

1 International Criminal Court
2 Trial Chamber I - Courtroom 2
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Monday, 7 March 2016
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Good morning to everyone in the courtroom and the
15 public gallery.
16 I see Mr von Bóné here, but it will come later to introduce you.
17 I first have an oral ruling on the issues which were raised in the last status conference.
18 (Trial Chamber confers)
19 PRESIDING JUDGE TARFUSSER: After the ruling on the issues raised in the open session,
20 we will have the submissions on the application made by the Defence of Mr Gbagbo on the
21 violation of the familiarisation protocol and then we see how we further proceed.
22 So this the Chamber's oral ruling on the issues raised by the parties during the status
23 conference held on 17 February 2016 and on the request for leave to appeal filed by
24 the Defence of Mr Gbagbo on 22 February. I'm referring to filing 450.
25 The Chamber, having heard the submissions by all parties at the status conference,

1 at the status conference held on 17 February 2016, decides on the issues therein raised
2 as follows:

3 First, on the 24 hours deadline for disclosure of material to be used by the non-calling party,
4 as a general rule, and as a matter of courtesy and even more of fairness among counsel,
5 material intended to be used during the questioning of a witness regardless of who is the
6 calling party should be communicated as soon as possible to all those concerned. As regard
7 particularly the non-calling party the Chamber sees no basis or need to reconsider the 24-hour
8 deadline, which therefore is maintained.

9 However, if the non-calling party communicates any item past the deadline, the other
10 parties may object to the late communication of the Chamber, may disallow the use of
11 the hearing or adjourn the hearing if this is so required.

12 Accordingly the Prosecution request is rejected.

13 As regards the suggestion of the Legal Representative of Victims, the Chamber
14 authorises her to disclose the list of materials to the parties immediately upon being
15 granted leave to question a witness.

16 The second issue is on the request for clarification as to the submission of material
17 and its use when questioning a witness. The Chamber recalls its decision of 29
18 January 2016. The Chamber will not reconsider its decision and neither will it
19 further explain what is clearly set out therein. However, in order to give a more
20 practical explanation, the Chamber simply recalls that any exhibit used in the course
21 of a witness's testimony succinctly explained in its significance is deemed submitted
22 into the record of the case and this will be reflected in its metadata, reflected in the
23 metadata of the said item of evidence.

24 The official record of the entirety of the trial proceedings will be the eCourt system,
25 which will reflect in the annotations made in its metadata, all information relevant to

1 submission of each and every exhibit submitted in trial, including any objections
2 raised or ruling thereon.

3 With the assistance of the information contained in the ICC's eCourt system and
4 pursuant to Article 74(2) of the Statute, the Chamber will base its decision on the
5 evidence of the entirety of the proceedings.

6 The lists sent by the court officer to the parties is an additional aid which reflects
7 some of the metadata of submitted items, and if the parties have suggestions on how
8 to improve this list, it can of course be discussed by the parties and the court officer.

9 In this context the Chamber also likes to note that the screenshot of a video has to be given a
10 separate ERN number and uploaded separately in eCourt by the party wishing to use it in
11 order for the Court to accurately show that it is, that it is the screenshot rather than the video,
12 which is submitted. Of course if such screenshot is used on short notice, this process can be
13 completed after the testimony of the witness concerned is included as already has happened.

14 Lastly, I would like to make a remark -- to make the remark that the Chamber is
15 composed of professional Judges, and when deciding on the admission of evidence,
16 we will carefully consider the record of the proceedings and the annotations made to
17 the metadata of items submitted during the proceedings.

18 Three, on the contact between so-called dual-status witnesses and the Legal
19 Representative of Victims, the Chamber recalls the decision of 2 November 2015,
20 filing 355, adopting the protocol of witness familiarisation. The Chamber first
21 observes that the Defence did not request leave to appeal this decision.

22 Moreover, although the Chamber authorised a slight modification to the protocol, it
23 did so upon recommendation by the Victims and Witnesses Unit as neutral entity
24 with the express mandate to protect the witnesses and victims that appear before the
25 Court.

1 The Chamber will not reconsider the protocol based on the request of the Mr Gbagbo
2 Defence, which ultimately suggest without any basis whatsoever that the Legal
3 Representative of Victims could prepare dual-status witnesses and thus infringe the
4 express prohibition already set out clearly in paragraph 32 of the protocol.

5 Accordingly, the Defence, the Gbagbo Defence request is rejected.

6 On the re-examination issue by the non-calling party, the appropriateness of
7 re-examination should be put into context and the concept of issues raised for the first
8 time be interpreted by giving it a meaningful interpretation as the witness during
9 examination by the non-calling party may refer to a matter that was already dealt
10 with during examination, but in a different manner or context.

11 In such cases, the non-calling party has the right to re-examine the witness to clarify
12 what can appear to be misunderstandings or contradictions. Any other
13 interpretation would defeat the nature and the purpose in the very sense of
14 re-examination. Put another way, re-examination must be confined to matters
15 arising from the examination by the non-calling party.

16 Five, on the witness walking in and out before Judges come inside the courtroom, the
17 Chamber agrees with the submissions made by the Prosecution, which is also
18 supported by all parties, particularly in light of Article 68(1) of the Statute, the Court
19 has the duty to protect the well-being of the witnesses appearing in court.

20 Accordingly, the witness should remain outside the courtroom until the hearing is
21 due to commence.

22 Once the Chamber in consultation with the court officer is ready to commence the
23 hearing, the witness should be escorted by a member of the Victims and Witnesses
24 Unit so that he or she is already seated when the Chamber enters the courtroom.

25 The VWU officer shall remain all times beside the witness until the Chamber indicates

1 so.

2 On the issues of the use of private sessions and redactions, the Chamber takes note of
3 the submissions made by the parties but does not consider that the issue requires a
4 principle decision at this point. The Chamber will decide on a case-by-case basis,
5 taking into consideration its obligation to protect witnesses, but also the right of the
6 Defence to a public hearing.

7 I will now turn to the application of the Gbagbo Defence of 22 February 2016, filing
8 450, for leave to appeal the Presiding Judge's oral instruction/recommendation made
9 on 20 February 16, that the parties avoid using the word "president" when referring to
10 Mr Gbagbo during the course of the proceedings.

11 Only the Legal Representative of Victims filed a response to the application filing 452.

12 The Gbagbo Defence raised four issues for appeal: First, that the Legal
13 Representative of Victims had no capacity to request that the accused be referred as to
14 Mr Gbagbo; second, the Chamber gave no legal basis for its decision; third, the
15 Chamber erred in fact, in fact in its reason for giving the instruction; and four, the
16 Judges will contribute to creating, and I quote, "creating confusion in the minds of the
17 witnesses," end of quote, by not referring to Mr Gbagbo as "president."

18 The Chamber dismisses the application and clarifies that the oral instruction given on
19 20 February 2016 -- 12 February 2016 to all parties to refer to the accused as
20 Mr Gbagbo or Mr Laurent Gbagbo as opposed to President Gbagbo is exactly that,
21 namely, an instruction or recommendation and not a decision which would be
22 appealable under Article 82(1)(d) of the Rome Statute.

23 To make it very clear, this instruction/recommendation was given for the only
24 purpose of keeping the focus on the proceedings in their factual and legal nature.

25 This said, while it would not be necessary to further delve into the substance of the

1 Defence's arguments, the Chamber nevertheless will address them for the sake of
2 completeness.

3 Concerning the issue of the Legal Representative of Victims having raised the matter,
4 the Gbagbo Defence has itself acknowledged that the Chamber already gave a similar
5 oral decision on 4 November 2014 concerning the manner in which Mr Gbagbo
6 should be addressed during these proceedings.

7 The Chamber therefore finds no issue with the Legal Representative of Victims
8 raising the concern that the parties have not been following that instruction.

9 In relation to the argument that the instruction/recommendation would, and I quote,
10 "create confusion in the mind of the witness" end of quote, all the Chamber finds
11 necessary to say is that it finds it rather extraordinary that the Gbagbo Defence
12 attempts to argue that witnesses testifying in these proceedings might be confused
13 about who Mr Gbagbo is should he not be referred as to President Gbagbo.

14 In any event, the Chamber observes that the Gbagbo Defence makes no attempt to
15 explain how any of these issues it raises significantly affect the fair and expeditious
16 conduct of the proceedings or the outcome of the trial, which are requirements for an
17 application for leave to appeal to be granted under Article 82(1)(d) of the Statute.

18 This said, finally, the Chamber wants to address *motu proprio* an unpleasant issue
19 arising from the request for leave to appeal filed by the Defence of Mr Gbagbo.

20 In said request the Defence of Mr Gbagbo, more at paragraph 32 or less at paragraph
21 34, explicitly alleges bias on part of the Judges of the Chamber.

22 In this regard the Chamber once again states with the utmost clarity that not every
23 decision with which the parties disagree is a sign of bias.

24 The Court has repeatedly determined that there is a strong presumption of
25 impartiality attaching to a Judge that is not easily rebutted, not easily rebutted.

1 Accordingly, if the Defence has a well-founded and well-substantiated position to the
2 contrary, it should follow the appropriate procedures provided by law.

3 In the absence of any such well-founded or well substantiated position, followed by
4 the appropriate procedural steps, the Chamber considers the reiteration of such views
5 unnecessary and indeed an unacceptable artificial creation of appearance of bias in an
6 attempt to erode the legitimacy of these proceedings in the eyes of the public and will
7 take the appropriate steps if reiterated.

8 So these are the oral rulings coming out from the status conference and from the
9 request for leave to appeal.

10 On 4 March, there was filed a request, request 458, by the Defence of Mr Gbagbo
11 relating to a violation, this the alleged violation of the protocol of familiarisation, to
12 which now I think we should give the floor to the parties to take the position. And I
13 think I give the floor to Mr Knoops, if he has to say something on this request made
14 by the Defence of Mr Gbagbo. Yours the floor.

15 MR KNOOPS: Thank you, Mr President. Good morning.

16 We submitted yesterday an email to the Chamber that, in the absence of the list of
17 documents we were not given, we cannot comment on the request filed by the
18 Gbagbo team. We were made aware of this list of documents only Friday by the
19 filing of the team of Mr Gbagbo and, therefore, we are not in a position to make
20 submissions.

21 Thank you.

22 PRESIDING JUDGE TARFUSSER: Thank you, Mr Knoops.

23 Legal Representative of Victims.

24 MS MASSIDDA: Thank you, your Honour. Good morning. We don't have any
25 submission on a specific issue. I just wanted to flag that we have not received any email to

1 which my learned colleague was referring to. I don't know if we were not copied or --

2 MR KNOOPS: Yes. Everyone was copied.

3 MS MASSIDDA: Thank you. We'll check. Thanks.

4 PRESIDING JUDGE TARFUSSER: So the floor is to the Office of the Prosecutor.

5 MR MACDONALD: Good morning, your Honours.

6 There is essentially in the request made by the Gbagbo Defence team - sorry, I'll sit
7 closer to the microphone - there is two sets of documents. I will first address the
8 reference to ERNs.

9 In the last, primarily last interview in December 2014 of the witness, reference using
10 ERNs of documents that were shown to the witness. Why is that?

11 The practice on this team has been to limit the use of documents and restamping of
12 ERNs. So that's why they were not annexed to the statement. What we do is when
13 we have a document that is in our Ringtail database, we refer to the ERN of that
14 material and we insert it in the statement, and our obligation afterwards is to make
15 sure that these documents identified by ERN are then disclosed to the parties so that
16 they can follow the interview.

17 So instead of annexing 30, 40, 50 documents again with the transcript and getting new
18 stamps, new ERN numbers over ERN numbers, that's why we simply refer to ERNs.
19 So there is no ulterior motive whatsoever of trying to prepare or proof a witness
20 indirectly.

21 Now, you see this practice with witness, the current witness, and it's something that
22 we will see with other witnesses because it was a practice, and it is still a practice. So
23 I think that clarifies that issue.

24 I think the other issue that is more important, indeed, is our own interpretation or
25 potentially misunderstanding in relation to two other documents. We've interpreted

1 that prior occurrences of the witness to the Office of the Prosecutor or the Defence to
2 be included in the package at the familiarisation, and that is why the first meeting
3 with the Office of the Prosecutor where -- which we called in our jargon the screening
4 or preliminary meeting of a witness, some information is gathered, put in the report
5 and those are the words of the witness, but it is not in a statement form under Rule
6 111 or 112 of the Rules.

7 And then the other document is a statement that was given by the witness when he
8 consented to meet with the Defence team of Mr Gbagbo, we were disclosed that
9 statement.

10 So we thought that those two documents could be included in the familiarisation
11 package as were the three other statements that the witness gave at different times to
12 the Office of the Prosecutor.

13 Again, the purpose is in fairness to the witness and so that he can prepare himself adequately.

14 Now, if I see the remedy that is sought is, in any event, that the Chamber, if this was a
15 violation, the Defence is arguing that this should be taken into account when the
16 Chamber will evaluate the credibility of the witness at the end. Well, that seems fair.

17 And I think indeed, it should be an appropriate remedy if there was a violation.

18 So maybe we should get further instructions from the Chamber if indeed the
19 Prosecution interpretation was wrong.

20 That being said, it wasn't done with any malicious intent whatsoever.

21 Now, on the question of the list, and the emails Mr Knoop addressed the issue, we're
22 verifying who was copied on this list, but indeed in the future -- we were under the
23 impression, certainly Mr Gbagbo was copied, it seems, but we were under the
24 impression that everyone was copied. The documents, the list of the documents
25 anyway, those documents are in any event in the list of material the Prosecution may

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1 use for the examination of the witness. So ultimately the Defence was copied.

2 Everything is on there.

3 But indeed maybe it's an additional information that can be provided. I think in
4 other cases it was a practice where the other parties would receive the material of the
5 calling or non-calling -- I mean of the calling party. So same will apply when the
6 Defence will be calling witnesses, if they do, the Prosecution will receive the list, so
7 we can see where -- which material was used by the witness to prepare for his
8 familiarisation.

9 That being said, I just, while I'm standing, we had a very quick conversation about
10 exactly that familiarisation and taking notice of prior statements. There may have
11 been difficulties with the current witness, but I guess we will maybe address that
12 separately, later. As I understand, the legal counsel of the witness has filed a motion
13 Friday to which we were not necessarily privy, but we can come back to that later.

14 PRESIDING JUDGE TARFUSSER: Thank you.

15 The Chamber will in due course, having heard the submissions, we'll decide in due course on
16 this filing, filing made by the Gbagbo Defence.

17 I would say we proceed now with starting the witness testimony and, therefore, I
18 would call, would ask the court usher to introduce the witness.

19 (The witness enters the courtroom)

20 PRESIDING JUDGE TARFUSSER: Good morning, Mr Witness.

21 WITNESS: CIV-OTP-P-0625

22 (The witness speaks French)

23 THE WITNESS: (Interpretation) Good morning, Mr President.

24 PRESIDING JUDGE TARFUSSER: I know that no protective measures are applied, so we
25 can, we speak obviously in open, in open session.

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1 Your name is Sam Mohamed Jichi; is that right?

2 THE WITNESS: (Interpretation) Yes.

3 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much, the court officer, so I'm
4 allowed to proceed. No, I'm joking.

5 Can you tell us when and where you were born?

6 THE WITNESS: (Interpretation) My date of birth 24 October 1963 in Monrovia, in Liberia.

7 PRESIDING JUDGE TARFUSSER: And you are Liberian and Ivorian citizen; is that correct?

8 THE WITNESS: (Interpretation) Mr President, I am Ivorian.

9 PRESIDING JUDGE TARFUSSER: Okay. Not Lebanese also?

10 THE WITNESS: (Interpretation) I am Lebanese, *and Ivorian, but I'm 100 per cent Ivorian
11 because I spent all my life in the Ivory Coast. I know nothing about the other side and I have
12 Ivorian nationality.

13 PRESIDING JUDGE TARFUSSER: And what ethnic background do you have? You are
14 Dioula; is that correct?

15 THE WITNESS: (Interpretation) Well, I come from the north, if you want. I spent all my
16 life in the north. I'm somewhat frustrated by the expression "Dioula." Well, I come from
17 the north. You see, the word "Dioula" is not an ethnicity of the Côte d'Ivoire. It's part of the
18 country which is known as Dioula, people from the north. So I am from the north of the
19 Côte d'Ivoire. And it can be said that I am from the Séguéla Mankono area, which is in the
20 north of the Côte d'Ivoire.

