

Trial Hearing
WITNESS: CIV-OTP-P-0625

(Open Session)

ICC-02/11-01/15

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 Koudou Gbagbo and Charles Blé Goudé -
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Friday, 18 March 2016
10 (The trial hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: All rise.
12 Please be seated.
13 PRESIDING JUDGE TARFUSSER: Good morning. Good morning to everybody here.
14 Good morning, Mr Witness.
15 WITNESS: CIV-OTP-P-0625 (On former oath)
16 (The witness speaks French)
17 THE WITNESS: (Interpretation) Good morning, Mr President.
18 PRESIDING JUDGE TARFUSSER: This morning will be the final rush for you and for all
19 of us I would say for a while. And, therefore, I give immediately the floor to the
20 Prosecutor for his short, short questions and few questions.
21 QUESTIONED BY MR MACDONALD: (Continuing)
22 Q. (Interpretation) Good morning, Mr Witness.
23 A. Good morning, Mr Prosecutor.
24 Q. I think that we all would like to be elsewhere this morning.
25 A. Merci.

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1 Q. And I think I'll proceed as quickly as possibly. Just give me a moment to set up
2 properly.

3 A. Thank you.

4 Q. Before we begin and under the control of my colleagues, have you had time to think
5 about Addis Ababa and the date of 10 March when the *Peace and Security Council of the
6 African Union issued its decision, 10 March?

7 MR ALTIT: (Interpretation) Good morning, Mr President. Good morning all in the
8 courtroom.

9 Can we talk about this at the end of the hearing?

10 MR MACDONALD: (Interpretation) Very well. Very well. It's okay.

11 Q. I would like to expedite matters and to avoid showing an excerpt or the entire
12 excerpt from Mr Gbagbo's Defence, I'm referring here to document CIV-D15-0002-0157, a
13 footage from a report on France 24 of 16 December dealing with the exit from the hôtel du
14 Golf of the FAFN forces and along with some demonstrators.

15 I would like the entire video to be produced into evidence, but I would like to show an
16 excerpt of it, Mr President, which I believe was already viewed. It will be about 2
17 minutes 15 in total, and yet with the view of my colleagues, I think I can proceed in this
18 matter.

19 MR ALTIT: (Interpretation) Was that a question?

20 MR MACDONALD: (Interpretation) The question was whether I have to show the
21 entire video or should I just produce the entire document bearing the ERN number I have
22 just given?

23 MR ALTIT: (Interpretation) To be consistent with all what has been decided, discussed
24 and talked here, and talked about here, let us focus on the excerpt that was played here
25 and I think that would comply with the decision of the Chamber.

1 MR MACDONALD: Your Honour, I'll show the full excerpt from the beginning to the
2 end.

3 Q. (Interpretation) Mr Witness, you had the opportunity to view this video, an
4 excerpt of it. Now I'm going to show you the entire excerpt and then put some questions
5 to you thereafter.

6 (Viewing of the video excerpt)

7 MR MACDONALD: There is an issue with the video. Juste un instant. There is an
8 issue with the video in Ringtail, when we play it, it was doing that last night to me, but
9 also so we have sometimes to replay it. And we'll try one last time to replay it, but then
10 we're getting to the extract that was shown by the Defence, and then there's a bit after that
11 was not shown either. So the part of the beginning was not shown, part of the end, only
12 a middle part.

13 (Viewing of the video excerpt)

14 MR ALTIT: (Interpretation) Thank you, Mr President. Mr President, you can see that
15 this is the issue which we talked about yesterday and the problems that flow from it.
16 This is not the excerpt that was played by the Defence. And the Prosecutor has played
17 an excerpt of the same TV newscast, he would confirm that. But what he has just played
18 is different from what the Defence played, with a different time code, time stamp.
19 So as far as we are concerned, we believe that this is not the same piece of evidence. In
20 fact, the Prosecutor played part of what the Defence played. So the substantive issue
21 then is that things having been presented the way they were, the impression is given that
22 this is the same evidence that was displayed by the Defence and the same document will
23 be shown to the witness.

24 So there is somewhat of a semantic problem, it is the same audiovisual excerpt, the same
25 newscast on TV, but it's not the same piece of evidence that was produced by Defence.

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1 So there's some confusion at that level.

2 And we have a problem with that because this does not reflect what Defence put forth to
3 the Chamber, and I want to point this out so that, if necessary, your Chamber might
4 clarify its position on this point. Maybe you don't need to, but otherwise there is a
5 problem to the extent that what the Prosecutor has shown the witness is different from
6 what the Defence played but, so there's a difference, although it all bears on the same
7 audiovisual material.

8 And while I'm still on my feet, quite logically, the Prosecutor, having played a new
9 excerpt of the same document, this amounts to a new exhibit, so to speak, and therefore he
10 would have to introduce or produce this new evidentiary material into evidence, because
11 otherwise this would not comply with the decisions of this Chamber.

