

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 Geoffrey Henderson and
7 Judge Olga Herrera-Carbuccia
8 Trial Hearing
9 Wednesday, 9 March 2016
10 (The hearing starts in open session at 9.35 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.
15 Before continuing with the witness questioning by the Prosecutor, I would just -- the
16 Chamber wants to read out the oral ruling on three issues which are pending: The
17 alleged violation of the familiarisation protocol, the Defence objections to use of
18 certain items and the objections concerning the referring to prior statements.
19 On the alleged violation of the familiarisation protocol, the familiarisation protocol,
20 filing 355, states that the entity calling the witness will provide the VWU with all
21 previous statements. Paragraph 80 explains that the term "statement" includes, and I
22 quote, "Any signed statement and recorded interview, audio, video or both and any
23 document or information generated or provided by the witness when giving any of
24 his or her previous statements."
25 The calling party and not the Victims and Witnesses Unit must identify all statements

1 previously given by the witness pursuant to paragraph 80 of the protocol. It is not
2 for the Victims and Witnesses Unit to decide whether an item falls outside the scope
3 of this paragraph and, therefore, in violation to the protocol.

4 Its duty is to simply facilitate the process at the request of the Prosecution in the case
5 at hand as calling party. However, there has to be a presumption of good faith and
6 ethical conduct in favour of counsel representing the party calling the witness. Any
7 allegation of violation to the protocol has to be well-founded.

8 In the case at hand it is self-evident that the relevant documents are statements
9 pursuant to paragraph 80 of the protocol, and they are records of previous interviews
10 of the witness in the context of this case and items referred to in those statements
11 without which the statements would not be comprehensible. Whether the record
12 emanates from the Prosecution, from the Defence, or a third party, they are all
13 relevant to the facts and circumstances to which the witness is likely to refer in the
14 course of his testimony.

15 Accordingly, the Gbagbo Defence request to determine that such violation occurred is
16 rejected.

17 As regard the Defence objections related to the use of documents in the course of the
18 questioning of the witness, the Chamber will decide on a case-by-case basis if and
19 when the documents are intended to be used by the Prosecution during the testimony
20 of the witness.

21 However, at this moment in time the Chamber would like to give the following
22 direction to the parties: The deadlines established by the directions of the conduct of
23 proceedings must be interpreted in good faith. As stated already by this Chamber,
24 as a general rule and matter of courtesy and fairness among counsel, material
25 intended to be used during questioning of a witness should be communicated as soon

1 as possible. Likewise, if items are communicated past the deadline the Chamber will
2 hear submissions when and if these items are to be used and may disallow the use of
3 items or adjourn the hearing if this is required.

4 For further witnesses, when referring to objections, insofar as possible, counsel should
5 refer to the ERN number of items they object to. As a general principle, last-minute
6 transmission of documents should be exceptional.

7 The Chamber notes that counsel are making objections before the Chamber which
8 easily could have been dealt with inter partes.

9 Accordingly for future witnesses, counsel are instructed to first raise with the calling
10 party any objections or concern related to such items of evidence. Only if no
11 agreement is possible should the parties seize the Chamber. It is evident that in
12 order to attempt such agreement, transmission of the list should be done in a timely
13 manner.

14 The Chamber hopes that this ruling gives the party appropriate clarification for future
15 witnesses in order to avoid superfluous requests which take the Court's time.

16 Lastly, regarding the Prosecutor's request to refer to a prior statement of Witness
17 P-625 which arose two days ago. The Defence of both accused have objected. From
18 what the parties have said, the heart of the matter seems to concern some discrepancy
19 between the statement given by the witness to the Prosecutor during a prior interview
20 and the statement made by the witness yesterday before the Chamber.

21 While it may be legitimate to first consider inviting a witness to refresh his memory
22 before considering whether such a witness has become adverse or not appearing
23 desirous of providing the evidence expected, the Chamber is of the view that at this
24 stage of his testimony this is not yet the case.

25 At this time and for this particular line of questioning, paragraph 47 of the direction

1 of the conduct of the proceedings does not apply. Notwithstanding depending on
2 how his testimony evolves, the Prosecutor may be authorised to confront the witness
3 with a previous statement not only to allow the Chamber to assess the witness's
4 credibility and establish the truth, but also in fairness to the witness himself.

5 Thus, at this stage, concerning the specific line of questioning regarding the
6 interpretation by the witness of campaign slogans, the objections of the Defence are
7 sustained.

8 So now I would ask the court usher to bring in the witness.

9 MR VON BÓNÉ: Excuse me. Your Honour, would I -- could I make a comment,
10 your Honour?

11 PRESIDING JUDGE TARFUSSER: Of course. Yes, please.

12 MR VON BÓNÉ: Good morning, your Honour. Yesterday was a very long day for
13 the witness when he was giving his testimony. Especially the afternoon session, in
14 my view, was maybe a little bit too long. As this witness is a witness who we need
15 for a number of days ahead of us, or even weeks --

16 PRESIDING JUDGE TARFUSSER: Weeks I would say not. I would really not hope
17 for weeks.

18 MR VON BÓNÉ: But I think it would be advisable that if there is, for example, a
19 session of two hours that there would be a short break in between, that there is a
20 moment that there is a kind of relax moment or that he can drink something or
21 whatever, rather than giving it the full length. It's -- apart from the witness, I
22 imagine it's also enduring for the Prosecutor or the parties and the Chamber maybe.
23 It's just that I want to make sure that the testimony, as it goes, can remain as fluent as
24 it went yesterday. Thank you very much.

25 PRESIDING JUDGE TARFUSSER: Thank you, Counsel, for this, but I, at the

- 1 beginning, I said also to the witness himself when he needs a break, when he needs --
- 2 MR VON BÓNÉ: Right.
- 3 PRESIDING JUDGE TARFUSSER: -- whatever he needs, he just has to say.
- 4 MR VON BÓNÉ: Absolutely.
- 5 PRESIDING JUDGE TARFUSSER: But I thought it flew yesterday quite good, quite
- 6 well --
- 7 MR VON BÓNÉ: Yes.
- 8 PRESIDING JUDGE TARFUSSER: -- so I just proceeded. In any case, we have
- 9 sessions of one hour and a half --
- 10 MR VON BÓNÉ: Okay.
- 11 PRESIDING JUDGE TARFUSSER: -- normally. Just yesterday it was exceptional
- 12 because of the hard start in the morning --
- 13 MR VON BÓNÉ: Right.
- 14 PRESIDING JUDGE TARFUSSER: -- that we did it for two hours, but --
- 15 MR VON BÓNÉ: Okay. I just wanted to make sure.
- 16 PRESIDING JUDGE TARFUSSER: Of course. Of course. But if there is something,
- 17 you just stand up and we will fix the problem.
- 18 MR VON BÓNÉ: Fine, your Honour.
- 19 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much.
- 20 Good morning, Mr Witness. (Interpretation) Good morning.
- 21 WITNESS: CIV-OTP-P-0625 (On former oath)
- 22 (The witness speaks French)
- 23 THE WITNESS: (Interpretation) Good morning, Mr President.
- 24 PRESIDING JUDGE TARFUSSER: Okay, have you had a good night? Was it better
- 25 than the night before?

1 THE WITNESS: (Interpretation) Yes, I slept very well yesterday. I really rested
2 well. Thank you.

3 PRESIDING JUDGE TARFUSSER: Okay. So you are ready to continue to respond
4 to the questions by the Prosecutor?

5 THE WITNESS: (Interpretation) Yes, your Honour.

6 PRESIDING JUDGE TARFUSSER: I always ask you to pay attention to the fact to
7 speak slowly and to observe for the benefit of the people in the booth, the interpreters
8 and the court reporters, to observe the two seconds of pause between the end of the
9 question and your response. And this goes also to the Prosecutor, of course.
10 Mr Prosecutor, yours is the floor.

11 MR MACDONALD: Thank you, Mr President.

12 QUESTIONED BY MR MACDONALD: (Continuing)

13 Q. Good morning, Mr Witness.

14 A. Good morning, Counsel.

15 Q. We will continue today in the same manner as yesterday, that is slowly, and
16 also I'll put to you questions that will enable you to shed light on the events during
17 the post-electoral crisis.

18 I would like to come back to the issue of the United Nations and the perception that
19 the pro-Gbagbo camp had in regard to the United Nations and how was this
20 manifested concretely in the field. Yesterday you told us that there was the
21 European Union, the United Nations, France and then we also talked about ECOWAS
22 and the African Union. But concretely in December and in the following months,
23 how was this perception manifested on the ground, that is the perception of the
24 United Nations?

25 A. Thank you, Mr Prosecutor. I am going to give you an answer. I will tell you

1 the truth about what happened during this period after the two rounds of the
2 elections and the various results. What happened was that the United Nations
3 supported President Alassane, ECOWAS and the African Union also supported
4 Alassane, as well as the international community and the European Union.
5 For our part, the patriots and all the pro-Gbagbo militants, we did not accept that
6 position against us. So regarding the conduct of these people -- I can give you an
7 example. The UN could not go into Yopougon. There were neighbourhoods in
8 which when the UN came in for simple routine matters, they were chased away
9 because people felt that their standpoint was not appropriate. They had come to
10 keep the peace and not to interfere in the process. That is how we saw the situation.
11 And when the African Union and ECOWAS announced that they would bring
12 soldiers to Côte d'Ivoire to dislodge President Gbagbo, that led to a major crisis
13 because rumours started circulating that maybe attacks should be launched against
14 foreigners from ECOWAS countries and from neighbouring countries whose leaders
15 had taken a stand against us. They were all in favour of Alassane.
16 Some of these people were hunted down. I can give you a few examples. There
17 were so many rumours that these people themselves started leaving Abidjan. People
18 from Niger, *the Haoussa, as most Haoussa... ant these are people who wear what
19 you call grigris or fetishes, those people, some of them started leaving.
20 And since those of us from the north who supported Alassane, they were wearing
21 grigris, some of them were known as Dozos, so in Abidjan when they saw you
22 wearing the grigri you could be attacked, beaten or even burnt. That is the truth.
23 I am here to tell you what I know what happened. Because this was provoked by
24 certain decisions that people took without taking into consideration the people living
25 in Côte d'Ivoire and this was revolting to the pro-Gbagbo Ivorians.

1 I can give you an example in Port Bouët there were *Haoussa who left, who fled
2 Abidjan. They were taking buses to leave the town because they no longer felt safe.
3 People called me to come and intervene at locations where the Young Patriots had
4 blocked a bus leaving the town of Abidjan. That was in Port Bouët. And there were
5 about 70 people in that bus * who wanted to leave Abidjan. People were stopping
6 them from getting out of the bus. And tyres had been put under the bus and people
7 were preparing to burn the bus.
8 I spent about two hours there and police were also there. And we were there begging
9 these people to allow those people to leave. I was there among the people trying to
10 convince the young people not to do it. This is what I am saying here. And it is the truth.
11 On that day some of them understood. I even let them know that this is not the
12 struggle of President Gbagbo because we are *all Africans. An African cannot burn
13 another African or kill an African because of elections or politics.
14 As I have told you, there were times that people could no longer be controlled. They
15 did things the way they wanted and the way they felt, but it was not planned. But it
16 was not a good thing.
17 I will give you another example. There was a young man who was burnt alive, and
18 he said he was from Séguéla, and that was simply because he was wearing grigris on
19 his body. And they considered him as a rebel, so they took him and burnt him alive.
20 So it was because of the revolt of the population, in the face of certain decisions that
21 had been taken, but that does not give anyone the right to set someone alight.
22 I have already said that I am non-violent. Please allow me to really clarify what I am
23 saying. I have to clarify this to the Presiding Judge and to all those who are listening
24 to us, including those who are in Abidjan. They know that people were burnt alive
25 in Abidjan. It is not a secret, but it was not planned. That is what I wanted to

1 clarify.

2 The President does not know Côte d'Ivoire. And even you and other people here,
3 we are the ones who can tell you the truth about what happened in Côte d'Ivoire.

4 And that was the truth. People were burnt alive, Mr President. That is true. And
5 this was provoked by certain decisions and certain tensions, but I'm also saying that it
6 does not give the right for people to do that.

7 I was in Port Bouët when I was called and told that a rebel had been caught and he
8 was being beaten and would be burnt. I was not alone. I took the vehicle and I
9 quickly went to the location which was close to my home and I saw that more than 20
10 people were beating someone. And when they saw me they knew that I was a
11 leader. They said they had caught a rebel.

12 Now, I went to him myself and I asked him, "Where do you come from?" And he
13 said, "I come from Ferké." And I understood that he did not understand my
14 question. I had not asked him where he was born. And they told me he was a rebel
15 and I said, "Allow him to explain himself. What are you doing here?" He said he
16 was going to Adjamé. And that made it more serious because this was not the way
17 to Adjamé. So he was taken for a spy because he was not -- he did not know the
18 town. He was lost. I took him to the closest police station in the third
19 arrondissement, I went with him there with three other people. And rumours
20 circulated that a rebel had been caught and was taken there. The population came
21 out, they wanted to snatch him and burn him alive. So that had become a pattern,
22 frightening people.

23 But when I arrived with him at the police station, there was a policeman who
24 recognized him and he told me, "Mr Sam, you are bringing a madman here. He's a
25 madman." And I asked him, "What do you mean?" And he said, "He is here at the

1 abattoir all the time. He is mentally unstable." So it was really necessary to explain
2 that to the population. I even gave 10,000 francs to the policeman so that he should
3 buy some drinks and give to those people far away.

4 So in addition to what I said yesterday, when Jacques Chirac ordered the destruction
5 of our aircraft *in Yamshoko (phon)...that revolted the Ivorians and people marched
6 to the neighbourhoods where foreigners and Europeans lived. And all the white
7 people and Europeans living in *Zone 4, in Biétry (phon) and elsewhere, took refuge
8 in the 43rd BIMA, that is the military camp in Côte d'Ivoire. And all the houses of
9 these people were looted. Their houses were looted because it was not acceptable
10 for Ivorians to take that position against -- to accept that position against the president.
11 But it was not planned.

12 Q. Very well. You have mentioned several points and I want to seek some
13 clarification from you through a number of questions. You mentioned that there
14 were nationals from Niger. Were there only nationals from Niger who were
15 subjected to those types of witch hunting or what have you, or were nationals from
16 other countries also targeted? If yes, could you mention the countries from which
17 they came?

