provide
17 a reference for the Chamber. The video is, one moment please, 0043-0269, number
18 49 on our list of evidence. And the transcript is at number 50, CIV-OTP-0047-0611.
19 And I will give the timestamp in a moment. We will be starting at 32.30.

20 THE INTERPRETER: [10:44:46] Line number for the interpreters, please?

21 PRESIDING JUDGE TARFUSSER: [10:44:51] The line number for the interpreters,
22 please.

23 MR GARCIA: [10:44:54] So it's lines 559 to 567.

24 THE INTERPRETER: [10:45:12] Page?

25 MR GARCIA: [10:45:28] (Interpretation) It's on evidence 2, starting at 32.30.

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1 (Viewing of the video excerpt)

2 MR GARCIA: [10:45:59] (Interpretation)

3 Q. [10:46:00] Mr Witness, are you able to identify the two people here at 32.45.08?

4 Can you identify those people?

5 A. [10:46:13] Yes.

6 Q. [10:46:14] Who are they?

7 A. [10:46:18] Maho Glofiéhi.

8 Q. [10:46:27] And the person next to him, who is that?

9 A. [10:46:33] Jean-Yves Dibopieu.

10 Q. [10:46:40] Let's proceed.

11 (Viewing of the video excerpt)

12 THE INTERPRETER: [10.46.41] (Interpretation of the video excerpt) After 11 years
13 of practice, Charles Blé Goudé has announced the end of the resistance, the
14 barehanded resistance.

15 MR GARCIA: [10.46.45] (Interpretation)

16 Q. [10.46.45] And we are now stopped at 32.46.15. Can you identify the person in
17 blue to the right of your screen?

18 A. [10:46:56] Serges Kassy.

19 Q. [10:47:00] And the person in red to the left?

20 A. [10:47:06] Richard Dakouri.

21 Q. [10:47:09] Thank you. Let's continue.

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [10:47:16] Mr President, it's impossible to interpret with the
24 stops.

25 MR GARCIA: [10:47:22]

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1 Q. [10:47:25] (Interpretation) Can you identify the person to the right of your
2 screen?

3 A. [10:47:27] Mian Augustin.

4 Q. [10:47:39] And the person to the left?

5 A. [10:47:44] Idriss Ouattara.

6 Q. [10:47:50] Very well. Let's continue.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [10:47:56] (Interpretation of the video excerpt) Perpetrated
9 against Ivorians --

10 PRESIDING JUDGE TARFUSSER: [10:47:59] I don't think the interpretation is
11 needed. I think it's, this is much more for the identification of the persons.

12 MR GARCIA: [10:48:02] Yes.

13 PRESIDING JUDGE TARFUSSER: [10:48:03] I guess.

14 MR GARCIA: [10:48:04] Yes, your Honour.

15 PRESIDING JUDGE TARFUSSER: [10:48:06] No, because there is a problem
16 obviously of interpretation if we stop every --

17 MR GARCIA: [10:48:11] My fault, your Honour. I should have prefaced the video
18 by explaining that, yes, for identification purposes.

19 Q. [10:48:22] (Interpretation) So, Mr Witness, we are 32.50.05. Are you in a
20 position to identify the person to the right-hand side of your screen?

21 A. [10:48:28] No, I do not know that person.

22 Q. [10:48:30] And the person to the left?

23 A. [10:48:34] I don't know that person either.

24 Q. [10:48:36] All right. Let's proceed.

25 (Viewing of the video excerpt)

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1 MR GARCIA: (Interpretation)

2 Q. [10:48:51] At 32.51.03, the person to the left of your screen, can you identify that
3 person?

4 A. [10:49:02] Yes, Konaté Navigué.

5 Q. [10:49:08] I see someone to the right.

6 PRESIDING JUDGE TARFUSSER: [10:49:17] Come on, please.

7 MR GARCIA: [10:49:20] (Interpretation)

8 Q. [10:49:21] That's fine, Mr Witness. Just one moment.

9 (Viewing of the video excerpt)

10 MR GARCIA: [10:49:25] (Interpretation)

11 Q. [10:49:31] 32.53.24. Are you able to identify the person to your right?

12 A. [10:49:45] Yes, Ahoua Stallone.

13 Q. [10:49:59] I just want to be sure, the person to the left?

14 A. [10:50:08] Well, I can't see that person clearly.

15 Q. [10:50:23] Very well, Mr Witness. Now, if you look at the person between the
16 two in the back, at the back. Now, let me make the question clear. The person in
17 the white shirt, can you identify that person?

18 A. [10:50:49] Yes, Abdallah, Abdallah.

19 Q. [10:50:53] Abdallah?

20 A. [10:50:56] Yes.

21 Q. [10:50:56] Can you spell out that name in full?

22 A. [10:51:02] Well, I remember that his name was Abdallah, maybe Abdallah
23 Mohammed or something like that, Abdallah, A-B-D-A-L- --

24 PRESIDING JUDGE TARFUSSER: [10:51:19] But we know, we know how to write
25 Abdallah. Please.

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1 MR GARCIA: [10:51:20] (Interpretation)

2 Q. [10:51:21] Who was that person, Mr Witness? Who is that person?

3 A. [10:51:29] Abdallah is a youth leader, a young leader who supported
4 Laurent Gbagbo's ideas. I do remember that on that day, I remember him from that
5 day because he had come, and it was on that day when I had arrived and I was asked
6 to leave, because when I got there, I sat there and the others had not yet come. But I
7 remember him because he was a young student and he had a small movement.

8 Q. [10:52:19] To be very specific, are you the one sitting in the back? Is that you?

9 A. [10:52:26] Yes. That's what I was explaining to you, Mr Prosecutor. It's on
10 that day that I -- that Abdallah had come. I had also come to listen. I was seated
11 and then someone came to ask me to leave said, "Mr Yaké, you have to leave."

12 Q. [10:52:52] Thank you very much, Mr Witness. We'll now play a last video for
13 you, the video CIV-OTP-0015-0476.

14 MR ZOKOU: [10:53:51] (Interpretation) What's the number on the list, please?

15 MR GARCIA: [10:54:02] (Interpretation) 103.

16 MR KNOOPS: [10:54:04] Mr President, this is again one of the videos which was not
17 disclosed within the time frame of directive 6. If the Prosecution is going to use the
18 video other than for a simple identification, we would object to introduction of this
19 video.

20 MR GARCIA: [10:54:22] Your Honour, that is correct. As it had been -- I'm not sure
21 if the Chamber received this email, but this is a more fuller version of the previous
22 email -- of the previous video, and it's going to be one question simply to the witness
23 on this video.

24 PRESIDING JUDGE TARFUSSER: [10:54:37] I do know. But there must be a limit
25 to this. I mean, there must be also a limit to the fact that not timely, you do your job

1 not at a timely moment. This is what I think.

2 MR ZOKOU: [10:54:55] (No interpretation)

3 PRESIDING JUDGE TARFUSSER: [10:54:57] No, we have already spoken. You

4 have already made your position.

5 MR GARCIA: [10:55:01] Your Honours, we'd ask for the Court's indulgence on

6 simply this video. It's a more complete version of the previous video that's been

7 played, which is a report. We're actually going to play a couple of minutes so the

8 Chamber will be able to understand exactly what the speech was about, what was

9 said during the speech. The other one is simply the commentator, and we seek --

10 PRESIDING JUDGE TARFUSSER: [10:55:17] I don't, no --

11 MR KNOOPS: [10:55:20] Mr President.

12 MR GARCIA: [10:55:22] Sorry, if I may just finish, Mr Knoops --

13 PRESIDING JUDGE TARFUSSER: [10:55:22] No --

14 MR GARCIA: [10:55:23] -- and then you can have the floor.

15 PRESIDING JUDGE TARFUSSER: [10:55:25] Mr Knoops, no, not yet.

16 MR KNOOPS: [10:55:26] Well, this is the video which is part of the --

17 PRESIDING JUDGE TARFUSSER: [10:55:28] Not yet, I said. I said not yet.

18 MR GARCIA: [10:55:33] So it's just simply, your Honour, I think it would be

19 beneficial for the Chamber. We realise obviously there is an oversight on the part of

20 the Prosecution in this regard, but we already had on our list the report regarding this

21 video and extracts of this speech. What we did add was a more fuller version, more

22 extracts, more footage of the speech of Mr Charles Blé Goudé, and that's why we

23 believe, for the determination of the truth and the complete comprehension of the

24 witness's testimony in this regard of what Mr Charles Blé Goudé would have stated

25 on that day, that this would be very beneficial for the Chamber in its determination of

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1 the truth.

2 So once again we ask for the Court's indulgence in this video. One video already
3 related to it encapsulating some extracts, some footage from this same speech, were
4 already on the list of materials from the Prosecution.

5 PRESIDING JUDGE TARFUSSER: [10:56:18] Mr Knoops. Now it's your turn.

6 MR KNOOPS: [10:56:21] Yes, I'm sorry. Mr President, this is exactly the video
7 which is part of the clips, which is part of the litigation before the Court on the
8 introduction under paragraph 43. So the Defence has not yet an opportunity to
9 respond. It's due to 24 April, I believe.

10 So also for the second reason, the video could not be introduced through this witness
11 because the Court has yet to rule on the submission under directive 43, apart from the
12 lack of any foundation to introduce the witness and eliciting opinion evidence.

13 PRESIDING JUDGE TARFUSSER: [10:57:01] Well, let beside the foundation and as I
14 have already spoke about the foundation, I think about it.

15 But I think this is a video clip which has been attached to the --

16 MR GARCIA: [10:57:17] To a filing, your Honour, but our --

17 PRESIDING JUDGE TARFUSSER: [10:57:18] To a filing.

18 MR GARCIA: [10:57:19] One doesn't preclude the other, your Honour.

19 PRESIDING JUDGE TARFUSSER: [10:57:22] No, of course.

20 MR GARCIA: [10:57:23] I don't see how that precludes. One shouldn't preclude
21 the other.

22 PRESIDING JUDGE TARFUSSER: [10:57:25] Now we go to stop, to break, because
23 it's 11. We come back to decide this. But you have also to finish the questioning.

24 MR GARCIA: [10:57:38] Five minutes, your Honour, that's all I would ask and I'll be
25 finished.

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- 1 PRESIDING JUDGE TARFUSSER: [10:57:42] We will come back at 11.30 with the
2 decision on this, and then you have to question on this or otherwise you are finished.
- 3 MR GARCIA: [10:57:55] Thank you, your Honour. Yes, indeed.
- 4 PRESIDING JUDGE TARFUSSER: [10:57:56] No? Okay.
- 5 MR GARCIA: [10:57:57] Yes.
- 6 PRESIDING JUDGE TARFUSSER: [10:57:58] Okay. Thank you very much. The
7 hearing is adjourned to 11.30.
- 8 THE COURT USHER: [10:58:01] All rise.
- 9 (Recess taken at 10.58 a.m.)
- 10 (Upon resuming in open session at 11.34 a.m.)
- 11 THE COURT USHER: [11:34:21] All rise.
- 12 Please be seated.
- 13 PRESIDING JUDGE TARFUSSER: [11:34:44] So the opposition to this video is
14 sustained, so we don't see this video and we go further.
- 15 MR GARCIA: [11:35:07] The Prosecution has no further questions, your Honour.
- 16 PRESIDING JUDGE TARFUSSER: [11:35:11] Thank you very much.
- 17 Mr Witness, Mr Witness.
- 18 THE WITNESS: [11:35:22] Oui.
- 19 PRESIDING JUDGE TARFUSSER: [11:35:23] It's me. The Prosecutor has closed his
20 questioning, and now I give the floor to the Defence of Mr Blé Goudé, as I was told,
21 who will start first with its questioning.
- 22 You have the floor.
- 23 MR KNOOPS: [11:35:46] Thank you, Mr President. Mr Zokou will start with the
24 examination and I might have a few questions at the end of his examination, Mr
25 President. Thank you.

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1 PRESIDING JUDGE TARFUSSER: [11:35:56] Thank you, Mr Knoops.

2 Maître Zokou, yours the floor. And please recall the problem with the translation,
3 and so okay.

4 And you as well, Mr Witness, don't get heated, heated in your question and answer.
5 Thank you.

6 MR ZOKOU: [11:36:36] (Interpretation) I'd like to thank you, Mr President.

7 Ladies and gentlemen of the Court.

8 QUESTION BY MR. ZOKOU: (Interpretation)

9 Q. [11:36:44] Good morning, Mr Witness.

10 A. [11:36:46] Good morning.

11 Q. [11:36:47] I'm Maître Zokou Seri. I am with the Brussels bar as counsel and I
12 am representing Mr Charles Blé Goudé, present amongst us today, as his Defence
13 counsel and for the Defence team.

14 And my questions, Mr Witness, seek to obtain clarification with a number of claims
15 made with regard to my client principally. And as such I will need to respect the
16 rules governing the proceedings that we be as concise and specific as possible, may I
17 underscore that point, so on your part the responses also be precise and specific in
18 nature. Are we in agreement?

19 A. [11:37:45] Yes, counsel.

20 Q. [11:37:51] Thank you very much.

21 Now, Mr Witness, with regard to the relations that you entertained with Mr Charles
22 Blé Goudé, before your meeting with Mr Charles Blé Goudé in his office that you
23 mentioned before the Chamber here in Angré, had you already met him before that?

24 A. [11:38:18] No.

25 Q. [11:38:20] Thank you. After your meeting with Mr Charles Blé Goudé at the

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1 HQ of the COJEP that you also mentioned, so that was the second meeting where
2 things didn't unfold quite as you wished, did you continue to frequent Mr Charles Blé
3 Goudé and did he entrust any missions in you?

