

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Thursday, 24 November 2016
10 (The hearing starts in open session at 9.35 a.m.)
11 PRESIDING JUDGE TARFUSSER: [9:35:56] Good morning.
12 Before introducing the witness to the courtroom, the Chamber wants to read out the
13 oral decision on the request made by the Defence of Mr Gbagbo to reconsider its
14 decision of 22 November 2016 to the extent that it accepted the proposal of the OTP to
15 advance the testimony of Witness 350, P-350. And I'm referring to English realtime
16 transcript T-104, pages 2 to 7.
17 The Defence of Laurent Gbagbo notes that Witness P-350 was previously scheduled to
18 testify at the end of the current block of witnesses and argues that it does not have the
19 resources and time to prepare for the questioning of P-350 on shorter notice.
20 The Defence of Mr Charles Blé Goudé supported this request.
21 The Legal Representative of Victims opposed the request arguing that Witness 350's
22 testimony had originally been foreseen to start after the testimony of Witness P-483
23 and that her testimony is expected to be limited to a specific matter.
24 The Prosecutor agrees with the Legal Representative, adding that the questioning by
25 the Prosecutor could be shorter than indicated if the Chamber were to give

1 instructions similar to those in relation to Witness 513 and that the preparation could
2 also be more focused for the Defence. The Prosecutor also suggests that Witness 350
3 could be called at a different point of the block of witnesses to be heard by video link.
4 The Chamber rejects the Defence request and confirms its decision for the following
5 reasons. First, Witness P-350 has always been inserted in this second block of OTP
6 witnesses and was first scheduled to appear after Witness 483 and thus in these days.
7 I'm referring to filing 565, confidential, annex A of 3 June 2016.
8 Second, on 29 September 2016, the Prosecutor notified the Chamber of the need to
9 postpone the witness testimony in order to allow further discussions with the
10 Prosecutor regarding her appearance. And I'm referring to filing 693 confidential.
11 On 11 November 2016, the Prosecutor requested to advance the testimony of Witness
12 350 to start after Witness 230, indicating that the former expressed anxiety about
13 upcoming testimony and her wish to testify as soon as possible. And I'm referring to
14 filing 754, confidential, and annex A.
15 As mentioned before, the Chamber accepted this advancement in its decision of 22
16 November 2016.
17 The Chamber notes that the testimony of Witness 350 is limited to very specific facts.
18 Her statement is succinct, and the questioning by the Office of the Prosecutor and the
19 parties should indeed be limited to the facts concerning the particular events in
20 question, without going into questioning outside these events about the climate, et
21 cetera, et cetera, as we did with the witness who testified yesterday.
22 The Defence should thus be in a position to adequately prepare for the questioning of
23 this witness. The Chamber also notes that Witness 350 is not a new witness, as the
24 Defence was notified of the upcoming appearance of the witness on 3 June 2016, and
25 also by postponing the appearance, the witness would in any case be called before the

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 winter recess as all witnesses mentioned in the 22 November decision are meant to be
2 called and questioned within this term, meaning within the 9th of December.

3 Further, the Chamber in advancing the testimony of Witness 350, more than granting
4 the request of the OTP, grants the request of the witness, who has expressed to the
5 OTP the desire to testify as soon as possible. In light of the Chamber's obligation
6 towards vulnerable witnesses, the witness's wish must be taken into consideration
7 and indeed accommodated, if possible. And it is possible.

8 This is the oral ruling on the Defence request.

9 And now we proceed with the following witness, Witness 230, which is a Rule 68
10 witness. The OTP has indicated 45 minutes of questioning. I would, first of all, I
11 would hope it is less, it will be less, and I'm sure that 45 minutes, the Chamber is very
12 strict in the 45 minutes, therefore, I would ask for a questioning which is very straight
13 to the point and outside of what is already written in here, because otherwise there is
14 no point to have a 68 rule.

15 The Defence is requested after to be also strict to the point without going too far, it's
16 obviously open, but it should be a little bit adjusted, the timing, to the timing of a
17 Rule 68 witness.

18 So now I ask the court usher to introduce the witness.

19 This is a Rule 68 witness without any other protective measures, okay.

20 (The witness enters the courtroom)

21 PRESIDING JUDGE TARFUSSER: [9:45:00] Good morning, Mr Witness.

22 WITNESS: CIV-OTP-P-0230

23 (The witness speaks French)

24 THE WITNESS: [9:45:05] (Interpretation) Good morning, ma'am.

25 PRESIDING JUDGE TARFUSSER: [9:45:07] Well, I'm afraid I'm a male. That's the

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 only mistake you made. But good morning in any case.