12 PRESIDING JUDGE TARFUSSER: As I said yesterday, the document, the item
13 submitted is submitted as a whole, although only the parts are shown, but it is submitted
14 as a whole. Of course if now one or the other party of that document which is submitted
15 wants to play, wants to show another piece, I mean, there is no question about it, but the
16 document is submitted as such. Obviously the time stamps is what we can use in
17 relation to the question which was given or question which was put and the answer was
18 given. This is one thing. But the document when it is submitted is submitted as a
19 whole. Otherwise, I mean, you can't limit also the Chamber just to -- not to see the full
20 evidence which is submitted.

21 So please, Prosecutor, can you go ahead. Thank you.

22 MR MACDONALD: Yes, yes.

23 Q. (Interpretation) Mr Witness, when Mr Altit was questioning you, he played a
24 shorter excerpt, but I have played the full report to you now. Do you recognize the full
25 report that I've just played?

1 A. Yes, I had *seen those images. *I don't know whether it's, it's the rest of it or
2 whichever part of it.

3 *Q. Those that have just been shown to you?

4 A. Yes, I did see those images.

5 Q. The images that have just been displayed?

6 A. Yes.

7 Q. Let me talk about the first checkpoint as mentioned in the report. The distance
8 between the hotel and the checkpoint and going to the RTI, I remember that you drew a
9 diagram which I believe is in evidence, and I think you mentioned in your testimony that
10 the distance was about 20 kilometres in your testimony – about 1 kilometre in your
11 testimony. Do you think that this is still a valid estimate?

12 A. Yes, about 1 kilometre or 1.5 kilometres.

13 Q. Let me move on to something else relating to the November 2004 incidents.
14 Specifically, I want to address part of your testimony when you were being questioned by
15 my colleague, Mr Altit. My questions will seek to establish with you, for the benefit of
16 the Chamber, a chronology of events and to specifically situate the issue of the 43rd
17 BIMA.

18 In your testimony, let me indicate that some *admissions have already been admitted into
19 evidence, but let me take you to transcript number 30, page 25, lines 9 to 13.

20 In that excerpt reference is being made to Bouaké.

21 A. What date?

22 Q. Transcript number 30, that's second day, a Tuesday.

23 *The 29th is Monday, the 30th is Tuesday, the 31st is Wednesday, the 32nd is
24 Thursday.

25 Now, Mr President, let me continue my questioning.

1 Now, on line 9 this is what you said, "Thank you. What happens in Bouaké is that *the
2 planes and helicopters of the army of Côte d'Ivoire went to bomb Bouaké. These were
3 military operations that were quite surgical."

4 Let me start with that. Here you are referring initially to shelling or bombing that was
5 well targeted or surgical in the context of aircrafts and helicopters of the army of
6 Côte d'Ivoire. Question: Do you know the name of that operation carried out by the
7 Côte d'Ivoire armed forces?

8 A. No, I don't remember the name of the operation.

9 Q. Do you know whether there was a name given to that operation?

10 A. I think so.

11 Q. You remember that it had a name, but you don't remember the name; is that correct?

12 A. Yes.

13 Q. As far as you know, do you know why the Ivorian army, the FANCI carried out that
14 operation?

15 A. All I can give you is a personal answer. I think the operation was aimed at
16 liberating the city of Bouaké and the north by weakening the rebellion. That's my
17 personal opinion.

18 Q. Therefore, according to you the idea was to recapture the north of the country?

19 A. Yes, I think so.

20 Q. Now, during your testimony, and *there was an admission in the record by the
21 parties that, on 6 November 2004, on that day actually, a position was bombarded in
22 Bouaké leading to the death which you talked about, and I'm referring to the same
23 transcript at the same page: "They shelled a location where there were some French
24 soldiers and *the American who died." Now, let us set aside whatever responsibilities
25 may be involved in that situation or the legality of such a shelling operation. My question

1 is as follows: We know that on 6 November at that location there was a death. *Now my
2 question is: how long before this operation to liberate the North by the FANCI had started?
3 Do you know how many days before?

4 A. Do you mean the operations to liberate the north?

5 Q. Yes.

6 A. I don't know. A number of things had happened, but I don't know.

7 Q. Do you know how many days before that operation?

8 A. No, Mr Prosecutor. Sincerely I don't know.

9 MR MACDONALD: (Interpretation) I invite my colleagues to take note of the date for
10 purposes of admission so that the Chamber may have a clear idea of the chronology of
11 events. And I proceed.

12 Q. The bombing of that position where there were French soldiers and where an
13 American died on 6 November, my question is as follows: At page 27, lines 12, of
14 transcript 30, you talked about a reaction from the French army that was present in
15 Côte d'Ivoire. And I'm going to quote what you said at line 12: "As far as I know what
16 happened is that we saw on the news that President Chirac, who was the then president
17 of France, had taken a decision giving an order to the French army to bomb all the crafts
18 of the Ivorian army, and that is what was done. These are true facts. This is part of a
19 true history."

20 Yes, indeed, nobody doubts that event. But my question is the following: The death of
21 French soldiers and that American, now that reaction by France to bomb the Ivorian
22 aircrafts, when did this happen? What is the time frame? On 6 November the American
23 dies, but the shelling by France, what happened in terms of chronology?

24 A. It was back to back.

25 Q. The same day?

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1 A. I don't know, but it was back to back, maybe the next day, I don't know. I don't
2 have a clear recollection. In any event, I think that even President Chirac's speech relating
3 to his decision, there must be material of that because it must have been recorded.