18 A. Thank you, Mr Prosecutor. Many nationals from our brotherly countries were
19 also targeted, and I'm referring here to brothers from Burkina Faso, from Mali, from
20 Guinea, if you want, but almost all nationals of ECOWAS were targeted.

21 Q. You said that when someone was found wearing grigris or fetishes they would
22 be targeted as rebels. Why?

23 A. They were targeted as rebels because most of those who came from the north
24 were Dozos who are traditional fighters who used mystical fetishes in their various
25 activities.

1 Mr President, maybe you don't know what fetishes and grigri are, but these are
2 mystical things, African mystical things which most of these Dozo African traditional
3 hunters were using. I used to wear them myself. I don't have them here on me.
4 But some people might think that these things provide protection for them and what
5 have you. But it's all in the -- it's all -- and it's about African tradition.

6 So all those who were seen to be wearing those fetishes were considered to be rebels.

7 Q. How does one wear a grigri or the fetish? Do you wear it externally or is it
8 hidden? Can someone see it? Because when you say, a short while ago, that you
9 wear them yourself you somehow touched your arm. Are these things worn
10 externally or are they hidden?

11 A. Mr Prosecutor, there are several ways of wearing a fetish or grigri. It depends
12 on the type of grigri or fetish you're wearing. Some wear them here, others here,
13 others around the neck, some on the waist and others on top of their clothing. So it
14 all depends on the type of fetish that one is using.

15 Q. So whether one wears it externally or under one's attire, that's the case as under
16 your attire?

17 A. Yes, Mr Prosecutor.

18 Q. So today if you were to be wearing one it would be under your boubou?

19 A. Yes, it's a boubou, it's a basin.

20 Q. You talked about immigrants living in Côte d'Ivoire. Now I want you to talk
21 about Ivorian citizens.

22 A. Are you talking about Ivorian citizens in the north?

23 Q. Yes.

24 A. Mr Prosecutor, please be specific. We have nothing to hide here. We can talk
25 about everything. You know, let me explain to you a number of things. Now,

1 when you talk about Ivorian citizens from the north and their fate, what was their fate?
2 Everybody knew that those from the north supported Alassane. That is what the
3 perceptions were at the time. But let me tell you that it was not necessarily true that
4 all people from the north belonged to Alassane's party. That is how Côte d'Ivoire is
5 configured.

6 You will see people from the north who support Mr Gbagbo's party and you will see
7 people from the north who support the PDCI, which is Mr Houphouët-Boigny's party.
8 You would see *either Wébés or Yacoubas, or Guérés who come from the region... for
9 the most part... pro-Gbagbo, who belong to the RDR.

10 So people had various areas of influence and their candidates, but given that Alassane
11 was from the north it was expected that people from the north will be poorly
12 perceived in Abidjan.

13 Q. What was their fate in Abidjan? What do you mean by being poorly perceived?
14 What was their fate?

15 A. You see, towards the end when the fighting began, when people had negotiated
16 and had all types of discussions and did everything possible but dialogue and
17 diplomacy had all failed, when that happened Mr Alassane's government, Soro
18 Guillaume confirmed this himself, he is today the speaker of the national assembly,
19 he confirmed that all possible solutions were not excluded, including the use of arms
20 as a solution to dislodging Mr Gbagbo.

21 So that is exactly what happened and that is when we entered what can be referred to
22 as the military phase of the situation. And it is at that time that things became
23 extremely serious.

24 Fighting began and the FESCI soldiers who had been appointed by president
25 had -- had -- therefore they took the upper hand through a kind of complicity of the

1 international community which supported their candidate and they believed that he
2 had been elected and had to be sworn in, regardless of what this would cost the
3 Ivorian people. This is what happened.

4 And so at that time people started capturing various cities, all the cities. And I want
5 to say Minister Tagro, peace be with his soul, when he was killed and people were
6 attacked in the north and people from the south were attacking those in
7 neighbourhoods where there were people from the north and vice-versa, that is how
8 the civil war began to loom over the country.

9 So I went to see Minister Tagro and I had a one-hour discussion with him. I had this
10 discussion with Mr Tagro who was very close to the president. I told him about my
11 knowledge of what was happening in the north and how things were likely to happen.
12 So I told him that we would not be able to control these things. I was aware of these
13 things. I come from the north and I was aware of all this information. And I knew
14 what was being planned in the north to come and dislodge the president.

15 Now, in spite of the fact that Daloa and those major cities were already captured, they
16 continued to ask the president to withdraw because if those people got to Abidjan it
17 would not be a good thing. And as I said before, the word I used is "tsunami."

18 There would be a tsunami. I had this discussion with the minister and I told him
19 that it would be only proper for us to withdraw because against France it was not
20 possible to prosecute a war.

21 You see, today the world is governed by economics, wars are economical, people are
22 motivated or driven by their interests and nobody wants to lose their interests.

23 Mr Prosecutor, I think that's what I can say.

24 Q. As I told you before, I will raise my hand to draw your attention as we have
25 done with other witnesses. So if you mention something on which we want to focus

1 somewhat, I would like us to focus on those things and follow some chronology in
2 order to be able to follow closely, particularly for the benefit of the Chamber which
3 does not have the same information and knowledge as you have.

4 My question then is as follows: What was the perception of Mr Ouattara's
5 supporters in the north who were in Abidjan at the time of the crisis?

6 A. Let me give you an example. My personal chargé de mission was called
7 Karamoko Zoumana (phon), Karamoko Zoumana. He came from Mankono. He is
8 somebody whom I sponsored through school and I asked him to work for me as my
9 chargé de mission subsequently. He was in Yopougon, Sicogi in Yopougon.

10 Now, when people started visiting the homes of people from the north they got to his
11 house. And I'm telling you this story. They got to his house and his luck was that
12 his family had just left that morning, they had left the city of Abidjan because what
13 happened was that all people from the north were leaving Abidjan because of the
14 impending threats because they knew that if the FESCI got to Abidjan there would be
15 a lot of trouble. So they had information that Abidjan was going to be attacked.

16 Now, his luck, and I'm referring here to my chargé de mission, is that he was wearing
17 my T-shirt bearing my image and my name, so when the people got to his house they
18 saw that he was wearing that T-shirt. So first person asked him: "Do you know
19 that man?" And of course people recognized me. And my picture was also in his
20 living room. And he said, "Yes, I know him. He is my boss. I am his chargé de
21 mission." So he was lucky. But they told him, "Get out of here. Get out of here
22 because if another group comes here after us they will kill you." So he left and his
23 house was emptied.

24 I give you just one example among several, among a thousand other examples.

25 Q. That example that you have given us, can you situate it in time? Was it before

1 or after the arrest of Mr Gbagbo?

2 A. It was just after that, about one week after. And at that time the war was
3 already going on, Mr Prosecutor.

4 Q. Before Mr Gbagbo was arrested, and apart from people from Niger and Burkina
5 Faso and Mali, are you aware of how Mr Ouattara's supporters from the north were
6 treated?

7 A. When you talk about how they were treated, well, it was -- it was about violence.
8 They were either beaten up or driven out.

9 Q. You referred to an incident in Port Bouët involving a bus or a vehicle that was
10 conveying people and where you intervened. You also talked about this person who
11 seemed to have some mental problems where you intervened as well. You also
12 talked about attackers, young assailants. What do you mean by "young attackers"?
13 Who were they?

14 A. It's the youth, the young people, the Ivorians who lived in those
15 neighbourhoods. Do you want me to use the word "Jeunes Patriotes"? Because at
16 that time all young people had become Jeunes Patriotes. Is that the word you are
17 looking for? If that's what you want, I can say Jeunes Patriotes. Yes, it's all the
18 youth, all the patriots. If that is what you are alluding to. If you are pleased with
19 that word, well, I can use it. But it was a matter of all youths and all the youths had
20 become patriots because they were defending their fatherland.

21 MR MACDONALD: We want to confirm, Mr President, and look up something
22 from the transcript.

23 (Pause in proceedings)

24 MR MACDONALD: (Interpretation) I will simply proceed.

25 Q. Now, let us return to 16 December and the march on the RTI. Yesterday you

1 testified about, and I'm referring here specifically to your reference to the United
2 Nations, and I'm quoting from transcript 26, 8 March, page 67, line 19. You were
3 explaining the perception of pro-Gbagbo persons who felt that the United Nations'
4 intervention was revolting and entirely unacceptable as coming from the United
5 Nations. Well, that was with relation to the certification.

6 Now, we then went on to talk about the swearing in of Mr Gbagbo, and you also said
7 something about the swearing in of Mr Ouattara, and that was on page 57, lines 11.
8 And you said that the idea would lead to inflaming, burning up Côte d'Ivoire, that
9 that kind of conduct would lead to such consequences.

10 Now, let me go back to the RTI. What was the perception of the pro-Gbagbo,
11 Gbagbo's camp, yourself? What was their perception when Mr Soro announced that
12 there would be a march on the RTI?

13 A. The idea was to stop that march on the RTI. The youth mobilised to set up
14 blockades and roadblocks everywhere since people were coming from all angles
15 towards the RTI.

16 Q. When you say the youth or young people, who are you referring to?

17 A. Well, if you want me to I can say the patriots because all the young Gbagbo
18 supporters in Côte d'Ivoire were patriots. And that's it.

19 Q. How did they set up those roadblocks?

20 A. They would block the roads at several positions, 10 metres apart, 20 metres
21 apart, using stones and tables and what have you in order to stop any movement
22 which would enable people to go all the way to the RTI.

23 Q. How were those youth or young people dressed?

24 A. In civilian attire.

25 Q. Were they armed?

1 A. To be very specific, let me say that on the day of the march I did not step out.

2 Now, whether people were armed or not, what I can say is that the police was present,
3 the gendarmerie was there to provide safety and protection for those who were
4 marching towards the RTI.

5 Q. So there were roadblocks which were manned by the patriots. And then you
6 said also that the police and the gendarmerie were present. Now, let me put the
7 question to you this way: As far as you know, how did the police and the
8 gendarmerie intervene on that day in order to stop, I would assume, the march?

9 A. People had to come from the hotel Golf. And there was a blockade and all
10 along there were roadblocks up to Carrefour Saint Jean.

11 And then from the other side the FDS was supposed to protect the RTI. It had been
12 surrounded some 30 to 40 metres away from the RTI. That was their position.

13 Then the police was also used to ward off the marchers using some gas. And
14 then -- this is what I know. I have already told you what I know but, in essence, I
15 wasn't present.

16 Q. When you say "gas," are you referring to tear gas?

17 A. Yes, Mr Prosecutor.

18 Q. Yesterday when we talked about the RTI you stated that people had to leave the
19 Golf as well as other neighbourhoods. Now as far as you know, those who were
20 marching, following Mr Soro's call, which neighbourhoods did they come from, as far
21 as you know?

22 A. Some came from Abobo, others from Plateau Dupuis (phon), others
23 from -- others still from Yopougon, and others from the hôtel du Golf, and others
24 came from Koumassi, Marcory and what we refer to as derrière l'eau and various
25 other communes in that area. So people came from all over.

1 Q. So they came from several communes in Abidjan?

2 A. Yes, but most of them came from Abobo and Yopougon.

3 Q. I would now like to understand the issue of roadblocks by the youth and the
4 positions of the FDS. Were they the same on the road or what was it? Can you
5 explain to us?

6 A. Are you saying that -- are you asking whether the forces of law and order and
7 the Jeunes Patriotes were working together jointly?

8 Q. Were they separated?

9 A. They were operating separately. Now, Mr Prosecutor, with your leave, let me
10 say that they were working separately. Now what we call the FDS, their role was to
11 protect the television station since Mr Soro had ordered the forceful installation of the
12 director. And Mr Wattao himself was there. And he said, "You have understood
13 that we have received orders from our president." So the instructions were for his
14 supporters. It was no longer time for any games. He said that today they
15 represented the republican forces of Côte d'Ivoire and that we had become rebels, in
16 his own words. Therefore, precautions and certain measures had to be taken such as
17 those taken by the Jeunes Patriotes, and the FDS was also taking measures to ensure
18 that the RTI was not taken over. Because, you know, the television house is an
19 important tool for a regime. And that is how things started.
20 When the young people came from Abobo and Plateau Dupuis, and what have you,
21 that is how things started and people started firing.

22 Q. Let me again attempt to understand this idea of roadblocks. Who was in front
23 protecting the RTI?

24 A. It was the FDS that had the first duty of protecting the RTI. And beyond them,
25 there were a number of roadblocks, a series of roadblocks which were set up in order

1 to stop Alassane's supporters from coming to the television station. So there were a
2 number of civilian roadblocks before anyone could get to the radio station where the
3 FDS was positioned.

4 Q. How were these roadblocks organised? These roadblocks were they -- as far as
5 you know, how did the Jeunes Patriotes organise or set up these roadblocks?

6 A. You see, things had gotten to a level where it was no longer necessary for any
7 calls or any orders to be issued. Everybody had a role to play and each person knew
8 exactly what they had to do; namely, protecting their country, protecting the regime
9 which was in power. So it was no longer necessary for any calls or any
10 announcements to be made. Everybody knew. The patriots were ready at all times
11 to defend their fatherland. So once people knew that on a particular day
12 Mr Ouattara -- president, Mr Ouattara, had called for his supporters to go to the street,
13 the Young Patriots would be mobilised automatically to respond to that.
14 If they knew, for example, that people were going to march on the national television,
15 they knew exactly that there was need to protect that television station, they knew
16 exactly what needed to be done and that is why they set up those roadblocks in order
17 to stop the demonstrators from getting there.

18 And you know that these types of civilian roadblocks, when they are set up by
19 civilians and other civilians are marching towards them, that is a recipe for
20 confrontation, for clashes. So that's how people died. I don't know how many,
21 I don't know who fired, but people died.

22 I am sure you have read the reports. Maybe you have some evidence. What I have
23 said to you is that I came here to tell the truth. People died. But who fired?
24 I don't know. Who died? I don't know. The demonstrators, some of them died
25 for sure.