2 THE WITNESS: [9:45:20] (Interpretation) Good morning, your Honour. I heard a
3 woman's voice.

4 PRESIDING JUDGE TARFUSSER: [9:45:28] That is a problem with me. Maybe the
5 woman -- okay, okay. The interpreter, it was the interpreter.

6 THE WITNESS: [9:45:41] (Speaks English) Okay, okay, okay.

7 PRESIDING JUDGE TARFUSSER: [9:45:49] So before starting the questioning of you
8 as a witness, I would first ask you your name and to qualify yourself completely with
9 the date of birth and the place of birth, nationality, et cetera. Could you please tell
10 us your name?

11 THE WITNESS: [9:46:15] (Interpretation) Yes, your Honour. My name is Ben
12 Soumahoro Vaphings, Ben Soumahoro Vaphings.

13 PRESIDING JUDGE TARFUSSER: [9:46:34] Thank you. And where and when
14 were you born?

15 THE WITNESS: [9:46:35] (Interpretation) I was born in Touba, and I am from Côte
16 d'Ivoire.

17 PRESIDING JUDGE TARFUSSER: [9:46:49] And when were you born?

18 THE WITNESS: [9:46:51] (Interpretation) I was born on 7 October 1969.

19 PRESIDING JUDGE TARFUSSER: [9:47:01] And what is your ethnicity and your
20 faith?

21 THE WITNESS: [9:47:07] (Interpretation) I am a Muslim and I am from the north
22 of the country, Dioula. Mahouka is my ethnic group.

23 PRESIDING JUDGE TARFUSSER: [9:47:28] And your current occupation?

24 THE WITNESS: [9:47:33] (Interpretation) I am a cultural entrepreneur.

25 PRESIDING JUDGE TARFUSSER: [9:47:39] Thank you very much.

1 Now I have to give you some preliminary information. You will be testifying in
2 French, French language, and as you have understood, I'm speaking in English, so we
3 need to ensure that we understand each other and that you understand the questions
4 which are put to you and that we understand exactly what you're saying in both
5 languages. And therefore it is important that you speak slowly, as I'm doing, and to
6 speak clearly into the microphone, and also to allow some time to the interpreters to
7 interpret clearly and to the court reporters to transcribe what you are saying, what we
8 all are saying.

9 This will be even more important when you will be asked in French, because it's
10 natural that speaking the same language one does not think about these interpretive
11 problems. I will obviously interrupt and cut you if I have some complaints by the
12 interpreters.

13 So now we come to your testimony. You are certainly aware that this Chamber was
14 established to try the case of the Prosecutor against Mr Gbagbo and Mr Blé Goudé.

15 And you as a witness are called to assist us and assist the Chamber in the search for
16 the truth.

17 You will be asked questions first by the Office of the Prosecutor and then by the
18 Defence. And if at any point you have some concerns, you would like a break or
19 whatever, you just address me.

20 Before starting your questioning, you have to make a solemn undertaking to the effect
21 that you will tell the truth. You're here a witness and the obligation of a witness is to
22 tell the truth. You are not a part, you have not to take any part, but just to answer
23 truthfully to the questions you are put. And to this effect you have to do the solemn
24 undertaking and, therefore, I would ask you to read the formula you have on the desk
25 in front of you loud and clear.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: [9:51:33] (Interpretation) I solemnly declare that I shall tell truth,
2 the whole truth and nothing but the truth.

3 PRESIDING JUDGE TARFUSSER: [9:51:44] Thank you.

4 I think you know, and otherwise I tell you, that not telling the truth is an offence
5 against the Court and as such punishable. You know this?

6 THE WITNESS: [9:52:03] (Interpretation) Yes, your Honour.

7 PRESIDING JUDGE TARFUSSER: [9:52:07] Okay. Now you are a so-called Rule,
8 for us, a Rule 68 witness. That means that the Chamber has before it the written
9 statement you gave to the Office of the Prosecutor on the 5, 6, 7, 8 and 9 July 2013.
10 And for the record I'm referring to the statement CIV-OTP-0044-2628 and to the annex
11 CIV-OTP-0044-2656.

12 Mr Witness, these documents, your statement and the annex, should be also before
13 you. Can you confirm that you gave this statement to the Office of the Prosecutor on
14 the dates I just said before?