4 A. [11:38:55] No.

5 Q. [11:39:02] Thank you. Have you already accompanied Mr Charles Blé Goudé
6 to visit any personalities, official figures that he might have frequented himself or is
7 alleged to have frequented?

8 A. [11:39:25] No.

9 Q. [11:39:26] And to be more specific, and here we are homing in on an issue that
10 was broached during your examination by the calling party, did you accompany Mr
11 Charles Blé Goudé to the director general, that is the former director general of the
12 port, Mr Marcel Gossio, during a visit?

13 A. [11:39:51] No. I did tell the Court that. No.

14 Q. [11:39:56] Thank you. Mr Witness, did you or have you any knowledge of
15 relations that Mr Charles Blé Goudé might have had with Mr Gossio before Mr
16 Laurent Gbagbo acceded to power?

17 A. [11:40:19] No.

18 Q. [11:40:21] Thank you. So still within this aim of seeking clarification, this leads
19 me to ask you whether you have already accompanied Mr Charles Blé Goudé to visit
20 Mr Laurent Gbagbo at his place?

21 A. [11:40:45] No.

22 Q. [11:40:47] Does that mean that you have never been witness to any encounter
23 between Mr Charles Blé Goudé and President Laurent Gbagbo, if I've understood you
24 correctly?

25 A. [11:40:59] Counsel, I answered you saying that I never accompanied Mr Charles

1 Blé Goudé to visit President Laurent Gbagbo.

2 Q. [11:41:12] Thank you very much. In your examination, questioning, you talked
3 about your boss, the late Franck Guéï, and you said that you were with him on a daily
4 basis. Can you confirm that that is indeed what you said? We agree on that, don't
5 we?

6 A. [11:41:40] Yes.

7 Q. [11:41:41] So can I ask you whether you were also, you had entertained daily
8 relations with Mr Charles Blé Goudé?

9 A. [11:41:56] Well, I'm one person. I can't be cloned. So I was still with Mr
10 Franck Guéï, so I can't be with Mr Charles Blé Goudé at the same time.

11 MR ZOKOU: [11:42:11] (Interpretation) I do apologise, Mr President. We get into
12 the stride of things and we're carried away.

13 Q. [11:42:27] So as I was saying, can we say that you couldn't be or were not aware
14 of Mr Charles Blé Goudé's daily schedule?

15 A. [11:42:45] Yes, I was not aware of his daily schedule.

16 Q. [11:42:57] Very well. Thank you, Mr Witness. I'm going to be moving
17 forward in my questioning.

18 Mr Witness, subsequent to the various meetings that you had with Mr Charles Blé
19 Goudé, did you take part in any way whatsoever in the campaign by his side, in the
20 campaign that he was in charge of?

21 A. [11:43:55] Can you be more explicit, counsel, please?

22 Q. [11:44:02] Here you saw Mr Charles Blé Goudé on three occasions. Once you
23 had seen him, then the election campaign took place. Did you organise or did you
24 take part in the design or conduct of the campaign that Mr Charles Blé Goudé was
25 leading?

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1 A. [11:44:27] No.

2 Q. [11:44:29] No? Okay. Thank you.

3 Earlier on, sir, this is still fresh in your memory, the Office of the Prosecutor spoke to
4 you of an expression, a few words, that were according to you not -- you talked about
5 the expression "à chacun son Français" or "to each his Frenchman," okay?

6 A. [11:45:14] Yes.

7 Q. [11:45:14] So can you tell this Chamber who uttered that sentence where and
8 when in the most specific manner possible, please?

9 A. [11:45:32] Well, listen, Counsel, I said that I saw on Ivorian television Mr
10 Charles Blé Goudé, who was surrounded I believe by his friends, young Dibopieu, et
11 cetera, and he said, said "à chacun son Français," "to each his French or Frenchman."
12 That's a long time ago. I saw him on the television, I saw him on the television.
13 And a second expression that I expressed before the Court is what I said earlier on
14 when I believe, and I repeat, he said there were attacks, repeated attacks, he said there
15 were repeated attacks. And I saw on Ivorian television, if you see somebody, he said:
16 "If you see somebody dressed in a strange manner wearing amulets, that person is an
17 assailant."

18 Q. [11:46:44] Mr Witness.

19 A. [11:46:49] Yes, counsel.

20 Q. [11:46:50] For the time being, I'm sorry to interrupt you, let's be specific. I
21 asked you a question with regard to this assertion, this allegation "à chacun son
22 Français," "to each his French or French man," it is with regard to this allegation that I
23 am asking you to tell us, to tell the Chamber who uttered that sentence, when and
24 where? This is a very specific question and I'd like a precise answer to it, please.

25 A. [11:47:25] Well, listen, counsel, I wouldn't be in a position to give you either the

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1 date or when, but I reiterate, I saw it over the television and I told you that I saw this
2 image on Ivorian television. And it was a long time ago now. There was Charles
3 Blé Goudé. He was on the television surrounded by his friends. There was
4 Dibopieu. But I thought, and this is -- I think that it came from Charles Blé Goudé.
5 That's what I said.

6 Q. [11:48:09] You have just said that you thought. We agree on that, don't we?
7 But I'll continue.

8 Do you remember having made a statement in this regard to the investigators of the
9 OTP? And in order to facilitate things for you, I'm going to remind you of it and
10 read it to you. And for the record we are talking about CIV-OTP-0062-0537, and the
11 page we're concentrating on for the most part is --

12 THE INTERPRETER: [11:49:32] Counsel turned his microphone off just when he
13 said the page.

14 MR ZOKOU: (Interpretation) I'm going to repeat the page. It is page 555. We are
15 at line 620 to 623, and I quote.

16 MR WAGEMAKERS: (Interpretation) I'm sorry, we don't have anything in front of
17 us. What screen is it on?

18 MR ZOKOU: [11:50:16] There is nothing on the screen.

19 PRESIDING JUDGE TARFUSSER: [11:50:18] Evidence channel 1.

20 MR ZOKOU: [11:50:23] (Interpretation) Number 1, Evidence 1.

21 Q. So in this excerpt the interviewer says as follows: "And some words used, you
22 gave an example, 'à chacun son Français,' 'to each person his French or Frenchman,'
23 words like that. But when was that kind of thing uttered? It was --"

24 And you answer, line 622: "Oh, 'à chacun son Français,' 'to each his French or
25 Frenchman,' I wasn't there, but I talked about that and it was when they went to the

1 Ivoire. And that was when I was still in France." End of quote.

2 Mr Witness, can you confirm that statement?

3 A. [11:51:28] Yes, counsel, I do remember having said that, and you've just
4 refreshed my memory, because at that time my wife refused that I come to Côte
5 d'Ivoire with my son.

6 Q. [11:51:47] Thank you, Mr Witness. In the same line of thought, let's come to the
7 other element that concerns the assertion, "If you see somebody dressed in a strange
8 way carrying or wearing amulets, that person is an assailant," you said that that
9 sentence was uttered by Mr Charles Blé Goudé.

10 In the same manner, can you tell the Chamber and all of us present when and where
11 Mr Charles Blé Goudé is said to have uttered that sentence?

12 A. [11:52:46] Thank you, counsel. I told you and I told the investigators that this
13 was a period I no longer recall. It's a long time ago. There were attacks in Abidjan.
14 There were attacks, you know, one-off attacks in Abidjan when people were being
15 attacked at nighttime. And there was a certain feeling of fear in Abidjan. Nobody
16 dared to go out.

17 And it was after that that I saw on the television, I can't tell you specifically the date,
18 the time, but there were attacks. I said that earlier to the Prosecutor. We don't
19 know who these attacks were launched by. It was after that this call was issued and
20 I saw Mr Charles saying what I said.

21 Q. [11:54:00] Very well, Mr Witness. I take note of your response.

22 I would like to revisit a point that you broached on a number of occasions,
23 Mr Witness, namely the attack upon your person in Man in front of the hotel
24 Leveneur. Can you tell the Court how this attack took place, how it unfolded?

25 A. [11:54:54] As I said to you, when I was told to report back to my boss, Mr Franck

1 Guéï, as to what had happened he, as I said, called the DDC, Bleu-Lainé, the minister,
2 the departmental campaign minister. He gave me a car, a new 406 that he had got
3 for me. He handed it over to me. He gave me some money and he said that he had
4 called the departmental campaign director. Go and see the minister, Gilbert
5 Bleu-Lainé. I went to see Minister Gilbert Bleu-Lainé, who handed over to me
6 T-shirts with the effigy of Laurent Gbagbo. He gave me a few gadgets that could be
7 used in the campaign. He gave me some money, also to get some fuel.
8 And the youth and myself, there were five of us in the car, me and the driver and
9 three others, we took and we went to the west. We arrived in Man and we entered
10 the town of Man, and in front of the hotel Leveneur, which is in the commercial
11 district in Man, we wanted to take a hotel. There was a journalist, a friend who came
12 up to me, his name is Kindo (phon). And when I parked the car, I got out, and
13 whilst we were having a brief discussion, like a strike of lightening, I think that on
14 that day in Man there were demonstrators on the part of the opposition, there were
15 demonstrations, and in a millisecond, he recognised me. And a very, very uptight
16 group of people came up holding bits of wood and carrying things in their hands, and
17 they said, "This is Évariste, this is Laurent Gbagbo's man."
18 And of course, they were frightened, they were frightened. There was a lot of
19 people, and they surrounded the car.
20 And I said -- well, the driver and the people there with me, they had nothing to do
21 with it. But we were wearing the campaign T-shirts. And that was when I had or I
22 lived terrible minutes. I nearly got killed. They burnt the car with everything
23 inside it. It was burnt right in front of the hotel Leveneur, and I managed to save my
24 skin thanks to three people whom I pay tribute to, Barou, who was the president of
25 the youth movement, my nephew, the fifth deputy to the mayor of the commune, Mr

1 Obed, and the com-zone adjoint, deputy com-zone, Mr Diarra who arrived.
2 There were people shooting in the air. And they managed to extricate me from there.
3 There was a café, a maquis just close by, they put me there. The crowd surrounded
4 me. They took all my clothes off. I took all the clothes off that had anything to do
5 with the campaign, and discreetly they took me out, put me in a car and took me to
6 the gendarmerie station in d'antan in Man, towards the lycée neighbourhood. And it
7 was there that after a short time that another friend came, Saddam (phon), who took
8 me in his car and he dropped me off in my village. I remember because it was the
9 day before, and next day in Man something happened with the minister. That's
10 what happened.

11 Q. [11:59:52] Thank you, Mr Witness. Now, in light of that attack, can you tell us
12 who were the attackers? Which candidate did they support?

13 A. [12:00:19] They supported our adversaries. They were supporters of the RDR.

14 Q. [12:00:31] And why did they attack you? What did they have against you?

15 A. [12:00:39] I cannot tell you. I have already told you that I was campaigning for
16 President Laurent Gbagbo. I was in the field and we were dressed in the effigy of
17 President Laurent Gbagbo, and on that day there had been events. The court house
18 in Man had been burned down. There was a hearing there and we arrived right at
19 that time. There were tensions and we were wearing clothes with the effigy of
20 President Gbagbo. And as a member of JUDDDEM and COMAJMG and as a
21 representative of my boss, I was frequently in the field speaking about
22 Mr Laurent Gbagbo. So when they saw me, they knew that this was the person who
23 was going in the field and asking young people to support President Laurent Gbagbo
24 so as to ensure development in the region.

25 Q. [12:02:04] Thank you, Mr Witness. Now, let us talk about that issue. When

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1 you joined the DDC, your field of action was in the Man region, but specifically in
2 Logoualé at the departmental level. Do we agree on that?

3 A. [12:02:38] Yes.

4 Q. [12:02:39] Thank you for that clarification.

5 Mr Witness, I need some further clarifications on where you were during the
6 post-election crisis. Would I be wrong in saying that during the post-election crisis --

7 PRESIDING JUDGE TARFUSSER: [12:03:21] Where are you? Where have you
8 been?

9 MR ZOKOU: [12:03:25] (Interpretation)

10 Q. [12:03:26] Where were you during the post-election crisis, Mr Witness?

11 A. [12:03:33] Thank you, counsel. Once the campaign was over, I returned to
12 Abidjan. I was at home, where I followed the results, that is in my home. That's
13 where I was.

14 PRESIDING JUDGE TARFUSSER: [12:03:58] The post-election crisis lasts until at
15 least April. So the question is: Where have you been from, say, August 2010 to
16 April 2011, more or less, not day by day, but just to have an overview?

17 THE WITNESS: [12:04:26] (Interpretation) It was not August. The post-election
18 crisis started after the proclamation of the results.

19 PRESIDING JUDGE TARFUSSER: [12:04:36] Yes, I know. But then I extended from
20 when the elections were initiated until proclaimed, until the end of the post-election
21 violence, so that we have an overview.

22 MR ZOKOU: [12:04:58] (Interpretation) Thank you, Mr President. But what I'm
23 saying here is limited to the post-election crisis because the witness himself said that
24 things started deteriorating when the parties auto-proclaimed themselves victors. So
25 the issue is to know where he was up until 22 April when he left Côte d'Ivoire. He

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1 said Yopougon. And I'm satisfied with that for the time being.

2 PRESIDING JUDGE TARFUSSER: [12:05:40] Yes. But this, I know this, but the
3 Chamber would like to know where he was from beginning of August until the end
4 of the crisis, meaning April 2011. Were you all the time in Côte d'Ivoire in this
5 period?

6 THE WITNESS: [12:06:03] (Interpretation) Yes, your Honour. I told you that I
7 took part in a campaign in the west. And since I had to vote in Yopougon, after the
8 campaign we returned. I carried out my civic right in Yopougon in Abidjan, and
9 that is where I stayed, at my home.