4 MR MACDONALD: (Interpretation) Do my colleagues challenge the date? Because this
5 would enable us to have a clear -- the truth about the chronology of events.

6 MR ALTIT: (Interpretation) Which date are you talking about? Because it is not very
7 clear, with your leave.

8 MR MACDONALD: (Interpretation) It is very clear, the bombing of the Ivorian aircraft
9 by the French army *it was on 6 November.

10 MR ALTIT: Is there an admission on that?

11 MR MACDONALD: There was one for Bouaké, but there wasn't one for the aviation.
12 Maybe I didn't understand *that there was or was not an admission.

13 MR ALTIT: (Interpretation) In any event it was on the same day.

14 MR MACDONALD: (Interpretation) Thank you.

15 Q. Very well. Let us continue. When the Ivorian air force or rather the French
16 aviation destroyed the Ivorian aircrafts, what was the reaction of the Young Patriots, the
17 prompt reaction of the Young Patriots?

18 A. I'm sorry, not the reaction of the Young Patriots. What was the reaction of Côte d'Ivoire
19 and the entire Ivorian people regarding this conduct or behaviour of Mr Chirac towards
20 Côte d'Ivoire? It's not about the patriots. You don't have to focus only on the patriots. You
21 know, no one and no one in Côte d'Ivoire or across the world could not have been -- could
22 not have felt indignant about what had happened. Let me talk about Mr Laurent Forogo,
23 for example. He condemned this kind of action. Many people condemned this behaviour
24 by Mr Chirac when it came to Côte d'Ivoire. So it was not only about the patriotes, the
25 Jeunes Patriotes, it was the entire country, the entire nation of Côte d'Ivoire was disgusted.

1 Q. As far as you know, what was the reaction? What was the reaction of Mr Charles
2 Blé Goudé, if any, following that shelling by the French air force of the Ivorian air force?
3 What did he do?

4 A. Are you asking if he issued any calls?

5 Q. Yes.

6 A. I think if he made any calls, they must have been recorded. So I don't remember
7 what his reaction was. These things happened in 2004. We are talking about the
8 year 2004, aren't we?

9 Q. Still, we are still talking about 6 November 2004.

10 A. Very well. And as I already told you, I think there was a reaction, but I told you
11 that whenever Blé Goudé had a reaction, he did it on record and publicly. In any event I
12 don't remember clearly what he said, but what I have told you is that all Ivorians, the
13 entire community was indignant of this kind of behaviour, and it was not only the patriots
14 who had that same reaction.

15 Q. What did you see on TV? *You said that... "I no longer remember very clearly",
16 but what did you see on TV?

17 MR GBOUGNON: (Interpretation) Mr President, I don't know what my learned
18 colleague is looking for. The witness has answered the questions perfectly. He has said
19 clearly that he does not remember the details and that all Ivorians reacted. I think that
20 this is a good enough answer. We will not spend an hour on this, because I don't know
21 what my colleague is looking for.

22 MR MACDONALD: Your Honours --

23 PRESIDING JUDGE TARFUSSER: I agree with you, but now the question was what he
24 saw on the television. My question is broader, but I keep it in my thoughts, or my
25 question by myself, I will not put it. So please go ahead, but --

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1 MR MACDONALD: Your Honours, let's go into your thoughts, because I think --

2 PRESIDING JUDGE TARFUSSER: No, no, no, don't go in my thoughts. Just keep on
3 questioning, please, and so we come to an end. Thank you.

4 MR MACDONALD: (Interpretation)

5 Q. I would like to show you the video footage, but I cannot show it to you. That's
6 why I wanted to ask you questions on what you said you saw.

7 A. Thank you. Ever since the beginning of the testimony I have been asking you to
8 refresh my memory. There was of course a reaction, but what was said I really do not
9 remember. So if you can show me the video footage, there is no problem. We are here
10 to tell the truth. Technically, I do not know what the problem is or even from a legal
11 point of view. But in order to give you evidence, I really would like to see the video.
12 There was a reaction from the Ivorians and there were appeals made on the television, but
13 what was specifically said, I do not remember. If you want me to -- my memory to be
14 refreshed, you can show me the video footage.

15 Q. Following that appeal of the president of COJEP, *Mr. Blé Goudé...

16 MR GBOUGNON: (Interpretation) The witness said that there were appeals. He did not
17 say that the COJEP president said -- made an appeal on the same day or another date.
18 That was not the testimony of the witness. Please do not interpret the witness's answers
19 according to what you want him to say. He said that the witness -- that the Ivorians
20 *reacted: There were calls. I do not know when those calls were made; I no longer remember...

21 MR. MACDONALD: No, the witness did not say that he no longer remembers the date.
22 And my colleague... listen, your Honours, we have a video. It is dated. My colleague, I'm
23 calling you out, is being disingenuous on this. I'm sorry, facts are facts. Dates are dates.
24 Videos are videos. People speaking on those videos is clear. It is not made up. It is not a
25 fabrication of the Prosecution.