21 PRESIDING JUDGE TARFUSSER: And as far as the religion is -- yes, please.

22 THE WITNESS: (Interpretation) Well, one second. I would like to know, Mr President,
23 whether the -- whether we're in open session or is it live? Is it live? Because this is what
24 I -- this is what I think should be the case, that's what I always asked for from the very first
25 time I contacted the OTP. I don't have anything to hide. I want everything to be done in

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1 full transparency.

2 PRESIDING JUDGE TARFUSSER: And that's what we are doing. Don't worry.

3 Everything is transparent and open.

4 THE WITNESS: (Interpretation) Thank you, Mr President.

5 PRESIDING JUDGE TARFUSSER: So you are religion-wise, you are Christian or Muslim or
6 nothing? Whatever.

7 THE WITNESS: (Interpretation) I am Muslim.

8 PRESIDING JUDGE TARFUSSER: And your occupation or your job?

9 THE WITNESS: (Interpretation) I am a businessman, I'm a trader and I'm a politician.

10 PRESIDING JUDGE TARFUSSER: Politician, what do you mean by politician? Are you in
11 a party? What do you mean by politician?

12 THE WITNESS: (Interpretation) I am the president of a political party, Mr President.

13 PRESIDING JUDGE TARFUSSER: And which political party?

14 THE WITNESS: (Interpretation) My own political party, my very own political party.

15 PRESIDING JUDGE TARFUSSER: Okay. Obviously you are aware that this Chamber has
16 been established to try the case of the Prosecutor against Mr Gbagbo and Mr Blé Goudé. You
17 know that?

18 THE WITNESS: (Interpretation) Yes, I do.

19 PRESIDING JUDGE TARFUSSER: And you are here called to testify to assist us, to assist the
20 Chamber in our search for the truth. You will be asked questions by the Office of the
21 Prosecutor and by the Defence of Mr Gbagbo and Mr Blé Goudé.

22 If you have any concerns at any point in time, you need a break, you're tired,
23 whatever, you just ask for it, you tell and we will try to accommodate it.

24 But as a witness in a proceedings in front of the Court it is your duty, it is your duty to tell the
25 truth. So before I give the floor first to the Office of the Prosecutor to start to put questions to

1 you, you are required to make a solemn undertaking. This is a requirement by law. So I
2 would ask you to repeat with me the following words. I solemnly declare that I will speak
3 the truth.

4 THE WITNESS: (Interpretation) I solemnly declare that I will speak only the truth and that
5 which I know.

6 PRESIDING JUDGE TARFUSSER: The whole truth but nothing but the truth.

7 THE WITNESS: (Interpretation) The whole truth and nothing but the truth for Côte
8 d'Ivoire.

9 PRESIDING JUDGE TARFUSSER: I have also to inform you that giving false testimony is an
10 offence before this Court and punishable before this Court. Do you understand this?

11 THE WITNESS: (Interpretation) Yes, I'm aware of that.

12 PRESIDING JUDGE TARFUSSER: The last recommendation I make to you is to speak
13 slowly. You speak French. You have learned that everything you say is translated also into
14 English. We have interpreters and court reporters. They have to write down what you are
15 saying and translate what you are -- write down and translate what you are saying. So I
16 would like to invite, I invite you to speak slowly so that the interpretation and the court
17 recording will be accurate, okay?

18 Now, welcome, Mr von Bóné.

19 You have also legal support, legal counsel beside you.

20 I would ask Mr von Bóné if you confirm that the witness has been fully explained his rights
21 and obligations also under Rule 74.

22 MR VON BÓNÉ: Yes, your Honour, I have instructed the witness for that and the proper
23 regulations that are with that.

24 PRESIDING JUDGE TARFUSSER: Thank you very much, Mr von Bóné. I would ask now
25 the Prosecutor, can you please indicate whether you consider an assurance is appropriate or

1 indeed based on your anticipated line of examination relevant in this case, just to know if we
2 have to do this assurance to the witness.

3 MR MACDONALD: No, we don't, your Honour, no.

4 PRESIDING JUDGE TARFUSSER: There is no need for assurance?

5 MR MACDONALD: Not at this stage.

6 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much.

7 For the whole duration of the witness testimony, I request all parties to be vigilant

8 about going into private session for areas of evidence that are likely to elicit responses

9 that might self-incriminate the witness of course.

10 So I think we can now start with the questioning by the Office of the Prosecutor.

11 Excuse me, Mr von Bóné, yes?

12 MR VON BÓNÉ: Your Honour, if I may? On Friday, actually, I filed a document,

13 apparently the Prosecution nor the Defence nor the Court probably has received anything. I

14 described in it that it would be advised that since it is the witness who has very big difficulties

15 with reading materials, it would be useful that particular parts of the declarations would be

16 read slowly by the parties. That is one concern that I have, so that the testimony of the

17 witness will expeditiously continue.

18 Another thing was that there was a very short time for the witness to be prepared due

19 to the fact that he has this impairment of reading. The materials had to be read to

20 him. Therefore, things took very slow, and I cannot say that the witness has

21 reviewed all his statements; however, in the course of my work with him, I

22 understood that it was clear to the witness that he was aware of the testimony that he

23 had given in earlier, in the earlier phases of this proceedings.

24 Lastly, I was unable to exclude whether assurances would have to be given or not.

25 Therefore, I thought it would be wise to give these as a matter of cautiousness to give

1 the assurances regarding Rule 74 and that is basically the content of the document
2 that I filed on Friday. I did that around 1 o'clock or 12 o'clock, but this is the content
3 that I did at the Court Management Section.

4 In short, your Honour, in short, excuse me, in short, your Honour, it is due to the fact that the
5 witness, I could not exclude a Rule 74 possibility, and therefore I thought it would be wise to
6 do so. Thank you very much, your Honour.

7 MR MACDONALD: With the Chamber's permission I just want to clarify one thing, because
8 indeed if we find that it's necessary, the Prosecution has no objection. That's not the issue.
9 The issue is indeed mister was interviewed under 55(2), Article 55(2), at the very beginning, in
10 light of the presumed membership to different organisations, so therefore at that moment the
11 Prosecution felt that it was better not to exclude and to do a 55 -- conduct 55(2) interviews.
12 And then after that scheme was kept, also because we feel that for some witnesses it is also
13 much better to have transcripts than it is to write down statements. So that's the background,
14 if it helps the Chamber to decide.

15 But looking now, what we know, we feel that it is not necessary, and I left the door
16 open, but if in the course of the proceedings it becomes maybe necessary for whatever
17 reason that may be new, then of course we can deal with it at that moment. But
18 either way, your Honour, it's just information for your -- to take your decision.

19 PRESIDING JUDGE TARFUSSER: Mr von Bóné, about the reading to the victims is clear, it
20 was clear to us that in case something has to be shown to the witness, it has to be read to the
21 witness. So we know, we know this.

22 The fact that not all the statements -- there was no time to review all the statements, I
23 think there is the easy way to the refreshing of the memory by reading out the part of
24 the statements. So also this is not a big issue.

25 And as far as assurances is concerned, I think we start now without this assurance, obviously

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1 also because of what the OTP just -- the Prosecutor said just now. But in any case, it should
2 arise, we are ready to give this assurance. So I think we are on the safe side in any case, I
3 would say.

4 So again I now give the floor to the Prosecutor for the beginning of the witness
5 testimony.

6 QUESTIONED BY MR MACDONALD: (Interpretation)

7 Q. Good morning, Mr Jichi.

8 A. Good morning, Counsel.

9 Q. We shall revisit this point, namely that this is not the first time we are meeting, is that
10 not the case?

11 A. Yes, that's correct.

12 Q. I may have met you before, but through my examination I will refer to you as mister, sir
13 or sir. It's short, it's polite and I will not want to call you Mr Sam. Do you understand?
14 You know that we have a more familiar way of referring to each other when we've met out of
15 here, but today we will do as I have suggested.

16 So, sir, I invite you to listen carefully to the questions I'll be putting to you. I believe that the
17 President referred to that a short while ago, but let me add to it. Just make sure that you
18 have fully understood my question. If you do not understand my question, then please say
19 so, this is very important, and I will rephrase.

20 A. Okay.

21 Q. Now, if you do not understand the question, the answer might not relate directly to the
22 question as you know?

23 A. Yes.

24 Q. You have noted that I am talking to you in French, our common language, but there
25 might be objections or other interactions from colleagues in the Chamber and in such

1 circumstances I'll speak in English. Do you understand that?

2 A. Yes.

3 Q. Now, furthermore, one more point. I know that you are one who is given to talking.
4 We shall have to proceed slowly because there is interpretation into English for the Chamber
5 and for some colleagues. Therefore, please avoid any overlapping, okay? Please wait for
6 the question, break a little bit, a little pause and then answer. I know this is going to be
7 difficult. I don't have a yellow card to show you like in football, but I can raise my hand if I
8 find that I need to interrupt you. I will show you a sign so that we can proceed in an orderly
9 manner.

10 I also know that you have a lot to say, maybe, and that it might take some time.

11 However, I do not want to stop you from answering any questions, but you must
12 focus on the question that is asked and limit your answer to the specific area. If
13 there are any further details, please be sure that we will revisit them. Do you
14 understand?

15 Mr Witness, let me now proceed. Can you provide some additional biographical
16 information to the Court which maybe has not been mentioned so far. Firstly, where
17 were you born?

18 A. I was born in Liberia.

19 Q. Do I understand that you were born in 1963?

20 A. Yes.

21 Q. Do you remember how old you were when you moved to the Côte d'Ivoire?

22 A. I was 8 years old.

23 Q. Eight years. At that time where did your family settle?

24 A. In Séguéla.

25 Q. To the north?

1 A. Yes, to the north.

2 Q. Well, we shall revisit this point. You have a nickname?

3 A. Yes.

4 Q. What is your nickname?

5 A. Sam l'Africain.

6 Q. Why?

7 A. Because I relate to everything that is African.

8 Q. Sorry, I didn't understand.

9 A. Well, I will get used to this. I'll get used to this. Well, it is because the name was
10 given to me by my friends. They felt that everything that I did was African. I lived with
11 them. I go to the farms and everywhere with them. I spend all my time with Africans.
12 That is how it came about that I received the nickname. Initially I did not accept the name.
13 You see, when you are given a nickname and you are -- you refuse that name, people tend to
14 tease you. And so that's how the name stuck. I prefer that name Sam l'Africain because I'm
15 an African, I love Africa, I love -- I adore Africans.

16 Q. Last question on that point. How old were you when your friends gave you that
17 nickname?

18 A. Maybe 14 years old.

19 Q. So you were an adolescent?

20 A. Yes, a long time ago.

21 Q. Can you explain to the Court how it is that you have both Ivorian and Lebanese
22 nationalities? Can you talk to us about your origins. You were born in Liberia and then so
23 on and so forth.

24 A. My father came from Lebanon, settled in Liberia. My mother was a Guinean-Lebanese
25 from Guinea. Her parents were Lebanese. She was born in Guinea. She got married to

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1 my father in Liberia and so on and so forth.

2 Q. Very well. You say that you're from the north?

3 A. Yes.

4 Q. What does that mean?

5 A. It means that I'm a son of the north because I spent all of my life in the north. I grew
6 up in the north. I had my children in the north.

7 Q. When you arrived in the Côte d'Ivoire, you settled in Séguéla, but a short while ago you
8 also mentioned a place from which you belong.

9 A. Mankono. Mankono.

10 Q. Okay, Mankono. How old were you when you were living in Mankono?

11 A. Well, I was in Séguéla until, well, for about 10 years. And when my father died in Séguéla, on
12 31 December 1980, *when I was 17, that is when my father died in Séguéla, six months after that date I
13 moved to Mankono.

14 Q. Very well. I understand that at the time of the events, namely the electoral crisis, you lived in –
15 * Abidjan?

16 A. Yes, I was in Abidjan.

17 Q. And in which year did you arrive in Abidjan?

18 A. Oh, I arrived in Abidjan in 88, if I remember correctly.

19 THE INTERPRETER: Mr President, overlapping speakers. They are going too fast for the
20 interpreters, Mr President.

21 PRESIDING JUDGE TARFUSSER: Excuse me, you're going too fast for the President and
22 sometimes overlapping. So please.

23 MR MACDONALD: (Interpretation) Mr President, we will slow down.

24 Q. We will slow down.

25 A. We will slow down. We will get used to this.

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1 Q. We will get used to this.

2 MR MACDONALD: (Interpretation)

3 Q. Please, fear not, we hear you clearly. You can be heard very clearly. Don't speak too
4 close to the microphone.

5 A. Okay. Very well.

6 Q. Now, let me return to the date or the year in which you arrived in Abidjan.

7 A. Let's make it '86, '86.

8 Q. 1986?

9 A. Yes.

10 Q. You talked about your profession, without mentioning any names, we're in open session, but if
11 need be, we could subsequently move into private session. But talk to us about your occupation at
12 the time you arrived in Abidjan. What has your profession been?

13 A. I used to work as a technician in a company, an industrial company. I worked as a technician.

14 Q. Very well. For how long?

15 A. For three, four years.

16 Q. Later on?

17 A. I left and I undertook commercial activities, business.

18 (Trial Chamber confers)

19 PRESIDING JUDGE TARFUSSER: Go ahead, please.

20 MR MACDONALD: Yes. No worries.

21 Q. (Interpretation) Mr Witness, Mr Gbagbo may go in and out of the courtroom as you have just
22 seen. He will be back in a minute or two, and this might happen a number of times. And you will
23 notice that this may happen, so don't be worried. Everything is under control, okay?

24 A. No problem.

25 Q. Very well. Now, you started your business activities as you have said. What were you doing?

1 A. I had trading businesses. I used to sell -- buy and sell goods.

2 Q. Are you still in business today or trading today?

3 A. No.

4 Q. What is your profession? How would you qualify your profession today?

5 A. I can say that I'm a businessman.

6 Q. Do you have any companies?

7 A. No.

8 Q. And in the past, did you possess any companies?

9 A. Of course.

10 Q. And how many did you have?

11 A. Three in all.

12 Q. For the Chamber to be able to understand your background, with regard to your
13 education, could you please explain to the Chamber if you went to school, and if so where,
14 and for what duration?

15 A. I might be surprising the Court when I say that I never went to school. I went to what
16 we call the school of life. That's what we call in Africa, the fact that we never stop learning.
17 We're always learning. It's the best school there is.

18 Q. Now, Mr Witness, we were fortunate to meet in the past, and we shall come back to this
19 if the case requires later but, in order to put you at your ease, I believe that it is important for
20 us to explain what your motivation is to come to testify before this Chamber today and to
21 cooperate with the ICC. Please, go ahead.

22 A. If I remember clearly, it was on 4 October 2011, when we were in Pergola as political
23 prisoners, and I received a telephone call from the Office of the Prosecutor inviting me to
24 present myself to them.

25 Q. I'm going to invite you -- or I'm going to interrupt you here because we are in open

1 session, and I'd invite you not to mention the names of the members of the OTP.

2 A. I was invited, you know, and I asked somebody to accompany me because at the time
3 we could not go out alone. We needed to be accompanied by security personnel. So I
4 asked for an escort, and that is how I -- well, they introduced themselves to me. I'm not
5 going to tell you the names of the individuals. Those individuals introduced themselves to
6 me saying that they were of the opinion that I was a co-perpetrator in the crisis. They
7 wanted to know what my role was, and what I knew, and they asked me to testify and I said
8 that there was no problem because, of course, one needs to say what one knows.

9 I -- well, when I was told that I was a co-perpetrator, well, that's quite normal because
10 I was a political actor and we were all with President Gbagbo, we needed to say what
11 we knew. So I thought that this was entirely normal to answer questions in order to
12 shed light on what happened and for the truth to come to the fore as to what
13 happened in Côte d'Ivoire, as to the origin of this crisis, because it needed to be
14 explained and that's what the world needed to know about.

15 We know where the crisis came from in Côte d'Ivoire. Maybe we were not able to
16 manage it, but it did give rise to a great deal of deaths and victims. But the crisis did
17 come from somewhere and Côte d'Ivoire knows that. And today I would like, in full
18 respect of all the victims and all the people who died in Côte d'Ivoire, without any
19 religious beliefs being involved or whether one belongs to the north or the south,
20 because there were victims everywhere, maybe by virtue of our naivety and our way
21 of leading political life, there were many victims, people who died, even people who
22 did not vote at all, did not vote for either Gbagbo or Alassane, they were killed too.