10 PRESIDING JUDGE TARFUSSER: [12:06:34] So you were in Abidjan during the
11 campaign, you were in the west. Then you came for voting to Abidjan and you
12 remained until the end of the crisis in Abidjan?

13 THE WITNESS: [12:06:50] (Interpretation) Right up until I left Abidjan, I was at
14 my home in Yopougon. After the campaign I came and voted in Yopougon because
15 my polling station was in Yopougon as the institute. I voted and I returned home to
16 wait for the results. And I remained there until 22 April, when I left Abidjan.

17 PRESIDING JUDGE TARFUSSER: [12:07:24] Okay. When you say "home," you
18 mean Abidjan, Yopougon Abidjan?

19 THE WITNESS: [12:07:31] (Speaks English) Yes.

20 PRESIDING JUDGE TARFUSSER: [12:07:32] Okay. Maître Zokou.

21 THE WITNESS: [12:07:40] (Interpretation) Yes, your Honour.

22 MR ZOKOU: [12:07:44] (Interpretation) Thank you, Mr President.

23 Q. [12:07:49] Mr Witness, you left Abidjan on 22 April for Ghana?

24 A. [12:08:07] Yes, counsel.

25 Q. [12:08:12] And would it be correct to say that in Ghana you had contact with the

1 new authorities in Côte d'Ivoire after the post-election crisis?

2 A. [12:08:34] No. Counsel, we have to put things in perspective. When we
3 arrived Ghana, as I've told you, we were in exile. I and a certain number of young
4 people, including Zan Bi Ballo and Djimi Willy, we decided under the circumstances
5 in which our young people, our fellow citizens found themselves, we decided to
6 organise ourselves to reflect on a solution to relieve the suffering of our compatriots,
7 and that is why we created the national committee for reconciliation and returned to
8 Côte d'Ivoire, and the national commission of refugees. I was the president of one of
9 those organisations, and another was led by Mr Brown.

10 Q. [12:09:44] In your statement to the investigators, and this is CIV-OTP-0062-0632,
11 page 643 to 644, lines 411 to 419. I will stop at line 415. You talk about your contact
12 with the new regime on page 643, 411:

13 "Well, in Ghana, well, it was not -- it was the clans, it was the same clans which found
14 themselves there, and already when I quickly started -- well, even before the
15 president was sworn in, and when he was sworn in, President Alassane said, 'I am
16 reaching out to the LMP.' And I had already initiated activities, well, I had
17 become -- I was the first person to speak over the TCI in Ghana."

18 This is your statement?

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

20 Q. [12:12:13] So even before the swearing in, you had already approached the new
21 authorities?

22 A. [12:12:38] Let me specify, I wanted to make this clear. I was in Ghana. I
23 arrived in Ghana on the 22nd. I slept in Kaneshie.

24 Q. [12:13:00] I simply wanted you to confirm that statement and then I would
25 continue.

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1 A. I --

2 MR GARCIA: [12:13:07] Your Honours, your Honours, I --

3 PRESIDING JUDGE TARFUSSER: [12:13:09] Excuse me. Let him please explain if
4 he wants to explain. I think it's good to hear what the witness wants to say.

5 MR GARCIA: [12:13:19] That was my point, your Honour. If we're going to
6 confront the witness then it's only fair that the witness be allowed to explain himself.
7 That's what the witness was doing when he was cut off.

8 PRESIDING JUDGE TARFUSSER: [12:13:31] What did you want to say, Mr Witness?
9 That you arrived in Ghana on the 22nd and slept in Kan -- I slept in -- yes, please.

10 THE WITNESS: [12:13:51] (Interpretation) I arrived there on the 22nd of April. I
11 slept at the Kaneshie station. The next day I called Minidar and he asked me to find
12 Mr Serge Agnéro in the hotel. So I went to that hotel. And the hotel was in Ghana,
13 central mosque, opposite the mosque in Kaneshie. I stayed there for a while. The
14 dean, the doyen didn't pay. And I realised that the hotel was expensive. And
15 when I came out, I found a friend. I went to a place where young Ivorians met, I no
16 longer remember. I met a friend there, whose name is Aboké Joël. That is one of
17 my friends. He told me, "Look, the hotel is very expensive and I invite you to my
18 house."

19 I'm explaining how I came to be at the TCI.

20 Q. (No interpretation)

21 PRESIDING JUDGE TARFUSSER: [12:15:09] But this does not answer --

22 MR ZOKOU: [12:15:13] (No interpretation)

23 PRESIDING JUDGE TARFUSSER: [12:15:18] Oui. Of course, I realise it's not the
24 answer to the question yet. But I think also we should let the witness speak. I think
25 the question was if you approached or you have been approached by the new

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1 authorities before the swearing in of Mr Ouattara.

2 MR ZOKOU: [12:15:45] (Interpretation) Precisely.

3 THE INTERPRETER: [12:15:49] There will be gaps in the transcript because counsel
4 kept interrupting.

5 MR ZOKOU: [12:16:04] (Interpretation)

6 Q. [12:16:08] That is the clarification that we needed, Mr Witness. And I will
7 move on.

8 PRESIDING JUDGE TARFUSSER: [12:16:25] Maître Zokou.

9 MR ZOKOU: Oui.

10 PRESIDING JUDGE TARFUSSER: I was advised by the interpreters that sometimes
11 you interfere with somebody who is speaking, and this time it was also the witness,
12 because I cannot see, at least in the English, the response to the question if he has been
13 approached by the new authorities before the swearing in, because you said
14 "Precisely, this was the clarification we needed," but it is not on the record.

15 So question: Have you been approached by the new authorities of Côte d'Ivoire
16 before the swearing in of Mr Ouattara?

17 THE WITNESS: [12:17:14] (Interpretation) No, your Honour.

18 PRESIDING JUDGE TARFUSSER: [12:17:18] Okay. Now we have it on the record.
19 At least in English it was not on the record before.

20 MR ZOKOU: [12:17:37] (Interpretation) Thank you very much, Mr President.

21 Q. [12:17:40] Mr Witness, I will go into further detail in relation to your experience.
22 In your various statements, your first foray into politics, you linked it to the accession
23 of power of General Guéï. Do we agree on that? And, well, I can clarify.

24 A. [12:18:23] Please go ahead and clarify.

25 Q. [12:18:28] You stated that you went -- when General Guéï arrived power, did

1 you commit to him? Did you join him?

2 A. [12:18:56] I told you that I was in France, and General Guéï and my father were
3 friends, even brothers. And the children of Guéï, that is Franck Guéï and myself,
4 specifically Franck, we knew each other since we were children. We were from the
5 same region.

6 My father had a lot of respect for the general and vice versa. And so when the
7 general acceded to power as someone from the mountain area, as someone who was a
8 Yacouba, it was a pleasure for me to know that the president was from my area. I
9 was living in France. And it was a good thing to see my area develop faster, because
10 the first agent of development is the president of the republic. But I was in France.

11 Q. [12:20:05] Thank you. But I need a more specific answer. Yes, indeed, you
12 rallied to General Guéï's side for the reason that you have just given.

13 MR GARCIA: Your Honour, I'm going to object to that question. It's somewhat
14 argumentative. The question was already asked.

15 PRESIDING JUDGE TARFUSSER: [12:20:22] Please, please, if you stand up, you
16 wait until I give you the floor, otherwise we create confusion in here.

17 So I have no idea what's going on here because obviously the record is now -- now,
18 please.

19 MR GARCIA: [12:20:48] Pardon, your Honours. So I'm objecting, this is the second
20 time the question is asked. First of all, the question is not that clear to start off with.
21 Second of all, the witness has already replied somewhat to that answer. It's
22 becoming argumentative at this point.

23 PRESIDING JUDGE TARFUSSER: [12:21:04] Which question are you referring to,
24 because it's -- "I need a more specific answer. Yes, indeed you rallied to General
25 Guéï's side for a reason."

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1 MR GARCIA: [12:21:16] In French it's "engage" in general, which it's a very broad
2 term. The witness is, from what I understand, has answered it as best he could, but
3 the question is being put again to him. I think that the question should be much
4 more precise if there is a point to be made. That's all.

5 PRESIDING JUDGE TARFUSSER: [12:21:35] Can you please reformulate the
6 question.

7 MR ZOKOU: [12:21:46] (Interpretation) Thank you, Mr President. The question
8 was very precise. I can drop the word "engage."

9 Q. Did you militate in favour of General Guéï's cause? And his answer was "Yes."

10 PRESIDING JUDGE TARFUSSER: Okay.

11 MR ZOKOU: [12:22:11] (Interpretation)

12 Q. [12:22:12] That question was already put and he answered. So my second
13 question --

14 PRESIDING JUDGE TARFUSSER: Yes.

15 MR ZOKOU: (Interpretation) I apologise, Mr President.

16 PRESIDING JUDGE TARFUSSER: [12:22:23] Please, let him finish the questioning,
17 please.

18 Put the question, please.

19 MR ZOKOU: [12:22:34] (Interpretation) Thank you very much, Mr President.
20 Thank you for your wisdom.

21 Q. [12:22:49] Mr Witness, during your militant action or your action with General
22 Guéï, did you join any party known as the UPDCI?

23 A. [12:23:08] Let me be specific. I never militated in any party apart from the RDI.
24 When you militate in a party, there are archives. It means you have a membership
25 card. You are part of a bureau. So let me specify, I never was a member of the

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1 UPDCI. I never had a membership card for that party.

2 I militated in favour of the cause of General Guéï because he was a friend to my father.

3 And his children, Franck Guéï and the others, we knew each other well before his
4 father became president, ever since sapeurs-pompiers and the 220.

5 And in fact I was happy, because he was from my region and he was a friend of my
6 father. And he had become the president. For me, it was a singular or unique
7 opportunity to develop our region.

8 Q. [12:24:28] Mr Witness, when you were interviewed by the investigators of the
9 Office of the Prosecutor, and I will give the references. In order to better situate you,
10 the investigators presented a certain number of videos that you made. I will give
11 you the references. And then they read out to you the transcripts of those videos.
12 And on that occasion, and the reference I'm talking about here is CIV-OTP-0062-0667,
13 page 683. It is page 683.

14 PRESIDING JUDGE TARFUSSER: [12:26:04] Mr Garcia.

15 MR ZOKOU: [12:26:05] (No Interpretation)

16 MR GARCIA: [12:26:08] (Interpretation) Just to clarify, is it a video or it is a
17 newspaper article?

18 MR ZOKOU: [12:26:16] (Interpretation) I will give you all the references. It is a
19 reading of the transcript which was made by the investigators of a certain number of
20 videos made by the witness. Specifically they referred to CIV-OTP-0062-0667.

21 And to assist you, Mr Garcia, it is a whole series of transcripts from page 681 to 682.

22 MR GARCIA: [12:27:29] (Interpretation) Thank you.

23 PRESIDING JUDGE TARFUSSER: [12:27:30] Mr Garcia.

24 MR GARCIA: [12:27:32] Now, your Honour, my understanding was this, what is
25 here at these pages is information gathered from an article, and it's actually a

1 disclosure that we did do to the Defence. We're not speaking about -- I don't think
2 there was a disclosure of transcripts per se.

3 MR ZOKOU: [12:27:58] (Interpretation) We are not talking about the same thing.

4 And in any case your intervention does not relate to what I am talking about.

5 What is of interest to me is very simple, and I will quote the witness. That excerpt is
6 on page 683, from line 569 to line 583. In that part of the interviewer's question, the
7 interviewer presents to the witness what he stated in the document that they had.

8 This is what the witness said on line 579, "I was in the UDPCI when Gbagbo called
9 me."

10 Q. Mr Witness, this is your statement which was presented to you. So,
11 Mr Witness, were you a member of the UDPS?

12 A. [12:29:29] You want to say UDPCI, counsel?

13 Q. [12:29:36] Yes, indeed.

14 A. [12:29:44] Can I proceed? Let me point out to you once again that this
15 was -- you have said that this is a transcript, but I'm saying I was never a militant of
16 the UDPCI. I do not have any membership card. To err is human. But I told you
17 that I was a supporter of General Robert Guéi. And beyond his political position, he
18 was a friend and even a brother to my father.

19 Q. [12:30:28] Thank you, Mr Witness.

20 After this episode, Mr Witness, you went over to the Gbagbo camp or side. At what
21 moment in time was that?

22 A. [12:30:46] Thank you.

23 Q. [12:30:48] And, Mr Witness, as I said to you at an earlier stage, my questions are
24 very specific and concise. This is a requirement for the good understanding of the
25 proceedings. So I'm really calling upon you to answer in the most specific manner

1 possible to my questions. I really wanted to remind you of that.

2 A. [12:31:21] I said, I told you that I joined the Gbagbo camp or side when the
3 minister of state, Moïse Lida Kouassi, whom I had met with in Paris and whom I had
4 said to or I told him what I thought, my mind, and with a very Olympic calm had
5 invited us to come to Abidjan, and Mr Moïse Lida Kouassi, after having received us
6 with the businessmen told or talked to me of the programme, and he invited me to
7 join Laurent Gbagbo's programme, because he was supporting multiparty politics
8 and he had a programme for the future of Côte d'Ivoire.

9 And as the democrat that I am, the fact that Laurent Gbagbo had allowed there to be a
10 multiparty political situation, and he had said, you know, "Give me the power, I'll
11 give it back to you," this was what pushed me to join or follow the Gbagbo camp side.

12 Q. [12:32:55] So what I just wanted to know, when you joined the Gbagbo camp via
13 Minister Lida, did you have any advantages, materially speaking?

14 A. [12:33:41] I don't quite follow you, counsel. Can you be more succinct or
15 simple?

16 Q. [12:33:51] When you joined Minister Lida in the circumstances that you have
17 outlined, Mr Witness, did you expect to gain anything from the situation, an
18 advantage or a perk?