1 We have a witness that says I remember there was a call by the president of the COJEP, I
2 don't know the content of that call. There is a decision of the Chamber where I cannot
3 use that document to show it to him in re-examination. That's the situation.
4 But my colleague cannot say that when this took place when he knows very well, he
5 cannot stand up in a courtroom and start insinuating wrong dates and wrong information
6 knowingly. That's the point, to induce the Chamber in error. I am searching for the
7 truth as much as the Chamber is and anybody else in this courtroom. That's our mission.
8 That's our ethics. Those are our obligations.

9 PRESIDING JUDGE TARFUSSER: Mr MacDonald -- no, please, I don't want a
10 discussion. I want to come to an end with this witness without too many discussions on
11 principles which I think are not really on very good feet.

12 So please, Mr MacDonald, go ahead with the questioning and -- yes, please.

13 MR MACDONALD: Thank you, your Honour.

14 Q. (Interpretation) Following those appeals that you said were on television, what
15 happened? What did the population do? Where did they go?

16 A. I have already said that here. This was in relation to the bombing of the Ivorian
17 aircraft. They were scandalised and so they started to march on the 43rd BIMA. That is
18 what I said here.

19 Q. Yes, indeed. But in your testimony, when questions were put to you, transcript 31,
20 page 37, lines 21 onwards, and specifically lines 26 and 27, you said, "Yes, I can tell you
21 more. But between the two, I really did not know which came first."
22 And we were talking about the hôtel Ivoire and the 43rd BIMA. We were -- we are trying
23 to have a clear chronology of the events. So following that or those televised appeals, the
24 population marched on the 43rd BIMA; is that correct?

25 A. Yes, that is what I said here. That was in relation to the conduct of President Jacques

1 Chirac. The population was outraged, and everyone marched on the 43rd BIMA, and that
2 is where the soldiers shot on the civilian population on that night. We have seen the footage.

3 Q. Yes, very well. The footage has been screened here.

4 Now, regarding this matter, you said that the international community was living where?

5 A. In Côte d'Ivoire they live almost everywhere, but the majority of them live in Bietry
6 and in Zone 4.

7 Q. Which commune?

8 A. Marcory commune, on the way to Port Bouët and the airport.

9 Q. So if you are in Cocody, you could take one of the two bridges?

10 A. Yes. We call that derrière l'eau.

11 Q. Yes, on the other side of the lagoon; is that correct?

12 A. Yes.

13 *Q. In the direction of the airport

14 A. Yes.

15 Q. We could have shown a map here, but what is the distance between the 43rd BIMA
16 camp and the Felix Houphouët-Boigny airport?

17 A. I can say that it is actually in the airport, because the entire area is the airport area.
18 The camp is 1 kilometre or 1-and-a-half kilometre from the airport itself.

19 Q. So the camp adjoins the airport?

20 A. Yes, Mr Prosecutor.

21 Q. Let us backtrack a little bit. Let me come to the Ivorian airport -- or, rather, air force
22 attempt to recapture the north. At that time was there an impact on the French
23 population living in Abidjan?

24 A. Do you mean after Jacques Chirac ordered the bombing of the aircraft or before?

25 Q. Even during the days before that.

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1 A. I've already told you here that the international community, that is the *white foreigners
2 living in Côte d'Ivoire, many of them started fleeing to seek refuge in the 43rd BIMA.

3 Q. Why?

4 A. I have already answered. Given the conduct of Mr Chirac, or the intervention or
5 interference of France in that war, people did not really appreciate that. So the French and
6 European citizens living in Côte d'Ivoire were afraid because there were rumours
7 circulating and tension was mounting.

8 Q. So it is your testimony that some of the French civilians went and sought refuge in the
9 43rd BIMA; is that correct?

10 A. Yes, all of them. Everyone was leaving.

11 Q. To your knowledge was that the only location where French citizens took refuge after
12 the French army bombed the Ivorian aircraft, or were there other locations where they
13 took refuge, as far as you know?

14 A. I really do not know. Maybe in some hotels. I don't know.

15 Q. Which hotel?

16 A. I don't know.

17 Q. Quel hôtel?

18 A. Let me explain. As far as I know, I don't want to make up something I do not know, to
19 my recollection there was no other location that was better secured than the 43rd BIMA to
20 take refuge. And I believe that all European citizens, not only French citizens, went to seek
21 refuge there. That, I can confirm.

22 Q. You mentioned hotels. My question is as follows. Which hotels as far as you know?

23 A. Let me answer you, Mr Prosecutor.

24 PRESIDING JUDGE TARFUSSER: He said he didn't know.

25 MR MACDONALD: No, no, he didn't say that yet. He didn't answer yet.

1 PRESIDING JUDGE TARFUSSER: Well, in English, yes. I don't know in French, but in
2 English, yes. I really do not know. Maybe in some hotels. I don't know which hotel.

3 MR MACDONALD: (Interpretation) Very well, your Honour. I will move on.

4 PRESIDING JUDGE TARFUSSER: No, I think this was the reason.

5 MR MACDONALD: Mr President, we have to be careful. The witness is present. I
6 understand that we will finish very soon, but they cannot continue influencing the witness
7 by objecting and suggesting messages to him. That is obstruction. Objections are
8 acceptable, but in this particular case it is obstruction.