15 THE WITNESS: [9:53:19] (Interpretation) Yes, your Honour.

16 PRESIDING JUDGE TARFUSSER: [9:53:28] And have you had in these days the
17 opportunity to read it again, to read again your statement?

18 THE WITNESS: [9:53:44] (Interpretation) Yes, your Honour.

19 PRESIDING JUDGE TARFUSSER: [9:53:47] This Chamber has decided on 9 July
20 2016, and I'm referring to the filing 573, that your written statement is suitable for
21 introduction under Rule 68(3) of the Rules of Procedure and Evidence into the record
22 of the case. This means that rather than you having to give the entirety of your
23 evidence orally here, the Chamber could use your written statement. You would
24 still be asked some, if need be, some supplementary questions by the Prosecutor and
25 you would still be examined by the Defence teams.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 Rule 68(3) allows, states that the Chamber may allow the introduction of previous
2 recorded testimony if the witness does not object and if the Prosecutor, the Defence
3 and the Chamber have the opportunity to examine the witness.

4 Therefore, I ask you, because this is a condition, if you agree with the introduction of
5 your written statement into the record of the case?

6 THE WITNESS: [9:55:31] (Interpretation) Yes, your Honour.

7 PRESIDING JUDGE TARFUSSER: [9:55:35] Okay. In light of the fact that you're
8 here today available for examination by the parties and by the Chamber and that you
9 agree with the introduction of your written statement, that you had agreed, the
10 Chamber notes that all the requirements of Rule 68(3) are met and, therefore, the
11 introduction of the written statement of the witness is allowed. And I'm referring,
12 and I repeat, to the written statement CIV-OTP-0044-2628 and annex 2656.

13 These items are, therefore, considered as submitted.

14 Now we can start with the questioning, and in order to do so I give the floor to the
15 Office of the Prosecutor, who has indicated that she will take up to 45 minutes for
16 preliminary examination. And I will keep this very strict as I said before. Thank
17 you.

18 MS BERDENNIKOVA: [9:57:05] Thank you, Mr President, your Honours. Good
19 morning.

20 QUESTIONED BY MS BERDENNIKOVA: (Interpretation)

21 Q. [9:57:21] Good morning.

22 A. [9:57:23] Good morning.

23 Q. [9:57:25] Thank you very much for coming before the Court today. I do hope
24 that you had an opportunity to rest somewhat before you came to the Court this
25 morning.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 A. [9:57:41] Yes, ma'am, I did.

2 Q. [9:57:54] My name is Maria Berdennikova. I am counsel working here on
3 behalf of the OTP and I will be putting a number of questions to you this morning.
4 We did have an opportunity to meet one another briefly yesterday during a courtesy
5 meeting. So I'm speaking in French now, but in actual fact, it is not my mother
6 tongue, so I will continue with my examination in English, but I'm sure we will
7 understand each other very well thanks to the work of our interpreters. Is that all
8 right by you?

9 A. [9:58:29] Okay.

10 Q. [9:58:30] So I'm now going to switch to the English language.

11 (Speaks English) So, Mr Witness, you have noticed obviously that I'm referring to you
12 as "Mr Witness." Please keep in mind that it's not out of disrespect for you. It's
13 simply a kind of a custom that we have in the courtroom.

14 Now, I'm not going to repeat the instructions that the Presiding Judge has already
15 given to you, but let's just keep in mind that we need to speak slowly because of the
16 interpretation, and also please just pause after I've asked my question and before you
17 give your answer.

18 Of course, if you don't understand one of the questions that I'm asking you, please
19 just let me know and I will repeat or I will rephrase whatever it is that I've asked; is
20 that okay?

21 A. [9:59:34] Yes, ma'am.

22 Q. [9:59:41] Now, as the Presiding Judge has already explained, everything that
23 you stated in your statement is on the record before the Chamber. So the questions
24 I'm going to be asking you will be just simple clarification questions. And I'm now
25 going to go over everything that you have already explained in detail in your

1 statement.

2 You will certainly have the opportunity to go over certain aspects of your statement
3 during questioning by the Defence, so just to keep that in mind.

4 Now, before starting with the additional questions, I would just like you to say
5 whether the statement that you gave to the Prosecution is true to the best of your
6 knowledge and your recollection.