19 A. [12:34:18] Counsel, the perk for me was that the country, my country accede to
20 multiparty politics and that democracy be a reality in Côte d'Ivoire.

21 We had a unique political party, but according to what minister Lida was telling me,
22 Côte d'Ivoire was going to accede to multiparty politics. And for somebody who
23 was living in France and who knows European democracy for what it is on a basic
24 level where everybody can enjoy the opportunity to express themselves, Lida Kouassi,
25 the minister of state, had already convinced me, because as I reminded you, I told him

1 face to face what I thought.

2 And because I had come with businessmen, partners for me, what was more normal, I
3 was speaking to a minister of state, who was not just any old person, who had
4 decided to invite us in the context of our business arrangements. There we are.
5 Nothing further.

6 Q. [12:35:36] Mr Witness, can you confirm this statement made before this very
7 Court, this very Chamber yesterday during the questioning by the Office of the
8 Prosecutor to be found at page 14 of yesterday's transcript, lines 113 to 116. Sorry, I
9 say lines 13 to 16, and I quote you:

10 "Firstly, in order to receive our friends who were very interested in Côte d'Ivoire, well,
11 you know, this, I found this a pleasure, because if they were going to manage to work
12 in Côte d'Ivoire, it goes without saying that I would receive dividends." Can you
13 confirm that statement?

14 A. [12:36:41] Yes. That's what I just explained to you, counsel.

15 Q. [12:36:48] Mr Witness, you then joined the Gbagbo camp. President
16 Laurent Gbagbo, if we were to say that he is of a specific leaning, because in your
17 mind he must have one, of what, you know, tendency is he? Is he between,
18 anywhere between the socialists and the liberals? Where would you put him?

19 A. [12:37:23] I'm sorry, counsel, please be a little bit more explicit. I don't quite
20 grasp the thrust of your question.

21 Q. [12:37:34] Mr Witness, I'm going to be more specific. You decided to rally
22 behind President Gbagbo. President Gbagbo has a political movement around him,
23 a political party. And generally speaking, these political parties can be put along the
24 spectrum of ideology. Sometimes we talk about left wing, right wing, socialists,
25 liberals.

1 Do you know what the ideology was of the FPI within the meanings I've just
2 mentioned to you and what was that of President Laurent Gbagbo?

3 A. [12:38:27] President Laurent Gbagbo, if my memory serves me correctly, from
4 what I know, I'm going to tell you what I know, President Laurent Gbagbo is a
5 democrat to my mind, that was first in my mind and convinced me. Let me repeat
6 that. His political party I believe was more left wing, left wing, if my memory serves
7 me correctly, left wing.

8 Q. [12:39:12] Thank you, Mr Witness.

9 After your commitment to the Gbagbo camp, you then joined the Ouattara camp.
10 Can you tell us when it was that you went over to the Ouattara side with what we
11 have understood what you're working on today?

12 A. [12:39:45] Thank you, counsel. I explained to you, well, with your leave, I came
13 out on 22 April, and I left on 22 April. And in Ghana I chanced upon a friend who
14 was from the PDCI. I was assisted by this friend, who put me up in Tema, in Ghana.
15 He was from the PDCI.

16 And when President Alassane Ouattara in his swearing-in speech in Yamoussoukro
17 issued a call to all of his brothers from the LMP, and we were following what was
18 going on from there, I thought to myself, and I said to my youngsters: Here is
19 somebody who looks like Félix Houphouët-Boigny and so on and so forth.

20 Things unfolded until we came back to Abidjan, myself and my friend, the former
21 mayor of Yopougon, and some refugees. We then went on reconciliation tours.

22 And subsequent to that, counsel, I found myself in the company of the young leaders
23 of the LMP, the press, newspaper, Zadi Guédé and others, and we went to see
24 Minister Amadou Soumahoro, secretary general of the Rassemblement des
25 Républicains, who did not for one moment hesitate to receive us.

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1 We had discussions, and during those discussions he congratulated us for our
2 political courage. We told him why we had come and said that to our mind the LMP
3 needed to move forward and that we really were expressing democracy in Côte
4 d'Ivoire. I was the head of delegation of Rassemblement des Républicains,
5 subsequent to which we had another meeting with --

6 Q. [12:42:35] I'm not seeking to interrupt you, but it is necessary to be the most
7 specific possible in your answer.

8 When, when was it that you joined the Ouattara camp that you're working with today?
9 That's my question.

10 A. [12:42:52] When I returned to Côte d'Ivoire, it was upon my return.

11 Q. [12:42:58] Can you be specific? Can you specify the period in question?

12 A. [12:43:03] Not specifically. It took a while. When I came back, counsel, we
13 organised the first tour with Honourable Soro Alphonse in the west. I think that was
14 when we arrived, during that period and --

15 PRESIDING JUDGE TARFUSSER: [12:43:25] But there must be a month, at least a
16 month to indicate when you came back, a year, a month, from Ghana.

17 THE WITNESS: [12:43:38] Yeah, well, I think it was in the year -- we went and came
18 back 2012, it must have been the end of the year.

19 PRESIDING JUDGE TARFUSSER: [12:43:55] So that means you were over nearly
20 two years, one year and a half in Ghana?

21 THE WITNESS: [12:44:05] (Interpretation) No, not two years, your Honour, one
22 year. A year and a bit. About a year, a year and a bit, not a year and a half, not two,
23 because this was in 2011. We were already in 2012, we were back in Côte d'Ivoire,
24 myself and the former mayor. We were the first.

25 PRESIDING JUDGE TARFUSSER: [12:44:37] Yes. But you said that you left Côte

1 d'Ivoire on 22 April, and you came back somewhere at the end of 2012. So that's
2 why I asked you if you can indicate a month in 2012 more or less.

3 THE WITNESS: [12:45:03] (Interpretation) Your Honour, for fear of making a
4 mistake, yes, we did come back on the 22nd of -- we left on the 22nd of April. But
5 we spent nearly a year in Ghana, or more or less a year, because I came back on the
6 22nd of April. And I think that in the month of -- precisely, it must have been at
7 least a year, at least a year before we came back. As to precisely what date, I can't
8 tell you, but we came back on the first with -- we came back first of all with the mayor.
9 I spent nearly a year.

10 PRESIDING JUDGE TARFUSSER: [12:45:46] Okay.

11 THE INTERPRETER: [12:45:47] Correction from the English booth: We were the
12 first to come back.

13 MR ZOKOU: [12:45:51] (Interpretation) Thank you, Mr President.

14 Q. [12:46:09] Now, Mr Witness, did you set up a movement by the name of
15 Horizon 2020?

16 A. [12:46:14] Yes, counsel.

17 Q. [12:46:31] Could you, as you did for the Prosecution, put the mission of that
18 movement in a nutshell for me?

19 A. [12:46:38] Horizon 2020 as its name indicates was a movement first and
20 foremost of reconciliation for the young people of Côte d'Ivoire and then was a
21 movement that was, you know, projecting itself into the future.
22 When I say "Horizon 2020," President Alassane Ouattara had said that he would
23 make Côte d'Ivoire an emerging country on the horizon of 2020. And in view of the
24 fact that we had seen things done by the president, we thought that we needed to
25 explain first and foremost, reconcile and then explain to Côte d'Ivoire that for us to

1 become emerging in 2020, we needed to reach an agreement, and peace was a
2 requirement, because peace is a prerequisite for any form of development.

3 Q. [12:48:07] Can we say and can we with you say, and I say that because we're
4 going to be quoting you, CIV-OTP-0062-0537, and more specifically, pages 570 and
5 571, lines 1201 to 1206, when you are providing a definition of --

6 PRESIDING JUDGE TARFUSSER: [12:48:56] Maître Zokou, are you refreshing or
7 are you confronting, or you are just quoting freely from the statement?

8 MR ZOKOU: [12:49:14] (Interpretation) Mr President, I am going to indeed be
9 asking the witness.

10 Q. And so I shall address you, Mr Witness. The movement Horizon 2020, can we
11 say that this was a movement that is making propaganda of actions and
12 developments espoused by President Alassane Ouattara?

13 A. [12:49:47] Counsel, I told you that Horizon 2020 starts with reconciliation.
14 Secondly, it was projecting itself into the future speaking indeed of the actions,
15 development actions undertaken by President Alassane Ouattara.

16 PRESIDING JUDGE TARFUSSER: [12:50:08] It was established once you were back
17 in Côte d'Ivoire? You established it once you returned to Côte d'Ivoire in 2012?

18 THE WITNESS: [12:50:21] (Interpretation) Yes, your Honour.

19 PRESIDING JUDGE TARFUSSER: [12:50:23] Okay.

20 MR ZOKOU: [12:50:31] (Interpretation) Thank you, Mr President. I'm putting the
21 question because in his statement the witness is more specific, and it is the statement
22 that I was just about to read with the reference that I provided earlier on, and in
23 which the witness says, quote --

24 PRESIDING JUDGE TARFUSSER: [12:50:56] Which line? Which line?

25 MR ZOKOU: [12:50:57] (Interpretation) I'll give it to you again, we are line 1201

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1 to 1206.

2 "So I conduct my missions, I created my movement called Horizon 2020, which is a
3 movement that makes propaganda out of the actions of President Ouattara, a
4 movement of reconciliation and peace."

5 Can you confirm that?

6 Answer: Yes.

7 PRESIDING JUDGE TARFUSSER: [12:51:39] Well, it's what he said before. He
8 didn't use the word "propaganda," but it was quite the same.

9 MR ZOKOU: [12:51:55] (Interpretation) I think we've understood each other, Mr
10 President.

11 Q. Mr Witness, your movement Horizon 2020, and all of your actions within the
12 RDR, were they financed and by whom?

13 A. [12:52:14] Thank you. The first mission, my first mission I remember consisted
14 before the visit of the president of the republic with Alassane Ouattara, with
15 Alphonse in the west was financed according to what honourable Soro said to me.
16 He received money from Minister Hamed Bakayoko, which enabled us to go from
17 Abidjan to the far-flung regions of the west to announce that the president would be
18 on an official visit in the west of the country. That's what I said.

19 And the other missions, as I said, when I had rallies in areas where we had a strong
20 LMP youth presence and where we were supposed to go and raise awareness with
21 them as to the peace and cohesion and the necessity for that, I would talk to the
22 secretary general directly, the minister.

23 Q. [12:53:53] Thank you, sir. Now, to wrap up on this issue, I would like to call
24 upon your memory, but I will quote if need be. With regard to an individual by the
25 name of Zasso Englobal, about whom you made a statement to the investigators, do

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1 you recall?

2 A. [12:54:26] Yes, indeed.

3 THE INTERPRETER: [12:54:28] Message from the booth: Could the spelling of the
4 name be provided, please.

5 PRESIDING JUDGE TARFUSSER: [12:54:33] Excuse me, from the booth, from the
6 interpreters, the spelling of the name, please.

7 MR ZOKOU: [12:54:48] (Interpretation) Zasso, Z-A-S-S-O Englobal,
8 E-N-G-L-O-B-A-L, alias Englobal.

9 Q. [12:55:17] So, Mr Witness, with regard to this individual that the investigators
10 talked to you about, this is what you said. This is reference CIV-OTP-0062-0632. So
11 we are at page 650, line 655 to 657, and I quote:

12 "Firstly he was with the RDR and then he went off. Blé managed to convince him to
13 change and he changed course."

14 Is that what you said, Mr Witness?

15 A. [12:56:17] Yes.

16 Q. [12:56:21] Thank you, Mr Witness.

17 I'm going to put a last question to you. Mr Witness, Mr Laurent Gbagbo, is he still
18 your champion? Are you still pro-Gbagbo?

19 A. [12:56:46] Thank you, counsel. Today, whilst I still have a great deal of respect
20 for President Laurent Gbagbo, however, I am militating within a party.

21 Q. [12:57:09] Thank you, Mr Yaké, for your answers.

22 Ladies and gentlemen of the Court, this marks the end of my questioning, and I thank
23 you for your patience.

24 PRESIDING JUDGE TARFUSSER: [12:57:20] Thank you very much.

25 Mr Knoops, obviously we have to see also the time. It's 1 o'clock. But is it finished,

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1 is the questioning by the Defence for Mr Blé Goudé finished as a whole or not?

2 MR KNOOPS: [12:57:40] Mr President, I think we need maybe 15, 20 minutes
3 maximum after the pause.

4 PRESIDING JUDGE TARFUSSER: [12:57:46] Okay. Thank you very much.

5 And then it is up to Maître Altit for the Defence for Mr Gbagbo soon immediately
6 after.

7 So now we break for the lunch, and we will be back at 2.30 sharp. The hearing is
8 adjourned. Thank you.

9 THE COURT USHER: [12:58:12] All rise.

10 (Recess taken at 12.58 p.m.)

11 Upon resuming in open session at 2.38 p.m.)

12 THE COURT USHER: [14:38:46] All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: [14:39:01] Good afternoon. And sorry for this 10
15 minutes delay, but it was my fault, so just for everyone to know.

16 I give now the floor immediately to Mr Knoops for his questioning. Yours the floor.

17 MR KNOOPS: [14:39:28] Thank you, Mr President, your Honours.

18 QUESTIONED BY MR KNOOPS:

19 Q. [14:39:32] Good afternoon, Mr Witness. My name is Knoops. I'm a lawyer in
20 Holland. I'm representing Mr Blé Goudé. And I would like to confront you just
21 with one subject, which has to do with the transcripts of today. It's actually
22 clarification, Mr Witness.

23 I refer the Chamber to page 21 of the transcripts of today, line 10 till 15. Mr Witness,
24 you were asked by the Office of the Prosecution this morning whether you personally
25 had an opportunity to go and make speeches at any of the so-called agoras and

1 parlements. And your answer was, "Honestly speaking, yes."