23 And here we need to tell the truth for everybody to know what happened, for everybody to
24 know what happened. And as I said to you, I am a pacifist, and I shall always defend the
25 African cause and the cause of the Africans because I really do think that there are so many

1 barbaric acts in Africa and Africans are constantly victims.
2 And that's why I accepted to come and testify here, in order for people to know why and how
3 the Africans are suffering, because hospitality is really part and parcel of Africa and I think
4 that the Africans should not be massacred to such an extent.
5 That's why I wanted to come here to testify. I want the Africans to be respected. I want
6 Africa to be respected. The Africans do not mean any harm. They extend their hand in
7 hospitality. They're very kind, they're very soft. And Africa really is paradise. You need
8 to go there to find that out. But unfortunately politics is not what it should be, and that's
9 why we are experiencing and living through what we are living in Africa today. And this
10 must come to an end one day.

11 Q. Very well. So let's talk about politics. And I would like to start once again by
12 concentrating on you. Providing some biographical details, you made mention of the fact
13 earlier that you had a political party. Could you tell us the name of that party?

14 A. NACIP.

15 Q. NACIP. And what is the full name of NACIP?

16 A. The New Alliance of Côte d'Ivoire for the country.

17 Q. And when did you set up the NACIP?

18 A. The NACIP was created as a political movement in 2005, if my memory serves me
19 correctly, 2004 or 2005. This was after -- well, after the crisis when I came out of Pergola,
20 when I was released, I went and set up this political party.

21 Q. Very well. Are there any memoranda or memorandum of association or statutes
22 associated with this NACIP?

23 A. Do you want to know whether I have followed the rules in terms of administration?

24 Q. No. Sorry. I'm going to rephrase.

25 A. When you're talking about *constitution what do you mean?

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1 Q. Well, what do you understand by constitution? Does it exist?

2 A. Well, a political party has an internal regulation or constitution.

3 Q. So you do have a constitution, do you?

4 A. We do have a constitution.

5 Q. Could you briefly describe it to us, please?

6 A. I believe that this is amongst your documentation.

7 Q. Yes, indeed, but I would like you to explain to us a little bit before we look at this
8 document?

9 A. Well, do you want me to explain what a constitution contains? A constitution is
10 drafted when you want to set up an organisation or association. You draft this constitution
11 containing a number of rules and then you are provided with a letter of acknowledgment or a
12 receipt from the state.

13 Q. And what was the objective of the NACIP?

14 A. The objective of the NACIP was to seek reconciliation amongst Ivorians and to promote
15 peace.

16 Q. And who is the president?

17 A. I am the president.

18 Q. And from when?

19 A. From the very outset. I am the founder.

20 MR MACDONALD: I will now call, your Honours, exhibit CIV-OTP-0006-0044, if we could
21 also display it on the screen, please.

22 THE COURT OFFICER: Mr MacDonald, could you please confirm the level of
23 confidentiality of the document.

24 MR MACDONALD: It can be --

25 Q. (Interpretation) There is no objection for it being public, is there?

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1 A. No, no problem at all.

2 MR VON BÓNÉ: (Interpretation) Could somebody assist us with this please, because we
3 do not see anything on the screen?

4 PRESIDING JUDGE TARFUSSER: Please, court usher, could you assist counsel with this
5 issue. Thank you.

6 MR MACDONALD: (Interpretation) I do apologise. I'm not sure whether we can see the
7 document or not. What do we need to do now? What do we need to -- which button do we
8 need to press? I do apologise. We had a technical issue.

9 Q. Now, Mr Witness, can you see the document in front of you?

10 A. Yes.

11 Q. Do you recognize it?

12 A. Yes.

13 Q. I can see that it is a photograph of yourself and I would like to draw your attention to a
14 certain point. Could we please show page 0051.

15 Very well. Do you want us to zoom in?

16 A. No, I can see it.

17 Q. Can you? Now, made and adopted in the *constituent general assembly on 23 April
18 2006 and we can see your name and signature and also that of the secretary general. And
19 you mentioned earlier that it was incorporated in 2005, which means that you created the
20 movement in 2005. Now, in the light of the document we see the date 2006. Could you
21 explain it to us, please?

22 A. Well, that's what I said to you. If my memory serves me correctly, it was between 2004
23 and 2005 or 2006. It's okay.

24 Q. Very well. I'm going to come back to page 0046. We can see under Article 5, objective:
25 The NACIP has an objective to contribute to the birth of the Ivorian nation by education and

1 peace to non-violence and promotion of alliances and also to be conscious of the peoples of
2 Côte d'Ivoire and Africa and the necessity for self-determination.

3 Why did you set up this movement?

4 A. The movement was created when the first attack occurred or the first attacks occurred in
5 Côte d'Ivoire, and we needed to set this up to mark that occasion of the first attack. And as
6 indicated, the attacks were nonsensical. It had no -- it was nonsensical, these attacks. And
7 our objective was this, and throughout all the tours that I made of the country, everything that
8 I said was with a view to promoting peace, because without peace we cannot live.

9 Q. You are referring to attacks. You've used the expression "attacks." What attacks are
10 you referring to?

11 A. The attacks commenced when Côte d'Ivoire began to come under attack. Well, there
12 was the failed coup d'état first and foremost.

13 Q. Which coup d'état are you referring to?

14 A. Well, there were a number of coup d'états against President Gbagbo, and the last in date
15 divided the country. It was a failure, but it did divide the country, and it was from then that
16 I decided with the other founding members to create a support movement for the Republic
17 and to promote peace, to promote an alliance between the peoples.

18 Q. And this attempted coup d'état, what was the last coup d'état? Could you remind us of
19 the date, if you know?

20 A. I do believe it was in 2002.

21 Q. And whilst we're on the subject of dates, do you consider that you are good at
22 remembering dates?

23 A. Well, you know, I don't really remember dates very well. I do have memory lapses. I
24 already told you that.

25 Q. And when you say that you have a week memory?

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1 A. Well, I forget the past quickly. I don't really remember dates and days.

2 Q. When you say that you don't have a good memory, do you make a connection between
3 things or just remember the dates?

4 A. Well, it depends. Often I remember things very well and on other occasions I don't at
5 all.

6 Q. Very well. Let's move forward. You say that there was a memorandum of
7 understanding to create a political party, and you say that when you came out of the Pergola,
8 we'll come back to that at a later stage as a location, but before 2010, were there any other
9 stages in the creation of the political movement?

10 A. The political movement? Yes.

11 Q. Can you explain that to us?

12 A. Well, we were -- we went on tour. I went on many tours around the northern part of
13 the country in order to talk about reconciliation, to talk about President Laurent Gbagbo,
14 around the north of the country to say that the division was nonsensical and that France was
15 dividing us and that people should be aware of that fact. That was the kind of activity I
16 undertook in the north of the country. I was requesting that Africans look at the future of
17 the country, that they love each other, that they reconcile. I said that we needed to look to
18 the future and not let each other down.

19 Q. I would like to call up exhibit number *CIV-OTP-0006-0067 and I would request that this
20 be shown on a confidential basis for the time being, please.

21 Very well. We can see the exhibit because the screens are not a problem. Can you
22 see the document before you?

23 A. Yes.

24 Q. So I do understand that this is a receipt or acknowledgment of a constitution of a
25 company with a stamp of the interior ministry and we can see here the name of the executive

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1 bureau. I do understand that on this same -- or this first page, this describes the structure of
2 your association, of your movement, I apologise, your movement. *So there is a president, the
3 first vice-president, second vice-president, secretary general, deputy secretary general, treasurer
4 general, deputy treasurer general, a coordinator, , an organizing secretary. And we go on to the
5 second page. I am sorry, it's 0068. It's still confidential in nature. And we can see the chargé de
6 mission here. There was also such a position, was there not?

7 A. Mm-hmm.

8 Q. And we can see that this is the name of the ministry of the interior dated 14
9 November 2008.

10 A. 2008? Mm-hmm.

11 Q. We can see here the signature of Mr Désiré Tagro, who was minister of interior at the time.
12 Could you please explain to us because I would like to understand, even though this is only
13 biographical in nature, when you came out of the Pergola you said that you created your movement
14 and you transformed it into a political party. So what is the use of this document?

15 A. This document is for the movement itself because, you know, when you set up a
16 movement and you file such a document you are furnished with an acknowledgment or a
17 receipt and then you can set up an activity whilst waiting for the authorisation. And the
18 authorisation is granted at a later stage.

19 Q. I'm going to show you another document, 0006-0063, and it is public in nature.
20 THE INTERPRETER: Message from English interpreters: Could counsel please be
21 requested to slow down and respect a pause because it is fiendishly difficult for the
22 interpreters. Thank you.

23 PRESIDING JUDGE TARFUSSER: Do you mean the --

24 THE INTERPRETER: Yes, Mr President, both please. Thank you.

25 PRESIDING JUDGE TARFUSSER: Okay, both. Please slow down. I didn't know who to

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1 reprimand. Both. Please slow a little bit down when speaking. Thank you.

2 MR MACDONALD: (Interpretation)

3 Q. The Judge is brandishing a yellow card at both of us.

4 Very well, so we can see this exhibit in front of us, and this is an official journal of the

5 Republic of Côte d'Ivoire, published every Thursday. And I'd like to refer you to

6 page 0066, and we can see a little black line to the left-hand side. This is a

7 declaration of association or a statement of association. You can see that this is

8 published in the 20 *November 2008 version of the official journal; is

9 that correct?

10 And for the record, you need to say yes or no?

11 A. Yes, yes.

12 Q. Very well. What type of membership was there on offer within the NACIP? Who

13 were part of the movement at the time? And how many members were there? Could you

14 give us a few details or maybe some statistics in this regard?

15 A. Well, you know, it's a little bit complicated to provide you with statistics because, you

16 know, there are sympathisers, there are members of political movements. We also have

17 representatives within the *various towns in the country, just like in the districts of Abidjan.

18 So it would be very difficult to furnish you with figures specifically. This was a movement

19 that had representatives and members throughout the country and even throughout Abidjan

20 itself.

21 Q. You referred to tours that you made or that you went on, and I would like you to

22 explain how when you went on tour in the various prefectures in the north of the country, as

23 you said more specifically, how this all worked in practical terms. How did you move about?

24 How did you make announcements? And when you were out in the field, how did things

25 unfold? Once again briefly, please.

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1 A. Yes, Mr Prosecutor. We used to organise our tours by sending out official letters. For example,
2 if we needed to go to Bouaké, we would then write to the administrative person in charge of Bouaké
3 saying that those in charge of NACIP would be visiting Bouaké in order to hold rallies. So we would
4 inform the authorities for security reasons and we would comply with what, what the administration
5 expected. *Also, we would make announcements on the TV saying, for example, that on the 20th of
6 September NACIP, its president and his team would go to Bouaké for rallies, and we would request
7 that the population should mobilize themselves. That's how things happened.

8 Q. Now, I would like to call up exhibit 0006-0657. And it is public in nature.

9 THE INTERPRETER: Correction: 0057 and it is public in nature.

10 MR MACDONALD: (Interpretation)

11 Q. Do you see it?

12 A. Yes, I can, Mr Prosecutor.

13 Q. And what is it?

14 A. It is a letter addressed to the secretary general of the Kounahiri préfecture with a view to
15 announcing our visit to his town. You know, we needed to do things according to the book. You
16 can't just turn up in a town and conduct political activities without warning the authorities.

17 Q. And this is the same thing I think in most countries, is it not?

18 A. Well, I don't know.

19 Q. But here you're making an announcement, you're talking about organising a rally in a specific
20 town or location.

21 A. Yes.

22 MR MACDONALD: And for the record, this is a document dated 9 December 2009 signed by the
23 witness and this document announces a visit to Kounahiri and Soukrouban. Maybe my last question
24 in view of the time?

25 PRESIDING JUDGE TARFUSSER: We can go 11.05 because we started at 9.35.

1 MR MACDONALD: We shall do, your Honour.

2 Q. *(Interpretation) Mr Witness, the NACIP, was it a member of any political movements or groups?

3 A. Yes.

4 Q. Which ones?

5 A. Well, it depends on the period in question. Before the campaign we were part of the Galaxie
6 patriotique. And when the campaign was due to commence, there were two parties, two opposing
7 camps; there were those who set up the RHDP and the president set up the LMP.

8 Q. The majorité présidentielle?

9 A. Yes. We were part of the majorité présidentielle, the presidential majority.

10 Q. So you say -- or when you say "before the campaign," what year are you referring to
11 specifically?

12 A. When we were talking about the letter dated 2009, well, we were already active at the
13 time.

14 Q. You were already active in terms of campaigning?

15 A. Well, not in terms of campaigning as such, but the NACIP was active in terms of
16 mobilisation for reconciliation and peace. And we never stopped those activities.

17 Q. And when the elections of 2010 took place --

18 A. 2010, yes.

19 Q. -- the first round and the second round, those dates are an admission of facts already,
20 the same with the *LMP and the RHDP. In terms of presidential majority, what are we
21 talking about here?

22 A. The presidential majority were all of those people who were supporting the president,
23 that is all those associations, movements, political movements, members of civilian society,
24 civil society, all of those people who -- and associations and movements that supported
25 President Gbagbo, they were all part of the presidential majority or the majorité

1 présidentielle.

2 Q. Could you give us the names of those parties that were part of the presidential majority?

3 There was the FPI, that was Mr Gbagbo's party. Could you give us other names, please.

4 A. There was the RPP of Mr Fologo. There was the LG *with its spokesperson, Mr
5 Coulibaly Gervais (phon). There were a number of parties. I do not have the list in front of
6 me. And as I said to you, it is difficult for me to remember all the names. If I did have the
7 list, well, you should have the list yourself.

8 Q. And as for the RHDP, this was a coalition, was it not?

9 A. This is the same thing. This was a number of parties, a number of associations of
10 support that had come together, support --

11 Q. Support of whom?

12 A. *For the RHDP, in the first round, well, there was candidate Bédié and candidate
13 Alassane. And at that time everybody was supporting their own candidate. And it was during
14 the second round that everybody came together to support Alassane on the RHDP side, and
15 we continued to support President Laurent Gbagbo.

16 Q. And in the first round, the LMP, did it have a number of candidates or was there only
17 Mr Gbagbo as candidate?

18 A. Only Mr Gbagbo.

19 Q. So in contrast to *M. Bédié and Ouattara, there was a LMP common front for Mr Gbagbo,
20 was there not?

21 A. Yes, indeed.

22 PRESIDING JUDGE TARFUSSER: I think --

23 MR MACDONALD: With your permission --

24 PRESIDING JUDGE TARFUSSER: Yes. I think now we come to the first break.

25 You can have a break of half an hour and then we resume at 11.35 we'll be back.

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1 The hearing is adjourned.

2 THE COURT USHER: All rise.

3 (Recess taken at 11.03 a.m.)

4 (Upon resuming in open session at 11.39 a.m.)

5 THE COURT USHER: All rise.

6 Please be seated.

7 PRESIDING JUDGE TARFUSSER: Good morning again.

8 Mr Witness, you are -- you are fine? You are fine? You are okay? We can proceed.

9 The floor is again to the Prosecutor.

10 THE WITNESS: (Speaks English) Okay.

11 MR MACDONALD: (Interpretation)

12 Q. Mr Witness, we shall continue. When we broke off, we were talking about the LMP
13 and the RHDP. We will stop on this question for now, we will stop here for now, and move
14 on to another subject, but we will move back to this question later on. Let's talk about the
15 coup attempt of 2002. In that regard, I would like document *0006-0038 to be displayed.

16 MR MACDONALD: (Interpretation) Can we mark the document? Can the witness
17 annotate the document?

18 THE COURT OFFICER: (Interpretation) Yes.

19 MR MACDONALD: (Interpretation) In that case, I will call for CIV-OTP-0002-1076. That
20 is the document that my colleague referred to in his document annex A, admitted document,
21 it's public.

22 Q. Mr Witness, I'll show you a map of Côte d'Ivoire. A short while ago, you talked about
23 the attempted coup which separated the north from the south. And I'll ask you to repeat
24 what you did in our first discussion, to draw the line separating the north from the south and
25 then we'll talk about the things that happened in the north and those that happened in the

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1 south. Is that okay?

2 MR MACDONALD: I would like to ask the court officer to please zoom in on the map so that we can
3 all see it clearly. Very well. Can you move it up, move it upwards, please. Up. That's fine. Perfect.