1 Q. What do you mean by mots d'ordre or orders or calls? You have used that
2 expression "mots d'ordre." What does it mean? Because you said there were no
3 instructions or orders or mots d'ordre but it means before they were?

4 A. When I use that expression, I mean that the leaders, that we were, we gave
5 instructions or mots d'ordre to our supporters, our militants telling them tomorrow
6 such and such a thing is going to happen so set up a roadblock here or there. But we
7 reached a point that we no longer needed to do that. Each person was aware that
8 they needed to defend their country. Everyone knew how to go about defending the
9 country and preventing people from reaching the television house.

10 Q. So you mean that there was a time when instructions were given? Did that
11 include erecting roadblocks, is that what I understood?

12 A. Yes.

13 Q. How were those instructions or mots d'ordre given to set up roadblocks? Give
14 us an example.

15 A. I will give you an example. When it was rumoured, when we heard that the
16 French army was going to take over the airport, we had that information, and those of
17 us who were leaders in the commune where the airport was located, we issued
18 instructions to all the young people in that commune to mobilise themselves and
19 come and prevent the French army from taking over the airport. That is how it
20 happened. If in Cocody people wanted to march and take over the RTI, the leaders
21 of the Galaxie Patriotique called on all the young Ivoirians to come out and prevent
22 people from coming to take over the national radio television corporation of Côte
23 d'Ivoire, that is what we meant by mots d'ordre.

24 Q. Let me come back to what I said previously. During that period, according to
25 the Gbagbo camp the sovereignty of Côte d'Ivoire had been attacked and it was

1 necessary to defend the republic. To your knowledge, following the results of the
2 elections, were there any calls from the Galaxie Patriotique to carry out any action?

3 A. I really do not know what you are driving at. The Galaxie Patriotique had
4 all -- had always had firm positions and had called on the Young Patriots to stay
5 mobilised in order to defend the sovereignty and independence of Côte d'Ivoire, our
6 country. So that is -- those were the calls, the appeals that were made.

7 Maybe on the ground each person was doing what they wanted. I do not know.

8 But this is how it happened. Calls were made to mobilise the young people against
9 the invaders and we regarded the UN and the international community as invaders.

10 Q. Who in the Galaxie Patriotique made those calls?

11 A. The leaders, Blé could call for all the Young Patriots to be mobilised and each
12 one of us would make appeals or calls to our militants in our communes in our
13 various neighbourhoods relaying the information that Blé had given.

14 Q. When you say "Blé" you are referring to Blé Goudé?

15 A. Yes, Blé Goudé. I'm referring to him.

16 Q. How did he make those calls for mobilisation? Yesterday you talked about
17 SMS phone messages. What other means were used?

18 A. As I have told you, it depended on the seriousness or the gravity of the situation.
19 They would use the RTI radio announcements, and so on, to call on Ivorians to
20 mobilise themselves and defend themselves.

21 Q. Were there other leaders who made or who launched calls?

22 A. Yes, there were other leaders who even went on television and made those calls.
23 Sometimes they were in groups.

24 Q. When you say they went on television, you are referring to the RTI?

25 A. Yes, the national radio television corporation, RTI.

1 Q. I believe there is something that the Chamber would like to understand. How
2 was it possible for the leaders of the Young Patriots to appear on RTI television?
3 Explain that to us.

4 A. The RTI is the national television station of Côte d'Ivoire and if a leader of the
5 Galaxie Patriotique had a message and if there was a problem, an announcement had
6 to be made, they would go to the RTI and the general manager of the RTI would
7 allow them to make those announcements. That is how it happened.

8 Q. If you were a representative of Mr Ouattara, would it be possible to go to the
9 RTI and make an announcement?

10 A. No, it was not possible. We were already in a state of war, so that would not
11 have been possible.

12 Q. Why would that not be possible since this was the national television station
13 which belonged to everyone?

14 A. Thank you, Mr Prosecutor, for asking me that question, but let me tell you
15 something: Today Côte d'Ivoire is ruled by Mr Alassane Ouattara. On several
16 occasions I have invited the television to come and attend press conferences and press
17 briefings and they came and they filmed those events but they never broadcast them.
18 So what happens? Why have they never broadcast my events?

19 Q. I understand you, but can you explain in December, January, February, March,
20 April why was it not possible for a representative of the Ouattara group to appear on
21 the RTI television?

22 A. Yes, they could not do that because they belonged to the Ouattara camp and it
23 was not acceptable for them to come there. They did not have access to the RTI.
24 That is why later on they found a different solution. They set up their own television
25 station and then they shelled the national RTI so that they should no longer be able to

1 broadcast. So they had their own television station and they broadcast whatever
2 they wanted to.

3 Q. You have used the term to bombard or to shell. What do you mean by that?
4 You used that yesterday.

5 A. Yes, indeed. I have realised that you want to be very specific with words in
6 this court. When I use the word "bombarder" that is to shell or bomb, using heavy
7 weaponry to stop the RTI from broadcasting.

8 Q. Was this at the beginning or at the end of the crisis?

9 A. It was in the middle of the crisis after the results of the elections.

10 Q. We will come back to that.

11 A. Very well.

12 Q. To the best of your knowledge were any calls made over the RTI before that
13 march on the RTI by the Young Patriots?

14 A. If I remember correctly, yes, an announcement was made that people had to
15 march.

16 Q. Do you remember who made that call?

17 A. I know there were calls that were made, but sincerely I do not remember the
18 person. It is in the documents, but I no longer remember the specific person who
19 made the call.

20 Q. Let me now go back to that meeting that you referred to yesterday at the hôtel
21 de ville, that is the town hall in Cocody before the march. You said it was a meeting
22 of leaders and you don't know how long before. Do you know which of the Galaxie
23 leaders were present in that meeting? Because you say it comprised many groups,
24 many organisations, you even mentioned 300 in your prior statements. So do you
25 remember the main leaders who were there?

1 A. There was President Blé, there was Navigué, Mian Augustin, the secretary
2 general of FESCI, and many other people. There was Youssouf Fofana, Zéguen
3 Touré, myself.

4 Q. And what did you talk about during that meeting with the other leaders present,
5 that is the people you have just mentioned? What did you discuss during that
6 meeting?

7 A. It was not a decision-making meeting. It was a meeting to provide information.
8 President Blé convened that meeting to inform us of the situation prevailing in the
9 country, including the march, for example, to tell us about what was happening.

10 Q. So Guillaume Soro's call to march on the RTI was discussed?

11 A. Not specifically. We discussed general information on everything happening
12 in the country. It was not a meeting during which each leader had to make
13 proposals and a decision would be taken. No. The information was simply
14 provided that people had been called to march.

15 Q. And what was said in regard to the RTI and the march that had been planned?

16 A. The information was provided that people had to march to take over the RTI.
17 That was mentioned in the meeting amongst many other things.

18 Q. Mr Witness, do you remember having been questioned on this matter by the
19 OTP in December 2014, during your last interview which took place here in The
20 Hague? And to refresh your memory I was present.

21 A. Yes.

22 Q. Everything was recorded?

23 A. Yes.

24 Q. Do you remember that you were questioned about this meeting in the Cocody
25 town hall?

1 A. Yes.

2 Q. Do you remember what you said relating to the details of that meeting?

3 A. I really do not remember the details, but if you can help me to refresh my
4 memory about what I said.

5 Q. The Chamber is indicating that I can proceed.

6 MR ALTIT: (Interpretation) Thank you, your Honour. Just a second so that I can
7 look at the decision of the Chamber. Thank you. Mr President, I believe that I
8 understood that you would grant leave to the Prosecution to read some excerpts from
9 prior statements, but the witness has already answered the Prosecutor's question.
10 He has answered clearly, so there is no issue of memory lapses here and that is why
11 we are objecting to the use of the prior statement by the Prosecutor because in our
12 opinion this would be tantamount to asking a leading question.

13 MR MACDONALD: If I can help --

14 MR KNOOPS: Mr President, in support of the objection of the team of Mr Gbagbo I
15 refer to the transcripts of yesterday, page 93, line 22, 23 where exactly the same
16 question was already posed by the Prosecution and the witness gave exactly the same
17 answer. So in our submission, the protocol Rule 47 is not applicable here and,
18 therefore, we object to confronting the witness with the prior statement.

19 (Trial Chamber confers)

20 PRESIDING JUDGE TARFUSSER: The objection is rejected because it is -- he had
21 said he didn't remember what he was referring -- what he said in the interview and
22 now it is the Prosecutor to refresh the memory on what he said in the interview.
23 So please go ahead.

24 MR MACDONALD: (Interpretation)

25 Q. Mr Witness, I will refer to CIV-OTP-0076 --

1 MR ALTIT: (Interpretation) I'm sorry, your Honour, I really regret this, but this is
2 really a crucial issue and we would like to go back to your decision. We want to
3 apply for leave for an oral appeal and if that is granted, we will ask for five minutes.
4 Otherwise, we would like to apply that your decision have -- there should be a
5 suspensive effect of your decision so as to allow us to prepare an application for leave
6 to appeal if it is necessary to do so in writing.

7 PRESIDING JUDGE TARFUSSER: You mean that this was a decision taken by the
8 Chamber to allow the Prosecutor to refresh the memory on the fact that the witness
9 said that he doesn't remember in detail what he said to the Prosecutor in a previous,
10 in a previous statement he gave to the Prosecutor, and that was granted by the
11 Chamber, the Prosecutor was granted to refresh this memory, the memory to the
12 witness?

13 MR ALTIT: (Interpretation) Yes, that is precisely that decision.

14 PRESIDING JUDGE TARFUSSER: Okay. So just to be clear we are on the same
15 page.

16 MR ALTIT: (Interpretation) Absolutely. We are on the same wavelength. It is
17 the decision that you have just handed down now and that you have mentioned.

18 PRESIDING JUDGE TARFUSSER: Now you want -- you request leave to appeal this
19 decision?

20 MR ALTIT: (Interpretation) Absolutely, your Honour.

21 PRESIDING JUDGE TARFUSSER: And five minutes in order to make an oral
22 reasoning on that; is that right?

23 MR ALTIT: (Interpretation) That is correct.

24 MR KNOOPS: Mr President, if I could add to this argument that we don't see the
25 difference with the ruling of this morning where the same objection was sustained.

1 Thank you.

2 PRESIDING JUDGE TARFUSSER: Well, we do see the difference.

3 So it is now nearly 11 so I give -- I think we should break now in order also to give
4 these five minutes which then will be 35.

5 I think, yes, the Legal Representative and the Prosecutor should have the floor also to
6 comment on this.

7 Please, Legal Representative.

8 I think in the meanwhile the witness can be, so he has five more minutes time to rest,
9 can be brought out. Thank you.

10 (The witness stands down)

11 PRESIDING JUDGE TARFUSSER: Legal Representative.

12 MS MASSIDDA: Thank you, your Honour. Just to be sure on what I'm asked to
13 intervene is on the request by the Defence?

14 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

15 MS MASSIDDA: Thank you. Your Honour, I think, if I may just recall two
16 decisions already made by this Chamber which I think fits with the situation. The
17 first one, the first one is the decision rendered on 4 February 2016, transcript of the
18 hearing, the English transcript number 14, page 3, line 16 to 25, I quote: "... it is not
19 considered to be 'leading' the challenge/confrontation -- or to confront a witness with
20 facts or circumstances (such as documents, prior statements of the witness or other
21 person) which are or appear to be in contradiction with the testimony given by the
22 witness while in the stand ..." End of quote.

23 And the second one which I think it's more appropriate to the present case because it
24 relates actually to the same instance which you are dealing with. It's the hearing of
25 11 February 2016, English transcript, which is classified confidential but the ruling

1 was in open session, transcript number 21, page 67, lines 4 to 7 and the issue was
2 exactly the possibility for the Prosecutor to refresh the memory of a witness because
3 the witness was not recalling what he said in the previous statements.

4 And I quote from line 4, Prosecution speaking:

5 "I am prepared to read extracts from a statement to help her.

6 PRESIDING JUDGE TARFUSSER: Absolutely, yes. You make what we call -- you
7 confront her with what she said, and then you make a question, but quoting and
8 giving all the reference." End of quote.

9 Now in the specific instance the witness itself has asked the Prosecution, because he
10 seems not to recall exactly what he said, to read the statement. So we submit that the
11 Prosecution is entitled because of a previous ruling by the Chamber and because of a
12 specific instance in this case to read out the statement to the witness. Thank you.

13 PRESIDING JUDGE TARFUSSER: Thank you.

14 Prosecutor?

15 MR MACDONALD: Very briefly the question is on procedural decision an
16 immediate appeal and the possibility to do so. If we were to start entertaining such
17 requests live in the courtroom each time there's a ruling that we're not happy with,
18 eventually there may be a final judgment and in that judgment all these issues if one
19 party feels that is -- will have a possibility. I understand that there can be
20 interlocutory appeals on issues that affect and need an immediate resolution, but here
21 it's on a case-by-case basis as you've ruled earlier this morning.

22 So that's the only thing I want to raise at this stage. And I understand you've made
23 your ruling. We can question and just recalling obviously what the witness himself
24 has said, which led to your decision. Thank you.

25 PRESIDING JUDGE TARFUSSER: Yes. Now we adjourn the hearing until 11.30

1 without the witness and with the oral leave to appeal. Thank you very much.

2 THE COURT USHER: All rise.

3 (Recess taken at 10.59 a.m.)

4 (Upon resuming in open session at 11.36 a.m.)

5 THE COURT USHER: All rise.

6 Please be seated.

7 PRESIDING JUDGE TARFUSSER: Maître Altit.

8 MR ALTIT: (Interpretation) I thank you, Mr President.

9 Mr President, your Honours, the Defence for Laurent Gbagbo is taking note of the
10 decision that the Chamber rendered today authorising the OTP to submit to Witness
11 0625 one of his previous statements. The OTP was questioning him on the substance
12 of a meeting that occurred in Cocody and the witness was providing a clear answer to
13 the question by the Prosecution. That's on page 30 of the transcript, of today's
14 transcript, that is.

15 It is fundamental for us to understand that this is the second occasion that the witness
16 is answering the same question. On page 93 of the English version of transcript of
17 7 March 2016, lines 14 to 28, the witness answered in the same vein. I think it's the
18 French version, I do apologise, Mr President.