2 Now, my question to you is, Mr Witness: Could you provide us with a time frame
3 when you went there to these agoras and parlements?

4 A. [14:41:07] Thank you. We went to the agoras and parlements. As I've told
5 your colleague, I was the president of a movement located in the west. And since I
6 had started carrying out activities, when we returned, we were contacted. Since we
7 were well-known, we had been invited to address campaigns.

8 Because of our actions in the west, the youth contacted us and during that time we
9 were being invited to explain what was happening in the west.

10 When we were attacked, there was a Com-zone, just like a com-secteur. So each time
11 the opportunity arose, people called on us to find out what was happening in the
12 west. It was not during the campaign. I think it was before the campaign because
13 we were carrying out activities.

14 Q. [14:42:52] So it is your testimony that you went to these agoras and parlements
15 before the campaign?

16 A. [14:43:11] Yes. I said that I went there before the campaign, after I was invited
17 to explain the situation in our area, because there was a Com-zone, and this means
18 there was someone there commanding the zone, and coming from there to speak
19 about President Laurent Gbagbo, they invited me once or twice to find out how the
20 situation was in the west, whether we could speak about President Laurent Gbagbo
21 there.

22 Q. [14:43:50] Thank you. Are you saying that you never went to an agora or
23 parlement after the campaign started?

24 A. [14:44:07] During the campaign, I was in the west. I was in the west during the
25 period of the campaign. Yes, counsel, I was in the west, because my boss had given

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1 me the resources to go and carry out a campaign, so I was in the west.

2 Q. [14:44:36] Mr Witness, can you remember whether you went to an agora or
3 parlement after the elections?

4 A. [14:44:50] Listen, counsel, it has been quite a long time. But when we returned
5 from the campaign, I really no longer remember. I do not remember, counsel. It
6 was a long time ago. But I admit that I went to the parlements and agoras to talk
7 about the security situation in the west, and that we could speak about
8 Laurent Gbagbo there. But during the campaign, I was there, and I still repeat, it
9 was there that I almost lost my life.

10 And when the campaign finished, I came back to Abidjan, to Yopougon. Up to that
11 point I remember very well.

12 Q. [14:46:04] Mr Witness, let me refresh your memory with reference to the
13 deposition you gave to the investigators of the Office of the Prosecution. That is
14 CIV-0062-0602, line 963 till 965. Maybe that statement can be brought up?

15 Mr Witness, you were asked by the investigators: (Interpretation)

16 "After the elections, did you go to the parlements or agoras once again?

17 Person interviewed: No, no."

18 (Speaks English) 963, 965, it's at the top. Mr Witness, can you remember saying that
19 to the investigators?

20 A. [14:47:58] Counsel, I didn't quite understand you. Can you kindly repeat?

21 Q. [14:48:01] Is it correct what you stated here, that you never went to the
22 parlements or the agoras after the elections?

23 A. [14:48:16] Yes. My answer was no, no.

24 MR KNOOPS: [14:48:39] I'm being advised, Mr President, that I used the reference
25 at the bottom of the statement, but the ERN number is 0062-0574.

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1 PRESIDING JUDGE TARFUSSER: [14:48:52] Noted.

2 MR KNOOPS: [14:48:55] And the number of the page is 0602, lines 963, 965. That's
3 the correct reference.

4 Q. [14:49:10] Thank you, Mr Witness. My second question relates to the answer
5 you gave this morning to the Office of the Prosecution. That's transcript page,
6 English version, 33, lines 14 till 17.

7 Mr Witness, you were asked this morning about a speech in Yopougon. And the
8 Prosecution asked you the following: "Can you please tell us specifically where that
9 speech took place?

10 Answer: It was in Yopougon if my memory serves me correctly."

11 Also here my question is, Mr Witness, could you provide us with a time frame, when
12 was this speech in Yopougon?

13 A. [14:50:14] Counsel, I have told you that I had been invited by the young people,
14 including Jean-Jaurès. I think it was in Yopougon. I repeat, it was in Yopougon.
15 But with regard to the precise period, I may be mistaken, but it was before the
16 elections.

17 Q. [14:50:56] Thank you.

18 These were our last questions, Mr President.

19 PRESIDING JUDGE TARFUSSER: [14:51:01] Thank you very much, Mr Knoops.
20 Now the floor is to the Defence for Mr Gbagbo, Maître Altit, s'il vous plaît.

21 MR ALTIT: [14:51:12] (Interpretation) Thank you, Mr President.

22 QUESTIONED BY MR ALTIT: (Interpretation)

23 Q. [14:51:35] Good afternoon, Mr Witness.

24 A. [14:52:33] Good afternoon, counsel.

25 Q. [14:52:34] My name is Emmanuel Altit. I am lead counsel for Mr

1 Laurent Gbagbo. And it is now my turn to put questions to you, is that okay?

2 A. [14:52:46] Yes, counsel.

3 Q. [14:52:49] We shall begin. This morning you talked about an incident during
4 which you almost lost your life, as you said. I'm not going to dwell on the incident,
5 because you described it in detail. But on page 44 of the French transcript this
6 morning, you talked about a com-zone and a deputy com-zone, and I'm not sure that
7 you spelt the name of the deputy com-zone. I think you talked about a certain
8 Diarra, but can you spell the name?

9 A. [14:53:36] It is D-I-A-R-A, I believe he was a lieutenant, two stripes for a
10 lieutenant, yes.

11 Q. [14:53:57] Two stripes, what do you mean by that?

12 A. [14:54:08] I'm talking about the rank.

13 Q. [14:54:14] Who was the com-zone?

14 A. [14:54:21] The com-zone was known as Commander Loss, that is how we knew
15 him.

16 Q. [14:54:39] What was his full name, if you know?

17 A. [14:54:42] The name I know is Loss, I believe it was Losseni, Losseni was his
18 name, so Loss was the short form.

19 Q. [14:54:55] Very well. And if I tell you Losseni Fofana?

20 A. [14:55:05] Yes.

21 Q. [14:55:05] Very well. Are we to understand that the com-zone of Man and the
22 region was Losseni Fofana?

23 A. [14:55:16] Yes.

24 Q. [14:55:18] And he had a certain number of deputy com-zones. To your
25 knowledge how many of them were there, the deputies?

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1 A. [14:55:28] There was a deputy and then in Logoualé there was another one.

2 And to go to my place you had to pass through Logoualé to Man. And then after

3 Loss you had his deputy Diarra, Counsel.

4 Q. [14:55:55] Very well. Did Mr Losseni Fofana have a personal army?

5 A. [14:56:00] Counsel, I cannot tell you. What I know and I heard and what I saw,

6 the Deputy Commander Diarra was there and Commander Loss was his boss,

7 Commander Diarra had his offices there. That is all. And he had elements, two or

8 three guards, I believe, when he was on the move.

9 Q. [14:56:36] Very well. Who controlled the town of Man at the time of your
10 incident?

11 A. [14:56:46] First of all, it was Commander Loss. And the town of Man, it was his
12 deputy who was there, the deputy com-zone.

13 Q. [14:57:08] My question is who controlled the town? Is your answer Losseni
14 Fofana and his deputy?

15 A. [14:57:17] Correct.

16 Q. [14:57:18] Very well. You stated, page 2 of the French transcript of 4 April, line
17 21, for my learned colleague, that today you are the original councillor for Tonkpi.
18 My question, in Côte d'Ivoire, are the regional councillors elected?

19 A. [14:57:55] Yes.

20 Q. [14:57:56] When were you elected?

21 A. [14:57:58] During the last elections, when I came back, I was on the list of the
22 RHDP. I had started militating in the RDR. I was representing the RDR since this
23 was part of the RHDP.

24 Q. [14:58:25] Very well. Did you carry out a campaign?

25 A. [14:58:31] Yes. I carried out a campaign in order to be able to win. That is the

1 regional counsel. I was with my candidate, the minister of state, Albert Mabri
2 Toikeusse, who was at the head of the list.

3 Q. [14:58:55] Very well. Were there any posters of you, of the candidates, any
4 gadgets?

5 A. [14:59:04] Yes, there were gadgets with the candidate, candidates. There was
6 another candidate and then an independent candidate. So we had T-shirts and
7 campaign items, gadgets.

8 Q. [14:59:22] Who paid for all that?

9 A. [14:59:27] Counsel, the RHDP is a group of Houphouëtist parties. They had a
10 candidate, and I think it was the party that paid for it. All we did was receive the
11 gadgets and items for the campaign.

12 Q. [14:59:46] Very well. Did you campaign for anyone during the 2015
13 presidential elections? I'll repeat my question. You remember that presidential
14 elections were held in 2015. Did you campaign for any of the candidates at that
15 presidential election?

16 A. [15:00:11] Yes.

17 Q. [15:00:11] Which one?

18 A. [15:00:18] The candidate of the RHDP, President Alassane Ouattara.

19 Q. [15:00:24] For that campaign, did you receive any funds from the RDR?

20 PRESIDING JUDGE TARFUSSER: [15:00:31] Excuse me, please, but are we not a
21 little bit out of the timing of the charges, quite some years later, five years later, four
22 years later? What is the campaign in 2015 doing with this trial?

23 Yes, yours the floor to explain this.

24 MR ALTIT: [15:00:55] (Interpretation) Thank you, Mr President. Let me recall that
25 questions were put to the witness what he does today by the Prosecutor. And I

1 think that which holds for the Prosecution should also hold for the Defence.
2 Now, today what he is doing can be a factor in the explanations he provides today as
3 to what happened during the post-electoral crisis.
4 Third, his commitment today gives us, should or may give us precious leads on the
5 manner in which he acted during the post-election crisis.
6 But, Mr President, let me reassure you that I will not spend much time on that. I
7 would not belabour the point. But in any event, it is important for us to clarify these
8 matters because, like I said, this was already broached by the Prosecution rather
9 quickly. But rather than deal with something which may be poorly interpreted in
10 the future, maybe we can put a few questions to clarify these matters and then not
11 have to return to them a few years later when we will all have to come back again to
12 revisit what we would have done properly today.
13 Now, with your leave, Mr President, let me add something to what I have just said.
14 I don't know whether I will be able to succeed in doing what I intend to do. I intend
15 to finish with my examination before the end of the session. I'm not sure about it,
16 but I'll do my level best to keep within that time frame. I want to go as fast as
17 possible, but to deal with issues that appear to be important to my mind, including
18 this one.
19 PRESIDING JUDGE TARFUSSER: [15:02:51] Well, first of all, what he does today
20 was first questioned by the Presiding Judge at the beginning, because I think it is
21 good to know what he does today. Then it was very quickly approached by the
22 Office of the Prosecutor, as you said. Now we do know what he does today, and we
23 know what he did after the charges. So I would really ask you to limit your
24 questioning on these issues, which I consider not at all important to the case, but what
25 he does today or after the charges, but to limit the questions really to minutes, and

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1 only a few in number. Thank you.

2 MR ALTIT: [15:03:48] (Interpretation) I'll do my level best.

3 (Trial Chamber confers)

4 MR ALTIT: [15:04:12] (Interpretation) Thank you, Mr President. I'll do my level
5 best. But let me say for the record that this type of question addresses the credibility
6 or the assessment of the credibility of the witness, and I will therefore try to follow
7 your instructions to assess his credibility through the questions that I'll be putting to
8 him as best possible by following your guidelines, Mr President. But I think from
9 time to time we have to put the right questions to the witness.

10 Now, that having been said, Mr President, let me say that the witness was a candidate
11 in the last legislative elections.

12 PRESIDING JUDGE TARFUSSER: [15:05:03] Yes, but this has nothing to do -- I
13 know you're looking at me as if you want some comments by this. So if you ask me,
14 I say: Well, and then?

15 Okay. I don't want -- please continue the questioning, but I would like you to put
16 specific questions, short, and that we go to an end on this topic of after the period of
17 the charges. Thank you.

18 MR ALTIT: [15:05:31] (Interpretation) It will be quick and short.

19 Q. [15:05:37] Now, Witness, did you run in the last legislative elections?

20 A. [15:05:43] Yes.

21 Q. [15:05:45] Under what party?

22 A. [15:05:49] Independent.

23 Q. [15:05:52] Very well. Do you mean that you did not support President
24 Ouattara?

25 A. [15:06:00] There is no connection, counsel.

1 Q. [15:06:04] Can you explain to us in a few words the person whom you
2 supported, if you supported anyone at all?

3 A. [15:06:13] Candidates to the legislative elections, according to the provisions of
4 the rules of my party, the RDR, whereby if it happened that the party did not run you
5 as a candidate for whatever reason which would be privy to the party only, which
6 may not be disclosed to you, you will be bound to file your own application and to
7 follow the person who has been selected by the party by reason -- for reasons known
8 only to the party.

9 Now, in my case, I had decided to run as a candidate. We had been asked, many of
10 us, to submit a letter of commitment, a letter of commitment whereby we said that if
11 you had committed yourself to the party, you could not subsequently run as an
12 independent candidate if you were not selected. So myself and a number of
13 militants refused to make that commitment and, therefore, undertook to run as
14 independent candidates. And I'm speaking for myself. That was my decision.

15 Q. [15:07:50] Very well. Are you therefore saying that as an RDR member, you
16 ran against the selected candidate of the RDR party; is that correct?

17 A. [15:08:06] I ran against the candidate of the RHDP.

18 Q. [15:08:16] Very well. Who paid for your campaign material, the posters,
19 gadgets and other items?

20 A. [15:08:27] My campaign expenses were covered by myself and my relatives and
21 my supporters. The support I got from my brothers, from some friends who decided
22 to support my candidature. And what was most important was to have the gadgets.
23 We didn't need to have a lot of resources since we had been active on the ground for a
24 very long time.