4 Q. Now, Mr Witness, can you draw a line with the electronic or digital pen in your hand? I think it
5 would be in red ink. Please draw the line. I know that this line may have changed over the years, likely,
6 but in 2002, following the attempted coup d'état of 19 September 2002, could you please draw the line
7 separating the north from the south?

8 A. I think this is it.

9 Q. Very well. Now, let us proceed department by department. If you take the left side,
10 you see the west, and was that in the north Danané?

11 A. Yes, west north.

12 Q. What was the name of that area?

13 A. NCO.

14 Q. Please, take your time.

15 MR MACDONALD: (Interpretation) The witness is using a blank sheet of paper and is
16 using a pen to write down something, Mr President.

17 THE WITNESS: (Interpretation) I think it's called the CON.

18 MR MACDONALD: (Interpretation)

19 Q. What does C stand for, centre, n for north and O for west?

20 A. No. I think it was something else.

21 Q. Well, very well. Let us continue. And then you *say to the west you had the Danane region.
22 What about Man, the town;, was it in the south or in the north?

23 A. It's also in the west.

24 Q. It is considered to be in the west, so it was in the north?

25 A. Well, it had become the rebel area.

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1 Q. And Vavoua?

2 A. Centre west.

3 Q. Mankono?

4 A. Centre north.

5 Q. Bouaké?

6 A. Centre north.

7 Q. We have other towns in other regions to the east and we see on the map those regions;
8 Dabakala, for example, and Bouna, and then there is also Tanda. Do you think Tanda is in
9 the north or in the south?

10 A. South.

11 Q. South?

12 A. Yes.

13 Q. Now, but if I look at the red line, if you look at the red line on the map, you would see
14 Tanga (phon) --

15 A. No, Tanda.

16 Q. -- Tanda to the east.

17 A. Now if you look at the red line, the entire line that I have drawn for you is the line where the
18 rebellion took place. That is what I told you. That's what you wanted to know, isn't it?

19 Q. Yes. Very well.

20 MR MACDONALD: Your Honours, I'd like this to be submitted. And then I don't know
21 how it works.

22 PRESIDING JUDGE TARFUSSER: I do not understand why always the same question.

23 MR MACDONALD: No, no, but --

24 PRESIDING JUDGE TARFUSSER: It's submitted. It's marked and it's submitted.

25 THE COURT OFFICER: And the document will bear the number CIV-REG-0001-0001.

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1 MR MACDONALD: Sorry. That was -- that's what I was asking. Thank you very much.

2 Q. (Interpretation) Mr Witness.

3 A. Yes, Mr Prosecutor.

4 Q. Well, the rebel area is CNO. Do you know what CNO means?

5 A. Well, you can look up -- you can look that up in my statement.

6 Q. But now I'm asking you.

7 A. No, I don't remember.

8 MR MACDONALD: Is this challenged by any colleagues in the courtroom, the meaning of
9 CNO in order to facilitate the proceedings?

10 MR O'SHEA: No objection.

11 MR MACDONALD: Mr Knoops?

12 MR KNOOPS: In our view, the witness didn't give an explanation of CNO.

13 MR MACDONALD: No, I'm asking you if you -- I understand that, it's going to be noted,
14 but for the purposes of the Chamber --

15 MR KNOOPS: Yeah, but -- to abbreviation, yeah, no. We do not object to the variation.

16 MR MACDONALD: No. No, but it -- the full name, sorry.

17 MR GBOUGNON: (Interpretation) Mr President, we have an objection to the line that was
18 drawn on the map.

19 PRESIDING JUDGE TARFUSSER: That's not the question. That's not --

20 MR MACDONALD: (Interpretation) This is the question: The acronym CNO, regardless
21 of the witness's answers, are the parties willing for me to inform the Chamber what CNO
22 stands for as an abbreviation? That is what I wanted to mention to the Chamber. That's all
23 simply.

24 MR KNOOPS: Apologies. No objection. Thank you.

25 MS MASSIDDA: We have also no objection, your Honour.

1 PRESIDING JUDGE TARFUSSER: Good.

2 MR MACDONALD: (Interpretation) Zone south, north-west.

3 Q. So this would be the centre north-west zone. Mr Witness, I would like us to talk about
4 the impact of this separation, of this attempted coup d'état of 2002. What was the impact, the
5 consequences of the separation between the north and the south? It might appear to be a
6 very widely-couched question, but let me leave you to deal with it that way.

7 A. Do you mean what the consequences were for the Côte d'Ivoire? Well, it led to misery
8 and to death and to many problems. That was the consequence of that separation. People
9 took up arms and came to carry out a coup d'état, but failed, and then they took the country
10 and divided it into two halves.

11 At that time, in the north of the country, there were senior state officials in the north of Côte
12 d'Ivoire who came from various areas of the country and who were on duty in the rebel area.
13 Now, as you want to know, what I can tell you is that too many things happened. There was
14 a witch-hunt regarding teachers and professors in various schools, Laurent Gbagbo being a
15 professor. Others were hunted down because they thought that they supported him. Some
16 were able to flee. Some could not flee and were killed.

17 Let me give you an example: At that time of the coup d'état, my family was in Mankono.
18 My wife and my daughter, who was four or five years old, and another boy, six years old,
19 they were forced to flee from Mankono because there had been an announcement that the
20 rebels were coming to take over Mankono the next day, so they had to flee in the company of
21 the gendarmes who were dressed in civilian attire. And they had to walk for 72 kilometres
22 in the bush in order to come to the safe area in Zuenoula. And that is where I went to fetch
23 them.

24 You asked me what the consequences were. This is what I can tell you. But, in broad
25 strokes, it led to death, to misery and to everything. War never has any good impact; war

1 brings misery, suffering and death and that is why I say as clearly as I can that war is not a
2 good thing.

3 We must use all types of methods to avoid war because when there is war, no one can have
4 control over anything. So people become inhuman and do whatever they wish to do.

5 There is settlement of scores and so on and so forth. That is why in life it is good to take the
6 right decisions at the right time in order to avoid these types of things. It is important for the
7 nation and for the Republic. Thank you, Mr Prosecutor.

8 Q. Where were you when the country was separated?

9 A. I was in Abidjan.

10 Q. What happened in society at large? What was the reaction of the Gbagbo government
11 at that time?

12 A. Well, you know, the -- what mattered was not the reaction of the government. What
13 mattered was really to control Ivorians because there was a revolt and people could not accept
14 that their country should come under attack. We could not accept that our country should
15 be attacked in that way, and we knew where the rebellion was coming from, so people sought
16 to defend themselves, to defend Côte d'Ivoire, even to go as far as Bouaké in order to engage
17 in the fighting.

18 President Gbagbo was not in Côte d'Ivoire at the time. He was in Italy. When he came back, he noticed
19 how serious things were and, if I remember correctly, it is then that he called on the UN to intervene,
20 *and to the Licorne to intervene and put an end to everything. That is why a buffer zone, a confidence
21 zone was set up, but unfortunately he called on those who would later on cause his own downfall.

22 Q. As far as you know -- as far as you know, where was Mr Charles Blé Goudé?

23 A. I cannot answer because at that time I had no links with him. I think he was in
24 Abidjan -- he was not in Côte d'Ivoire. He was not in Côte d'Ivoire. He was not in Abidjan.

25 Q. You say he was not in Côte d'Ivoire?

1 A. I cannot confirm it, but I think he was not in Côte d'Ivoire at the time.

2 Mr Prosecutor, I'm sorry, Mr President, I'm sorry. I'm just used to speaking straight
3 into the microphone. I'm sorry, but I think overtime I'll get used to the way things
4 work here.

5 Q. At that time following the separation of the country, there was a series of negotiations
6 that took place in a bid to find a solution. What can you tell us in that regard?

7 A. Well, as you have said yourself or as we said, President Gbagbo always wanted to
8 negotiate for the well-being and interest of Côte d'Ivoire and its people. Now, France came
9 in as a referee in the Ivorian crisis, although it was, itself, somehow responsible for the crisis.
10 But at the same time, it was the referee. That is how the -- or the arbitrator. *That is how
11 Marcoussis I and Marcoussis II took place, but they didn't yield much.
12 Then we went to Ghana, then to South Africa several times and nothing happened. The
13 president was wise enough and intelligent enough to think that the solution could come from
14 Burkina Faso because that is where the problem came from, that is how he sent Minister
15 Tagro and someone else to have a discussion there, and that is how the Burkina dialogue took
16 place.
17 During that time there was a lot of agreement on several points which lead to stopping the fighting
18 and opening up of the, should we say, confidence zone so that people could move freely *to and from
19 Abidjan, and between the north and the south. So that is how that safe corridor was introduced.
20 There were agreements about disarmament, about elections and about dates, there were agreements
21 for Soro Guillaume to be appointed prime minister and yes, the president accepted all that.
22 Now, I think that it was done in the very interest of the Côte d'Ivoire.
23 Q. Are you talking about the Ouagadougou agreement or Ouagadougou accord; is that
24 correct?
25 *A. Yes. It was in...

1 Q. 2007?

2 A. That's right. It was the best agreement.

3 Q. We have at number 96 to 109 various admissions relating to the agreements and their dates. I
4 would like again to revisit one of those agreements, the first one known as Accra I.
5 To begin with, I know that it was in France. Now, what was the situation in Côte
6 d'Ivoire at that time when the negotiations for that agreement took place?

7 A. There was high tension in Côte d'Ivoire. As you are aware people have taken up arms
8 to take your country, to carry out a coup d'état which failed, and then you reach an agreement
9 to appoint someone from the rebellion as prime minister, including ministers. The President
10 Gbagbo was -- did not have the choice, but the population -- the population was not in
11 agreement. They felt that it was an injustice. That was the problem.

12 I believe that with the intervention of the president himself, people started to agree, but initially it was
13 not easy because the population found that it was unjust. It was not good for people to take up arms.
14 It was not a good example for the country. They took up arms and then they were asked to join the
15 government. This would mean that anyone can take up arms and then force themselves into the
16 government. That's why people thought it was not a good agreement. That's what I have to say.

17 Q. You say that Mr Gbagbo signed the agreement, that he did not have the choice.

18 A. Yes. In the interest of Côte d'Ivoire, he accepted many things. He humbled himself
19 for Côte d'Ivoire.

20 Q. Mr Gbagbo signed the agreement, but on the other hand the population did not accept?

21 A. Well, people did not accept, but they had to make do with it because they respected the
22 president and they knew that he was doing that in the interest of Côte d'Ivoire.

23 Q. We are going to come back to that, but now I would like us to move on to the electoral campaign
24 of 2010. You talked about the presidential majority and the RHDP. Now, how were -- well, let me
25 ask you the first question. Did you take part in campaign activities as part of NACIP?

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1 A. Yes. We made our contribution to the campaign to elect our president.

2 Q. How were your activities financed?

3 A. I did not receive any funding from the campaign headquarters, never. No one can say
4 the opposite. I, myself, I financed my own tours to support President Gbagbo out of pocket
5 from my own finances.

6 Q. Was there a national campaign headquarters?

7 A. Yes.

8 Q. Of the LMP?

9 A. Yes.

10 Q. What did they do?

11 A. The role was to organise all the DNCs in the various regions, all the *national campaign
12 offices in the various regions so as to persuade the population to vote Mr Gbagbo and it was
13 the national campaign headquarters that financed the various *DNCs which went to campaign.

14 Q. So there were regional and departmental DNC offices; is that correct?

15 A. Yes. I'm with you. Please proceed. I'm sorry?

16 Q. Both of us are guilty of overlapping. Now, who was the national campaign manager?

17 A. Dr Malick Issa, someone who hailed from the north, from Korhogo.

18 Q. To the best of your recollection, did Mr Charles Blé Goudé have a role in the national
19 DNC?

20 A. Yes.

21 Q. What was his role?

22 A. *He was responsible for the youth, the campaign manager for the youth.

23 Q. Mr Navigué, did he have a role?

24 A. He was the president of the youth wing of the FPI.

25 Q. As far as you know, within the DNC?

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1 A. I think he was part -- a member of the bureau of Blé Goudé.

2 PRESIDING JUDGE TARFUSSER: Excuse me. Excuse me, please, Mr Prosecutor. It's me.

3 Now, none of you respects the second rule, at least 1 second, I don't know, but you are

4 really -- the question starts when the last word of the answer is finished and vice versa, so I

5 think it's really time to wait a minute, a second and then pose the question and a second and

6 then answer. Okay?

7 MR O'SHEA: I have another point to raise, if I may. With regard to the approach of my

8 learned friend of citing names and then asking the witness to respond with respect to those

9 names, I would respectfully request that he allow the witness to name people himself. It's up

10 to him how he puts the questions, but I would prefer that he not put the names to the witness

11 because we want to know the extent to which this witness can come out with the names

12 himself.

13 PRESIDING JUDGE TARFUSSER: Yes, you're right, but it depends on the name -- obviously

14 on the name of the person, but tangentially you're right, yes.

15 So please go ahead, Mr Prosecutor.

16 MR MACDONALD: (Interpretation)

17 Q. As far as you know, were there any women who were members of the DNC?

18 A. Yes.

19 Q. Can you give us their names?

20 A. I no longer remember the names, but there were many women, like Madam Geneviève

21 Bro-Grébé. When you talk about the campaign headquarters, there were many associations

22 and many people, men, women, young people. It was a presidential campaign and people

23 were going to the field to meet with the population, including men, women and young people.

24 Those are those who made up the DNC.

25 Q. So let me be more specific. I'm talking about the executive, the national bureau of the

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1 DNC?

2 A. Yes.

3 Q. I did suggest that to do, but you mentioned Madam Geneviève Bro-Grébé. Was she a
4 member of the executive of the DNC as far as you know?

5 A. I really do not have the list of the bureau of the DNC, but there were so many members
6 of the DNC, so I cannot remember whether she was a member of the executive, but I know
7 that she was one of the women patriots.

8 Q. With Madam Bro-Grébé, was there any other well-known lady in that executive?

9 A. Mr Prosecutor, I have just told you there were many leaders and each person had a
10 specific role, but I really cannot remember the name of each person, but I have already told
11 you that there were many people, many leaders of various associations.

12 MR MACDONALD: At this stage, your Honour, I would call evidence CIV-OTP-0025-0182.
13 It can be public -- no. Confidential, sorry, because there's phone numbers and email
14 addresses, sorry.

15 MR O'SHEA: Could we just have a moment to locate the document please, your Honours.

16 MR MACDONALD: (Interpretation) Court officer, would it be possible to remove the
17 legend, the yellow, the yellow, please.

18 THE COURT OFFICER: The document was listed in this way.

19 MR MACDONALD: It's an internal colouring scheme of the OTP that I -- we'll upload a
20 clean -- a clean version, but there's no annotation. It's just a highlight that doesn't appear on
21 the original that I have right here in front in paper copy.

22 MR O'SHEA: Your Honours, there is an objection to this document being placed in front of
23 the witness at this stage. Essentially, this provides a list of names of the composition of the
24 direction nationale campagne du President Laurent Gbagbo.

25 Can I just ask, Mr Witness, do you speak English? Parlez-vous anglais?

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1 THE WITNESS: (Interpretation) Yes, a little bit, but I prefer that you speak in French.

2 MR O'SHEA: Could the witness just be asked to remove his headphones for a moment?

3 PRESIDING JUDGE TARFUSSER: Can you -- yes, can you take the headphones off. Thank
4 you.

5 MR O'SHEA: There may be times when I will request that the witness leave, but I think on
6 this occasion I can do it without that. It may be that my learned friend can put this
7 document in front of the witness at some point, but at this stage, it's too early because the
8 reason being that essentially this would lead the witness into the information on the
9 document and it's essential for us to know the extent to which this witness is aware of the
10 composition himself. So my learned friend can form a foundation by asking him about the
11 composition of the direction of the campaign, and if this witness comes out with the names of
12 the composition of that campaign, then he can put this document in front of the witness.
13 But what he's doing now is essentially leading the witness into that information and that's
14 what we object to. And your Honours will see what I mean when it comes to the time of
15 cross-examination.

16 PRESIDING JUDGE TARFUSSER: Mr Knoops?

17 MR KNOOPS: We have the same objection, your Honour.

18 PRESIDING JUDGE TARFUSSER: Legal Representative?

19 MS MASSIDDA: We have no observation, your Honour.

20 PRESIDING JUDGE TARFUSSER: Office of the Prosecutor?

21 MR MACDONALD: Briefly, your Honour. I can discuss the provenance of this document.
22 I wasn't aware that this would become a challenge, that it's contested, but I can -- the
23 document itself, the fact that it's contested, I didn't expect it, but -- considering its extent and
24 its object, but the point is that I think Mr has identified a number of people already on that list
25 and now I'd like to go through the posts and the names of people and if he can corroborate

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1 that, because also eventually it's a bar table motion that I can also maybe make even orally at
2 the end of his questioning and then just have it introduced in order to expedite.