9 PRESIDING JUDGE TARFUSSER: I think here nobody obstructs. And "they" is not the
10 right, at least in English, it is not the right manner to address the opposite party, the
11 Defence lawyers.

12 So I just asked if this was the reason for your standing up, that he had already -- that the
13 witness had already answered the question. Okay? Okay.

14 Please go ahead, Mr Prosecutor.

15 MR MACDONALD: (Interpretation)

16 Q. There is an admission in the record that on 9 November, the Defence showed us
17 images, the French army indeed fired on the demonstrators at the hôtel Ivoire. I'm going
18 to revisit that with you. To the best of your recollection, you were shown an excerpt of a
19 report.

20 A. Yes, Counsel.

21 Q. To the best of your recollection, why were the French army and all those tanks
22 present at the hôtel Ivoire? What were they doing there?

23 A. Thank you, Mr Prosecutor. I will answer. I heard the answers of the French
24 military commanders. The media asked them questions regarding what they were doing
25 there. And what I heard was that they had gone to protect the French *or European

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1 citizens living at the hôtel Ivoire. That is what they said.

2 Since I, myself, was living in Côte d'Ivoire, I knew this is an international hotel. There
3 could have been European or French citizens there, but to say that there were *refugees,
4 well, that is what I was referring to, I cannot tell you that refugees fled to that location,
5 because the only place where they could take refuge was at the 43rd BIMA. Maybe there
6 were clients living in those hotels, tourists or visitors; but people fleeing their homes to go
7 there, I'm not sure. That would not have been a secure place for them. So maybe the
8 soldiers were referring to hotel customers or residents, and that is even what they said.

9 Regarding the tanks, *20 or 40 tanks to protect that? Well, this is something that remains
10 to be proven.

11 Q. Mr Witness, we will show you the excerpt shown to you by Mr Altit,
12 CIV-D15-0001-5350, time stamp 5.09 or, to be more specific, 5.06. And maybe we should
13 go to the very end. It is about four minutes or slightly before the end. Let's see what
14 happens.

15 (Viewing of the video excerpt)

16 PRESIDING JUDGE TARFUSSER: Please.

17 MR ALTIT: (Interpretation) Thank you, your Honour.

18 For the record, I would like to point out one thing. Our learned friend of the Prosecution,
19 Mr MacDonald, stated as follows, and I quote, page 18, line 14 of today's transcript,
20 French version: "Mr Witness, we are going to show you the footage shown to you by
21 Mr Altit during his questioning."

22 For the record, I would like to point out that what has been played to the witness right
23 now is not what the Defence showed the witness.

24 PRESIDING JUDGE TARFUSSER: I have recognized this as well.

25 Please.

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1 MR MACDONALD: (Interpretation)

2 Q. Mr Witness, did you see those images before?

3 A. Yes.

4 Q. Did you see them on television before?

5 A. Yes.

6 Q. Let us move on to something else. In transcript number 29 of Monday, page 82, line 17,
7 and specifically from lines 14 to 19, Maître Altit asked you some questions. And I will
8 read the excerpt to you to refresh your memory. You were talking about the rebellion
9 of 2002, and you said, "These were people who took up weapons to attack Côte d'Ivoire."

10 And question: "Who were these people?"

11 And your answer: "These were also Ivorians who felt probably frustrated in
12 Côte d'Ivoire."

13 Question: "Who was those?"

14 Answer: "The people of the north."

15 Please explain to the Chamber why, according to you, the people of the north probably
16 felt frustrated.

17 A. That was just my way of speaking. I was talking about the people of the same country;
18 Ivorians of the north or the south who were outraged, and they took up weapons. There
19 was a reason for that. They didn't just do it for doing's sake. Maybe personally the people
20 of the north were frustrated, *or their region was not developed, or they lacked things, or
21 they themselves, personally, the people of the North, felt frustrated by certain attitudes or
22 they wanted to have power. Maybe that is why they took up weapons. That is what I meant to say.

23 Q. Let me move on to another topic. In the course of your testimony, including
24 during your questioning by my learned friends, you mentioned the meeting and
25 conversation that you had with Mr Tagro, and now you identify Mr Bertin Kadet. Let

1 me read out the transcript excerpt for you.

2 Transcript number 31. Well, let me ask you a question: Do you remember having a
3 conversation with Mr Tagro and Mr Bertin Kadet about this, this situation of the war?

4 A. Yes.

5 Q. And following that, I will refer you to transcript 31, page 91, line 26 onwards, and I
6 quote you: "Yes. As you know, I told you about the rebellion or the guerillas. After
7 Blé Goudé in his speech talked about the guerillas, they themselves have talked about the
8 guerillas. As you can see when you have the evidence, you will find that what I am
9 saying is correct. That is what I know. But I experienced that. I lived through that.
10 And it was very difficult.

11 I will give you an example concerning my family. That is before they went to Abidjan.
12 As I told you, I knew that if we did not retreat -- well, Gbagbo came to attend that
13 meeting. It would not have been good. I *knew why it was not good; but because my
14 family came from the north, I was compelled to take my entire family away, to make them
15 leave."