25 Q. [15:09:02] Let us then move to another point.

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1 PRESIDING JUDGE TARFUSSER: [15:09:04] Excuse me. Were you elected? Were
2 you elected?

3 THE WITNESS: [15:09:11] (Interpretation) No, your Honour.

4 PRESIDING JUDGE TARFUSSER: [15:09:17] To have the record complete, I mean.

5 MR ALTIT: [15:09:25] (Interpretation)

6 Q. [15:09:26] Let's move to another point. You told us that at the cabinet of the
7 RDR secretary general, you work as an attaché or chargé or you are in charge of
8 recruitment at that secretariat. My question is the following: Do you receive
9 remuneration for your job at the RDR?

10 A. [15:09:59] Please repeat your question, counsel.

11 Q. [15:10:04] Yes, of course. You told us that you were employed at the cabinet of
12 the secretary general of the RDR. And you explained to us that the said secretary
13 general, Amadou Soumahoro, who by the way is a minister, is the boss of the RDR
14 and therefore you are working at the cabinet of the boss of the RDR. You explained
15 to the Prosecution when you were being examined that you were in charge of
16 recruitments; is that correct?

17 A. [15:10:36] Yes.

18 Q. [15:10:38] Are you remunerated, do you receive remuneration or salary for this
19 work that you do for the RDR?

20 A. [15:10:50] Before I answer and with your leave, let me explain. I was in charge
21 of new recruits to the cabinet of the secretary general of the RDR. Minister Amadou
22 Soumahoro is the secretary general of the RDR. He received us to begin with and
23 thereafter he supported us in a number of missions carried out to talk about
24 reconciliation.

25 He then called upon us to work with him, to help him. So some of the people who

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1 were in the LMP yesterday had decided to join the presidential camp, and the
2 remuneration was to put me on mission along with my group called 2020. I have no
3 pay slip because all those who worked there have pay slips.

4 When I was part of the Horizon 2020 group, I went to see the secretary general to
5 engage in activities of propaganda and development issues under President Alassane
6 Ouattara's programme.

7 Now, that is the context in which the secretary general provided me with some
8 support.

9 Q. [15:12:27] That is fine. But I don't understand, right now are you an employee
10 or are you not an employee at the secretarial general of the RDR?

11 A. [15:12:39] My function is political.

12 PRESIDING JUDGE TARFUSSER: [15:12:44] Yes. But the question is: Are you
13 paid for this or not? Okay, no.

14 THE WITNESS: [15:12:50] (Interpretation) No, no.

15 MR ALTIT: [15:12:52] (Interpretation) Thank you, Mr President.

16 Q. [15:12:55] Do you know what Amadou Soumahoro's functions were, the one
17 you had just talked to, you have just talked to us about a short while ago, what were
18 his functions in 2010?

19 A. [15:13:11] I don't know, counsel.

20 Q. [15:13:23] I will try to jog your memory. If I put it to you or if I talk to you
21 about his role in the Independent Electoral Commission, would that ring a bell?

22 A. [15:13:41] Mr Amadou Soumahoro? No.

23 Q. [15:13:46] Very well. Did anyone recommend you or put you in contact with
24 Amadou Soumahoro so that you could work with him?

25 A. [15:14:06] Mr Amadou Soumahoro called me, and that's how I got to know him.

1 I received a phone call from him and I went to see him. He told me that the
2 president had received my friend, the mayor of Yopougon, the former mayor of
3 Yopougon, Mr Gbamanan Djidan. And we had come but had not been received, and
4 that the president had asked him to receive me and to take care of my concerns, and
5 that's how I got to know Minister Amadou Soumahoro.

6 Q. [15:14:51] With your leave, let me read a small excerpt of your statement,
7 0072-0535, page 0570.

8 Now I want to check if everyone is set?

9 PRESIDING JUDGE TARFUSSER: [15:15:36] Line?

10 MR ALTIT: [15:15:37] (Interpretation) Page 0570, line 1195. I'll read:

11 Person interviewed, and I'm quoting, you being the person interviewed: "My
12 current title is I'm here, I am an RDR supporter. I am -- well, well -- but it's not
13 official. I am the officious advisor since the president asked, according to him, asked
14 the Minister Soumohoro, general secretary of the RDR, to take care of me. I am the
15 political advisor to Minister Joël N'Guessan and Minister Amadou Soumahoro."

16 End of quote.

17 End of quote.

18 First question, sir, the president whom you referred to as having asked Minister
19 Amadou Soumahoro to take care of you, which president is that? Who is that
20 president?

21 A. [15:17:02] President Alassane Ouattara. He is the one who told the minister,
22 because he had received my friend.

23 Q. [15:17:11] Very well. So you told the investigators of the OTP, and I give you a
24 little moment, you said that you were the political advisor to Minister Joël N'Guessan
25 and the officious or unofficial advisor to Minister Amadou Soumahoro. Are you still

1 the unofficial advisor to the one and the political advisor to the other?

2 A. [15:17:41] Counsel, I think there must have been a small error in the transcript.

3 I said that I was the advisor to Minister Amadou Soumahoro. But when it comes to

4 Minister Joël N'Guessan, he had a cabinet or a firm which he was involved in

5 lobbying and construction and all types of activities, and it is at that level that he took

6 me on so that we could begin to source contracts.

7 I worked officially with Amadou Soumahoro, but when it came to Joël, it was some

8 other kind of business.

9 Q. [15:18:24] Very well. During your testimony you clearly explained to the Court
10 that you had enormous respect for your boss at the time, Dr Guéï, and that everything
11 you did was after you sought authorisation from him; is that correct?

12 A. [15:18:49] Yes.

13 Q. [15:18:50] Very well. Did you ask for authorisation from him or from any of
14 the two bosses that you have talked about today, that is Amadou Soumahoro or Joël
15 N'Guessan, did you ask them for permission to come to testify?

16 A. [15:19:06] Not at all.

17 Q. [15:19:19] Very well. When it comes to Mr N'Guessan, Joël N'Guessan, you say
18 that you are his advisor. What else do you do for him? What is your role with
19 him?

20 A. [15:19:32] Counsel, let me explain things to you. When it comes to Mr Joël
21 N'Guessan, apart from working with him, there is something else which everybody
22 may not know. I have a relationship with him. Minister Joël N'Guessan's wife was
23 a witness at my wedding, so he's my elder brother. I see him in that capacity. And
24 whenever I have any issues, I raise them with him. So we have work relations and
25 family relationships. That's what it is.

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1 Q. [15:20:18] Very well. How are you paid? How do you receive remuneration
2 from Joël N'Guessan?

3 A. [15:20:34] Minister Joël N'Guessan as I have just said, counsel, was a witness at
4 my wedding along with his wife.

5 Now, in his firm or cabinet, when he asked me to join them, the firm is involved in
6 lobbying, mediation, construction, consultancies, and he also has a number of
7 building or construction projects.

8 Now, my role in that business along with him was to receive and make reports, to
9 cross-check a number of pieces of land that he had bought or land that was being
10 offered for sale so that I could cross-check whether those pieces of land were free of
11 any encumbrances to determine whether those who contacted him were doing
12 business in good faith and so on and so forth. You see, he would then decide, apart
13 from his political duties, which kind of contracts to get involved in.

14 PRESIDING JUDGE TARFUSSER: [15:21:48] The question is if you are paid by him.
15 How do you live? Are you paid by this company?

16 THE WITNESS: [15:21:56] (Interpretation) Yes, yes, Mr Joël N'Guessan, yes.

17 PRESIDING JUDGE TARFUSSER: [15:22:05] So you are employed in his companies?

18 THE WITNESS: [15:22:07] (Interpretation) Yes, yes. I work with Mr Joël
19 N'Guessan.

20 PRESIDING JUDGE TARFUSSER: [15:22:13] Maître Altit.

21 MR ALTIT: [15:22:14] (Interpretation) Thank you, Mr President.

22 Q. [15:22:16] You have just talked about the political duties of Joël N'Guessan.
23 What are his political duties?

24 A. [15:22:30] Minister Joël N'Guessan, everyone knows, is the spokesperson of the
25 RDR and deputy secretary general.

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1 Q. [15:22:38] Very well. I will now show you a document, sir. It's a public
2 document. The number is D15-0004-2367. And it will be displayed for you,
3 Mr Witness.

4 Can you see it?

5 A. [15:23:24] Yes, counsel.

6 Q. [15:23:26] We see two people. Can you tell us who those two persons are?

7 A. [15:23:34] It's Minister Joël N'Guessan and myself.

8 Q. [15:23:40] Very well.

9 I would like to ask the Registry to zoom in to the top right corner of the photograph,
10 the written part.

11 Yes, there is a date, sir, can you see it?

12 A. [15:24:13] Yes.

13 Q. [15:24:13] Can you tell us what the date is?

14 A. [15:24:15] 21 December 2013.

15 Q. Thank you.

16 MR ALTIT: [15:24:17] Now, with your leave, and I'm speaking to the Registry here,
17 please can you scroll down. Sorry, sorry. No. Please move back to where we were.
18 Perfect. Thank you.

19 Q. [15:24:47] Do you see what's written there, Mr Witness?

20 A. [15:24:51] Yes.

21 Q. [15:24:54] Now, I'll read it out to you, and I quote just below the date and
22 against the background of the photograph, this is what is written, "The movement
23 Horizon 2020 receives significant support from Minister Joël N'Guessan,
24 spokesperson of President Alassane Ouattara." End of quote.

25 Now, the support being mentioned here is not the personal support of Mr N'Guessan.

1 How can we quantify materially the support being mentioned here?

2 A. [15:25:36] Counsel, can you be more specific in your question?

3 Q. [15:25:41] Don't worry, I will rephrase my question. The issue here is one of
4 support, support to your movement, Horizon 2020. That support was materialised
5 by Minister N'Guessan's, Minister N'Guessan's presence. But did it materialise itself
6 in another way, like resources and equipment and what have you? Did you receive
7 any of such things?

8 A. [15:26:12] Well, Counsel, going by the photograph here, that support was
9 materialised by the simple fact that he had received us, because you know that the
10 duty of Horizon 2020 was to convince people to move towards reconciliation. So we
11 were already very satisfied to have been received by Minister Joël N'Guessan, who
12 received us and gave us advice in that direction to do everything to bring the
13 maximum number of youth together for the purpose of returning peace to the Côte
14 d'Ivoire.

15 Q. [15:26:53] Very well. You mentioned a communications officer a short while
16 ago. Who pays, who paid him?

17 A. [15:27:07] Counsel, in a movement, there we are all volunteers, volunteers, and
18 people might have expertise in a number of areas, IT or other, other areas. Well, I
19 may not be very gifted in telecommunications and in computers and what have you,
20 but people are gifted differently.

21 Q. [15:27:45] But you have a Facebook account?

22 A. [15:27:48] Yes. I can explain to you about the communications aspect, which is
23 handled by my communications advisor. He is the one who runs the account. You
24 see, let me explain. I do not deal with these various addresses or accounts because,
25 as you know on Facebook, there are a number of people who might hide behind a

1 medium to say things to you that they cannot say to your face.

2 Q. [15:28:32] Do you have that photograph before you which is a screenshot now?

3 Do you know whether this is a screenshot of a Facebook page?

4 A. [15:28:54] Well, I think so. I don't have my email. It's not my email.

5 Q. [15:29:16] Very well. Let's move on to something else.

6 When you returned from exile, were you relocated, you and your family, to a new
7 residence?

8 A. [15:29:37] When I came back from exile, I changed my neighbourhood. I was
9 not relocated. The house which I had been in before was in a state of disrepair. So I
10 didn't want to return to Yopougon, because my wife and my children had been
11 traumatised by what had happened there. So for the sake of my children, I wanted
12 to change my neighbourhood. I was not relocated. It was a personal choice to
13 move to another neighbourhood.

14 Q. [15:30:14] How many children do you have?

15 A. [15:30:16] Four.

16 Q. [15:30:19] Who took responsibility for the rent of the new apartment? It's an
17 apartment, right?

18 A. [15:30:27] Yes.

19 Q. [15:30:29] Who took charge of the rents?

20 A. [15:30:33] When we returned from exile, ever since Accra, we were in a
21 discussion with the ambassador and we asked to allow us to move back because we
22 lost everything. I returned with 1,000, that is three cedis, and the ambassador took
23 into account the various discussions and proposals. That was part of the
24 commitment. So when we returned, we were lodged in a hotel. We spent one
25 month and a bit there.

1 After that we were called up and we were told: Look, look for a place to lodge, and
2 we will help you to pay only the deposit. That is what we did.
3 My other colleague went to his house in Abidjan, he had built in Abidjan. And I said
4 I no longer wanted to go back to Yopougon. I wanted to live in a new
5 neighbourhood in Cocody. That is what they did for everybody. It was not a
6 personal affair. It was for everyone who had returned.

7 Q. [15:31:54] Who pays your rents?

8 A. [15:31:58] I'm the one paying my rents.

9 Q. [15:32:04] With what income, sir?

10 A. [15:32:08] I have told you, well, before working with Minister Joël N'Guessan,
11 who pays me, my mother, may she rest in peace, she was a diplomat, she left houses.
12 I'm the eldest son, so I'm the one managing all those houses.

13 Q. [15:32:34] Very well. We will move to something else.

14 You stated in your statement to the investigators of the OTP that before returning
15 from exile with your friends, you created the National Committee of Ivorian Refugees
16 for Return and Reconciliation in Côte d'Ivoire.

17 I will read your statement. It is 0062-0537, page 0567, line 1066. Now let me read,
18 line 1066, and I quote:

19 Person interviewed, and that is you, sir: "And from there with friends, I created the
20 National Committee of Ivorian Refugees for Return and Reconciliation, for
21 Reconciliation and a Return to Côte d'Ivoire.