19 So the question was put to him in such a manner two days ago. Quote: "Why did
20 we meet at that moment in time at the Cocody town hall? Do you recall why that
21 meeting took place and the substance of said meeting in general terms? And then
22 later we might be able to delve into this in more detail, but this is in general terms."
23 This is the question that was put to him, it's the same as today, and the answer was
24 the same as he provided today. However, despite the clear answer provided two
25 days ago by the witness and despite the clear answer provided again today by the

1 witness, the Prosecutor is alleging or he would have us or would want to confront his
2 witness with his statement made in the year 2014 at all costs.

3 In reality, he is thereby attempting to underscore some of the contradictions between
4 his testimony provided in 2014 and his testimony today. This is precisely the same
5 situation as that in which the parties found themselves on 7 March 2016. The
6 Prosecution wanted to confront his witness basing himself on his previous statement
7 after he had, however, answered all too clearly on the use of a slogan.

8 With regard to this use of the slogan, the question put to the witness on the use of this
9 slogan, and I respectfully recall -- or remind the Chamber that the Chamber had
10 sustained the Defence's objection raised at that time, saying that confronting a witness
11 in the manner in which the Prosecution was requesting at that time was possible only
12 in ascertaining the level of hostility of the witness.

13 However, in this case, again, the Prosecution is attempting to underscore the
14 contradictions in the various statements provided by the witness and clearly this is
15 not an instance of attempting to refresh the memory of the witness.

16 We need to understand this situation well. The Prosecutor is attempting to submit
17 to the witness his previous statements according to a surmise that he is not -- or has
18 not recalled what he said previously. However, in fact, the Prosecution is
19 confounding two situations or confusing two situations, the first of which is not the
20 situation that we are up against today, notably that when a witness does not recall
21 certain facts he has been invited to testify to, this might then enable the Prosecution to
22 refer to previous statements in order to assist the witness in that case. However, we
23 are not in such a situation.

24 The second situation that we find ourselves in is that when the witness holds forth
25 during the hearing and when the Prosecution believes that what he says is in

1 contradiction with what he says in his previous statements, well, that is the situation
2 that we are finding ourselves in currently. And in such a case it is clearly not a case
3 of the witness's memory.

4 And as you yourself underscored, Mr President, during the previous *proceedings the
5 Prosecution only confronted the witness with his statement because he did not like
6 what his witness actually said, and I think that we are in the same situation once
7 again today.

8 So we believe that it is extremely necessary for us to appeal the situation between the
9 two decisions that your Chamber has taken, which appear to us to be contradictory.

10 And what is more, it will enable the Defence and the parties in general to object in a
11 clear framework to know what they're up against and will enable us to save a great
12 deal of time, all of us.

13 Now, the practice that the Chamber authorised by authorising the Prosecution to
14 present the witness with a previous statement under the pretext that he was
15 refreshing his memory whilst the witness had already answered that same question
16 on two occasions is paramount to authorising a party, a calling party to call into
17 question the credibility of his own witness, which cannot be acceptable and should
18 not be authorised during the examination-in-chief.

19 Here we have a fundamental issue at hand that affects the nature of the judicial
20 process itself, and by authorising the Prosecution to cross-examine and ascertain the
21 level of credibility of his own witness is really jeopardizing the entire logic of the
22 proceedings to our mind.

23 And why is this? Because the decision of the Chamber is enabling the Prosecution to
24 circumvent the procedure as outlined in the decision on the conduct of proceedings,
25 according to which the calling party can request the Chamber to have a witness, his

1 witness, declared hostile.

2 And the logic of this procedure as outlined by your Chamber is as follows: That the
3 Prosecution must first and foremost invoke the fact that his witness is hostile for a
4 discussion to be held between the parties for the Chamber to be able to rule on the
5 hostile or non-hostile nature of the witness. And it is only once such a decision has
6 been taken that the Prosecution will or could then be authorised to call into question
7 or test the credibility of his or her witness.

8 Furthermore, the Prosecution cannot choose the subject matter on which he attempts
9 to or intends to call into question the credibility of his witness on a case-by-case basis.

10 So in the absence of any clear procedure, whether he is satisfied by the answers
11 provided by the witness or not, and under the criteria of Article 82(1)(d) of the Statute,
12 the Defence is of the mind that the question of the possibility for the Prosecution to
13 test the credibility of his own witness without there having been any prior decision
14 taken by the Chamber as to whether the witness is hostile or not is very much a result
15 of the impugned decision and as a result, the issue would seem to us that there has to
16 be a resolution found immediately by the Appeals Chamber in this regard. It is a
17 fundamental matter of procedure that calls into question the entire logic of the
18 judicial proceedings.

19 And what is more, if the Prosecution was authorised to proceed as allowed in the
20 impugned decisions with this witness and with any other witnesses in the future,
21 then he might or he could introduce into evidence hundreds of pages of witnesses
22 during the examination, which would considerably affect the speed of the
23 proceedings. And this is why it would seem to us that an immediate resolution
24 should be found by the Appeals Chamber.

25 If the Prosecution was authorised to continue his examination on the basis of a

1 decision that might be called into question subsequently by the Appeals Chamber,
2 this might jeopardise the entire content of this witness's testimony and as a result,
3 affect the final judgment to the extent that the judgment would be based in one way
4 or another on the testimony of this witness.

5 This is a request to appeal or launch an appeal, an exceptional appeal that we are
6 submitting to you today because it is a question that seems absolutely crucial to us
7 today. We are of the mind that this issue should be ruled upon to the benefit of the
8 parties in general, the Chamber and the proper administration of justice and that is
9 why we have made this request.

10 PRESIDING JUDGE TARFUSSER: Thank you.

11 Mr Knoops?

12 MR KNOOPS: Mr President, the team of Mr Gbagbo has already alluded to the
13 same arguments as our team envisions. Just a few observations in support of the
14 application made by the team of Mr Gbagbo and the application we are orally going
15 to make and to support.

16 The principle here at stake is the principle of legal certainty which obliges the Court
17 to be consistent in rulings on in this situation the subject matter of refreshing the
18 memory of a witness being called by the calling party.

19 In specific it concerns also the application by a trial Judge of the conduct of
20 proceedings protocol, i.e., Rule 47. Your Honours have made a ruling this morning
21 in which you refer to Rule 74 -- 47, sorry, and if the ruling concerns the interpretation
22 of Rule 47, the following observations can be made.

23 Your Honours have accepted protocol in September last year in which Rule 47
24 provides the following instructions: In principle, a witness shall testify orally to
25 what he or she remembers having personally observed. This criterion, the personal

1 observation, relates to the events to which a witness might have been a witness. It
2 does not relate to any other subject matter.

3 The reading of regulation 47 goes on as follows: Witnesses are not permitted to
4 simply read from earlier statements or other documents; however, when the calling
5 party is questioning a witness, the Chamber may allow witnesses to refer to other
6 materials in order to refresh their memories.

7 Mr President, here you see the interrelation with the first sentence, the wording
8 "having personally observed" in connection with refreshing memories relates not to
9 the content of the interview as such with the investigator, but rather relates to the
10 underlying event, the underlying incident about which the witness is questioned.

11 In this regard, in our submissions, a differentiation should be made between a witness
12 who cannot recall the details of an event about which he's questioned, on the one
13 hand, and on the other hand, the details of a specific meeting with the Office of the
14 Prosecution or its investigators.

15 Now in the instant case, Mr President, the question which was asked to the witness
16 about his personal recollection, his personal observations of the meeting in hôtel de
17 ville was clearly answered by the witness yesterday, 8 March, the French transcripts
18 page 93, line 14 till 23 where he clearly gave the concise answer about his recollection,
19 his personal observation in terms of regulation 47, and there was no need yesterday to
20 refresh his memory.

21 Today the same question was asked and similarly answered by the witness and then
22 the question arose, and that's in the French transcript page 31, line 12 till 13: "Can
23 you remember the details of the meeting with the investigators of the Office of the
24 Prosecutor?" That's line number 15, 16.

25 (Interpretation) "Do you remember what you said in this regard, the details of this

1 meeting?"

2 (Speaks English) So this is clearly different because the witness already have
3 answered what he recalls from the meeting as such and now the question is: Can
4 you recall what you told the investigators back there? And that's something
5 different because it's not about refreshing the memory of the witness because the
6 witness has already twice answered what he can recall from that meeting in hôtel de
7 ville. His recollection was not -- had no gap in this regard and, therefore, we submit
8 that allowing the witness now to be confronted with the transcript, the previous
9 transcript, would be in violation of regulation 47 and, therefore, we submit that the
10 Chamber should authorise the Defence to seek for a resolution by the Appeals
11 Chamber on the interpretation of the conduct of proceedings protocol in light of the
12 principle of legal certainty. Thank you.

13 PRESIDING JUDGE TARFUSSER: Thank you.

14 Legal Representative of Victims.

15 MS MASSIDDA: Thank you, your Honour. We will be very brief. Two
16 observations.

17 The first one we consider that the Defence has not identified an issue. For us the
18 matter is much more simple. It is of the implementation by the Chamber of previous
19 decisions in the matter related to the use of previous statements to confront the
20 witness. Therefore, no issue is arising from the further instruction of this morning in
21 relation to the objection by the Defence. As such, this implementation of previous
22 instruction by the Chamber is not appealable.

23 In any case and in relation, and this is my second brief observations, in relation to the
24 discussion by both Defence teams of the fact that the same question was posed to the
25 witness also on 8 March that actually the transcript of reading correctly reflect that we

1 are not talking of the same question.

2 In the transcript of yesterday, 8 March, page 93, French version, line 14 and following
3 the Prosecution is clearly answering a general question. And the Prosecution even
4 states and I quote: (Interpretation) "Would you like to remind us why that meeting
5 occurred and its contents and then subsequently we might be able to delve into it in
6 more detail but now just in general terms."

7 (Speaks English) So the first question was for a general matter and today the
8 Prosecution is seeking additional information from the witness in relation to the same
9 meeting in Cocody.

10 We also repeat our previous submission, the witness itself has request that the
11 statement be read to him because apparently he doesn't recall the entirety of the
12 details that he gave to the Prosecution, and in this respect is, we submit, different
13 from what has been just submitted by the Defence of Mr Blé Goudé that this falls
14 squarely in the conduct of the proceeding directions, paragraph 47. Thank you.

15 PRESIDING JUDGE TARFUSSER: Thank you.

16 The Office of the Prosecutor.

17 MR MACDONALD: I will not address the merits of the decision. The decision has
18 been taken. We're discussing an application for leave to appeal, which we submit
19 refers to a single procedural decision that does not affect the fairness of the
20 proceedings or the outcome of the trial and I can refer you in a similar matter to a
21 decision in the Ntaganda case and that decision is 1182.

22 (Trial Chamber confers)

23 MR ALTIT: (Interpretation) Mr President, it has nothing to do with the issue at
24 hand --

25 PRESIDING JUDGE TARFUSSER: Okay.

1 MR ALTIT: (Interpretation) -- but with your leave I just want to indicate that the
2 first 15 minutes of my submissions did not figure in the French version of the
3 transcript, but they do appear in the English version. I, therefore, would like the
4 record to show the first 15 minutes of my submissions in the French transcript.
5 I hope that the Chamber can ensure that these submissions will be added to the
6 transcript before the transcripts are distributed to the parties. Thank you.

7 PRESIDING JUDGE TARFUSSER: Yes, I will here have to ask obviously the
8 Registry what happened because I don't know. I'm looking at the English transcript
9 so I don't know.

10 (Pause in proceedings)

11 THE INTERPRETER: Mr President, the transcripts now show a message from the
12 court reporters which reads as follows: "We had a technical problem, but everything
13 has been recorded."

14 PRESIDING JUDGE TARFUSSER: The message is the following: That there was a
15 technical problem, everything was recorded and will be then inserted in the transcript.
16 They had a technical problem, but everything will be adjusted in the French and in
17 the English transcript.

18 MR ALTIT: (Interpretation) Thank you, Mr President.

19 PRESIDING JUDGE TARFUSSER: The Chamber, having heard the submission on
20 the request for leave to appeal the oral ruling authorising the Office of the Prosecutor
21 to refresh the witness's memory rejects the request for leave to appeal.

22 Firstly, the Defence of Mr Gbagbo merely repeats and further its views already raised
23 when it made the objections to the line of questioning. It is reminded that such a
24 request must be based on the requirements provided for in Article 82(1)(d) of the
25 Statute and not on the merits which have been decided by the Chamber.

1 Pursuant to Article 82(1)(d) of the Statute, the Defence of Mr Gbagbo and the Defence
2 of Mr Blé Goudé have not identified an appealable issue. They have identified as
3 issue the following, and I quote: "Questions of possibility for the Prosecutor to test
4 the credibility of his own witness without there having been any prior decision taken
5 by the Chamber as to whether the witness is hostile or not."

6 Firstly, this was never the subject matter of this decision. As such, it is not an
7 appealable issue. In fact, as noted by the Legal Representative of Victims, the
8 direction of today was simply the implementation of previous rulings made by the
9 Chamber.

10 Moreover, the Appeals Chamber had repeatedly stated that it will not rule on the
11 discretionary powers of the Trial Chamber merely because the Appeals Chamber if it
12 had the power might have been -- might have made a different ruling. The Appeals
13 Chamber has thus only reviewed such discretionary power when there is an error in
14 fact or of law or a procedural error.

15 In this case it is clear that the Chamber in rejecting the Defence's objection used its
16 discretionary power to allow the line of questioning, particularly because the witness
17 himself stated, and I quote: "I really do not remember the details, but if you can help
18 me to refresh my memory about what I said." End of quote.

19 Accordingly, the Chamber ruled on a very limited and discrete issue upon request of
20 the witness himself. Moreover, the Defence during their turn to question the witness
21 may ask the witness questions about the matter at hand.

22 Leave to appeal is thus without merit and is, as I said before, rejected.

23 Finally and for further objections and Chamber directions that may arise, the parties
24 are reminded that leave to appeal should be exceptional.

25 Thank you very much.

1 Now, can the witness be reintroduced again so that we can proceed.

2 (The witness enters the courtroom)

3 PRESIDING JUDGE TARFUSSER: So, Mr Witness, here you are again. We will
4 continue from the moment we suspended one hour and 15 minutes ago. The word
5 is to the Prosecutor.