3 PRESIDING JUDGE TARFUSSER: The request is rejected. I think it's up to the Prosecutor
4 to decide when to show which document to the witness.

5 Please go ahead.

6 MR MACDONALD: (Interpretation)

7 Q. We will continue, Mr Witness. You have a list in front of you, the composition of the
8 DNC of President Gbagbo. The first question.

9 A. Can you zoom in a little bit?

10 Q. Very well. Have you ever seen such a list?

11 A. Yes. It is a list of the DNC.

12 Q. Did you ever see that list before?

13 A. Yes, of course.

14 Q. If I understand correctly there is a list of positions and the people occupying those
15 positions. There is Mr Coulibaly Issa Malick, Mr Demba Traoré in charge of communication.
16 There's Madam Geneviève Bro-Grébé.

17 A. You skipped a name.

18 Q. Yes, I know. There's Madam Lorougnon. Who is that?

19 A. She was a member of parliament in Attécoubé. She was the president of the women's
20 wing of the FPI.

21 Q. We also have *Mr Navigué Konaté?

22 A. Yes.

23 Q. And other people. Now, I would like us to move on to the second page of this
24 document, 0183? The higher political counsel, number of members.

25 Can you scroll down a little bit, please.

1 Haut conseil politique. Names of members. Have you ever seen that document?

2 A. No.

3 Q. Very well. You mentioned Mr Laurent Dona Fologo a short while ago?

4 A. Yes.

5 Q. When you talked about the RPP?

6 A. Yes.

7 Q. Very well. Now, when you look at this list *of the political bureau, who is Mamadou
8 Koulibaly? Without looking at the document.

9 A. The speaker of the national assembly.

10 Q. When did he become the president of the national assembly?

11 A. Ever since President Gbagbo came to power.

12 Q. So he was the president of the national assembly from 2000 to 2011?

13 A. Yes.

14 Q. And now 0184. I would want that page displayed. The title is: Composition of
15 members of the cabinet of the DNC of candidate Laurent Gbagbo. Have you ever seen that
16 list?

17 A. Yes.

18 Q. Very well. I'm not going to read all the names. I will simply ask you to look at the list.

19 And does that list appear to you to be correct?

20 A. Yes.

21 Q. So the directeur de cabinet was Mr Voho Sahi Alphonse?

22 A. Yes.

23 Q. What else did he do apart from being directeur de cabinet?

24 MR O'SHEA: Your Honours, you see, the objection I have is not the document itself. The
25 document itself is a separate issue. The objection I have is the methodology which is being

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1 employed by my learned friend. It is tantamount to leading questions, if I can put it that
2 way. He's placing a document in front of the witness with the composition of organs with
3 the functions and positions of those organs and then putting the names and the positions to
4 the witness and asking him to confirm.

5 The difficulty is we want to know what this witness knows. We don't want the witness to
6 have a document placed in front of him which tells him everything and then just ask him to
7 confirm the contents. It's no different from a leading question.

8 PRESIDING JUDGE TARFUSSER: I think the Defence is right because I mean if he knows
9 the document, he should also know the content of it, so I would ask you to put direct
10 questions, who is who, and not to tell him -- to tell him to confirm what he is, so --

11 MR MACDONALD: Yes. Thank you, your Honour, and I'll be of that. The point, though,
12 I just want to make and for the record the witness has indicated when he recognizes a
13 document and when he does not, in the first place. Second, for me this is a soft topic. It's
14 not -- I mean, we're not going to the core of the case with this, but -- so I'm just trying to --

15 PRESIDING JUDGE TARFUSSER: No, of course not, but soft or not soft, you don't know
16 what the Defence makes out of it later. I mean, for you it's soft. It could also not be so soft
17 for the Defence. So I think it's just the methodology which is a little bit -- I think you have to
18 look at the methodology.

19 MR MACDONALD: Well noted, your Honour.

20 Q. (Interpretation) You have the document in front of you. There is an objection and
21 this will affect the credibility of your answers. Now, Mr Voho Sahi Alphonse during this
22 time of the campaign, what was his position with Mr Gbagbo?

23 A. I believe he was one of his close advisers. I think he drafted speeches. He's a very
24 intellectual person and he would correct certain documents when the president was making
25 speeches. I believe that was his role with the president.

1 Q. Mr Alcide Djédjé, who was he, apart from his campaign position?

2 A. Mr Alcide Djédjé was the minister of foreign affairs.

3 Q. There is a name *there at the bottom, Anoï Castro, we are going to come back to that.

4 A. He was a leader. He had a movement called houphouétiste, houphouétiste movement,
5 but he was a member of the DNC.

6 Q. Let me come back to Mr Aboutrahamane Sangare. We talked about him a short time
7 ago.

8 A. Aboutrahamane Sangare was the number two of the FPI party of Laurent Gbagbo. He
9 was a state inspector general.

10 Q. Mr Simone -- Madam Simone Gbagbo, apart from being a member of parliament for
11 Abobo?

12 A. Well, she was MP for Abobo.

13 Q. What was her role within the FPI?

14 A. She was an important and crucial personality of the FPI. That is what I can tell you.

15 Q. Very well. So what was the main role of the DNC? I mean the national headquarters,
16 not the regional or departmental headquarters.

17 A. Are you talking about the campaign manager or the campaign headquarters itself?

18 Q. The campaign headquarters itself. The national campaign office.

19 A. What was its role, that's what you want to know?

20 Q. Yes.

21 A. I believe I have already given an answer. The DNC had to plan the organisation and
22 funding of the campaign in support of President Laurent Gbagbo. That is what I said.

23 Q. What about the president himself, did you know him?

24 A. The president is a father for me. That's what I can say.

25 Q. I'm sorry, I was referring to the campaign manager, Mr Coulibaly. We are going to

1 come back to your relation with Mr Gbagbo later.

2 A. Very well. I knew the director general or manager of the campaign. *Mr Issa, Dr Malick
3 was the deputy director of the cabinet of the President of the Republic. He is a Senufo from
4 Korhogo, from the Coulibaly family in the north. They are kings in the North. I accompanied
5 him during the entire campaign. I went wherever he went to campaign for President Gbagbo.
6 I was by his side. I traveled all over with him and I know him very well as a good person.

7 Q. In which department or region did you campaign in 2010?

8 A. Mr Prosecutor, can I say that I was the only leader who travelled through the entire Côte
9 d'Ivoire on behalf of President Gbagbo. I went everywhere in Côte d'Ivoire under the rain, at
10 night, at any time.

11 Q. Who funded your activities?

12 A. I did it myself. I've already told you that I financed everything myself with regard to
13 my activities in support of President Laurent Gbagbo. There's a proverb that says that if you
14 take someone who is already dead as a witness, then you are lying. I'm telling you that I
15 never received even five francs from the campaign headquarters. Never. I had my own
16 resources and I used everything I had to support President Gbagbo. Because I felt that he
17 embodied *African justice. I did everything with my own resources and no one can tell you
18 the opposite. So as long as my activities relating to the campaign of President Gbagbo were
19 concerned, I financed them from my own pocket. That's all I have to say, Mr Prosecutor.

20 Q. I would now like to talk about campaign slogans. Do you know the campaign slogans?
21 What was Mr Gbagbo's slogan?

22 A. What we said was "il n'y a rien en face, c'est maïs." That is what I know.

23 Q. Apart from il n'y a rien en face, *c'est maïs", and we shall come back to that,- was there any
24 other campaign slogan?

25 A. Well, I know where you're heading, what people used to say, "on gagne ou on gagne. "

1 We win, we win.

2 Q. Was their slogan as "on gagne ou on gagne"? We win or we win?

3 A. Yes.

4 Q. I'll show you document CIV-OTP-0018-0110. It's a public document.

5 Unfortunately it is in black and white.

6 A. That's fine.

7 Q. Do you recognize this person?

8 A. Yes.

9 Q. What did this slogan mean?

10 A. Well, you know, during campaigns words are used in order to animate the campaign, so with
11 Gbagbo, we win, or we win. *It doesn't mean that we must stay or absolutely win. It's a campaign
12 slogan, like slogans are used everywhere across the world. People devise slogans in order to run a
13 campaign.

14 *When you say, for example, "il n'y a rien en face, c'est maïs" what does that mean?

15 It means that those who are opposite us are *nothing; it is just like maize or corn that can be eaten. It is
16 not in any way relating to violence. These are campaign slogans. The other side had slogans as well
17 which I might not have been familiar with. These were campaign times.

18 Q. Now let's take the two slogans. One, on gagne ou on gagne.

19 A. Yes.

20 Q. Can you please explain that slogan again so that I understand it properly?

21 A. Mr Prosecutor, I was telling you that these are campaign expressions which do not mean
22 a thing. I have heard some of the hearings at this Court to the effect that even if we lose we
23 will not leave. I don't think that was the case. These were campaign slogans, campaign
24 expressions. I cannot say anything other than that.

25 Q. Il n'y a rien en face, c'est maïs, as far as you know, who coined that slogan?

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1 A. I am not able to mention or put any name to that as the author of the slogan. There
2 was -- there was a campaign song and that was part of the song. The singers were singing il
3 n'y a rien en face, c'est maïs. So in that song, I think we may find that expression, but maybe
4 you can also find out who was the author. If you have the CD, maybe we can check.

5 Q. Mr Witness, who was it? Who was it?

6 A. Well, if you have the CD, then please listen to it.

7 Q. Now who was the author of the CD?

8 A. *It's Les Galliets.

9 Q. Les Galliets?

10 Q. Who first used those expressions at the beginning?

11 A. I prefer that if you have the CD, we can listen to it.

12 Q. Any other persons in this song?

13 A. Many people including myself.

14 Q. Are there any other persons who are *mentioned? --

15 *A. Almost all the leaders. There was Blé Goudé, myself, Affi N'Guéssan...

16 THE INTERPRETER: Mr President, overlapping speakers. Impossible to interpret.

17 PRESIDING JUDGE TARFUSSER: We are again falling into --

18 THE WITNESS: Okay, okay. (Overlapping speakers)

19 PRESIDING JUDGE TARFUSSER: -- the overlapping, okay?

20 THE WITNESS: (Overlapping speakers)

21 PRESIDING JUDGE TARFUSSER: Okay. Please.

22 Can you -- can you start again with the --

23 THE WITNESS: Okay.

24 PRESIDING JUDGE TARFUSSER: -- with the answer. Repeat the answer, please.

25 THE WITNESS: (Interpretation) Thank you, Mr President.

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1 MR MACDONALD:

2 Q. Mr Witness, who, who says at the beginning of the song the following il n'y a rien en face?

3 A. At the beginning of the song the person who said --

4 THE INTERPRETER: Mr President --

5 THE WITNESS: (Interpretation) At the beginning of the song it's Mr Blé Goudé.

6 *Q. Very well. And why did you not answer my question a short while ago?

7 A. I did not want to make any errors. I need to be sure that what is being said is correct, please,
8 because the rights were read out here, and so I have to be very careful about whatever I say.

9 THE INTERPRETER: And the witness says, *"I have to be very careful about what I say".
10 But, Mr President, we are not following.

11 THE COURT OFFICER: I'm sorry to interrupt, but you really need to slow down. You are not -- our
12 court reporters are not able to follow and our court interpreter neither. Thank you very much.

13 PRESIDING JUDGE TARFUSSER: Yes.

14 MR O'SHEA: I would like to note, Your Honours, that the transcript is quite behind

15 PRESIDING JUDGE TARFUSSER: Yeah, I noted this, that's why I tried to slow -- to slow
16 down the party who is questioning and the witness answering. Please, we have to have an
17 accurate record otherwise -- okay. When we are ready to continue, I would like that the
18 court reporters on the one side and the interpreters tell me.

19 THE INTERPRETER: We are ready to proceed, Mr President, but if the interpreters would
20 suggest anything it would be for the question to lag immediately the witness finishes his
21 answer. Thank you, sir.

22 PRESIDING JUDGE TARFUSSER: Yes, okay. So please, just try to keep a little bit of distance
23 between the question, the answer and the answer and the question. Now we can proceed.

24 MR MACDONALD: So, your Honour, I need to get back to the transcript of the first
25 interview. If you'd allow me just a second.

1 Q. (Interpretation) You say that there was a song il n'y a rien en face, c'est maïs. I'm
2 going to put a few questions to you in that regard for now, and then we will deal with on
3 gagne ou on gagne later. What is the context in which that song was invented as far as you
4 know, given that your name is mentioned in that song? Take your time, five seconds.

5 A. Very well. Thank you, Mr Prosecutor. We were supposed to go for presidential campaigns and
6 it was necessary to have songs to run the campaign. It is true as you've said that my name is
7 mentioned in the song, which says that Sam l'Africain is on the ground. What does that mean? It
8 means that we are on the ground campaigning. . *Blé Goudé is on the ground. Affi N'guessan is on the
9 ground. It means that we are all on the ground campaigning. It is a song that is meant to animate the
10 campaign, make it lively. That is the purpose of the song which was composed by *Les Galliets. I
11 was myself surprised by that song when I heard it for the first time at a rally and when I heard my
12 name in it I was happy to have my name in a campaign song, Mr Prosecutor.

13 Q. Well, we will be able to listen to this, but I understand that your name is mentioned in that song
14 along with the names of other leaders. When you say "leaders," who are you talking about?

15 A. Leaders would be, for example, the leaders of my political movement which I created. I was the
16 leader while other people were also leaders of their own -- of their own movements. It is all of these
17 groups that came together and many of the leaders were mentioned in the song.

18 Q. That group of leaders, did they belong to some kind of an organisation?

19 A. Yes. That is what we refer to as the Galaxie Patriotique.

20 Q. All right. We will revisit the issue of the Galaxie Patriotique. Do you know when the
21 slogan "il n'y a rien en face" was created and do you recall in what context it was used for the
22 first time as far as you know, the first time you heard it?

23 A. The first time I heard it was at a rally at the palais de la culture. That was the first time
24 I heard that song. Second, the song was composed when the campaign was launched and it
25 was composed for the campaign. It was meant for the campaign. That is why it was

1 composed.

2 Q. As far as you know, when was the campaign launched?

3 A. In October 2010.

4 Q. October 2010. Did that song exist before *or after October 2010?

5 A. No.

6 Q. The slogan "il n'y a rien en face"?

7 A. Well, I heard the slogan myself in the -- in the song. It is through the song that I
8 became aware of the slogan.

9 Q. Il n'ya rien en face c'est maïs, what language would that be, Mr Witness?

10 A. It is French, Mr Prosecutor.

11 Q. What is the street language in Côte d'Ivoire? What is it known as? Street language,
12 the common language or ordinary language in Côte d'Ivoire, what is it known as?

13 A. I don't know what you're talking about.

14 Q. We will revisit that, but let me go back to the first slogan, "on gagne ou on gagne." You
15 remember that you were interviewed on this subject on 4 October 2011 at that time. Do you
16 remember?

17 A. Yes, I think so.

18 Q. I understand that you or your lawyer mentioned that there will be a filing to the effect
19 that you did not necessarily have time to read through all the transcripts of your various
20 interviews with the OTP; is that correct?

21 A. Yes.

22 Q. Why?

23 A. Why?

24 Q. Why? Why did you not reread all your transcripts? I have here a transcript of an
25 interview. Why did you not --

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1 A. We did not have enough time.

2 Q. You did not have enough time? More specifically, what was your attitude towards
3 rereading these transcripts?

4 A. I think there was no problem.

5 Q. There was no problem? Are you sure?

6 A. Yes. I think so.

7 PRESIDING JUDGE TARFUSSER: I do not understand, Mr Prosecutor.

8 MR MACDONALD: We can discuss, your Honour, without the presence of the witness
9 maybe at a later stage, if need be.

10 Q. (Interpretation) Well, we will return to that, but I put it to you that you did not reread
11 all -- your transcripts were not reread to you because you did not want to.

12 A. Yes. Yes.

13 Q. Is that correct?

14 A. Yes.

15 Q. Why did you not want your transcripts to be reread to you? Why did you not want
16 your transcripts to be reread to you?