22 Person interviewed: Oh, and well, I started -- when I returned -- when I arrived to
23 Tema, let us say one, two months later, two, three months, two month, three months, I
24 told myself that it was necessary to find a solution.

25 Interviewer 2: Mm-mm.

1 Person interviewed: And especially when the president gave his speech, his
2 swearing-in speech at Yamoussoukro and he said," and you quote, "I reach out to all
3 my brothers of the LMP of the FPI to come. I'm reaching out to you," end of that
4 quote, "and I told myself: Well, that's it. You have to take this hand that is reaching
5 out to you." End of quote.

6 So if we understand you correctly, you created this committee approximately in the
7 summer of 2011?

8 A. [15:35:40] Counsel, what are you calling summer? We don't know summer in
9 Africa. It is hot all the time there. So tell me specifically what you mean.

10 Q. [15:35:53] I will ask you to -- well, I'll make a little effort. It is after the spring,
11 summer is after the spring and it starts on 21 June. So June, July, August or even
12 September. This is a broad period. So you can remember what happened?

13 A. [15:36:19] Yes, counsel, I understand. As I have said, counsel, when we arrived
14 Accra from Kaneshie, I found myself in Tema, but I had already started with friends.
15 We reflected on the idea of trying to find solutions, because life in exile is very
16 difficult, very painful. We have young people, our sisters, our friends who did not
17 even have something to eat, they didn't know where to sleep. There were others in
18 the camp. It was an untenable situation. And the majority of those young people
19 were from the west, from my region.

20 And so when all these young people saw us, I, myself, I was in a difficult situation.

21 But they kept on explaining their distress, their desperate state, and that is how with
22 some friends, Djimi Willy and Ballo, we set up this National Committee for
23 Reconciliation and a Return to Côte d'Ivoire.

24 PRESIDING JUDGE TARFUSSER: [15:37:48] But you still didn't tell us when
25 approximately.

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1 THE WITNESS: [15:37:52] (Interpretation) It was two, three, four months
2 afterwards we were in exile.

3 PRESIDING JUDGE TARFUSSER: [15:38:07] Okay. Thank you.

4 MR ALTIT: [15:38:10] (Interpretation) Thank you, Mr President.

5 Q. [15:38:12] And who helped you to set up this association? Did the ambassador
6 of Côte d'Ivoire in Ghana assist you?

7 A. [15:38:25] No. We were already organised. We had already thought about it
8 before we met with the ambassador.

9 Q. [15:38:34] Very well. Now, in your statement you talked about an official
10 mission which had come to Ghana, an Ivorian official mission to Ghana. Can you
11 tell us about it?

12 A. [15:39:37] I have told you that when we created the committee, the ambassador
13 at that time convened all the young Ivorians, because he was ambassador of Côte
14 d'Ivoire in Togo also, so he convened all those young people who wanted to return.
15 So it was his role to bring these people in order to understand the difficulties in
16 bringing the people home.

17 So we met with the ambassador. He told us that a more authorised official
18 delegation would come. The minister of state Hamed Bakayoko and a delegation,
19 they would come to listen to us.

20 Q. [15:40:39] Very well. Did they come to Ghana?

21 A. [15:40:46] Yes, they came to Ghana.

22 Q. [15:40:48] Did they give you a mission?

23 A. [15:40:51] They did not assign us a mission. They came and they reassured us
24 that the statement made by the president during his swearing-in was real and that we
25 had to return. They were there to listen to our concerns, to our conditions so that we

1 should reach a point of convergence to enable us to return.

2 Q. [15:41:19] Very well. I am going to talk about your movement Horizon 2020,
3 which we mentioned a short while ago. I will ask you a clear question.

4 For this movement alone, how is it funded?

5 A. [15:42:05] I have already answered. Counsel, for specific missions I addressed
6 myself to Minister Amadou Soumahoro.

7 Q. [15:42:18] Very well. Now, does that mean that each time he gives you a
8 mission he gives you money? It is an ad hoc act; is that correct?

9 A. [15:42:33] I do not understand you, counsel. Can you clarify?

10 Q. [15:42:44] Are you telling us that you received money only when you are
11 assigned a mission to accomplish; is that correct?

12 A. [15:42:54] Yes. When he tells us that we have to meet with the young people of
13 such and such a town with LMP people to change, I did not go alone. I went with
14 other young people. Then he would give what was necessary for us to travel there
15 and hold a meeting or a rally and speak with people and then come back.

16 Q. [15:43:28] Very well. I will move on to something else.

17 Do you give many interviews to journalists?

18 A. [15:43:47] Counsel, often you know that journalists are always on the lookout for
19 information. And when I could, if they contacted me, I would probably give an
20 interview to talk about the movement or something else.

21 Q. [15:44:13] Very well. I will read out an excerpt of your statement, 0062-0512,
22 page 0514, and it is line 57 or, rather, 56. And I will quote:

23 Interviewer 2: "Okay. We know -- we touched about that briefly when we did your
24 security form. You are always -- you are often in contact with journalists. You gave
25 many interviews with journalists. Can you tell us about the recent meetings and the

1 recent interviews that you gave, approximately when and to whom?"

2 Person interviewed, and that is you: "My last meetings have always happened
3 during interviews during events. And when I finish, I speak to the television or the
4 journalists who asked me about the substance of my rally.

5 Interviewer 2: Yes.

6 Person interviewed: Or who asked me questions on the political events of the time.
7 And then I react."

8 My question to you is this: Why do you give so many interviews and why do you
9 organise so many rallies?

10 A. [15:46:23] Listen, counsel, the press or media is a means of conveying one's
11 message to the entire country. When you are talking about peace and reconciliation,
12 you do not necessarily have the means to go to the east, to the west, to the four
13 cardinal points, whereas the press in two days can cover the entire territory.
14 So when you give an interview, it is reassuring. Sometimes some of our friends are
15 reticent and they would say: Oh, look, Évariste is there, we can see him, he's
16 speaking freely. It means we can leave our hiding places and we can also come to
17 Abidjan.

18 So this is a way of conveying a message of peace. And it is much cheaper, because
19 when you are interviewed, you do not pay for it.

20 Q. [15:47:35] Very well. Let us move to another point. During your testimony
21 you said --

22 PRESIDING JUDGE TARFUSSER: [15:47:44] No, no, I was saying good that you
23 moved to another point, because I didn't understand the question by the interviewer
24 and I don't understand yours, of course, about this matter in relation to the charges.
25 I'm always talking that we have charges to consider and to accused. So please.

1 MR ALTIT: [15:48:10] (Interpretation) Thank you, Mr President.

2 Q. [15:48:12] In your testimony you said that you worked in the cabinet of Franck
3 Guéï?

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

5 Q. [15:48:19] When were you appointed to his cabinet?

6 A. [15:48:24] Counsel, I cannot tell you the precise date, but what I can say is that I
7 was with him all the time and my appointment lasted less than one year. But I was
8 all the time with him.

9 Q. [15:48:48] So just to be clear, you were appointed for a period of less than one
10 year?

11 A. [15:48:56] Yes.

12 Q. [15:48:57] But before that you were actually still working with him; is that
13 correct?

14 A. [15:49:01] Yes, of course.

15 Q. [15:49:03] Very well. If you were appointed, there should be a written
16 document to show that you were appointed to that cabinet. Do you have one?

17 A. [15:49:19] Yes.

18 Q. [15:49:19] And what is it?

19 A. [15:49:21] Counsel, I had my professional card and I showed it to the
20 investigators. I had my service passport and a badge. And when I was sent, I used
21 that badge to have access to the presidency of the republic, and my position was
22 indicated there.

23 Q. [15:49:52] And were you paid for that position?

24 A. [15:49:54] Yes.

25 Q. [15:49:55] Do you have any pay slips?

1 A. [15:49:59] Yes.

2 Q. [15:50:02] Very well. Before that period, you said you had been working with
3 Franck Guéï?

4 A. [15:50:08] Yes.

5 Q. [15:50:09] Do you have pay slips?

6 A. [15:50:13] Let me explain. Before that period, apart from the appointment, he is
7 a friend. He's a brother. When he arrived Côte d'Ivoire and he was appointed, he
8 called me through one of our friends. I have told you that I speak very well the
9 dialect of our regions. I was already in business. I had a restaurant and I was
10 running other things, and he told me, "Look, Évariste, we know each other. The
11 president has assigned me on a mission which requires me to go and examine
12 everything related to the health system of the mountain areas."

13 And since he did not understand even a single word of our local language, he said, "I
14 need you to come and help me. You have to be by my side as my interpreter, and
15 obviously for each trip you will have something." And I told him I had my
16 restaurant, and he said, "No, it is not easy to go to the west. You know the area."
17 And I said, "Very well."

18 Q. [15:51:44] Very well. So you served as an interpreter for him; is that correct?

19 A. [15:51:49] Yes.

20 Q. [15:51:50] Very well. Now, let us move on to something else. I have a
21 question for you on COMAJMG. Did it include many groups?

22 A. [15:52:50] I have already answered that question. It included many movement,
23 FJPI, JUDDDEM, SOAF, which was represented by the young Bieu Delphin. There
24 was another movement. I no longer remember the name. There were many
25 movements and all of them had President Laurent Gbagbo as a common

1 denominator.

2 Q. [15:53:28] Other movements or have we mentioned all of them?

3 A. [15:53:33] We have mentioned practically all of them. There was also COJEP.

4 It had its representative there. But there were more. The main one was the JFPI
5 and SOAF.

6 Q. [15:53:49] Let me interrupt you. I'm sorry. We did not quite understand each
7 other. I was asking you what were the movements that were members of the
8 COMAJMG. Are we talking about the same thing?

9 A. [15:54:05] Yes. The coalition of the movements of the young people of the
10 mountains for Gbagbo. So these were all the young people that supported President
11 Gbagbo, the JFPI. There was Bieu Delphin, Keunan Honoré, then there was the
12 JUDDM.

13 Q. [15:54:29] Very well. Once again, let us move on to something else. Your
14 meetings with Charles Blé Goudé. You have talked about them. I'm not going to
15 come back to them. I just want to clarify something. You talked about a first
16 meeting. The first time that you saw Charles Blé Goudé, you told us where and how.
17 You also talked about a second meeting which was an aborted meeting. You were
18 made to stand outside and you did not see him.

19 But then there was a third meeting in the west. And then you talked about the
20 debate between you and Pasteur Gami. You said Charles Blé Goudé was not there in
21 attendance, but in attendance, but he arrived later and congratulated you.

22 So I can count three meetings with Charles Blé Goudé. Were there any others?

23 A. [15:55:35] No.

24 Q. [15:55:36] Very well.

25 PRESIDING JUDGE TARFUSSER: [15:55:41] Can I just ask if you finish today or if

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1 we go to tomorrow, because I have to read out a decision.

2 MR ALTIT: [15:55:53] (Interpretation) Mr President, I think, I think that I could
3 conclude in about 20 minutes.

4 PRESIDING JUDGE TARFUSSER: [15:56:12] 15. Okay, go ahead. No, they
5 showed me 15.

6 THE INTERPRETER: [15:56:23] Mr President, the interpreters just indicated they're
7 okay to continue.

8 MR MACDONALD: [15:56:31] Your Honours, with your permission (No
9 interpretation) I don't think it changes much if we take our time.

10 PRESIDING JUDGE TARFUSSER: [15:56:41] They have the re-questioning, sorry,
11 yes.

12 MR MACDONALD: [15:56:43] So we may not have any questions, but I think it's
13 better to come back tomorrow and finish tomorrow in good conditions.

14 PRESIDING JUDGE TARFUSSER: [15:56:52] The good conditions is not the problem.
15 If you have re-questioning, then of course we go to tomorrow, because otherwise, I
16 mean, we will not in any case finish today.

17 MR MACDONALD: [15:57:04] So far it's unlikely that we'll have any questioning,
18 just to let you know, unless it changes in the next 15 minutes.

19 PRESIDING JUDGE TARFUSSER: [15:57:13] Well, so I think we go ahead and we
20 try to close today. Okay.

21 MR ALTIT: [15:57:21] (Interpretation) Thank you, Mr President.

22 Q. [15:57:26] Now, we will talk about Blé Maurice, the supervisor. You told us
23 that he was an uncle. I just want some clarification. Is he an uncle of the biological
24 family or an extended family member?

25 A. [15:57:50] I explained, an uncle by marriage. He was of the family of my

1 father's wife. So because my mother died, but my father remarried. So our current
2 mother, the mother was one of his elders because they were from the same family.

3 Q. [15:58:19] Very well. Now, let us talk about the campaign of 2010. If
4 understood you correctly, you did not have an official role during that campaign; is
5 that correct?

6 A. [15:58:31] That is correct. My role was to be by the side of my boss, who made
7 it possible for me to carry out that campaign in the west.

8 Q. [15:58:42] Very well. Who were the official representatives of the presidential
9 campaign in your region?

10 A. [15:58:55] Minister Gilbert Bleu-Lainé, that is the DDC director of campaign for
11 the area.

12 Q. [15:59:06] Yes. You talked about it. But do you remember some of the people
13 around him?

14 A. [15:59:12] There was Minister Bleu-Lainé. There was president chairman Guéï,
15 who was the president of UNP pro-Gbagbo. There was the staff of the minister Véité
16 (phon). There was the federal of the FPI of the Tonkpi region. I mean the main
17 federal, not the acting one. There was Madam Douati (phon). All those who were
18 supporting Laurent Gbagbo, those are the ones I remember.

19 Q. [16:00:23] Do you know the organisational chart of the campaign at the national
20 level?

21 A. [16:00:29] As it appeared on TV, there was a national campaign manager, Mr
22 Issa Malick. That is for President Laurent Gbagbo's campaign. And the deputy
23 general director in charge of youth was Mr Charles Blé Goudé. That was broadcast
24 over TV.