7 A. [10:00:42] Yes, the statement is true because it is in fact what I experienced.

8 Q. [10:00:52] Now, Mr Witness, at paragraphs 59 to 61, for the record of your
9 statement, you explain that you were injured by a bullet during the march on the RTI
10 on 16 December 2010; is this correct?

11 A. [10:01:16] This is correct.

12 Q. [10:01:22] And, Mr Witness, I understand that the bullet that you were injured
13 with is lodged in your thigh to this day.

14 A. [10:01:40] Yes, ma'am.

15 Q. [10:01:43] Would you be able to explain to the Court the impact that this injury
16 has had on your quality of life since the day of the event?

17 A. [10:01:55] The impact that this bullet has had on my life. Well, I believe that it
18 is something that I am living as a tragedy on a daily basis. And whenever I feel pain
19 or a pulling sensation, I automatically remember, memories come flooding back with
20 regard to this act of barbarity on that day.

21 And ever since that bullet has been in my person, I believe that I feel diminished. I
22 don't know quite what term to use. But I believe that this has considerably changed
23 my life for the worse. And thank God, I believe I was lucky, because the bullet went
24 and lodged itself a few centimetres away from a nerve. I'm not a doctor, but I was
25 told that had the bullet hit the nerve, I would have lost my leg entirely.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 And on that day I experienced great atrocities. And whenever I have pain or a
2 pulling sensation, I remember what happened as if it was today. So I'm sorry, but
3 my life has been considerably affected and turned upside down, and it's eating me up
4 inside. I can't really understand. I really can't understand how things got that bad.

5 Q. [10:04:35] Thank you, Mr Witness.

6 Now, I understand that you have seen a few doctors in relation to the injury that you
7 sustained. And among these doctors, do you recall meeting a white Belgian man
8 called Dr Frédéric Bonbled in October 2013?

9 A. [10:05:02] Yes, I do recall.

10 Q. [10:05:09] And do you recall signing a consent form where you agree that this
11 doctor examines you?

12 A. [10:05:19] Yes, ma'am, indeed, I did sign that consent.

13 MS BERDENNIKOVA: [10:05:28] Your Honours, I would like to show the witness a
14 confidential document now. It's tab 11 on our list of material, and the reference is
15 CIV-OTP-0056-0002.

16 PRESIDING JUDGE TARFUSSER: [10:06:11] Who is showing it and where?

17 MS BERDENNIKOVA: [10:06:13] It can be shown by the court officer.

18 PRESIDING JUDGE TARFUSSER: [10:06:17] Which channel?

19 THE COURT OFFICER: [10:06:23] And the page number?

20 MS BERDENNIKOVA: [10:06:28] We can start with page 1. In fact, we can go
21 straight to page 2, the end of page 2.

22 Q. [10:07:33] Can you see the document in front of you on the screen?

23 A. [10:07:38] No.

24 Yes, I can see it.

25 Q. [10:07:53] Good. And can you confirm that your name and your signature

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 appear on that document?

2 A. [10:08:01] Yes, ma'am.

3 Q. [10:08:11] Thank you.

4 Your Honours, I would like to now show the witness seven documents which he has
5 previously provided to the Prosecution. So six of these documents are actually
6 mentioned in the witness's statement at paragraph 78, and the seventh document was
7 provided by him several days after the conclusion of his interview with the
8 investigators.

9 The reason I want to show them right now is because these documents were not
10 included in our Rule 68(3) application. So I would like to briefly question the
11 witness about these, unless the Defence is willing to have them submitted on the
12 record.

13 MR O'SHEA: [10:09:11] Can we have some clarifications on chain of custody?

14 PRESIDING JUDGE TARFUSSER: [10:09:25] It was already said it was submitted by,
15 it was given by the witness to the investigators as I understood. So it's witness,
16 investigator, that's it.

17 Please, show the documents.

18 MS BERDENNIKOVA: [10:09:49]

19 Q. [10:09:49] Mr Witness, I would like to start by showing you two documents. So
20 *the first one is a photograph.

21 And for the record it's CIV-OTP-0044-2662, and it's a confidential document. It's tab
22 8.

23 Can you see the image in front of you?

24 A. [10:10:46] Yes, I can see.

25 Q. [10:10:50] And can you confirm if this is the x-ray that you provided to the

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 Office of the Prosecution?

2 A. [10:10:57] Yes, ma'am.

3 MS BERDENNIKOVA: [10:11:09] For the record at paragraph 61, the witness
4 explained that this x-ray was provided in relation to a health concern that is not
5 related to the injury that he received on 16 December.