17 A. That's not what I said.

18 Q. No?

19 A. They read it. They read some, yes.

20 Q. I refer to a recording which deals with the first slogan, "on gagne ou on gagne." I want
21 to draw the attention of all in the courtroom to transcript number 0014-0601, 4 October 2011.
22 And specifically to page 0615 line, 505.

23 At that time -- I don't mention the names of the investigators who are still at the OTP
24 working on other cases, but at that time there were two ladies and I'm going to read
25 out to you --

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- 1 MR O'SHEA: I'm sorry. I'm not quite sure what my learned friend is doing here.
- 2 PRESIDING JUDGE TARFUSSER: I'm not quite sure as well, but --
- 3 MR O'SHEA: But if it's what I think he's doing, there's an objection, of course. And I -- yes.
- 4 I think perhaps the witness may have to leave.
- 5 PRESIDING JUDGE TARFUSSER: I think I make it -- I'll make it short.
- 6 MR MACDONALD: Rephrase?
- 7 PRESIDING JUDGE TARFUSSER: First you have to put the question, if then he doesn't
- 8 recall, you have to refresh his memory. That's -- that's the way how it does. You don't
- 9 refresh the memory before he has not answered to your direct question.
- 10 MR O'SHEA: Well, it goes -- it goes further than that, your Honours. There's a --
- 11 PRESIDING JUDGE TARFUSSER: Further, further --
- 12 MR O'SHEA: No, no. I'm sorry, your Honours, but my learned friend cannot put parts of
- 13 the transcripts of the interview to this witness. There is the possibility of memory refreshing,
- 14 but memory refreshing is an exceptional exercise for a calling party and it has to be in
- 15 circumstances where there is clearly an inability for the witness to properly express
- 16 themselves. There are criteria before memory refreshing can be applied. In this
- 17 instance -- and I'm sorry, I have to ask that the witness leave because --
- 18 PRESIDING JUDGE TARFUSSER: No. Excuse me. Excuse me, Counsel.
- 19 MR O'SHEA: Yes.
- 20 PRESIDING JUDGE TARFUSSER: I think there has to be a question by the OTP and then we
- 21 will see what happens, but there has been --
- 22 MR O'SHEA: Yes.
- 23 PRESIDING JUDGE TARFUSSER: There has to first be a question to the OTP.
- 24 MR O'SHEA: Yes.
- 25 PRESIDING JUDGE TARFUSSER: And then we see if the memory refreshing is needed or

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1 not.

2 MR O'SHEA: Yes, very well.

3 PRESIDING JUDGE TARFUSSER: And I think we should go ahead, otherwise we -- the
4 proceeding is blocked.

5 I think, please, Prosecutor.

6 MR MACDONALD: Yes. We have the same understanding.

7 Q. (Interpretation) Mr Witness, you provided an answer regarding the meaning of the
8 slogan "on gagne ou on gagne." Please wait for my question. Do you remember that two
9 colleagues of the OTP interviewed you on 4 October 2011 in Abidjan relating to that slogan?
10 Do you remember that?

11 Please take off the transcript from the screen. The witness should not look at the transcript.
12 Do you remember or don't you remember?

13 A. I remember, yes.

14 Q. Do you remember what you said?

15 A. No.

16 Q. You don't remember what you said?

17 A. Non.

18 MR MACDONALD: I would ask permission to be able to refresh the memory of the witness.
19 He doesn't remember.

20 PRESIDING JUDGE TARFUSSER: Yes, please, go ahead.

21 MR O'SHEA: Your Honours, I'm sorry, but there is an objection and I should be allowed to
22 explain my objection.

23 PRESIDING JUDGE TARFUSSER: Please.

24 MR O'SHEA: And I cannot explain my objection in the presence of the witness. This is a
25 fundamental point of procedure. This is now entering into a cross-examination so I would

1 like the opportunity to explain my objection in the absence of the witness, please.

2 PRESIDING JUDGE TARFUSSER: Please, can the witness be brought out and you will deal
3 with your objection and then the witness can -- in any case, we will resume later so he can just
4 not wait outside but go for lunch.

5 (The witness stands down)

6 MR O'SHEA: This is a very important point of procedure. There is a significant difference
7 between an examination by a calling party and an examination by a non-calling party. The
8 calling party is calling this witness to give his evidence to this Court. He has given very clear
9 answers on this issue of on gagne ou on gagne.

10 He has said: On gagne ou on gagne, this is a campaign slogan. It means nothing. I cannot
11 say more than that.

12 He said it does not relate to violence. And for the moment he said "I cannot say more than
13 that," he has given his evidence before the Chamber. This is not a witness who has said:
14 Oh, I can't remember, I can't remember what on gagne ou on gagne means. Oh, dear, it's
15 such a long time ago.

16 In a situation like that, may be memory refreshing. Here this witness has been very, very
17 clear in his answers on this slogan, right?

18 Now I come to the question of procedure. Is it right to allow a calling party to go back to the
19 statements of the witness and start refreshing the memory of the witness of the statements
20 because he doesn't like the answers that come out of the witness's mouth? And that's where
21 I have my objection. This is a cross-examination what my learned friend is about to conduct
22 and in my respectful submission it's impermissible.

23 I've never seen this being done before. There are times when a witness can be allowed to
24 refresh their memory, but there has to be a foundation. One has to have criteria whereby one
25 says well, this witness is clearly having difficulties expressing himself for whatever reason.

1 Where you have a witness such as this one who is clearly very, very confident in what he's
2 saying and clearing -- and expressing himself clearly, in those circumstances it cannot be right
3 to allow the party to start refreshing his memory because he doesn't like the answers.

4 PRESIDING JUDGE TARFUSSER: Mr Knoops?

5 MR KNOOPS: Mr President, we have waited for a moment to object and I think the
6 Prosecution did not yet reveal its -- its strategy, but if the strategy of the Prosecution is to
7 confront the witness with any potential discrepancy, I think the procedure which should be
8 followed is such that the procedure is explained in the paragraph 40 and 41 of the protocol on
9 the conduct of proceedings, which means that only in exceptional situations the Court can
10 allow the Prosecution to continue with such a line of questioning. Thank you.

11 PRESIDING JUDGE TARFUSSER: Legal Representative?

12 MS MASSIDDA: Thank you, your Honour. We frankly don't see the point of the objection.
13 We don't see any difference in the way in which a transcript of a witness has been used or a
14 statement of a witness has been used. The Prosecution has posed a question. The witness
15 simply does not remember exactly what he has said previously to the Prosecutor. We think
16 that the Prosecution is entitled now to refresh the memory of a witness via the transcript of
17 this witness.

18 PRESIDING JUDGE TARFUSSER: Prosecutor?

19 MR MACDONALD: We have to come back to the directives. There are two things. One
20 is refreshing the memory, which leads to a step of declaring a witness hostile or not on a given
21 point. And in order to do so I refer you, your Honours to paragraph 47 and paragraph 40
22 and 41. But my conception of how it's being -- it's usually done, contrary to what Mr O'Shea
23 is saying, certainly in my Canadian experience it's not even very much dramatic. The
24 witness here says -- I asked him questions. I ask him what the slogan means. He gives his
25 answer. I have a prior testimony where he may be expanding more on the topic.

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1 Mr O'Shea just mentioned that's what the witness remembers now. Well, I can -- I asked him
2 right now does he remember what he said in the past on this given topic and more than that,
3 the purpose, yes. There is no hiding here on anything. The witness said something
4 previously and if ultimately he's not saying or willing to accept what he said in the past, then I
5 will seek permission to be able to cross-examine him very specifically on that specific topic
6 only, not to declare his whole testimony as hostile just that very part because that's the way
7 we confront witnesses so that the truth can come out.

8 It's as simple as that, and it's nothing dramatic. It's nothing exceptional.

9 PRESIDING JUDGE TARFUSSER: Thank you very much. I think it's now time for the
10 break. We come back with a decision on this at 2.30 when we resume. Thank you very
11 much.

12 THE COURT USHER: All rise.

13 (Recess taken at 1.00 p.m.)

14 (Upon resuming in open session at 2.51 p.m.)

15 THE COURT USHER: All rise.

16 Please be seated.

17 PRESIDING JUDGE TARFUSSER: Good afternoon. It worries me that you're on your feet
18 already.

19 MR O'SHEA: Your Honours, I understand that sentiment.

20 PRESIDING JUDGE TARFUSSER: But may I first say good afternoon and then speak about
21 what we decided?

22 MR O'SHEA: Your Honours, yes, and I don't want to --

23 PRESIDING JUDGE TARFUSSER: Yes, but no.

24 MR O'SHEA: I don't want to enter into the debate that we had before the luncheon
25 adjournment save that in line with my duty to draw the Chamber's attention to any relevant

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1 authorities, I'd just like to draw your attention to a citation, if I may, for the assistance of the
2 Chamber, but I won't add any arguments because it deals with this exact issue that we've
3 been dealing with before the luncheon adjournment, and it would be of assistance to the
4 Chamber. It's the case of Katanga, and it's the oral transcript of 8 February 2010, at page 62,
5 line 1 and as follows, and it is briefly -- the effect of the decision is summarized in the decision
6 on the Prosecution's application for leave to appeal oral rulings on clarifying inconsistencies
7 in prior statements and partial hostility dated 11 March 2010. The relevant paragraph of that
8 written decision is paragraph 15, and in particular the statement where the Chamber says,
9 "The Chamber stresses that it did not make a general legal ruling, as suggested by the
10 Prosecution, that a witness whose testimony is inconsistent with a previous statement can
11 only be shown their previous statement if the Chamber considers he or she lacks memory or
12 declares him or her hostile."

13 And then the Chamber said, "In coming to this conclusion, the Chamber specifically
14 took into consideration the fact that P-250 sometimes provided seemingly inconsistent
15 answers as compared to his prior statements. On the facts, the Chamber considered
16 that the witness did not lack memory and, thus, paragraph 109 was not applicable."

17 I just wanted to draw your attention to that specific authority, your Honours.

18 PRESIDING JUDGE TARFUSSER: Thank you, very much. In Latin we would say *iura*
19 *novit curia*.

20 I just want to say that I invite the Prosecutor to go further. We are still discussing the
21 argument among Judges, and we will come back to this precise issue at a later stage,
22 obviously before the witness has finished. That is quite clear. So I just invite the
23 Prosecutor to continue his questioning, going further in respect of this topic. Thank
24 you very much.

25 MR MACDONALD: (Interpretation)

1 Q. Good afternoon, once again, Mr Witness.

2 A. Good afternoon, Mr Prosecutor.

3 Q. For the purpose of clarification, once again -- and I'm still talking about the slogan "on
4 gagne ou on gagne," we win or we win. Now, according to you, what was the meaning
5 behind that slogan?

6 A. Mr Prosecutor, I believe that I have already given you an answer. As you know, I was
7 not the one who created that slogan. It was *seen in the President's campaign materials, and
8 it was simply a slogan for the presidential campaign, *"on gagne ou on gagne".

9 In Abidjan, people have the habit of playing with words. This is just a catchy phrase, "on
10 gagne ou on gagne." It does not mean that if you *win or you do not win, you have to stay in
11 power. It is just campaign words that were used for the campaign, and that is my point of
12 view. I really do not know anything else about that phrase.

13 Q. I'll come back to what you said this morning before the lunch break, page 65 of the
14 French transcript as from line 2. And I will read that out and then ask you a question for
15 clarification.

16 "As you know, during a campaign you need to use words to enliven the campaign; and with
17 Gbagbo, "on gagne ou on gagne" does not necessarily mean that one has to *absolutely stay or
18 absolutely win. These are campaign slogans, and it happens all over the world.. You just choose a
19 slogan. It is just like "il n'y a rien en face, c'est maïs." Those who are on the other side -- it is nothing.
20 It is just like maize that one eats, but it does not mean these are violent slogans. They are just campaign slogans.
21 They also had slogans that I did not know, but it was the same thing. It was a campaign period."

22 Now, to your knowledge, why do you say that these were not violent slogans? Why
23 did you make a point of stating that?

24 A. I believe these were words that we were using for campaign. These were just street
25 words just to make the campaign more lively. It was not to incite violence, as far as I know,

1 and that is what I think, and that is the reason why we are here.

2 Q. And why -- and this is still the same transcript from line 4. It does not mean that one
3 necessarily has to stay in power or one necessarily has to win. Why did you find it necessary
4 to point that out this morning during your testimony?

5 A. Because the slogan means what it means. Either we win or we win. So either we have
6 won or we win. So that means that we have to win, if you like. These are words that have
7 to do with enlivening the campaign, making it more lively.

8 Q. And to your knowledge, because you were, of course, a leader, you were a leader of the
9 Galaxie Patriotique and your name is in a song, il n'y a rien en face, c'est maïs, there is nothing
10 opposite us, just maize, so you were one of the members of the *LMP movement in support of
11 Mr Gbagbo, and what was the message that people wanted to put forward at that moment in
12 time with this slogan?

13 A. Which one are you referring to, il n'y a rien en face, c'est maïs?

14 Q. No. On gagne ou on gagne.

15 A. Well, Mr Prosecutor, I -- I did not use this slogan myself, "on gagne ou on gagne," but I didn't use
16 it -- others must have done. I used the slogan "il n'y a rien en face, c'est maïs," there's nothing
17 opposite us, just maize, because there was the music behind it too. *But I didn't use that other slogan.
18 My party and my movement never used it. But on the other hand, I always used the *Galliets song.

19 Q. I understand that it is not your slogan, I do understand, but you did lead a campaign,
20 did you not? So what is the message? What is the underlying message?

21 A. Mr Prosecutor, when you *go on a campaign, it's not with a view to suffer a defeat, it's
22 with a view to winning a presidential election. So you use peaceful means, you use words in
23 order to lead this campaign with a view to obtaining popular support so that you can be
24 voted in and remain. Those were the slogans that we would use.

25 Q. So I understand that the Chamber has not yet rendered its decision. Now, in the spirit

1 of assisting the Chamber in so doing -- and do you remember having been questioned on this
2 subject on the occasion of your encounters with the Office of The Prosecutor?

3 A. Mr Prosecutor, you will excuse me. You know, the interviews commenced on 4
4 October 2011, and through the entire duration there were interviews over a four-year period,
5 that is, so I cannot remember everything. If you might assist me, then we will be able to
6 move forward. But things need to be clear because that lasted for a four-year period, and I
7 was interviewed on different occasions, and sometimes for the same purpose on a number of
8 different occasions. And, you know, it's difficult for us. We're not accustomed to this kind
9 of interview. And as I just said to you, I can be questioned on this subject, and it might be
10 that I do not recall. Maybe my memory might be refreshed and I might be assisted, and then
11 we might be able to move forward. I came here to tell you what I know for Côte d'Ivoire.

12 Q. And this morning you also said that your memory is not infallible when we were
13 talking about dates. And you said that that was not the case only for dates but that also you
14 had problems with your memory on occasion. Did you not?

15 A. Yes, that is what I said.

16 Q. So if you then went on to add to your answer on the subject of the slogan "on gagne ou
17 on gagne," are you saying that you do not remember? It is not a trap, you know.

18 A. Yes, Mr Prosecutor. I did say to you that this question might have been put to me, but
19 I would like for this to be recalled. I would like for certain things to be reminded or -- to be
20 reminded on certain things because this is quite some time ago, you know, and I'm involved
21 with different activities on a daily basis.

22 MR MACDONALD: I'm pausing here, your Honour, because I think that -- I don't know if
23 this helps for the Chamber to -- with these new facts maybe mentioned by the witness and the
24 procedure that I just followed to come back and try to elicit that it is sufficient to refresh the
25 memory of the witness with his prior statement on --

1 PRESIDING JUDGE TARFUSSER: Yes, but here we are not talking -- we're not talking about
2 something, you know, where -- some small facts which one cannot remember. Here is
3 something quite important, quite basic. So I just would like to remind you that you are
4 under oath, that you have to tell the truth; that if you recall, you'll say what you recall; if you
5 don't recall, you'll say "I don't recall." But, in any case, you have got to say the truth.

6 THE WITNESS: (Interpretation) Mr President, I am entirely conscious of what I said. I
7 came from Côte d'Ivoire to here thousands of kilometres to tell the truth, to tell you what I
8 know, but on occasion you might forget what you said during an interview. That's quite
9 normal. I'm not doing it on purpose, you know. I'm sorry. I didn't come here to hide
10 anything. I came here to tell the truth. This is, of course, in my own interest and the
11 interest of my party, and it is entirely credible that I'm telling the truth. And if I say that I do
12 not remember, then yes, it is true. Yes, it is true.