16 So at that point, you said that if they did not withdraw -- if we did not withdraw, it would
17 not be a good thing. And you said, let me quote once more, "Gbagbo came to attend that
18 meeting, and I knew why it was not a good thing."

19 In answer to Mr Knoops' question, you said that Mr Gbagbo came to attend a meeting.
20 Which meeting was that?

21 A. Really I don't know what you are referring to. When you say I said that Gbagbo
22 came to attend, I do not know, because, quite frequently, when we are talking about
23 meetings and political rallies, everything to you is a meeting. You are talking about a
24 meeting in which it was said we had to withdraw? I do not know.

25 Q. Mr Witness, I do not know the answer. That is why I am putting the question to

1 you. I am quoting the exact words that you used in answer to Mr Knoop's question.

2 And you said, "I know why it was not a good thing." And then you referred to

3 Mr Gbagbo who had come to attend that meeting. And then you said it was not a good
4 thing.

5 A. Very well. Maybe the way it is noted down is confusing me. I really do not
6 remember, when I said that Gbagbo came to attend the meeting, I don't remember when
7 the Defence put that question to me. *Yes, but they are there. I do not believe... I do not
8 know whether the answer was well phrased. Let me continue, Mr Prosecutor. Regarding
9 your question, when you said that I met with Mr Tagro and his Defence adviser, yes, I met
10 with them, and I explained to you what I said. I met with Mr Bertin Kadet.

11 Q. You don't need to explain that once again. It is in the transcript. I believe that
12 everybody has fully understood. I was trying to understand your answer. When you
13 referred to Mr Gbagbo, did you see Mr Gbagbo within that same context?

14 A. I think we are not understanding each other because I did not say that here.

15 Q. I'm quoting you verbatim. I'm quoting you word for word. It is a transcript of
16 what you said on Wednesday of this week. Page 91, line 26 onwards, that is up to page
17 91, line 9. There are court reporters here, and what you are saying is being recorded.

18 A. I know what you're talking about, Mr Prosecutor, but I think these people made an
19 error taking down notes.

20 Q. Mr Jichi, Mr Sam l'Africain, I thank you very much. Those are the questions that I
21 had for you. And in any case, my learned friends may have other questions for you;
22 otherwise I wish you a safe return home, and especially I thank you very much for your
23 cooperation.

24 PRESIDING JUDGE TARFUSSER: Thank you, Mr Prosecutor.

25 According to Rule 140, the floor is again to the Defence, the Defence of Mr Gbagbo, and

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1 then Defence of Mr Blé Goudé.

2 MR ALTIT: (Interpretation) Thank you, Mr President. The Defence has no question
3 for the witness.

4 PRESIDING JUDGE TARFUSSER: Thank you, Maître Altit.

5 I don't know who will -- is the speaker of the team, Defence team of Mr Blé Goudé.

6 Maître N'Dry.

7 MR N'DRY: (Interpretation) Yes. And I simply want to say that we have no further
8 questions for this witness. All we want to say to the witness is that he may travel safely
9 back home to Côte d'Ivoire. We thank him for his cooperation.

10 PRESIDING JUDGE TARFUSSER: Mr Witness, that's it. I'm very happy to tell you that
11 you're released. You can go back home. Thank you very much for your patience. I
12 imagine that it was not an easy task, an easy job to sit here the whole day, to answer
13 questions, but you did a good job, I mean, in answering the questions, which we will then
14 assess. And we wish you all the best and a good flight home and a safe trip and a safe
15 future life.

16 THE WITNESS: (Interpretation) Thank you, Mr President. If you would give me just
17 one minute, I would like to say something and to all Africans. Thank you, Mr President.
18 It's our African tradition to do so.

19 I'm indeed very happy and very proud to have come here. I want to thank the
20 Prosecutor and his team. I want to thank the Legal Representative of Victims. I want to
21 thank Mr Blé Goudé's Defence. I want to thank Mr Gbagbo's Defence. And I want to
22 thank all the teams, all those who are here and there and all those who have come here.
23 I am indeed very proud because I have been given the opportunity to lift a burden from
24 my shoulders, Mr Prosecutor. I think that what I have done is only normal. The entire
25 world may not necessarily agree with me. That's how life is. *Even God sent prophets.

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1 He had his enemies We cannot all agree with everything.

2 What I have come to do is try and help the Chamber to understand the truth. This is
3 what I did to the best of my ability. I believe that this will also enable Côte d'Ivoire to
4 understand what it's all about and come to a point of reconciliation.

5 My desire is that reconciliation and peace shall return to my country and that there should
6 be no more violence. From here moving forward, today and going forward, I will work
7 for Africa to bring whatever contribution I can for peace in Africa.

8 Thank you all for the opportunity, and may God bless you.

9 PRESIDING JUDGE TARFUSSER: Thank you very much again. I thank also to
10 Mr von Bóné, who was assisting you and patiently sitting and giving also the timing for
11 the questioning, for the answering. So please, court usher, you can accompany the
12 witness out.

13 THE WITNESS: (Interpretation) Thank you, Counsel. I also thank you very much.
14 Thank you. Thank you very much. You were right next to me, and I somehow forgot
15 you. Thank you.