6 MR MACDONALD: Thank you, Mr President.

7 (Interpretation)

8 Q. Mr Witness, good afternoon.

9 A. Good afternoon.

10 Q. We were talking about the meeting which took place a few days before the
11 march on the RTI, the meeting which took place at the hôtel de Cocody. I would like
12 to remind you of some additional details that you provided regarding a meeting of
13 14 December 2014 in The Hague with the investigators and representatives of the OTP,
14 including myself.

15 So for the record I am referring to the transcripts of the interview CIV-OTP-0076-1211,
16 specifically from line 884.

17 And I understand that the topic of this meeting is covered in several pages, but I do
18 not intend to read through all the pages. I simply want to put to you a number of
19 details.

20 "And I would like to speak to the second meeting that was two days before.

21 Answer: Yes.

22 Yes.

23 Prior to that, reference was made to 16 December being the date of the march and so
24 you referred to the meeting that took place two days ago.

25 Two days before the interview?

- 1 Yes.
- 2 Yes.
- 3 Yes, because it was not on the 18th, therefore it was on the 14th.
- 4 Yes. The march."
- 5 You answer: "The march, yes, they marched on the 16th.
- 6 Question: Yes, that is correct.
- 7 Answer: Yes, we had a meeting two days before.
- 8 Question: Two days before?
- 9 Answer: Yes.
- 10 Question: Very well."
- 11 I'll stop there and then address the content of the meeting. And this is at page -- or
- 12 at line 945.
- 13 "Question: So what was the purpose of that second meeting?
- 14 Answer: The purpose of the meeting was to come to a decision or on the decision by
- 15 Soro Guillaume to install Pascal.
- 16 Question: What did you say?
- 17 Answer: Brou Pascal.
- 18 Question: Yes.
- 19 Answer: Brou Pascal. To go and install him as the director of the RTI.
- 20 Answer: Yes.
- 21 Question: So the Young Patriots had to be mobilised?"
- 22 MR N'DRY: Mr President, I think that if we are to focus on the purpose for which
- 23 the Prosecutor wanted to reread the witness's testimony, that purpose was very
- 24 specific, namely, the content of the meeting which is what was discussed. It is not
- 25 necessary to read out the entire testimony -- or, rather, statement of the witness,

1 taking advantage of this to read out the witness's statement. The idea is to jog the
2 witness's memory on a specific point.

3 We, therefore, object to the Prosecutor reading the entire statement of the witness.

4 Could the Prosecutor be asked to focus on the specific point which he wants to use to
5 refresh the witness's memory; namely, what is it that was specifically discussed
6 during that meeting? And that was the substance of the application.

7 You see, the Prosecution went even further and took advantage to mention issues
8 relating to the dates of the meeting and that is not germane to the very content of the
9 discussions as the Prosecutor sought to do initially.

10 PRESIDING JUDGE TARFUSSER: Mr Prosecutor, you're requested to remind him
11 specifically on determined issues which the witness says he does not remember. Of
12 course in part reading out, but you should not take advantage to read more than
13 necessary.

14 MR MACDONALD: I understand, your Honour. I just -- just for the purposes of
15 the record, that part of the questioning starts at line 884 and goes on, including as to
16 the content in different places, and goes on until around line 1140, so I understand
17 that in three different places he speaks about the content in more detail. So I will be
18 reading those three specific places. I just --

19 PRESIDING JUDGE TARFUSSER: But you can also summarise them. But you
20 should be -- the question is here to refresh the memory of the witness, not to submit
21 into evidence part of the statement he has given to the Prosecutor.

22 MR MACDONALD: Yes, your Honour. I take note. I will adapt to whatever
23 practice the Chamber wants to put in place to refresh a memory.

24 PRESIDING JUDGE TARFUSSER: You can read, now refreshing the memory
25 obviously also by reading out, but not to take advantage to read more than necessary

1 to refresh the memory. This is the thing. But please go ahead.

2 MR MACDONALD: Okay. All right.

3 (Interpretation)

4 Q. So I go back to line 955, from 955 to 960 and then I'll move on to another excerpt
5 dealing with the content, Mr Witness.

6 So at line 955 you say:

7 "It was necessary to mobilise the Young Patriots to set up roadblocks and corridors
8 and everything in order to stop that march.

9 Answer: Yes, that was the purpose of the meeting."

10 And line 1037, this is the question that is put to you:

11 "Still referring to the march on the RTI, what were the proposals made at that second
12 meeting?

13 Answer: At the second meeting it was a matter of mobilising ourselves, the patriots,
14 to go and block the people who would be coming from the hôtel du Golf towards the
15 RTI. The Young Patriots had not only to set up these blocks but also use military
16 strategies. What I'm saying is that the soldiers also went to block from the hill
17 where" --

18 THE INTERPRETER: Overlapping speakers.

19 MR N'DRY: I'm very sorry, Mr President. I think we need to be fair in this matter.
20 The question that Mr MacDonald put to the witness was a very specific question:
21 What was said during that meeting? And at the time reference was being made to a
22 meeting.

23 Now Mr MacDonald is talking about a second meeting. We do not know what he is
24 talking about. This question was very specific and it was in relation to roadblocks
25 and now we are spilling into other areas dealing with military strategy. That is not

1 right. We cannot use the pretext of jogging the witness's memory to read his
2 statement into the record. That is why the Defence teams called for clarity in this
3 matter.

4 Mr President, before we get here, or before coming here, it is necessary for us to
5 understand what is involved in this trial, the stakes of the trial.

6 Mr Knoops talked about issues of security. We have a trial. There is a protocol in
7 place --

8 Mr MacDonald, I have the floor and it is the President who gives the floor.

9 So, Mr President, let us make things clear for all and sundry as to which rules apply.

10 Mr MacDonald cannot take advantage of this opportunity that has been given him to
11 read out the witness's entire statement. He has read part of it relating to roadblocks.
12 Now let him set that statement aside and ask the questions to the witness rather than
13 cross-examine the witness.

14 Mr President, I think we need to be very specific in dealing with this issue. The
15 manner in which the witness is being questioned does not comply with the rules
16 pursuant to the protocol.

17 Now, if Mr MacDonald has been allowed to refresh the witness's memory, he must
18 stick strictly to that.

19 PRESIDING JUDGE TARFUSSER: Yes, I go back in the transcript where it is said,
20 the question:

21 "Do you remember that you were questioned about this meeting in the Cocody town
22 hall?

23 Yes.

24 Do you remember what you said relating to the details of this meeting?

25 I really do not remember the details, but if you can help me to refresh my memory

1 about what I said." And then the whole question started.
2 That's what the Chamber decided is that the Prosecutor can refresh the memory on
3 the details, which might be various, the Chamber does not know. You know better
4 what was said in that -- in that meeting. The Chamber does not know, but the
5 Chamber allowed the Prosecutor to refresh the memory of the witness on the details
6 of that meeting, which might have more arguments than not one. I do not know.
7 I recall that the Prosecutor should really limit the reading out of the statement to very
8 focused -- to very focused parts of it and otherwise summarise what the witness said
9 in this without reading out the whole, the whole part of it.

10 Please go ahead and I hope now without any further interruption. Thank you.

11 MR MACDONALD: I just want to also reassure my colleague and the Court that
12 everything that I've just read comes or is related to that very same meeting and that
13 the Chamber has access in eCourt to the lines I'm referring to in order to supervise the
14 process.

15 (Interpretation)

16 Q. On the third part, which reads as follows:

17 "We are talking about strategy here in relation to the march and there are details that
18 you provided during that interview, namely, the patriots had to come down
19 empty-handed and it was not for us to provide military strategies.

20 That indeed is what happened on the 16th."

21 And so you go on to describe what happened on the 16th.

22 So the strategy that was discussed on that day at that meeting was to come down and
23 set up corridors in order to stop them from coming and then you go on to provide
24 details as to the locations of the various corridors. And I quote:

25 "Set up corridors everywhere, particularly around the RTI in order to protect the -- to

1 protect it. There was a corridor around hôtel du Golf and the entire length of the
2 march. There was one at Deux Plateaux as well since it was said that some would
3 come from Abobo, Deux Plateaux and that would have stopped them from getting to
4 the RTI."

5 Now, Mr Witness, having reread these summaries of your interview of
6 December 2014, has this helped to refresh your memory?

7 A. Thank you, Mr Prosecutor. Thank you, Mr President. I think that what you
8 have read was already dealt with this morning. What you read is what I already
9 said.

10 Now, I have the impression that you are insisting to find out what the decisions of the
11 meeting were and what was discussed at the meeting. Is that the case? If not, then
12 what I said is already what -- similar to what you have said.

13 Q. Does that jog your memory concerning the details that were discussed
14 pertaining to a strategy to be implemented, that is, discussed at this meeting prior to
15 the march on the RTI, a meeting involving some leaders of the Galaxie, including
16 yourself?

17 A. Thank you, Mr Prosecutor. Now, when you talk about details of the strategy,
18 I don't know. You see, what bothers me is the words that are being used. When
19 you talk about a "strategy," it gives the impression that maybe there was a strategy
20 that had to be implemented, but what I have said so far, and I have said it here as
21 loudly as possible, is that when we had those meetings the purpose was in response
22 to the appeal from the smallest republic for a march on the RTI in order to install the
23 director general who had been appointed by President Alassane.

24 Now, what I have said regarding strategy is that our strategy had always been very
25 simple, namely, to mobilise Ivorians, mobilise the patriots. Maybe that's the word

1 that bothers, "patriots." These are the people who felt that their country had become
2 the victim of an injustice on the part of other countries that were interfering with its
3 issues.

4 That is why all these people, these Ivorians, these patriots felt that there was too much
5 interference in the affairs of their country.

6 So when the calls went out, these people came out voluntarily to protect the RTI.

7 This is what I said. And I think that's what I said before. That's what I told you
8 previously. This is what was discussed at the meeting and I've already told you.

9 Now, if you want to find out all those who were present, well, I'm able to provide you
10 with the names of those who were present to the extent that I can remember:

11 Blé Goudé, myself, Mian, the secretary general of FESCI, the students union and then
12 there was also Youssouf, Touré Zéguen. And almost all of us were present. We
13 were all present because it was to deal with an important march so we could not let
14 people come to the RTI.

15 I've already said it to the Court. The national television station of a country, of a
16 state, if it is taken over it is as good as having taken over power because then they
17 would broadcast their announcements to the effect that the government or powers
18 have been overthrown.

19 You see, in most African countries when power is taken over, it is usually announced
20 through the national television and that is how coup d'états are carried out. So it
21 was necessary to stop that, to stop people from coming to take over the television
22 station.

23 Mr President, you see, there were two presidents in Côte d'Ivoire.

24 Q. Mr Witness, I will stop you there, but we need to manage our time carefully.

25 A. Thank you.

1 Q. These are things you have already spoken about. But let me take you back to
2 something you mentioned this morning in a very specific context. You had
3 previously stated that they had to come down and create corridors. First question:
4 What are corridors?

5 A. I thank you, Mr Prosecutor. Well, when we say "corridors," it's really a
6 stopping post, and then when you reach that place you find some barriers and it's an
7 obligatory stop point or stopping point which we call a corridor. That's what I
8 wanted to say to you.

9 Q. Now, in order to make sure that the Chamber has understood correctly, my
10 question is as to whether at that hôtel de ville meeting there was the issue raised of
11 managing these corridors or not?

12 A. Well, asking young people to set up corridors or not, well, as I said to you,
13 when you ask people to mobilise and go out into the street, then everybody knows
14 what they have to do. You know, people are in the habit of doing such things to go
15 into the streets and defend their nation and set up corridors. But as to whether it
16 was specified that we had to set up these corridors yes or no at the meeting, well, you
17 know, when you say that people are taking the country by force and you're
18 requesting that people mobilise, then it is entirely normal for people to set up
19 corridors and protect themselves and then you say that they need to go this way or
20 that way to go to their job. They need to protect themselves. That's what I mean by
21 that.

22 Q. Well, you're touching on an interesting matter here. So when a call is made for
23 people to mobilise, the Jeunesse Patriotique knew what they had to do, is that what
24 we should retain from your testimony?

25 A. Well, it's quite a normal thing. Yes, that's how it was. That's how the system

1 worked.

2 Q. And this system had been in place for how long, for how many years?

3 A. Well, I can't really answer that question.

4 Q. And from memory, setting up roadblocks, the Jeunesse Patriotique setting up
5 roadblocks, was that before the NACIP was set up or afterwards?

6 A. Well, it was beforehand because the crisis began before the NACIP was set up,
7 so it was well beforehand.

8 Q. And you say that this mobilisation and setting up roadblocks was after the
9 separation of the country in 2002?

10 A. Yes, that is correct, Mr Prosecutor.

11 Q. And where were you on the day of the march on the RTI?

12 A. If my memory serves me correctly, and if I recall correctly, as I have always said
13 to you, when there were marches like that I didn't used to go out. I stayed at home.
14 I think I watched this on television. I think. I would watch everything, but I didn't
15 go out. I might have gone out, but if I did, I would have stayed in Marcory in Port
16 Bouët where there were no marches going on. And every time such a thing would
17 take place I didn't used to go out.

18 Q. And before the march of 16 December do you remember whether the Jeunesse
19 Patriotique called for people to mobilise in any way?

20 A. Whether they made such a request over the television?

21 Q. Whether it be over the television or any other system of communication
22 between the time where there was the meeting at the hôtel de ville and the march
23 itself on the 16th, that is, during that period to your knowledge was there any
24 gathering of any sort, not a meeting or a rally, if you like, of the Jeunesse Patriotique?

25 A. Mr Prosecutor, I think we need to concentrate here and say things clearly. I

1 need to explain matters to you. During the crisis, even the crisis that you refer to on
2 the 16th, et cetera, you know there were rallies ongoing. There were tours ongoing
3 in order to explain the gravity of the situation. But I can't specifically provide you
4 with a date or a place. But we were very active. We were constantly on tour with a
5 view to explaining to the population what was going on in Côte d'Ivoire and that's
6 what everyone was tasked with doing.