13 PRESIDING JUDGE TARFUSSER: Mr Prosecutor, I would like, as I said at the beginning,
14 that you continue on another topic; on this topic with this slogan, we come back, because
15 otherwise we confuse the things. And I don't want to confuse things. We have to decide on
16 this topic. I would just ask you to go further, to leave on gagne or not on gagne, you leave it
17 aside and continue with another line of questioning so -- until we have decided on that, and
18 then you come back.

19 MR MACDONALD: I will, your Honour. I just want to remind the Chamber, I think the
20 Chamber is well aware, and we've said it in our opening statement, you will have a number of
21 witnesses that are former persons very close to both accused, and right now obviously you
22 can feel that they're in the hot seat. So what I'm trying to get at is I will move on to the next
23 topic in the hope that I'm not confronted with the same type of situation in half an hour where
24 I, you know --

25 PRESIDING JUDGE TARFUSSER: Well, it depends very much also on your -- on the way of

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1 the questioning, on how -- on the questioning, of course, if this helps. Thank you.

2 MR MACDONALD: (Interpretation)

3 Q. Mr Witness, you mentioned before we took the break for lunch, we talked about
4 financing via the DNC, the national campaigning directorate, and you said that you did not
5 attain financing during the campaign, did you?

6 A. Yes, that is what I did, indeed, confirm, and I shall confirm it again that I never obtained
7 financing by that organ.

8 Q. Did you receive financing by any other means, at any moment in time, subsequent to
9 the setting up of the NACIP until the arrest of Mr Gbagbo in 2011?

10 A. I had my own way of setting up my party, my movement, of doing politics, and I did it
11 under my own steam and with my own means, Mr Prosecutor.

12 Q. Well, listen, we shall come back to what you said this morning. We shall find the
13 excerpt, and I shall quote precisely to you what was said, but I shall continue now.

14 Let us come back to the Galaxie Patriotique. And before we took the break, you
15 made mention of the Galaxie Patriotique, of its existence. What exactly was the
16 Galaxie Patriotique?

17 A. The Galaxie Patriotique was a place where the various *leaders of the various political
18 movements came together to support the fatherland; those who felt that we were under attack,
19 so we organised ourselves. And this was the group of all the leaders together who set up the
20 Galaxie Patriotique because they were defending the country.

21 Q. So it was those you say who were defending the country?

22 A. Yes.

23 Q. And when did this Galaxie Patriotique come into existence?

24 A. The Galaxie Patriotique started to get organised and come together when Côte d'Ivoire
25 came under attack and when it started to divide.

1 Q. And how many groups did this Galaxie Patriotique comprise?

2 A. I can't give you specific figures, but there were many, many of us within the Galaxie
3 Patriotique.

4 Q. Do you remember approximately how many?

5 A. Mr Prosecutor, I can't provide you with specific figures, but there were many of us.

6 Q. Mr Witness, I do understand that you can't provide us with specific figures, but you can
7 provide us with an approximation without being frightened of making a mistake or when
8 the -- when your rights were read to you this morning you were told that you were right, you
9 were allowed to make a mistake.

10 A. Yes, of course, Mr Prosecutor, but we have to be clear. As I said and as I said before the
11 President and before you, I haven't come here just to take a break. *I came here to say what I know,
12 and as I am telling you--well, if you wish, I can give you some figures; we might have been 100, we
13 might have been 50, we might have been 150, but I'm not talking to you about all the patriots of
14 Côte d'Ivoire, I'm talking to you about the leaders of the various groups who had come to make up the
15 corpus of the Galaxie Patriotique. There might have been 100, 150, 200 to my knowledge.

16 Q. Do you remember having been questioned in your first interview with the Office of The
17 Prosecutor and do you remember the figures that you provided at that moment in time?

18 A. Yes, I do remember and I was even asked the names of certain leaders within the
19 Galaxie Patriotique and I provided you with a list. I think you have that list, I believe.

20 Q. I shall repeat my question: Do you remember having been questioned on the
21 figures -- on the numbers, I apologise, of people within the Galaxie Patriotique and do you
22 remember having given a figure in your statement, in your first statement?

23 A. That's what I just said. But yes, I was questioned on the subject and that I was even
24 asked to provide names, but I don't remember how many they were.

25 Q. So you do not remember the figure that you provided to the OTP in the month of

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1 October 2011?

2 A. No, but I do know that we compiled a list.

3 MR MACDONALD: I note for the record, your Honour, that that would be another
4 opportunity to refresh the memory.

5 PRESIDING JUDGE TARFUSSER: Do so. That's different from the issue before.

6 MR MACDONALD: Okay.

7 PRESIDING JUDGE TARFUSSER: It is different.

8 MR O'SHEA: It's different.

9 PRESIDING JUDGE TARFUSSER: Okay. Yes. Because, excuse me, excuse me,
10 Mr MacDonald. The difference is that here he said, "I can't remember. I did, but I can't
11 remember." And before he gave an answer and -- you were not happy with. This is the
12 difference.

13 MR MACDONALD: Yes, but if I'm not -- it's not a question of being happy or not with an
14 answer, but no, no, I understand, your Honour, but just for precision questions, since my
15 colleague got up and cited Katanga, I can go and cite Ruto cases and things, but the point is
16 the first step, the first step before going and seeking permission to ask leading question to a
17 witness that is not answering to the questions deliberately is to be able to establish what he
18 said previously whereby it may help him remember, oh, yes, now I remember.

19 PRESIDING JUDGE TARFUSSER: Yes, of course. But we will not dwell into this because
20 this is obviously part of the discussion we have inside the Chamber and we will come back to
21 it. But this is different to what it was before, so just help and refresh the memory.

22 MR MACDONALD: Yes.

23 Q. (Interpretation) I shall find the specific reference, but you mentioned in your statement,
24 in your first statement, that there were over 300. Do you recall having said that during your
25 first interview when you were being taped and everything that you said was being recorded?

1 A. Mr Prosecutor, because you've just said it, it might be possible. If that's what I said and
2 that is what is written down, then no problem.

3 Q. And to your knowledge, and -- how many groups approximately were there? Of
4 course I understand that you didn't count them one by one. I just refreshed your memory,
5 you said that there were more than 300. This is the exercise that we are going to have to
6 conduct throughout your testimony, Mr Witness, so you will have to be patient.

7 A. Well, it's for Côte d'Ivoire, so there's no problem. Mr Prosecutor, you said that I said
8 that there were more than 300. Well, I shall repeat. When you're talking about groups there
9 were many groups, there were all sorts of groups, so you can say more than 300. All of those
10 groups were part of the Galaxie Patriotique, no issue. I don't see any problem there.

11 Q. And was there a group that was more important than another within this Galaxie
12 Patriotique, that was more numerous, larger, more important?

13 A. Of course, Mr Prosecutor. Of course. There were a number of important groups,
14 notably, the COJEP that was very important. There were many sympathisers, many
15 members, many people who supported them within the COJEP. There was the FPE jeunesse
16 or youth group and the NACIP youth group, but the most important is the COJEP or the
17 largest is the COJEP group.

18 Q. Who was at the helm of the Pan-African youth and patriots group, that is the COJEP?

19 A. It was the minister Charles Blé Goudé.

20 Q. You say the minister. When did he become a minister?

21 A. He became minister after the elections when President Gbagbo appointed him as
22 minister of youth.

23 Q. And before the elections what was his title?

24 A. He was the president of the COJEP and he was in charge of the Galaxie Patriotique.

25 Q. So he was a president of the Pan-African congress of youth and patriots and he was also

1 at the head of the Galaxie Patriotique; is that what you're saying?

2 A. Yes.

3 MR MACDONALD: Just for the record the number can be found at transcript 0014-0622,
4 pages 0630 to 0631 and more specifically the lines 288 to 294.

5 Q. (Interpretation) What is a patriot or what was a patriot at that moment in time within
6 the Galaxie Patriotique?

7 A. To my mind a patriot is a person who defends the interests of their country, of their
8 home country. I don't know what it might be for others, but for me a patriot is an individual
9 who defends the interests of his or her country.

10 Q. And who were the main leaders of the Galaxie Patriotique? You even made mention of
11 a document, so I'm asking you here to say from memory --

12 A. Well, I can provide you with a few names. So there was *Blé himself; there was me,
13 there was Dakoury Richard, there's Youssouf Fofana, all those people, you know. There was
14 Navigué who was part of the Galaxie Patriotique.

15 Q. When you say "Blé," you mean Mr Blé Goudé?

16 A. Yes, Blé Goudé is my little brother. I meant Charles Blé Goudé, the minister, yes.

17 Q. You talked about Navigué. And the second name is of this individual?

18 A. Navigué Konaté or something like that.

19 Q. So that's the same individual who was a member of the DNC at a later stage as we saw
20 in a document this morning; is that correct?

21 A. Yes.

22 Q. Were there any other individuals that you recall?

23 A. There was Anoï Castro.

24 Q. Anoï Castro?

25 A. Yes, he was part of the Galaxie Patriotique. There are many of them. I don't

1 remember the names, all the names. You have the list.

2 Q. When you say we have the list, what are you referring to precisely?

3 A. Well, in the interview, during the interview I mentioned the names and a list was
4 drafted of the names of the leaders of the Galaxie Patriotique who supported Laurent Gbagbo.

5 Q. You remember that?

6 A. Yes, of course I do.

7 Q. So, very well. We shall consult this list with a view to refreshing your memory?

8 MR O'SHEA: There I do have an objection. This list -- perhaps if you could take your
9 headphones off.

10 This list of names, if I recall, this was essentially a situation where he was asked about names
11 on one day. He asked for the opportunity to provide it the following day. So he had
12 the -- during the course of those interviews he had the opportunity to go away and come back
13 and either write a list on another day or to provide a list of names on another day and
14 essentially what he needs to do before your Honours is to rewrite a list.

15 This is a handwritten list which has been written in the context of him being able to
16 potentially consult with others and what he says about the names is quite important because
17 he says that it refers to people responsible for violence at a particular point in the questioning.
18 So, you see, if we allow Mr MacDonald to take this list and to put it in front of him
19 now we're essentially allowing Mr MacDonald to lead on other names which are on
20 this list which has been prepared in quite different circumstances than before this
21 Chamber.

22 This is not something which was prepared during the events, this is something which was
23 prepared for the Prosecution during its interviews and with the opportunity of this witness to
24 potentially make telephone calls, potentially go away and think about it, go away and consult
25 with people.

1 So for those reasons we object to this list being placed before the witness.

2 PRESIDING JUDGE TARFUSSER: Mr Knoops?

3 MR KNOOPS: We have the same objection, Mr President.

4 MS MASSIDDA: We have no observation, your Honour.

5 PRESIDING JUDGE TARFUSSER: Prosecutor.

6 MR MACDONALD: The context in which that was drawn and the comments made by my
7 colleague --

8 PRESIDING JUDGE TARFUSSER: Excuse me, why don't you ask the witness in which
9 context it was built up, this list was drafted? I don't know because now I hear only one side,
10 but I think the best person placed to answer questions on the list is the witness himself.

11 MR MACDONALD: Will do.

12 PRESIDING JUDGE TARFUSSER: But that's -- I mean, this is a part of the comment I asked
13 you without you saying how the list was drafted, just on this --

14 MR MACDONALD: I wasn't going to say it, I was saying that my colleagues in
15 cross-examination can ask -- I'm sorry, in examination he can go back and ask those questions
16 if he wants to test the credibility of the witness, but I'll ask the questions.

17 Q. (Interpretation) Mr Witness, you do have your headset on, do you not? Could you
18 please explain or do you remember the context as to how this list was drawn up? How was
19 it compiled?

20 A. The investigators were putting questions to me and I had to compile a list.

21 Q. Where were you when you made the list?

22 A. I think it was in Abidjan.

23 Q. But were you in the presence of the investigators? Where were you?

24 A. No, when we finished the first interview, I went back to the Pergola and then I was
25 supposed to draw up the list and send it to them because on the next day I was due to be

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1 interviewed. So I gave them the list the next day.

2 Q. So you were at the Pergola when you made the list?

3 A. Yes.

4 Q. And who compiled the list?

5 A. It was me.

6 Q. Did you receive any assistance?

7 A. It was me. Maybe I had to sit down a bit and refresh my memory and recall the names
8 of our partners in the struggle.

9 Q. Who wrote the list? Because it's handwritten. I have it here.

10 A. Yes.

11 Q. Who wrote this?

12 THE INTERPRETER: The interpreter did not understand.

13 THE WITNESS: (Interpretation) I asked a friend to write this list for me.

14 MR MACDONALD: (Interpretation)

15 Q. So at that moment in time could the name of this individual be given in private session?

16 A. What's the purpose of that because he didn't even know what it was about.

17 Q. I do think that it would assist the Chamber greatly.

18 A. I do not believe so.

19 MR MACDONALD: I think --

20 PRESIDING JUDGE TARFUSSER: Well, the Chamber does believe so. I think we should
21 know who is the person who helped you in drafting this list. And, again, the Prosecutor --

22 MR MACDONALD: (Microphone not activated)

23 PRESIDING JUDGE TARFUSSER: Yes, to write this list, of course. And the Prosecutor said
24 we can do this in private session, of course, so nobody knows outside here the name. So if
25 you think that we have to do it in private session, we go in private session. Okay, can you

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1 please call the private session.

2 THE WITNESS: (No interpretation)

3 (Private session at 3.31 p.m.)

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 (Open session at 3.32 p.m.)

18 THE COURT OFFICER: We are back in open session, Mr President.

19 PRESIDING JUDGE TARFUSSER: Thank you very much.

20 Now, Mr Prosecutor, please proceed.

21 MR MACDONALD: I would now like to call --

22 PRESIDING JUDGE TARFUSSER: Yes.

23 MR O'SHEA: These -- I'm sorry if this disturbs you, your Honour, but I'm only defending

24 my client. These answers which have been given by the witness illustrate the exact dangers

25 that I was referring to. If one is going to be fair in these proceedings this gentleman can

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1 write a list today because he's here to testify. But to take a list which has been prepared
2 outside, at home or wherever, and to allow Mr MacDonald to put that list to this witness is
3 leading him to the names on that list. And this is a very significant list because of -- during
4 the interview with the Prosecutors what this witness said.

5 I don't know if this witness is going to repeat what he said, but this is going to be part of the
6 argument of my learned friend that he wants to go back to the statements perhaps, if he
7 doesn't repeat what he said about the names on this list, but it cannot be fair, in my respectful
8 submission, to allow my learned friend to essentially lead this witness on the names of
9 persons which it's the case of the Prosecution are responsible for events in Ivory Coast and
10 placing this list in front of him which was prepared on the request of the Prosecutor after the
11 events is essentially that.

12 The circumstances in which this list were prepared allowing him to go home, prepare the list
13 and come back are very, very different to the circumstances in which the witness finds himself
14 now and it would be inherently unfair to allow the Prosecution to rely on this list and allow
15 this witness simply to confirm the names on the list.

16 PRESIDING JUDGE TARFUSSER: The hearing is suspended five minutes because I have to
17 consult with the colleagues.

18 THE COURT USHER: All rise.

19 (Recess taken at 3.36 p.m.)

20 (Upon resuming in open session at 3.46 p.m.)

21 THE COURT USHER: All rise.

22 Please be seated.

23 PRESIDING JUDGE TARFUSSER: The objection by the Defence is rejected, given also the
24 fact that we know how -- the origin of this document. So please, Mr Prosecutor, go ahead.

25 MR MACDONALD: (Interpretation)

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1 Q. Mr Witness, we are going to display this list. It is CIV-OTP-0006-0039.

2 MR MACDONALD: And if it is possible to make it bigger, please.

3 THE COURT OFFICER: Mr MacDonald, could you please indicate the level of
4 confidentiality, please.

5 MR MACDONALD: Sorry. It is public.

6 Thank you.

7 Q. (Interpretation) I'm coming back to the names, and you were asked questions about
8 those names. The first name, of course, is Blé Goudé, Charles, and you say he is president of
9 the COJEP and president of the Jeunes Patriotique. Is that a different group from COJEP?

10 A. That's what I told you a short while ago. COJEP and then the Galaxie Patriotique.
11 This is a group that brought together the leaders of the various groups.

12 Q. What about the Jeunes Patriotique, what does that mean? Does it have any specific
13 meaning?

14 A. No.

15 Q. Serges Kassy, who is he?

16 A. He is a musician, a singer. He was with you. He was in the Galaxie Patriotique.

17 Q. The singer?

18 And I would like ask you something, Mr Witness. We need to give all the details
19 because the Chamber is hearing those details for the first time. This morning -- now,
20 just coming back to Serges Kassy, what was his group?