6 Q. [10:11:25] And this is correct, you confirm?

7 A. [10:11:27] Yes, ma'am.

8 Q. [10:11:36] Now, Mr Witness, it might seem obvious, but can you just confirm
9 that the object which is on the bottom right corner of the --

10 PRESIDING JUDGE TARFUSSER: [10:11:48] Can you not just ask: What is the
11 object on the --

12 MS BERDENNIKOVA: Okay.

13 PRESIDING JUDGE TARFUSSER: Instead of giving -- what is the object?

14 MS BERDENNIKOVA: [10:11:57] Of course.

15 PRESIDING JUDGE TARFUSSER: [10:11:58] Thank you.

16 MS BERDENNIKOVA:

17 Q. [10:12:00] Mr Witness, the object that is on the right bottom corner on the scan in
18 front of you, can you tell us what it is?

19 A. [10:12:07] It is the bullet that is to be found in my left thigh.

20 Q. [10:12:20] I would now like to show you another confidential exhibit. For the
21 record it's CIV-OTP-0046-1267. It's tab 10. Also for the record, this document was
22 provided to the Prosecution on 19 July 2013, so a few days after the conclusion of the
23 interview.

24 Mr Witness, is it correct that this document is linked to the x-ray that was shown just
25 before?

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 A. [10:13:24] Yes, it is linked to the x-ray.

2 MS BERDENNIKOVA: Just for the record, there is a date on this document, which is
3 14 June 2012.

4 I would now like to show the witness another confidential exhibit, it's
5 CIV-OTP-0044-2660.

6 Q. [10:14:28] Mr Witness, can you tell us what this document is?

7 A. [10:14:32] Yes, ma'am. It is an acknowledgment of identification of victims of
8 war. When I was identified and I was given -- then I was given this
9 acknowledgment.

10 Q. [10:14:58] Thank you, Mr Witness.

11 Now, the next document I would like to show to the witness is also confidential
12 exhibit CIV-OTP-0044-2661. It's tab 7.

13 Mr Witness, is it right that Mr Lacine Diabaté that is mentioned on this document is
14 your brother?

15 PRESIDING JUDGE TARFUSSER: [10:15:54] "Who is Lacine Diabaté?" I would have
16 asked.

17 THE WITNESS: [10:15:59] (Interpretation) Yes, Lacine Diabaté is my younger
18 brother.

19 MS BERDENNIKOVA:

20 Q. [10:16:18] Now, Mr Witness, I would just like to remind you that at paragraphs
21 48 to 58 of your statement you already described in detail what happened to your
22 brother and his death that occurred during the march on the RTI on 16 December
23 2010. So everything you have said about that has already been submitted, and I'm
24 now going to ask you to go into all the details of this again. But what I am going to
25 do is I am going to ask -- I'm going to show you a few more documents that are

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 related to your brother.

2 So if we could have a public exhibit, it's CIV-OTP-0044-2658. It's tab 4.

3 Your Honours, I see that the version displayed has some redactions that we lifted, so
4 there should be an unredacted version of this document available in eCourt.

5 PRESIDING JUDGE TARFUSSER: [10:18:25] But that's okay, to the effect it's needed
6 here I think also this is sufficient, this document.

7 MS BERDENNIKOVA: [10:18:33] Very well.

8 Q. [10:18:34] Mr Witness, can you tell us what this is?

9 PRESIDING JUDGE TARFUSSER: [10:18:44] *This is a certificat de décès ou de
10 mortalité. It is written.

11 THE WITNESS: [10:18:54] (Interpretation) *This is a death certificate for my younger
12 brother, yes.

13 MS BERDENNIKOVA: [10:19:07] Thank you. Can we now have document
14 CIV-OTP-0044-2657, tab 3, and it's a public document as well.

15 PRESIDING JUDGE TARFUSSER: [10:19:38] May I ask why you just not submit
16 these documents? I mean, these are public certificates.

17 No, no, no. I don't want to start --

18 MR MACDONALD: [10:19:49] We asked the Defence to fast-track this, your Honour.
19 But if we want to submit them, we have to have the witness identify them.

20 PRESIDING JUDGE TARFUSSER: [10:19:55] No. Come on. I mean, a certificate
21 of death, I mean, this is a public document which one can go to a public office to
22 collect. So please.

23 MS BERDENNIKOVA:

24 Q. [10:20:19] Mr Witness, we'll go quickly through this. Can you just confirm you
25 gave this certificat de non contagion related to your brother to the Office of the

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 Prosecution?