7 Q. Did you personally take part or see over the television or hear over the
8 television, over the RTI, that is, about any large rally or gathering with Mr Charles
9 Blé Goudé as a minister? Did you hear about the first rally that he held with the
10 Jeunesse Patriotique; do you recall that?

11 A. I do recall that there were indeed rallies organised by Mr Charles Blé Goudé,
12 but as I explained to you I was not in assistance at said rallies, but I do know that they
13 did take place.

14 Q. You also mentioned the fact that you were watching the RTI, that you were
15 following things over the television?

16 A. Yes, indeed, Mr Prosecutor.

17 Q. Do you remember having seen the first rally over the RTI organised by
18 Mr Charles Blé Goudé whilst he was in post as a minister and president of the Galaxie
19 Patriotique?

20 A. Yes, I was following the news and I had to be in the know and that's why I
21 watched all the news. I never missed the news on television.

22 Q. Very well.

23 I would like to now play a video, CIV-OTP-0074-0054. And I'm not sure whether we
24 have the transcript on the list that was disseminated, I do believe so, but
25 unfortunately I do not have the number at hand. I'll come with you -- I'll come back

1 with it in a moment.

2 I do apologise the transcript is not included in the list, but the video is and the
3 video --

4 THE COURT OFFICER: Mr MacDonald, is this evidence public?

5 MR MACDONALD: Your Honours, even though the transcript is not on our list,
6 with the indulgence of my colleagues, with permission of the Court also I can give
7 that reference, which I believe would be helpful. 0087-0387. Now, of course, you
8 know, all these videos, your Honours, are in French for obvious reasons, or almost.
9 We don't necessarily have --

10 PRESIDING JUDGE TARFUSSER: Subtitles.

11 MR MACDONALD: Subtitles, thank you. And then we have transcripts that
12 are -- that are in French.

13 PRESIDING JUDGE TARFUSSER: (Interpretation) No problem.

14 MR MACDONALD: (Interpretation)

15 Q. Listen carefully, Mr Witness, and then we shall come back with questions.

16 I believe that we need to press the button, evidence 2 button.

17 I just need to get the right minutes. It's not always easy.

18 Now, the video that I will -- the excerpts that we will show starts at 0025 minutes 10
19 seconds or so for the transcript, which I was told is very helpful to mention as a
20 practice.

21 (Viewing of the video excerpt)

22 MR MACDONALD: (Interpretation)

23 Q. First question: Do you recognize the voice of the presenter, the person talking
24 now, do you know this individual?

25 A. Yes.

- 1 Q. What is his name?
- 2 PRESIDING JUDGE TARFUSSER: The microphone.
- 3 THE WITNESS: (Interpretation) Mambo.
- 4 MR MACDONALD: (Interpretation)
- 5 Q. And how do you spell it?
- 6 PRESIDING JUDGE TARFUSSER: I think it was not a good question.
- 7 MR MACDONALD:
- 8 Q. Mr Witness, we can come back to that, but it's Mambo?
- 9 A. Yes.
- 10 Q. Very well, let's move forward.
- 11 (Viewing of video excerpt)
- 12 MR MACDONALD: (Interpretation)
- 13 Q. Mr Witness, I have a further question of clarification. What is this venue, the
- 14 venue that we see in this video?
- 15 MR GBOUGNON: Mr President, the witness already said on *page 52, line 11: (...)
- 16 to page 77, line 1 that he was not at that rally, so we can't put that question to him.
- 17 MR MACDONALD: Your Honour, my colleague is objecting and giving answers to
- 18 the witness which he did not say.
- 19 PRESIDING JUDGE TARFUSSER: Please, I mean (microphone not activated).
- 20 MR MACDONALD: (Interpretation)
- 21 Q. Mr Witness, did you see that video over the RTI?
- 22 A. Yes, Mr Prosecutor, I did see that video.
- 23 Q. Do you remember having seen the entire report or documentary at the time
- 24 when the events were unfolding?
- 25 A. Mr Prosecutor, you know, sometimes over the RTI they would do a number of

1 collages or they'd show you things in part.

2 You put a question to me. You wanted to know what the venue of the rally was. Is
3 that what you want to know? Well, there's nothing to hide there. This is Treichville.

4 We're talking about *Treichville, the cultural centre in Treichville. That's it. I assure
5 you, there's no problem with that. Everybody knows that it's at the cultural centre.

6 Q. You referred to an individual by the name of Mambo, the presenter, and I have
7 a number of questions to put to you in order to clarify matters for the Chamber. As
8 to the manner in which within the Galaxie Patriotique -- well, you mentioned the fact
9 that there was a transport committee, a communications committee, a logistics
10 committee. And here you also made mention of the fact that there was advertising.
11 Was there a committee within the Galaxie Patriotique that took care of that?

12 A. Yes, I told you that the Galaxie Patriotique and the minister Mr Blé Goudé were
13 very well organised. I think I said that to you yesterday or the day before. There
14 were various divisions or services that the president managed and he managed
15 communications, he managed all the reports, the documentaries, communications.
16 *He did the editing. That was him.

17 PRESIDING JUDGE TARFUSSER: Excuse me, when you now refer to "president"
18 you mean the minister? Because here you said first the minister Blé Goudé and then
19 immediately after you said the president, so we have to be --

20 MR MACDONALD: I'll clarify, your Honour.

21 PRESIDING JUDGE TARFUSSER: Okay.

22 MR MACDONALD: (Interpretation)

23 Q. When you refer here to the word "president," you use the title "president,"
24 you're referring to the president of the COJEP, are you not?

25 A. Yes, the president of the COJEP or the Galaxie Patriotique. I do apologise,

1 Mr President.

2 Q. Explain to us, when you're referring to a report over the RTI, we can see that
3 there is a collage here, or montage if you like, that things have been edited together,
4 what we refer to in English as editing. I would like to know whether within the
5 Galaxie there were individuals who were in charge of making reports or
6 documentaries?

7 A. Mr Prosecutor, I already answered that question. I said that within the Galaxie
8 Patriotique there were various individuals and each person had a role. I just talked
9 to you about the communications division and I said that the individual in charge of
10 communications was in charge of making such reports, the documentaries. I've
11 already answered that question, Mr Prosecutor.

12 Q. Indeed, yes, but I was seeking clarification because we're talking here about a
13 report that was broadcast over the RTI, so the RTI had its own journalists, its own
14 reporters. That's what I'm trying to ascertain, if you would like to shed light on the
15 matter, please.

16 A. The individual in question, I do not know whether he was a member of staff or
17 whether he was working in the -- at the RTI. He would go to edit things at the RTI
18 and then he broadcast them. He went to the RTI, he edited things and he then had
19 them broadcast.

20 Q. And to your knowledge was Mr Blé Goudé the owner of -- did he have any
21 company, did he own one or more companies?

22 A. Are you talking about his communications company? Yes, he did own such a
23 structure.

24 Q. And what is the name of this company?

25 A. If my memory serves me correctly, it was Leader Team, something like that.

1 Q. And to your knowledge did this company have any ties with the COJEP or the
2 Galaxie Patriotique?

3 A. Well, it was a private communication service that belonged to Mr Blé Goudé
4 and even within the NACIP, Mr Blé Goudé's division managed my communication.
5 He would give me people to go on tour. And Mr Blé Goudé and his division would
6 provide services for me and he would bill me because he had this service provider
7 company that would then provide services to individuals.

8 Q. So Mr Mambo was the individual from the Galaxie Patriotique who worked
9 with you?

10 A. I said to you that he would give journalists or cameramen to go on tour and film
11 our tours, and it was he with another individual who would edit things and then
12 broadcast them over RTI.

13 Q. And to your knowledge there was COJEP and Mr Blé Goudé and his
14 communications company, and to your knowledge did Mr Blé Goudé's
15 communication company have any other dealings with other people within the
16 Galaxie Patriotique?

17 A. It was this private structure owned by Mr Blé Goudé and anybody, whether
18 they be from the Galaxie Patriotique or somebody who was a musician or an artist or
19 whatever description, could then approach Mr Blé Goudé and that was his service
20 that he had set up. He provided or his company provided services and anybody
21 who wanted to use those services could.

22 Q. And finally, to your knowledge Team Leaders had a contract with the RTI or
23 worked with the RTI?

24 A. If I have understood you correctly, you are asking whether Mr Blé Goudé's
25 structure had a contract with the RTI?

1 Q. Yes.

2 A. Very well. Well, what I know is that -- well, if I were to tell you that there was
3 a contract, that would mean that I was a witness to such an agreement, but I do know
4 that there was a partnership between this company and a structure like any other
5 structures that had a partnership with the RTI. But as to whether specifically there
6 was a contract in place, I do not know, but I do know that there was a partnership.

7 Q. And I shall end on this and we can come back this afternoon, unless of course --

8 MR MACDONALD: Your Honours, we're going to past 1 or 1?

9 PRESIDING JUDGE TARFUSSER: We would have another five, six minutes.

10 MR MACDONALD: Perfect.

11 PRESIDING JUDGE TARFUSSER: So if you just conclude this part, if you have to
12 conclude, otherwise we can also break now.

13 MR MACDONALD: (Interpretation)

14 Q. In the video that we have just seen, the excerpt, mention is made to the *éternel*
15 *des armées*. What is that?

16 A. Well, as I am of Muslim faith, when we talk about the *éternel des armées* it
17 might have been the Christian approach. Quite often the first lady would use this
18 term the "*éternel des armées*." *Blé used that too. Maybe it means that the Almighty
19 God will come to our assistance because we no longer had anybody supporting us.
20 Maybe they are calling upon God's assistant, but I don't know what the *éternel des*
21 *armées* is. We never got to find out what it was.

22 Q. And a rally like this, how many people could get into the *palais de la culture*?

23 A. I believe four to 5,000.

24 Q. Four to 5,000?

25 A. Yes, I believe so.

1 Q. And a rally of this type, how is it financed? Could you please explain to the
2 Chamber so that they could understand precisely how such a rally could be financed.

3 A. I said here that all the tours, all the campaign tours conducted by myself and my
4 organisation were financed from my own pocket because I was a businessman. But
5 as for the rallies, Mr Blé Goudé himself would organise them himself, so he must be
6 in a position to know how they were financed because of course they do require
7 funds.

8 Q. And to your knowledge, do you know how Mr Blé Goudé financed his activities
9 or such a meeting -- such a rally?

10 A. You know that Mr -- the president, Blé Goudé, had a great deal of support with
11 regard to the work that he was conducting for Mr Gbagbo. So many people, a
12 number of people were providing him with financial support. There were a number
13 of structures providing him with such support.

14 MR MACDONALD: I would propose that we come back on this topic after lunch,
15 your Honour. So I presume it will be at 2.30 with your permission, obviously.

16 PRESIDING JUDGE TARFUSSER: No, we just decided to do it at 3 so that we have
17 half an hour more because I think it's quite tiring, not only to question or to answer,
18 but also to listen. So we have half an hour more to rest. So we come back at 3.
19 So the witness can be accompanied out.

20 (The witness stands down)

21 PRESIDING JUDGE TARFUSSER: Before closing, I would also ask the Prosecutor
22 what is his outlook. I just want to say that we are now at eight hours 50. Maybe
23 one doesn't realise, but we are nearly nine hours. The estimate was about 10, so
24 when we finish this afternoon we are over the 10. So just my question is if we can
25 get an estimate on this issue. Thank you.

1 MR MACDONALD: Can I think it over lunch and come back at 3, but right
2 now -- well, my colleague's estimate is all day tomorrow. The thing is is that it's
3 taking longer because of having slowed down the pace and also in light of the
4 demeanour of the witness, I'll leave it at that, it is a different approach than first
5 expected as the Chamber saw between the first and second day and today. So that's
6 why it's taking longer. Yes, that being said, we'll think it through more closely.
7 Afterwards, after December or where we have specific things that I think we can
8 cover already this afternoon and finalise tomorrow and hopefully before the end of
9 the day by focusing. But it all depends, your Honour, on the way the witness is
10 answering.

11 Now, I would maybe have a special request. For this afternoon we will be sitting
12 from 3 to 5?

13 PRESIDING JUDGE TARFUSSER: From 3 to 4.30 because we have another meeting
14 at 4.30, 3 to 4.30.

15 MR MACDONALD: Okay.

16 PRESIDING JUDGE TARFUSSER: So we have the lunch break and the hearing is
17 resumed at 3.

18 THE COURT USHER: All rise.

19 (Recess taken at 1.06 p.m.)

20 (Upon resuming in open session at 3.02 p.m.)

21 THE COURT USHER: All rise.

22 Please be seated.

23 PRESIDING JUDGE TARFUSSER: Good afternoon. At three and two minutes I
24 will give the floor to the Prosecutor.

25 But before that I would just like to say that on Monday we will sit, we will have a

1 hearing, not on Friday but on Monday, okay, so hopefully we can anticipate our
2 Easter holiday for one day.

3 So the floor is to the Prosecutor.

4 First the request of clarification, of further clarification on how long it will take with
5 this witness as promised, approximately?

6 MR MACDONALD: Sorry, your Honour, can you hear me? Yes.

7 PRESIDING JUDGE TARFUSSER: I can hear you, yes.

8 MR MACDONALD: The consoles here we can't see which channels we're on
9 and -- so and both of them are not working properly.

10 The answer, your Honour, is that we will aim to finish for tomorrow. If we can
11 finish earlier, we will. There's still ground to cover, but we'll focus tomorrow on
12 maybe more essential issues, in light also of the position of Mr Witness, but we aim to
13 finish by tomorrow.

14 Now, I think it's an important witness, and I know we have announced 138, there will
15 be announcements later, soon, about witnesses and with time I'm positive that we will
16 not be calling 138 witnesses, much less as the evidence unfolds, your Honour.

17 PRESIDING JUDGE TARFUSSER: Okay. So just start and -- please.

18 MR MACDONALD: (Interpretation)

19 Q. Mr Witness, good afternoon.

20 THE INTERPRETER: The witness's microphone is not on. It is now.

21 MR MACDONALD: (Interpretation)

22 Q. I would like to come back on a few points of clarification with regard to the 14th,
23 15th and 16 December. I would just like to say that according to the video that we
24 just presented for the transcript the video is dated 15 December 2010. I just wanted
25 to come back to the various individuals who were present at the hôtel de ville. I do

1 understand that you have already made mention of a number of names, but can you
2 remember the names of any other individuals who were present whom you might not
3 have mentioned in your testimony up to now?