16 I am indeed very happy to have been here, and it's also a great joy for me to go back to my
17 country.

18 (The witness is excused)

19 MR VON BÓNÉ: Your Honour, it will conclude my activities here, and I wish all the
20 parties --

21 PRESIDING JUDGE TARFUSSER: Well, we don't know. Maybe --

22 MR VON BÓNÉ: Well, we never know, but until now, at least --

23 PRESIDING JUDGE TARFUSSER: Yes. For the time being.

24 MR VON BÓNÉ: -- we're concluded, and I wish the parties all the best and wisdom for
25 the future decisions that you have to make.

1 PRESIDING JUDGE TARFUSSER: Thank you very much, Maître von Bóné.

2 Now, all what I think remains to do before closing this session is to -- no.

3 MR MACDONALD: There's an admission to deal with --

4 PRESIDING JUDGE TARFUSSER: Oh.

5 MR MACDONALD: -- that we were to come back at the end of the testimony on the
6 10th March --

7 PRESIDING JUDGE TARFUSSER: You mean the Addis Ababa?

8 MR MACDONALD: Yes.

9 PRESIDING JUDGE TARFUSSER: Yes. But I must say I have sometimes a hard time to
10 understand why on something which is historical we have to deal with, I mean, but -- yes,
11 please. You have the floor. Historical events, I mean, which are on every newspaper,
12 just the three Judges should not know them, but they pretend to be completely in a glass
13 house.

14 Maître Altit.

15 MR ALTIT: (Interpretation) Thank you very much, Mr President. The *265th meeting of the
16 Peace and Security Council of the African Union regarding the situation in Côte d'Ivoire
17 was held on 10 March 2011. There is absolutely no dispute about that.

18 PRESIDING JUDGE TARFUSSER: You agree, Maître N'Dry, I hope?

19 MR N'DRY: (Interpretation) Yes. I agree with the date.

20 PRESIDING JUDGE TARFUSSER: So we can take knowledge of this historical fact. Okay.
21 Thank you.

22 You agree as well?

23 MS MASSIDDA: We normally agree with historical facts in general.

24 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

25 MS MASSIDDA: Thank you.

1 PRESIDING JUDGE TARFUSSER: So now I think the only thing which remains to do for
2 the time being, I'm not talking about the issuing of decisions which are in the course of
3 being filed, the written decisions which are outstanding, we know, is to make the
4 schedule for the hearing, I would say, from when we resume until the summer recess.

5 MR MACDONALD: Yes. It would be very wise, I think, for the Chamber to clearly
6 explain to the public listening out there as to why we're suspending now.

7 PRESIDING JUDGE TARFUSSER: Yes, yes, yes.

8 MR MACDONALD: When we're starting.

9 PRESIDING JUDGE TARFUSSER: Yes, yes, yes, of course, of course.

10 MR MACDONALD: And that there's no conspiracy of any kind.

11 PRESIDING JUDGE TARFUSSER: No, no, no, no, no. Of course.

12 We have now to suspend the hearing not only for Easter but longer, because in this Court
13 we can only deal with two trials sitting at the same time, so in these two courtrooms, 1
14 and 2. So now, as agreed among presiding judges of the three chambers, because we have
15 three trials ongoing at the same time, the other two trials will sit throughout April and,
16 therefore, we can't sit in April. So we have to resume. But this is an agreement among
17 the three presiding judges because two are sitting, two trials are sitting, one is suspended.
18 Then this, the trial who was suspended, comes in and one other is obviously waiting. So
19 this is how it works here. And this is due to financial constraints, budget constraints.
20 So therefore, and I repeat, our agreement was that now we have to suspend for the Easter
21 recess, and we will resume on 9 May, on 9 May.

22 And as of 9 May, if you would, for the record I will now say how we will proceed until
23 the summer recess.

24 So we will sit on 9, 10, 11 May and, if need be, in the morning of 12 May.

25 Then we will sit the whole week from the 16th to the 20th.

1 The whole week from the 23rd to the 27th, always May.

2 Then the whole week from 6 to 10 June.

3 The whole week from 13th to 17th of June.

4 Then from 27th of June to 1 July.

5 The 6th, 7th and 8th of July.

6 And from the 11th to the 14th July.

7 As you see, there is always in the middle a suspension of a week, sometimes there is a
8 suspension of a week. This not because we are lazy, but because we have to also for the
9 parties and for the Judges, for the teams to try to go into what was done and to elaborate
10 what was done in the two or three weeks before of the hearings. This is the reason for
11 the weeks we suspend in the middle.

12 So then obviously we suspend for summer recess and we come back after the summer
13 recess. But we will obviously give the schedule to this at a later stage. And obviously this
14 all without prejudice to something which, unforeseen, which can always happen, of
15 course.

16 MR MACDONALD: Just thank you very much for this, your Honour, for the precisions,
17 the details, additional information, because I think when we come back from the summer
18 recess, you mentioned awhile back maybe at a status conference or anyway, that it was
19 towards the end of August, if I'm not mistaken?