25 Q. [16:00:51] Very well. Mr President, I'm skipping over a few pages.

1 PRESIDING JUDGE TARFUSSER: [16:01:18] I see with pleasure.

2 MR ALTIT: [16:01:23] (Interpretation)

3 Q. [16:01:24] Now, Mr Witness, can you clarify something quickly for us? In the
4 French transcript at page 29, line 18, the transcript of yesterday, you stated that you
5 had met Gohi Bernadette; do you remember that?

6 A. [16:01:56] Yes.

7 Q. [16:01:57] And then you say the following at line 18, I quote: "She introduced
8 herself as being the president's protocol officer; yes, that's what she told me. She
9 was the president's protocol officer." End of quote.

10 Which protocol -- rather, which president are you referring to?

11 A. [16:02:12] President Charles Blé Goudé.

12 Q. [16:02:14] Very well. Now, you mentioned that you left Côte d'Ivoire on 22
13 April 2011. Did anyone help you?

14 A. [16:02:51] Yes, counsel.

15 Q. [16:02:53] Who?

16 A. [16:02:56] I can explain. I left thanks to a friend who helped me, a friend whom
17 I had known for several years, but who never throughout our friendship had ever
18 said anything to me about politics whatsoever, never. We had been good friends.
19 We had gone out together. We had had drinks together. And quite often when I
20 talked about politics to that friend, he said, "Well, you are a politician. You speak a
21 lot. I am not interested in your politics. I am only interested in my business."

22 Q. [16:03:55] Very well. So that's the friend who helped you; is that correct?

23 A. [16:03:59] Yes.

24 Q. [16:04:00] Let me read out an excerpt from your statement, 0062-0667 at page
25 0675, 0676, line 266. And I quote from line 266:

1 "Interviewer number 1: Mm-mm. That friend, what was his role? What was his
2 role?"

3 Person being interviewed, that was you, sir: "Well, he was --

4 Interviewer number 1: Was he a supporter or a combatant?

5 Person being interviewed: He was a combatant.

6 Interviewer number 1: Okay.

7 Person being interviewed: A mili -- well, I told you that he was a Boko Haram of the
8 RDR."

9 For the interpreters, Boko Haram, a sect, is spelled B-O-K-O Haram, H-A-R-A-M of
10 the RDR. That's the expression used. End of quote for now.

11 And I want to put the following question to you, Mr Witness. What is a Boko Haram
12 of the RDR?

13 A. [16:05:46] Thank you, counsel. On this point while I was still in Abidjan and
14 before I travelled here, I had the opportunity to read my statement, and I said that
15 there was a mistake in my statement.

16 I said "he looked like," because when he came to see me, counsel, he had a beard, he
17 was sporting a beard. He had been transformed into someone else. It was not the
18 friend whom I had known. So you understand what I am trying to say, he was
19 sporting a beard. And it looked like what we see in the media when there are
20 reports about on Boko Haram. So I'm the one who described him as someone who
21 looked like the Boko Haram of the RDR.

22 So when I came, I pointed out to the investigators that throughout our friendship, I
23 had never at any point whatsoever suspected that he was involved in politics because
24 he came to our area, when he left his area, he came and was involved in selling spare
25 parts. And so what I said was that he came like a Boko Haram of the RDR in that

1 meaning.

2 Q. [16:07:03] Very well, very well. So let me continue quoting from line 274. Do
3 you want me to repeat the reference?

4 A. [16:07:11] No.

5 Q. [16:07:12] Okay. Let's proceed, line 274:

6 Interviewer number 1, who was addressing you: "Therefore a combatant, that is
7 your friend, he was a combatant for which group?"

8 Person being interviewed, that's you: "I don't know his group.

9 Interviewer number 1: Was it -- inaudible.

10 Person being interviewed: No, no. To the Soro group, the group of those who had
11 come. And I told you that he --" and then inaudible, incomprehensible.

12 MR ALTIT: [16:08:06] (Interpretation) Thank you, Mr President.

13 Q. Interviewer number 1: "But he was here. He -- was he one of those who had
14 come into the town?"

15 And then there is a piece of incomprehensible excerpt. And then he asked: "Was
16 he someone from Abidjan?"

17 Person being interviewed: "He -- he -- no, he is one of those who came to the city.
18 He was in Abengourou.

19 Interviewer number 1: Was he someone from Abidjan or somebody from there,
20 from Abengourou?

21 Person being interviewed: From Abengourou, but he was always in Abidjan.

22 Interviewer number 1: Very well.

23 Person being interviewed: Were they -- and it's from there -- incomprehensible. He
24 explained many things to me, that a long time ago there were -- forces here were
25 infiltrated to the neck."

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1 And let me stop there, I'll stop the quote right there and ask you the following, when
2 you say that the "forces here were infiltrated to the neck," are you saying that they
3 were -- that Abidjan was infiltrated?

4 A. [16:09:28] Yes, that is what he told me.

5 Q. [16:09:31] Very well. So if we understand properly what you are saying, these
6 were Guillaume Soro's forces; is that correct?

7 A. [16:09:40] He said that he had come with Soro's group.

8 Q. [16:09:44] Very well. Very well, very well. So that was before the
9 post-election crisis; is that correct?

10 A. [16:10:01] No, no, no. It was on the day on which he came to fetch me. I was
11 not able to recognize him. He looked like Boko Haram. And when he took me in
12 his vehicle and as we were driving along, he reassured me. I was rather surprised at
13 the transformation that he had undergone. And I was surprised at what he was
14 telling me, because before that meeting he had never discussed politics with me.

15 Q. [16:10:35] Very well. Well, now, do you remember your first meeting with the
16 investigators of the OTP on 9 May 2014? And by the way, we don't have any notes
17 or transcripts of that first meeting. But you do remember that you had a preliminary
18 meeting before the major meeting of 12 June? Do you remember, Mr Witness?

19 A. [16:11:55] Um, this happened a long time ago. I don't have any clear
20 recollection.

21 Q. [16:12:00] Very well. Now, let me read statement 0072-0504, page 0510,
22 line 226:

23 Interviewer number 1: I am also going to -- well, I don't know if everybody is ready.
24 Can I proceed?

25 THE COURT OFFICER: [16:12:36] Could you please repeat the ERN number, s'il

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1 vous plaît.

2 MR ALTIT: [16:12:42] (Interpretation) 0072-0504, page 0510.

3 PRESIDING JUDGE TARFUSSER: [16:13:20] You may start.

4 MR ALTIT: [16:13:22] (Interpretation) Thank you, Mr President. At line 226,

5 interviewer 1: "I also want to mention the fact that prior to that recorded meeting,

6 we had had a meeting with you" -- and then there is a name mentioned which I will

7 not quote, because it's always the same thing and that's how we should do it. I will

8 leave it to the OTP to mention the names, the first names. So there are two names

9 mentioned of investigators. I'll continue the quote.

10 "So a few weeks, and that meeting was on the night of 9 May 2014; is that correct?

11 Now, can you confirm that? Maybe you don't remember the date, but obviously we

12 noted this. It was a meeting of 9 May 2014 at which we talked about a number of

13 things off the record." Now end of quote.

14 Do you remember that, Mr Witness, that it was on 9 May?

15 A. [16:14:21] I have just seen the date, but I don't remember.

16 Q. [16:14:28] Do you remember there was a first meeting?

17 A. [16:14:30] Yes, there was a first meeting before that meeting. At that first

18 meeting I was informed that it was OTP people.

19 Q. [16:14:40] At line 241 on the same page you say the following:

20 Person being interviewed: "Yes, I saw you for the first time. The first time you

21 called me." End of quote.

22 First question, Mr Witness, what did you talk about during that first meeting?

23 A. [16:15:02] With the bureau, they called me. First of all, I was surprised to begin

24 with. And they told me they were from the bureau of the ICC. And I was

25 obviously shocked. Then they asked me: "Are you in Abidjan?"

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1 I said: "Yes. Why are you calling me?"

2 They said: "No, no, no. There is nothing. We just want to meet with you."

3 And I must confess that I was troubled. And then they called me back, and so I went
4 to meet with them, and they told me that the meeting was in connection with the
5 office of the OTP in relation to the events that had taken place in Côte d'Ivoire,
6 namely, the post-election crisis in Côte d'Ivoire. And then they said they had
7 mandate by the Office of the Prosecutor to do so. That was it. Then they
8 introduced themselves. They showed me their cards or badges.

9 Q. [16:16:27] Who put you in touch with them?

10 A. [16:16:33] Counsel, up to this day, this is a question that I ask myself. I don't
11 know. I asked them and they told me that they don't have the right to say anything
12 about it and about the number on which they called me.

13 MR ALTIT: [16:16:49] (Interpretation) Mr President, with your leave, I have two
14 further questions.

15 Q. [16:16:55] Mr Witness, so that was in relation to the first meeting. And then
16 you meet again with the investigators of the OTP in June 2014. Do you remember
17 that?

18 A. [16:17:05] Yes.

19 Q. [16:17:06] Very well. Let me now read from a statement, that statement
20 0062-0504, at page 0507, at line 112.

21 Interviewer number 1 is speaking. Maybe we can start at line 108 for a more
22 complete picture. 108, I'll start from 108.

23 Interviewer number 1: "Then there is another point which is important to raise here,
24 namely, that given your positions in, and according to information obviously
25 available, and I think you can confirm this, your political positions within groups

1 which, among themselves -- well, you have held more or less political, a number of
2 political positions, not so? And also within the group Jeunes Patriotes, isn't it so?
3 For that reason, the status that you've been given grants you authorisations, rights, to
4 put it that way, which are different, different types of rights, the right to silence, not
5 so? The right to answer, that is to answer questions or not to answer questions; isn't
6 it so? Therefore that status, the status of a suspect, referred to as the status of a
7 suspect, grants you those rights." End of quote.

8 Let me read further at line 131, where you say the following, person interviewed, and
9 I quote:

10 "There is something I don't understand. You said --" and you quote -- 'Have the
11 right to, I believe, suspect.' What does that mean?" That was your question, "What
12 does that mean?" End of quote.

13 Now, how did you understand your status as a suspect based on what they told you?

14 MR MACDONALD: [16:20:11] With your permission, your Honour.

15 PRESIDING JUDGE TARFUSSER: [16:20:15] Mr MacDonald.

16 MR MACDONALD: [16:20:16] What is the relevance of this question?

17 PRESIDING JUDGE TARFUSSER: [16:20:20] Well, if we start to discuss about the
18 relevance of questions --

19 MR MACDONALD: [16:20:25] Then I understand we don't end today, if that's your
20 wish --

21 PRESIDING JUDGE TARFUSSER: [16:20:28] Yes.

22 MR MACDONALD: [16:20:29] -- but nevertheless, I mean, I don't think it's linked to
23 any issues.

24 PRESIDING JUDGE TARFUSSER: [16:20:34] Yes, but if you --

25 MR MACDONALD: [16:20:34] It's not the rights of the accused are involved. It's

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1 the right of the witness. He had a lawyer being offered to him. I don't know what's
2 the issue.

3 PRESIDING JUDGE TARFUSSER: [16:20:44] Mr Altit. Maître Altit.

4 MR ALTIT: [16:20:46] (Interpretation) Thank you, Mr President.

5 Q. [16:21:02] Well, did you have a lawyer with you throughout your meetings with
6 the investigators of the OTP, Mr Witness?

7 A. [16:21:10] No.

8 Q. [16:21:12] Did you turn down the offer of a lawyer or counsel? Were you told
9 that you could have a lawyer because you could have a special status of being a
10 suspect and you didn't want to be a suspect?

11 A. [16:21:28] I don't know. I have no recollection.

12 MR ALTIT: [16:21:32] (Interpretation) That would put an end to our examination
13 of the Laurent Gbagbo Defence team. Thank you, Mr President.

14 PRESIDING JUDGE TARFUSSER: [16:21:44] Thank you very much, Maître Altit.
15 Now the question is to the OTP and the question is if they have to re-question the
16 witness on some issues.

17 MR GARCIA: [16:21:57] No questions, your Honour.

18 PRESIDING JUDGE TARFUSSER: [16:21:59] Thank you very much.

19 So now I can tell you, Mr Witness, that your testimony is over, has come to an end, to
20 a conclusion, and that you can go back home. Thank you for having been here and
21 all the best.

22 I would ask now the court usher to bring you out of the courtroom. So as of today
23 you are free.

24 (The witness is excused)

25 PRESIDING JUDGE TARFUSSER: [16:22:44] Before adjourning the hearing, I want

Trial Hearing
WITNESS: CIV-OTP-P-0176

(Private Session)

ICC-02/11-01/15

- 1 to go just for 2 or 3 minutes in private session to read out a decision and then come
- 2 back in open session for the adjournment.
- 3 So please let's go into private session.
- 4 (Private session at 4.23 p.m.)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
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- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0176

(Private Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 4.27 p.m.)

24 THE COURT OFFICER: [16:27:44] We are in open session, Mr President.

25 PRESIDING JUDGE TARFUSSER: [16:27:47] Thank you very much.

Trial Hearing
WITNESS: CIV-OTP-P-0176

(Open Session)

ICC-02/11-01/15

- 1 Now we are in open session. The hearing is, we adjourn now the hearing to Monday,
- 2 24 July. This time I'm right.
- 3 JUDGE HENDERSON: [16:28:00] July?
- 4 PRESIDING JUDGE TARFUSSER: [16:28:01] I'm not right. April, to Monday, 24
- 5 April for the testimony of Witness 108, if I'm not mistaken. Thank you very much.
- 6 The hearing is adjourned.
- 7 THE COURT USHER: [16:28:19] All rise.
- 8 (The hearing ends in open session at 4.28 p.m.)