4 A. I can see that there are some individuals whose names I have not provided.
5 I'm just thinking about the names. Maybe we might move forward and wait for me
6 to remember those names.

7 Q. Very well. Now, on 16 December you stated that during the call made by
8 Mr Soro there was a block and there was some elements *from the FRCI, whom you
9 call (phon), who tried to go to the RTI. Could you explain to us where this blockade
10 was at the RTI and, maybe, even if you were to provide us a little sketch of this
11 blockade and show us where the hôtel du Golf is located and the neighbouring roads
12 and, to your knowledge, the locations where the FDS were to be found.

13 A. Would you like me to make a little sketch on a piece of paper?

14 MR MACDONALD: I'm in your -- I'm in the clerk's hands. Either he can do it on
15 the prompter, or on a regular white paper.

16 PRESIDING JUDGE TARFUSSER: Mr Witness, is this okay for you to draw on a
17 piece of paper? You can do that?

18 THE WITNESS: (Interpretation) Yes, Mr President.

19 (Pause in proceedings)

20 THE COURT OFFICER: You can see the evidence on evidence 1. Excuse me, it's
21 on 2.

22 MR MACDONALD: (Interpretation)

23 Q. So you have indicated the hôtel du Golf, which is written in blue, and in red
24 you -- I'm sorry, I just lost the connection.

25 PRESIDING JUDGE TARFUSSER: Could you turn it in a way that we can see it in

1 the correct -- no, just turn it so, yes, upside down so we have the -- thank you.

2 THE WITNESS: (Interpretation) You asked me the question as to what this is.

3 MR MACDONALD: (Interpretation)

4 Q. In red.

5 A. It is the residence of Madam Thérèse Houphouët-Boigny.

6 Q. So the crossroads, what is that called?

7 A. Well, the crossroads coming from her house and that's the road towards the
8 United States embassy.

9 Q. So from the residence of Madam Houphouët-Boigny, if we go straight ahead we
10 go towards the residence of the US embassy?

11 A. Yes.

12 Q. Does that crossroads bear a name?

13 A. I do not know.

14 Q. What is the name of that road?

15 A. I do not know the name of the road.

16 Q. And the road opposite the hôtel du Golf?

17 A. Well, that is the road that goes towards that crossroads, that is where the
18 blockade was located at that crossroads.

19 Q. Very well. Could you then -- could you then encircle the crossroads where the
20 FDS were positioned?

21 So you have made some red lines on the street. What were they?

22 A. These were the blockades.

23 Q. And who were there at these blockades? *It was...That is, it was the FDS, is that right?

24 A. Yes, Mr Prosecutor.

25 Q. And the RTI, in order to go to that location, which road do you follow?

1 A. You go straight ahead.

2 Q. Could you please provide us with an arrow to indicate that.

3 And the crossroads in question, is this called the Thérèse Houphouët-Boigny? Does
4 that ring a bell?

5 A. Yes, maybe.

6 Q. Very well. So on the day of the 16th, *to your knowledge, were the FRCI
7 blocked? Did they come up against the blockade?

8 MR GBOUGNON: Monsieur le Président.

9 PRESIDING JUDGE TARFUSSER: Yes, please.

10 MR GBOUGNON: (Interpretation) Mr President, this morning on two occasions
11 the witness already said that he did not go out on the day of 16 December, so you
12 cannot ask him what the position of the *FRCI was because he did not go out of his
13 home.

14 PRESIDING JUDGE TARFUSSER: I think that would be a question for you to put
15 when you examine him. I mean, this is what I think. Thank you.
16 Please go ahead.

17 MR MACDONALD: (Interpretation)

18 Q. Therefore, to your knowledge, whether you were following the events in person
19 or over the RTI, were these people -- did these people come up against a blockade or
20 were they able to reach the RTI?

21 A. No, they were not able to get through.

22 Q. And why was that?

23 A. Because there was a blockade that had been set up that stopped them from
24 passing.

25 Q. Very well. Very well. I would like us to provide this sketch with a number, a

1 reference number.

2 In the days to follow the -- following 16 December, notably the 17th, 18th and 19th,
3 did you walk around Abidjan?

4 A. Well, as I said to you when there was such an important march going on, well, I
5 do not believe, as I said to you, that I went out. I really don't think so.

6 THE INTERPRETER: Correction from the English booth: FESCI was in fact FRCI.

7 MR MACDONALD: (Interpretation)

8 Q. Is that because you do not recall whether you went out or not?

9 A. No, I do not recall.

10 Q. And in the days to follow, do you recall whether you went out or not, whether
11 you moved around in the -- in Abidjan itself?

12 A. As I said to you at an earlier stage, I do not recall. That's what I told you.

13 Q. Very well. So let's come back to where we were this morning before we took
14 the lunch break. I would like to come back on the question of financing and you
15 stated that Mr Blé Goudé did many things for Mr Gbagbo and that there were various
16 structures involved. How were the Galaxie Patriotique activities financed?

17 A. Mr Prosecutor, you are saying many structures were involved, involved in
18 financing, is that what you mean?

19 Q. Yes. We're talking about finance or financing.

20 A. Very well. You asked me whether Mr Blé Goudé had a communication service
21 or division and I said yes. It was a private company that provided services to all and
22 sundries, to various structures within the state. And I believe that is how he made
23 his money.

24 Q. And did you personally receive a monthly salary?

25 A. Coming from the government?

1 Q. Yes.

2 A. No, not at all.

3 Q. And to your knowledge were any leaders of the Galaxie Patriotique financed by
4 the government, or did they receive a salary from the government?

5 A. Well, a salary would be saying a lot, but I do think that there were bonuses for
6 certain leaders and others received financing or financial support if they needed to go
7 to attend a rally, or if they needed to go on a tour.

8 Q. Very well. Please explain to us how this bonus system worked.

9 A. The bonus system, well, they would receive a bonus, they were given a piece of
10 paper, they would sign it.

11 Q. And where would they go to actually obtain this bonus? I shall rephrase:
12 Did you yourself receive any bonuses?

13 A. No, Mr Prosecutor.

14 Q. And the leaders who did receive bonuses to your knowledge, how did they
15 obtain them? Where did they go physically, logistically, practically speaking to
16 obtain said bonuses?

17 A. They would come to the presidency in order to receive them.

18 Q. And to which service or division within the presidential palace I assume?

19 A. Yes, at the presidential palace they would go to the service financed by the
20 presidential palace.

21 Q. And to your knowledge who in the presidential palace authorised these
22 bonuses, the bonuses that were signed off, as you say?

23 A. Well, it depended, it depended on the service that you visited. There were a
24 number of individuals. It might have been the directeur de cabinet. I can't tell you
25 specifically.

1 Q. When you referred to the "directeur de cabinet," which cabinet are you referring
2 to?

3 A. Mr Prosecutor, the presidential palace is rather large. There are a number of
4 divisions. There is the directeur de cabinet, you have the assistant directeur de
5 cabinet, you have the directeur de cabinet of the president, et cetera, et cetera.

6 Q. Very well. Let us take the person in charge, the directeur de cabinet or the chef
7 de cabinet of the president of the republic in 2004, who was that?

8 A. I believe it's Narcisse.

9 Q. So Mr Kuyo Tea Narcisse?

10 A. Yes, yes.

11 Q. And in 2010, to your knowledge, who was the assistant directeur de cabinet of
12 the president of the republic?

13 A. It was Mr Coulibaly Issa Malick.

14 Q. And in 2009, who was the assistant directeur de cabinet of the president of the
15 republic before Mr Issa Malick?

16 A. I do not really remember his name very well, but I believe that it was a lady
17 who is now deceased. I do not really remember.

18 Q. Are you saying that it was a lady?

19 A. Yes, I do believe so.

20 Q. And would you require me to refresh your memory?

21 A. With pleasure.

22 Q. Madam Sarata Ottro Zirignon Touré?

23 A. Yes, thank you, Mr Prosecutor, that is indeed the person.

24 Q. Have you personally ever seen receipts, apart from the -- have you ever seen
25 receipts addressed to the leaders of the Galaxie Patriotique?

1 A. To my knowledge, as to whether I've seen receipts or not, no, but I do know that
2 there were papers that were signed, where things were signed off.

3 Q. And in your language, what does that mean "signed off?"

4 A. Well, to sign something off to me means that if I come and see you and you're
5 not there and your secretary has to hand an envelope over to me that might contain
6 some money, in order to acknowledge the fact that she has given me this envelope she
7 makes a receipt and I sign it off to acknowledge the fact that I did take the envelope.

8 Q. And how do you know that the leaders of the Galaxie received bonuses from
9 the presidency cabinet?

10 A. Well, there were some individuals who came to pick them up in front of me on
11 two or three occasions.

12 Q. And when you say "in front of me," what do you mean?

13 A. In my presence.

14 Q. But where were you at that moment in time?

15 A. I was at the presidential palace.

16 MR N'DRY: (Interpretation) Mr President, I'm sorry, it's not an objection. In the
17 transcript, the French transcript I do not think that it correctly represents what the
18 witness said, page 77, line 3, I believe, "To my knowledge I believe that I saw the
19 receipts." I think the witness said "I did not see."

20 MR MACDONALD: I will clarify by asking the question again.

21 PRESIDING JUDGE TARFUSSER: Re-ask the question so we will know.

22 MR MACDONALD: (Interpretation)

23 Q. Did you see any receipts?

24 A. I will repeat the answer. I will explain. Maybe it is the words. People play a
25 lot with words. When I said I saw or I didn't see, when I say I did not see I mean

1 that I did not actually read. They came and they signed those receipts and I saw
2 them, but I did not actually read them. So some of them came in my presence, they
3 took the envelope and they signed out those envelopes, but I did not actually read
4 them. In what capacity? So if you told me what was written on those documents, I
5 wouldn't be able to tell you. That's what I meant. I believe that's okay?

6 Q. Thank you for that clarification. Who did you see receiving envelopes at the
7 presidency?

8 A. Some young people from the Galaxie Patriotique who took those envelopes.

9 Q. How many did you see?

10 A. I saw three of them.

11 Q. Did you know the amounts that were given to those people at that time?

12 A. No, Counsel.

13 Q. Can you tell us who headed the financial service at the presidency?

14 A. A certain Mr Anouma.

15 Q. Jacques Anouma?

16 A. Yes, thank you.

17 Q. Was he involved in the distribution of those bonuses as far as you know?

18 A. I cannot give you an answer to that. I don't know what you mean by
19 "involved." He was the financial director. If he has to sign out money, I don't know
20 what you mean by "involvement."

21 Q. Let me be very specific. When you saw those envelopes change hands, in what
22 unit or service were you in?

23 A. I was in the secretariat of the deputy director, Malick.

24 Q. Of the cabinet of the presidency?

25 A. Yes.

1 Q. Do you recall having been questioned on this issue during your interview in
2 December 2014?

3 A. Yes.

4 Q. Do you recall the additional details that you provided during that interview?

5 A. It is the details that I have just given you.

6 Q. Apart from those details, did you give any additional information relating to the
7 amounts received and the persons who actually received those amounts?

8 A. I do not know. Maybe I said a lot of things. Maybe I said some people
9 received one million, others two million, 500, 25 million. Maybe I said they varied.

10 Q. Do you remember the identity of the people who received those amounts of
11 money and that you mentioned during your interview?

12 A. The identity of the people who were there in my presence?

13 Q. During your interview in December 2014, do you remember the names that you
14 mentioned, that is of the people who were receiving bonuses from the presidency?

15 A. I believe I told you that all the leaders came there. That is what I told you.

16 Q. And why all the leaders? And I'm asking you this question because what is
17 important is what you are telling us today because today you are under oath. And I
18 will repeat my question.

19 A. Please do so.

20 Q. To your knowledge who are the leaders who received bonuses from the
21 presidency?

22 A. I believe there was Anõ Castro. There were several people. Blé also received,
23 but I don't know whether you can call that a bonus. It was for the organisation of his
24 rallies. I also told you that.

25 Q. To refresh your memory, if I give you certain names, would you be able to

1 confirm whether these people received amounts of money or not?

2 PRESIDING JUDGE TARFUSSER: Excuse me, I don't understand why we need so
3 many names. When he says the leaders, we know -- I think during the trial we know
4 who the leaders will be, that part we know. I do not understand the insisting on the
5 names. Really, I have some difficulty to understand that.

6 MR MACDONALD: What I would recommend in that case, your Honour, that the
7 witness removes his headphones.

8 MR O'SHEA: In case any names are about to be mentioned, of course it doesn't
9 matter what language you're speaking in, names can be heard. I just caution my
10 friend.

11 MR MACDONALD: Your Honours, we've seized a number of documents. These
12 documents may speak for themselves, maybe, but I'm trying to establish their
13 authenticity or reliability, if you want, using the testimony of this witness who
14 seemed to have had obviously direct knowledge in relation to three that he's telling us,
15 which may have been different previously, and it's also at the same time trying to
16 establish it with the receipts that we have and that we will seek to have admitted in
17 evidence or submitted in evidence at a later stage, either -- and more probably by a
18 Bar table motion or an investigator that would have seized them.

19 So the point is that's why I'm going through the motions which may -- I understand,
20 I'm just following a process. That's why I'm doing it that way. If you're telling me
21 it is not necessary --

22 PRESIDING JUDGE TARFUSSER: I think it's not necessary, I must say.

23 MR MACDONALD: Very well. I'll move on.

24 (Interpretation)

25 Q. Now, Mr Blé Goudé and his rallies, you have mentioned here, in fact, you

1 distinguished between bonuses and money received to organise rallies. What did
2 you mean by that?

3 A. That is what I just said because I knew that is what you wanted to know. He
4 was the leader of the Galaxie Patriotique, and if he had to organise rallies, an
5 assembly of young people, there are logistics, there are things that resources are
6 needed and he needs money for that.

7 Q. And who gave him the resources?

8 A. Blé Goudé, people, almost everyone gave him money to support what he was
9 doing, that is defending the homeland.

10 Q. I understand you, Mr Witness, but once again we need details. Can you be
11 more specific?

12 A. Yes. I will give you details. Blé Goudé received money from the presidency
13 to support him in organising rallies. I don't see any harm in that.