20 PRESIDING JUDGE TARFUSSER: Absolutely towards the end of August, yes.

21 MR MACDONALD: Okay. So that we can take for granted for sure?

22 PRESIDING JUDGE TARFUSSER: Yes, yes, yes. I think the 29, 30 as well.

23 MR MACDONALD: Yes, yes, okay.

24 PRESIDING JUDGE TARFUSSER: We come back those days.

25 MR MACDONALD: So that date --

1 PRESIDING JUDGE TARFUSSER: Yes, yes, yes.

2 MR MACDONALD: -- is certain for planning purposes? I'm sure --

3 PRESIDING JUDGE TARFUSSER: Yes, yes. No, of course. I can understand. Yes.

4 MR MACDONALD: Thank you.

5 PRESIDING JUDGE TARFUSSER: Absolutely.

6 MR MACDONALD: Thank you.

7 PRESIDING JUDGE TARFUSSER: I think it was 30th, if not 29th or 30th. I can't

8 remember, but it should be something like this, okay? Okay.

9 So that's it. I will stop here, and we will see each other in the morning of 9 May. I hope
10 also that the other things which were, I will not spell them out, but which Mr N'Dry
11 addressed a couple of days ago in private session are, if not solved, but on the way to
12 being solved, I hope; otherwise, please let me know as soon as we resume the hearings,
13 okay?

14 Thank you very much.

15 THE COURT USHER: All rise.

16 (The hearing ends in open session at 10.44 a.m.)

17 CORRECTIONS REPORT

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

19 *Page 2, line 5: "Peace Council" is corrected by "Peace and Security Council".

20 *Page 5, line 1: "saw" is corrected by "seen".

21 *Page 5, line 3:

22 "Cells qu'on vient de vous présenter?" is corrected by "Those that have just been shown to
23 you?"

24 *Page 5, line 18: "materials" is corrected by "admissions".

25 *Page 5, lines 23-24:

1 "The 29th was Monday and the 30th is -- Monday, Tuesday, Wednesday and Thursday
2 follow the same dates in that chronology." Is corrected by "The 29th is Monday, the 30th
3 is Tuesday, the 31st is Wednesday, the 32nd is Thursday."

4 *Page 6, lines 1-2:

5 "aircraft" is corrected by "the planes and helicopters of the".

6 *Page 6, lines 20-21:

7 "there is material admitted by the parties to that effect, you stated that apart from" is
8 corrected by "there was an admission in the record by the parties that, on".

9 *Page 6, line 24:

10 "an American died" is corrected by "the American who died".

11 *Page 7, lines 1-3:

12 "Now, my question is how much time did it take for the operation to begin?" is
13 corrected by "Now my question is: how long before this operation to liberate the
14 North by the FANCI had started? Do you know how many days before?"

15 *Page 8, lines 9-11:

16 "was the same day. Is there an admission on that? There was one" is corrected by
17 "it was on 6 November. MR ALTIT: Is there an admission on that? MR
18 MACDONALD: There was one".

19 *Page 9, line 15:

20 "And I don't remember what you said," is corrected by 'You said that... "I no longer
21 remember very clearly"'.
22

23 *Page 10, line 15:

24 "Mr. Blé Goudé" is added.

25 *Page 10, lines 20-22:

"reacted, but he does not know when.

1 MR MACDONALD: Non, le témoin n'a pas dit, il ne se souvient pas de la date. Et
2 mon collègue –“ is corrected by “reacted: There were calls. I do not know when those
3 calls were made; I no longer remember... MR. MACDONALD: No, the witness did
4 not say that he no longer remembers the date. And my colleague...”

5 *Page 12, lines 13-14:

6 “Q. In the direction of the airport A. Yes.” Is translated and added.

7 *Page 13, line 1:

8 “white” is translated and added.

9 *Page 14, line 25:

10 “or European” is translated and added.

11 *Page 15, lines 9-10:

12 “20 or 40 tanks to protect that?” Is translated and added.

13 *Page 16, lines 20-21:

14 “or maybe they also needed to be part of the government” is corrected by “or their
15 region was not developed, or they lacked things, or they themselves, personally, the
16 people of the North, felt frustrated by certain attitudes”.

17 *Page 17, line 13: “did not know” is corrected by “knew”.

18 *Page 18, lines 7-8:

19 “Yes, but they are there. I do not believe... I do not know whether the answer was
20 well phrased.” Is translated and added.

21 *Page 19, line 25 and page 20, line 1:

22 “God sends profits, but they have enemies.” Is corrected by “Even God sent prophets.
23 He had his enemies”.

24 *Page 21, lines 15-17:

25 “AU meeting on peace in Côte d’Ivoire was on 10 March 2011.” Is corrected by “265th

- 1 meeting of the Peace and Security Council of the African Union regarding the situation in
2 Côte d'Ivoire was held on 10 March 2011. There is absolutely no dispute about that.”
3 The Court Management Section has made the following corrections in the transcript:
4 *Page 5, lines 1-2:
5 “I don't know that it's, it's the rest of it or whichever part of it?” Is corrected by “I don’t
6 know whether it’s, it’s the rest of it or whichever part of it.”
7 *Page 8, line 12:
8 “that” is translated and added.
9 *Page 15, line 3: “refuges” is corrected by “refugees”.