21 A. He had no group.

22 Q. He had no group?

23 A. Yes.

24 Q. I'll come back to that later. Now, you spoke about Mr Richard Dakoury earlier today.

25 A. Yes. He was a member of the Galaxie Patriotique.

- 1 Q. Who was he?
- 2 A. A leader.
- 3 Q. Which group?
- 4 A. He was in the same group as us, *he was a leader but I don't know his own association.
- 5 Q. What were his responsibilities?
- 6 A. I don't know what responsibilities you're referring to.
- 7 Q. Mr Jean-Yves Dibopieu, president of SOAF, African Solidarity?
- 8 A. Yes.
- 9 Q. Now, before becoming president of SOAF, what was Mr Jean-Yves Dibopieu's position
- 10 or title?
- 11 A. I do not know.
- 12 Q. In which organisation was he?
- 13 A. I'm sorry. Please proceed.
- 14 Q. Was he a member of a group before joining SOAF?
- 15 A. I don't know when he created SOAF, but I knew him as a member of the Galaxie
- 16 Patriotique. Whether it was set up before or after, I do not know.
- 17 Q. Now, Mr Blé Goudé, before being president of COJEP, what was he?
- 18 A. I really do not know very much about Minister Blé Goudé. I know that before the crisis,
- 19 he was a student, he was studying. I cannot be sure of that, but he was not in Côte d'Ivoire.
- 20 Q. Before going abroad for his studies, what was he doing?
- 21 A. He was a student. He was a member of FESCI.
- 22 Q. The Fédération of Students of Côte d'Ivoire?
- 23 A. Yes.
- 24 Q. And who -- what was he?
- 25 A. Secretary general.

1 Q. Let us go back to Dibopieu now. Before becoming president of SOAF, to your
2 knowledge, was he a member of another group?

3 A. I really do not know.

4 Q. Mr Idriss Ouattara, president of the parliaments and Agoras?

5 A. Of Côte d'Ivoire.

6 Q. Of Côte d'Ivoire, what does that mean, parliaments and Agoras?

7 A. This is a place where people met and discussed politics, the history of our country and
8 generally engaged in discussions.

9 Q. After 2002, what was the role of the parliaments and the Agoras?

10 A. The parliaments were everywhere in the cities and towns of Côte d'Ivoire to explain the
11 reasons for the attack and what was happening to the population in Côte d'Ivoire. So the
12 roles of -- the role of those parliaments was to explain who had attacked.

13 Q. What was the solution? What are we talking about?

14 A. There was a plan for negotiations. The government was negotiating with others, so it
15 was necessary to explain to the population. That is quite normal.

16 Q. You said there was parliaments and Agoras in the towns of Côte d'Ivoire.

17 PRESIDING JUDGE TARFUSSER: Slow down, please. Slow down both. Thank you.

18 MR MACDONALD: It is a counterintuitive process, your Honour.

19 Q. (Interpretation) Mr Witness, a short while ago, you said there were parliaments and
20 Agoras in all the regions of Côte d'Ivoire. Now let us focus in Abidjan. Was there a
21 parliament there that was more important or larger than the others?

22 A. I believe that all the parliaments were the same.

23 Q. Was there a parliament at Plateau?

24 A. Yes. There was this Sorbonne.

25 Q. The Sorbonne, very well. Who was the leader of the parliament at the Sorbonne

1 amongst the people that have been listed here, * ever since Mr. Charles Blé Goudé?

2 A. We have Mr Blé Goudé, Mr Kassy, Dakoury, Dibopieu, Idriss Ouattara.

3 Q. My question is was there someone responsible for the Sorbonne parliament, as far as
4 you know?

5 A. Yes, but I can't see his name on the list.

6 Q. And who is that person?

7 A. Can we move on? I will remember.

8 Q. Very well. Mr Anoï Castro. You said he was the president of the jeunesse
9 houphouétiste?

10 A. Yes.

11 Q. The president of CRAC who was he?

12 A. Serge Koffi.

13 Q. Do you know what CRAC stands for?

14 A. Can you scroll down a little bit. After Anoï Castro?

15 Q. Yes. After Anoï Castro?

16 A. It is said president of CRAC.

17 Q. Did he have his group?

18 A. Yes.

19 Q. What was CRAC?

20 A. He was referred to as Trimin-Trimin.

21 Q. What does that mean?

22 A. I do not know.

23 Q. And before being president of CRAC who was he?

24 A. The former secretary general of FESCI.

25 Q. He was the secretary general FESCI before Mr Serge Koffi?

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- 1 A. I do not know.
- 2 Q. We are going to come back to that.
- 3 A. Very well.
- 4 Q. Touré Zéguen, he was responsible for which group?
- 5 A. He was the president of the GPP.
- 6 Q. What does GPP mean?
- 7 A. It was a defence group.
- 8 Q. A defence group?
- 9 A. Yes.
- 10 Q. How did the GPP go about defending the fatherland?
- 11 A. You want to know how the country is defended?
- 12 Q. I want to know how the GPP went about defending the country.
- 13 A. They defended the homeland in their own way.
- 14 Q. And what was their own way?
- 15 A. Mr Prosecutor, perhaps some questions and answers concern me. Well, you asked
- 16 your investigators -- your investigators asked me to give the names of those leaders and I did
- 17 that.
- 18 Q. You are here under oath in a courtroom to answer questions and tell the truth. Now I
- 19 am asking you questions here. How did the GPP defend the homeland?
- 20 A. It is the way you yourself can defend yourself.
- 21 Q. Are you ill at ease answering this question in open session?
- 22 A. No.
- 23 Q. Do you remember during the interview in 2011 and even in 2014 that you were
- 24 questioned on the methods used by the GPP; do you remember that? Which were the
- 25 methods used by the GPP to defend the homeland?

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1 A. I really do not know what you want me to tell you. How do people defend themselves
2 when they feel that the country is attacked? How do you want them to defend themselves?

3 Q. Try to explain.

4 A. Well, there are questions that you are putting to me how Côte d'Ivoire was attacked.
5 Those are good questions, but here everything is focusing on the Galaxie Patriotique and so
6 on, and nothing is being said on how we were attacked, how the others attacked.
7 We are -- you are talking only about us and that is putting me very much ill at ease. It is as if
8 you're talking about a single person who was fighting just like a fool, just like a madman, but
9 there were many people involved. I am a witness and I'm trying to explain the facts and I
10 have the impression that the facts I have to explain concern only us and that puts me ill at
11 ease.

12 PRESIDING JUDGE TARFUSSER: I don't know what you mean by "only us," but for sure
13 you are here as a witness, there is the Prosecutor who will ask you a question and you have to
14 respond truthfully to the question. After the Prosecutor, the Defence will make -- pose you
15 questions and you have to respond truthfully to these questions. That's the only thing I
16 know.

17 So you're not here to challenge which are the good and the bad questions. The questions are
18 the questions and you have to answer them truthfully. It is very easy, okay?

19 THE WITNESS: (Interpretation) I thank you, Mr President.

20 MR MACDONALD: I see the time. Until what time do we have this afternoon?

21 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

22 THE INTERPRETER: Microphone, please.

23 PRESIDING JUDGE TARFUSSER: Until, sorry, 4.20 because we started at 51, so at 4.20.

24 MR MACDONALD: (Interpretation)

25 Q. Mr Witness.

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1 A. Yes, Counsel.

2 Q. Could you please explain the GPP to us?

3 A. The GPP was a group that was led up by youth that were defending the cause of the
4 country. Do you want to know whether they were armed, is that what you're wanting to
5 ascertain? Is that the question?

6 Q. The question is how did they defend their country?

7 A. But you're asking me how they defended their country. Well, we were attacked by
8 peoples with weapons and they defended themselves with weapons as well. That's what
9 you're getting at. They were defending their country with weapons. I answered the
10 question.

11 Q. And where did those weapons come from?

12 A. Well, Mr Prosecutor, I'm not a military man, I'm not a military man, and I would like
13 those questions to be put to those military chiefs who will testify subsequently because they
14 will be testifying. Maybe those questions will be put to them. I'm only a politician and I
15 have nothing to do with the army, I have nothing to do with weapons. I would like those
16 questions to be put to the people in charge of the military. I am not a military man,
17 Mr Prosecutor. Please, you said -- you asked me --

18 THE INTERPRETER: Message from the interpreter: Could the witness please be requested
19 to slow down.

20 THE WITNESS: (Interpretation) So this question might be -- well, the generals could
21 answer that question possibly. It concerns them after all.

22 PRESIDING JUDGE TARFUSSER: First of all, Mr Witness, I repeat I think for the tenth time,
23 slow down.

24 Second, it is not for you to challenge the questions which are posed to you, neither by
25 the Prosecutor nor in future by one of the Defence teams. So be patient. Ask the

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1 questions, if you know, you answer, if you don't know, you don't answer, just say
2 something, but don't challenge and don't pose yourself questions like: Is this what
3 you want to know?

4 THE WITNESS: (Interpretation) I thank you, Mr President.

5 PRESIDING JUDGE TARFUSSER: Okay.

6 Mr Prosecutor.

7 THE WITNESS: (Interpretation) May I? Well, as I was saying, as to where the weapons
8 come from I do not know. This was a group that also defended normal causes.

9 MR MACDONALD: (Interpretation)

10 Q. Correct causes?

11 A. Acceptable causes.

12 THE INTERPRETER: Correction: Legitimate causes.

13 MR MACDONALD: (Interpretation)

14 Q. Do you know or do you not recall how the GPP received weapons? Who gave them
15 the weapons?

16 A. I do not recall having talked to you about this question.

17 Q. Do you not remember having talked about this in your first statement?

18 A. I do not recall.

19 Q. So if you had talked about it, would that refresh your memory?

20 A. Well, go ahead. I'm all ears.

21 Q. The next witness will be -- the next witness, we'll come back to this tomorrow,
22 mister -- Mr Youssouf Fofana is the next individual on the list. He is the president of the
23 voix du nord, the northern voice; is that correct?

24 A. Mm-hmm.

25 PRESIDING JUDGE TARFUSSER: Mm-hmm means yes?

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- 1 THE WITNESS: (Interpretation) Yes.
- 2 MR MACDONALD: (Interpretation)
- 3 Q. Watchard Kedjebo, who is he?
- 4 A. He is a leader with the Galaxie Patriotique.
- 5 Q. Do you know which group he belongs to?
- 6 A. He was based in Bouaké.
- 7 Q. Do you know the name of his group?
- 8 A. No.
- 9 Q. Do you know his title?
- 10 A. Of himself?
- 11 Q. Yes.
- 12 A. No.
- 13 Q. You mentioned at an earlier stage Mr Konaté Navigué. We will identify him a
- 14 photograph tomorrow. He was a member of the FPI youth and he was also a member of the
- 15 Galaxie Patriotique?
- 16 A. Of course.
- 17 Q. Mr Damana Pickass, nickname Pickass, did he have a group?
- 18 A. He did not have any group.
- 19 Q. What was his title, Mr Pickass?
- 20 A. His what?
- 21 Q. Yes, he title within the Galaxie Patriotique.
- 22 A. He was in the Galaxie Patriotique, but I believe that he was within the ministry of the
- 23 interior.
- 24 Q. Ministry of the interior?
- 25 A. Mm-hmm.

1 Q. And during the electoral campaign did he occupy any position, during the campaign
2 that is?

3 A. Yes, he was part of the independent commission, independent election commission.

4 Q. This is also part of an admission, notably the name. And what was his title within the
5 CEI?

6 A. I do not know.

7 Q. And before becoming part of that electoral commission, before being part of the Galaxie
8 Patriotique, what was his background? Where did he come from?

9 A. He comes from where?

10 Q. What was he doing?

11 A. Well, in principle at the time he was the president of the FPI youth before Navigué.

12 Q. Before Navigué?

13 A. Of course.

14 Q. And why did you give the name of Mr Atteby William on this list?

15 A. I believe that this was a question that was put to me by the investigators as to who was
16 the Yopougon MP and I believe that that is what I said, I believe.

17 Q. And what was he doing during the crisis? What did he -- what manners did he use or
18 what methods did he use during the crisis?

19 A. Manners?

20 Q. Yes, methods, yes what methods?

21 A. Maybe the same methods that we all used.

22 Q. And what were all those methods that you were using?

23 A. Well, we were defending our country.

24 Q. And how were you defending --

25 THE INTERPRETER: Message from the English interpreter.

1 PRESIDING JUDGE TARFUSSER: No, no. Come on, I do understand also from the
2 breathing, also from the breathing.

3 MR MACDONALD: (Microphone not activated)

4 PRESIDING JUDGE TARFUSSER: So I do know that this would be the normal flow in each
5 national system, but we are not -- we have to take into consideration the interpretation and
6 the transcript. So please slow down.

7 And in five minutes you are released, you all, I mean the interpreters I want to say.
8 Please go ahead, Mr Prosecutor.

9 MR MACDONALD: (Microphone not activated).

10 THE WITNESS: Pardon?

11 THE INTERPRETER: Microphone, Mr Prosecutor, please.

12 MR MACDONALD: (Interpretation)

13 Q. I'm going to repeat the question to you. I apologise. Mr Atteby, William, during the
14 crisis, you said that he used the same methods as us, and I asked you what those methods
15 were, and you said speech, in summary. What do you mean when you say that we were
16 defending ourselves using words or speech? What do you mean?

17 A. Mr Prosecutor, you asked me at an earlier stage what the role of the parliaments and
18 Agoras were, and I explained to you that the role was to hold rallies and explain
19 fundamentals to the population. We would hold rallies in the neighbourhoods, in the
20 districts.

21 Q. And who organised those rallies?

22 A. Each of us had a role and was in a position to organise these rallies. If we thought that
23 there was a problem at hand on a given day and that we had to provide an explanation, then
24 each and every one of us had a place to go to to hold a rally.

25 Q. So Galaxie Patriotique rallies or gatherings were held where, in what location?

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- 1 A. Are you talking about the large-scale rallies?
- 2 Q. Let's talk about the places.
- 3 A. It might have been in the*Champroux stadium in Marcory, or in Yopougon, or in Figayo.
- 4 Q. Figayo?
- 5 A. Yes. We might hold a rally in Daloa.
- 6 Q. Let's stay in Abidjan.
- 7 A. Yes. As I said, Yopougon, Inch'Allah, Koumassi.
- 8 Q. So the place Inch'Allah, in Koumassi?
- 9 A. Yes, those are the places where we could hold large-scaled rallies.
- 10 Q. Were there any other considerable, sizeable locations?
- 11 A. Also the Sorbonne Plateau is an extensive place.
- 12 Q. And in Yopougon?
- 13 A. The CP1 square?
- 14 Q. CP1 is -- was that a place where small or bigger meeting rallies were held?
- 15 A. Well, it's not as big as --
- 16 THE INTERPRETER: Message from the English interpreter: Overlapping speakers.
- 17 Impossible to follow.
- 18 PRESIDING JUDGE TARFUSSER: It didn't -- it didn't last long my --
- 19 MR MACDONALD: I'm sorry, your Honour. I have to stop my microphone, I have to put
- 20 it off.
- 21 PRESIDING JUDGE TARFUSSER: That's it. Good. Do so.
- 22 MR MACDONALD: I think to find a solution. It's either that or I'm going to start asking a
- 23 question --
- 24 PRESIDING JUDGE TARFUSSER: No, do switch your microphone.
- 25 Please, go ahead, witness.

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1 MR MACDONALD: (Interpretation)

2 Q. And the largest location of all for rallies, where was that?

3 A. The place de la République.

4 Q. And when the Galaxie Patriotique held or organised rallies at the place de la République
5 or at the place Figayo, how did things work? How was -- were the details of the meeting or
6 the rally disseminated?

7 A. Are you trying to ascertain how we organise things and how people were gathered
8 together? Well, president and Mr Blé Goudé would say that we had to hold a rally, they
9 would make a call for a rally and then people would mobilise.

10 PRESIDING JUDGE TARFUSSER: I would say we stop now because also, I hope, the
11 interpreters and court reporters are happy about this. I think we should stop now, give also
12 to the witness a rest.

13 We break and we resume tomorrow morning at 9.30 sharp. Thank you very much.

14 THE COURT USHER: All rise.

15 (The hearing ends in open session at 4.18 p.m.)