14 Q. Apart from the presidency, to your knowledge, was Mr Blé Goudé financed by
15 other government or private institutions?

16 A. When you say government/institutions, I have just explained to you that
17 Blé Goudé had a unit that worked in almost all the institutions of the state, within his
18 communication network, for example.

19 Q. Do you remember having given additional details during your meeting with the
20 OTP in December 2014?

21 A. Yes, I recall.

22 Q. Tell us what you said at that time in relation to the financing sources?

23 A. Mr Prosecutor, which specific details do you want? I am being clear in what I
24 am telling you. Take my example. I had my own group. I was not financed by
25 the presidency; I was working in the private sector and I was making money. But if,

1 for example, the Grands Moulins (phon) *thingy, the... Blé had done work in the port
2 of Abidjan, he was working at the Sotra (phon), in the sense that it is a state institute.
3 He was working in the context of the institutes. He was making money there, he
4 received money from there. But now you want me to tell you that it was this structure,
5 that structure that supported Blé to carry out the campaign. Is there something that
6 is unusual with that, or is it prohibited to finance rallies with the support of the
7 presidency to the Galaxie Patriotique?

8 But what I'm saying is that Blé received money to organise rallies from the presidency
9 and from elsewhere. He is there, he knows it. To organise rallies you need
10 resources.

11 Q. Last question on this issue: As far as you know, how regularly were those
12 bonuses paid?

13 A. Kindly repeat. What do you mean by "how regularly" or what was the
14 frequency?

15 Q. Last question on this matter: Regarding those bonuses, how regularly were
16 they paid?

17 A. What do you mean by frequency? What frequency?

18 Q. I mean the number of times per week or month or year?

19 A. Thank you, Mr Prosecutor. That would depend. You know, Blé was not
20 organising rallies every day. He would organise a large rally maybe once every two
21 months. He did not organise small rallies. He would make rallies every two or
22 three months. And those were important rallies, not like our own rallies.

23 Q. And how much would such a rally cost?

24 A. At the place de la République it wasn't too expensive because you would have
25 to install a sound system and maybe some other resources. You need maybe 10 to

1 15 million, but there are other rallies that would cost 50 million.

2 Q. How much is 50 million in Euros?

3 A. I do not know. If you take 15,000 CFA that would be about seven to \$8,000.

4 PRESIDING JUDGE TARFUSSER: But we could know that. I mean this thing
5 could be a sort of a quite nearly common knowledge.

6 MR MACDONALD: (Interpretation)

7 Q. Let us move on to something else. The CNRD, what was that?

8 A. The CNRD was like the RHDP or the LMP. It was a political forum where -- to
9 which everyone belonged.

10 Q. It was the Congrès national de la résistance patriotique, national resistance
11 congress. Who was the leader of the CNRD?

12 A. I do not remember the name.

13 Q. Did you take part in any CNRD rallies?

14 A. Meetings. Meetings.

15 Q. You took part in meetings?

16 A. Yes.

17 Q. Where?

18 A. Cocody.

19 Q. Where?

20 A. They had their headquarters not far away from the RTI.

21 Q. Is that the only location where you had rallies of the CNRD?

22 A. No. Meetings. It was the only place that was in their head office.

23 Q. What about larger meetings, where did they take place?

24 A. Relating to the CNRD, no, they did not have any large meetings.

25 Q. CNRD?

1 A. Yes, I mean the CNRD.

2 Q. Did you ever have any meetings with Madam Simone Gbagbo?

3 A. Yes.

4 Q. Under what circumstances?

5 A. Meetings convened by the CNRD.

6 Q. What was the role, Madam Simone Gbagbo's position within the CNRD?

7 A. I don't know the details. I don't know whether she was the president or not,
8 but when meetings were convened by Madam Gbagbo it was on behalf of the CNRD.

9 Q. And where did you have meetings with her?

10 A. We had meetings at the residence of the president of the republic. There was
11 an office and a meeting room.

12 Q. Do you remember on how many occasions you met with madam within the
13 context of a CNRD meeting at the residence?

14 A. I believe two or three times.

15 Q. Now, coming to Mr Gbagbo, who was the president during that period, did you
16 meet with him during the crisis?

17 A. Are you talking about that meeting?

18 Q. No. Let us leave CNRD aside. I am speaking specifically of Mr Gbagbo.

19 A. Yes, I met him on two occasions at the residence.

20 Q. Why did you meet with him? What was the purpose of the meeting?

21 A. I'm sorry, Mr President, your Honours, I have told you President Gbagbo is like
22 my father, he is someone that I like very much, I have a lot of respect for him, so do
23 you really need a purpose to meet with your father? I just went to see him. That is
24 what I can say.

25 To elaborate, Mr President, with your leave, to explain my relationship with

1 President Gbagbo, that's a bit difficult for me because he has always been good to me.
2 I will give you a small example and this is something I will never forget until I die. I
3 can see that there are women here, mothers, ladies. I had a mother who was not well,
4 she was ill and she weighed about 170 kilos.
5 She went to Bondoukou to a rally -- I went to a rally in Bondoukou for a rally with the
6 president. We were sitting on the same table with the president having a meal. He
7 was there opposite me with his ministers and I had a phone call from my brother in
8 Abidjan saying that my mother had suffered a heart attack. I did not say anything to
9 the president, but that phone call changed the -- my demeanour and the president of
10 the republic realized that I had a problem. He asked me and I explained.
11 He stood up like somebody who was sensitive and then he gave the order to his
12 doctor, who was called Mr Blé, to contact my brother and arrange for an ambulance to
13 take my mother to the hospital. This was done in less than one minute. And she
14 was taken to the Abidjan hospital and her life was saved. And he is the one who
15 took care of her, who took care of her all the time that she was there.
16 She finally died two years ago, but before she died she told me that this man, I bless
17 him, and I could never let him down just for that case of my mother. And I want
18 everybody to know that. She suffered a heart attack. So I'm just giving you an
19 example.
20 When he was arrested on 11 April, 1,000 people died in the west by people who
21 supported him. President Alassane did not plan that, it was just that people went
22 out of control, it was just disorder.
23 And I would like to seize this opportunity to tell the Prosecutor that we should focus
24 on the truth of the crisis and on the Ivorians who died. Why did these people die?
25 Did the Gbagbo camp not take a good decision to avoid a crisis? Because in front of

1 us, opposite us we had strong powers that we could not fight against, a decision had
2 to be taken, but it was the president who had to take the decision. We could see the
3 danger on the horizon. Even Blé Goudé saw it. We did everything to be able to
4 withdraw and allow Alassane to take the place so that we could continue living, but
5 unfortunately our powers were limited. We did not have any choice. What
6 happened happened.

7 But there were massacres that took place during that period. I cannot go into details.
8 I'm sorry, I would like to apologise to the Prosecutor for making such a scene. I
9 couldn't bear it because I really needed to tell the truth.

10 The Prosecutor is trying to apportion responsibilities and it is his job, and you are
11 there to take a decision regarding the violence taking place in the world. So I prefer,
12 since he says that tomorrow is the last day of his questioning, I would like us to focus
13 on the true reasons for the crisis; why were Ivorians killed? Is it because
14 President Gbagbo wanted to fight against France, the European Union and so on?
15 Or is it because the others had said they had a new president and President Gbagbo
16 had to leave?

17 That is why I'm saying maybe President Gbagbo did not take the right decision.
18 Only he knows. You have to decide. But I don't think that President Gbagbo
19 himself or Blé or even myself could imagine that Sarkozy could order the French
20 army to dislodge Gbagbo. Even shelling the residents. There were civilians there.
21 That army shelled army camps and their residents. And I thanked the minister of
22 state who went -- who came to fetch the president because he could have been killed.
23 Look at what happened to President Gaddafi.
24 So that is what the system was. He could have been killed. Thank God he was
25 saved and he was taken to Korhogo and he was brought here. So I thank God that

1 the president should still be part of this history and part of this world. I am very
2 happy that I can see him here alive and in very good health.
3 And I am also happy for Blé that he's alive. He could have been killed also, but it
4 was not done. Ivorians are not -- it is not in their nature to be violent, but it was the
5 situation that prevailed at that time.
6 Unfortunately, it is unfortunate for Africa, but these people who are full of love, the
7 black person is full of love, hospitality and very positive aspects. They are not
8 violent. But it is politics, it is politics that imposed this system and that are
9 destroying the black people of Africa. There are rapes, people were decapitated,
10 women's hands were cut off. All Ivorians were victims. You cannot talk of Ivorians
11 from the north, the south, east and west, all of us are from the same family.
12 And in Côte d'Ivoire, Mr President, 80 percent of them are of mixed heritage. You
13 can have someone from the south getting married to someone from the north, and so
14 on and so forth. So there is a lot of mixed heritage. So in each family you will see
15 some Guéré in a Dioula family or Guéré people in an Agni family or a Gagu person.
16 That is how we are.
17 It is -- in Côte d'Ivoire it is the politics, the system that destroyed the country.
18 But today I thank God that particular crisis passed. Maybe there may be another in
19 the future. I hope that it will not happen again in Côte d'Ivoire.
20 Today my party has accepted to join other parties to dialogue with those in power in
21 order to achieve reconciliation because the president himself said, "Look, the military
22 situation is finished. Now let us go, let us engage in a dialogue."
23 So today I pay tribute to the minister of state, Bakayoko, for the security that he has
24 installed. It is true that the situation is not -- the situation is 100 percent safe, but
25 there were too many weapons, but the country is making progress. The only thing

1 that remains today is reconciliation, which is very important. And if we don't have
2 reconciliation, what else will happen to Côte d'Ivoire? And reconciliation also must
3 involve President Gbagbo.

4 Thank you, Mr President. Thank you, Mr Prosecutor.

5 MR MACDONALD: Can I --

6 PRESIDING JUDGE TARFUSSER: Thank you for this emotional speech, but still this
7 is a court, not a political arena. So we are grateful, I think it is good for you
8 sometimes to just throw out what you have inside, but if you don't repeat it the same
9 manner, we are also happy so we can go on further.

10 Please, Mr Prosecutor.

11 MR MACDONALD: Can I ask that we escort the witness. I would like to maybe
12 come back on the schedule, your Honour.

13 PRESIDING JUDGE TARFUSSER: Yes, please.

14 (The witness stands down)

15 PRESIDING JUDGE TARFUSSER: Please, Mr Prosecutor.

16 MR MACDONALD: In light of this intervention by the witness, I would propose,
17 even though we were to continue until 4.30, that we break now. And the Defence
18 will be able to start their cross-examination tomorrow, I guarantee it, your Honour.
19 That's the proposal that I have at this stage under your guidance.

20 PRESIDING JUDGE TARFUSSER: You mean that your questioning is finished?

21 MR MACDONALD: No. I'm reserving myself at least one session tomorrow, but
22 then the Defence cross-examination will be able to start --

23 PRESIDING JUDGE TARFUSSER: Okay.

24 MR MACDONALD: -- for sure in the morning.

25 PRESIDING JUDGE TARFUSSER: Okay. So now we adjourn the hearing to

1 tomorrow. We'll have a first session for the Prosecutor and then we start with the
2 Defence.

3 The hearing is adjourned to 9.30 tomorrow.

4 THE COURT USHER: All rise.

5 (The hearing ends in open session at 4.05 p.m.)

6 CORRECTIONS REPORT

7 The Language Services Section has made the following corrections in the transcript:

8 *Page 7, line 18:

9 "and houses, and" is corrected by "the Haoussa, as most Haoussa... ant these are".

10 *Page 8, line 1: "houses" is corrected by "Haoussa".

11 *Page 8, lines 5-6:

12 "who wanted to leave Abidjan. People were stopping them from getting out of the
13 bus." Is translated and added.

14 *Page 8, lines 12-13:

15 "not -- we are all Africans and this cannot happen simply because of political
16 reasons." is corrected by "all Africans. An African cannot burn another African or kill
17 an African because of elections or politics".

18 *Page 10, line 5: "near Yamoussoukro" is corrected by "in Yamshoko (phon)..."

19 *Page 10, line 7:

20 "certain neighbourhoods" is corrected by "Zone 4, in Biétry (phon) and elsewhere,".

21 *Page 12, lines 8-9:

22 "people from Guéré and other regions, who are in the area, where Gbagbo has a
23 majority, would belong to the RDI." Is corrected by "either Wébés or Yacoubas, or
24 Guérés who come from the region... for the most part... pro-Gbagbo, who belong to
25 the RDR."

1 *Page 31, lines 4-6:

2 “discussion one only needs to confront – or the Prosecution only confronted the
3 witness with his previous statement because he did not like what he actually said,
4 and I think that we are in the same situation once again today.” Is corrected by:

5 “proceedings the Prosecution only confronted the witness with his statement because
6 he did not like what his witness actually said, and I think that we”

7 *Page 51, line 15:

8 “page 57, line 1” is corrected by “page 52, line 11: (...) to page 77, line 1”.

9 *Page 52, lines 4-5:

10 “We're talking about Treichville here. I can just show you that there is no problem
11 there. Everyone knows that this was Treichville.” Is corrected by “Treichville, the
12 cultural centre in Treichville. That's it. I assure you, there's no problem with that.
13 Everybody knows that it's at the cultural centre.”

14 *Page 52, line 16:

15 “He did the editing.” is translated and added.

16 *Page 55, line 18: “eternal” is corrected by “eternel”.

17 *Page 55, line 18:

18 “Blé used that too” is translated and added.

19 *Page 59, lines 8-9:

20 “from the FRCI, whom you call (phon),” is translated and added.

21 *Page 60, line 23:

22 “It was...That is, it was the FDS, is that right?” is translated and added.

23 *Page 61, lines 6-7:

24 “ the day in question, were they -- were they able to go to the RTI, the FESI, or were
25 they – “ is corrected by “to your knowledge, were the FRCI blocked?”

- 1 *Page 61, line 12: "FESCI" was corrected by "FRCI".
- 2 *Page 70, lines 1-3: "of Blé had contracts or did work in the port and others," is
- 3 corrected by "thingy, the... Blé had done work in the port of Abidjan, he was working
- 4 at the Sotra (phon), in the sense that it is a state institute. He was working in the
- 5 context of the institutes."