2 A. [10:20:29] That is correct, ma'am.

3 Q. [10:20:41] The last document that you gave to us is CIV-OTP-0044-2659. It's a
4 public document.

5 Now, you spoke about this document in your statement at paragraph 57 and 78.

6 And I would just like to have a clarification, so I will quote from paragraph 78 where
7 you say, (Interpretation) "The date of death mentioned in the IVOSEP document
8 corresponds to the date of transfer of the body of my younger brother" --

9 THE INTERPRETER: [10:21:59] Message from the interpreter: Could counsel
10 please be requested to identify the portion of the excerpt that she's reading from --

11 PRESIDING JUDGE TARFUSSER: Yes.

12 THE INTERPRETER: -- and to allow the interpreters time to actually find it. Thank
13 you.

14 MS BERDENNIKOVA: [10:22:11] My apologies to the interpreters. This is at
15 paragraph 78 of the witness's statement.

16 THE INTERPRETER: [10:22:19] Message from the interpreter: Paragraph 78 is 15
17 lines long. Could you please tell us where? Thank you.

18 The interpreter has found the excerpt. She shall read from it.

19 "I would like to state that the date of death mentioned in the IVOSEP document
20 corresponds in fact to the date of transfer of the body of my younger brother from the
21 morgue in Cocody to IVOSEP in Treichville and not to the date of his death, which is
22 16 December 2010." End of quote.

23 MS BERDENNIKOVA:

24 Q. [10:23:27] Mr Witness, I just wanted you to confirm whether this is correct,
25 whether the date of death is incorrect in the document?

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 A. [10:23:37] Yes, the date of death is 16 December and this date here is not the
2 right one. There is a reason for that, too.

3 Q. [10:23:59] Can you explain please the reason?

4 A. [10:24:04] Well, after the 16th of December, we were in total chaos. And we
5 had an initial access to the body of the younger brother, and then afterwards it was
6 impossible to see his body. And when the crisis worsened, we no longer had access
7 to anything whatsoever.

8 We were able to have or get hold of these documents once the crisis was over. And
9 when the former president was arrested, that's when we started to do the
10 administrative things. We went to the undertakers, and in order to have the body
11 discharged, we then had to start all the documents. *But with regard to the transfer of
12 the body from the morgue in Cocody to Treichville, these are the documents that you
13 just looked at earlier. But with regard to IVOSEP, well, that is not the date of the death.

14 Q. [10:25:17] Mr Witness, you also say, explain in your statement of the same
15 paragraph that the name of your brother is actually misspelled in this document.
16 Can you tell us the correct spelling of your brother's name, please.

17 A. [10:25:37] Yes. Diabaté Lacina is written L-A-C-I-N-A, and here there is
18 L-A-S-S-I-N-A. So they should have put C-I-N-A at the end. There we have it. So
19 there is a spelling mistake committed by IVOSEP. That is the undertakers. It's a
20 spelling mistake, of course.

21 MS BERDENNIKOVA: [10:26:18] Your Honours, with your permission, I would like
22 to show the witness two more documents that were not provided by him, but that are
23 directly relevant to his statement. So the first document is a public document.

24 They are both public. It's CIV-OTP-0070-0551, and the relevant page is 0560.

25 PRESIDING JUDGE TARFUSSER: [10:27:14] Mr O'Shea.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 MR O'SHEA: [10:27:16] Again, can we please have some clarity as to the chain of
2 custody of these documents?

3 MS BERDENNIKOVA: [10:27:25] These documents are morgue registers and they
4 were collected by investigators of the Office of the Prosecution from the morgue itself.
5 And I believe that all the details are also available in the chain of custody and source
6 identity that were disclosed together with the documents.

7 MR O'SHEA: [10:27:54] In fact, that's incorrect. It just says Government of Ivory
8 Coast. But that is as it may be. Thank you.

9 PRESIDING JUDGE TARFUSSER: [10:28:03] Thank you.
10 Please go ahead.

11 MS BERDENNIKOVA:

12 Q. [10:28:06] Mr Witness, the document in front of you, it's a page from something
13 called (Interpretation the Entry Register in Treichville (Speaks English) for the year
14 2011. So it's basically a register from the Treichville morgue. And on the page you
15 can see it says (Interpretation) Tuesday, 11 January 2011.

16 THE INTERPRETER: Could counsel please not mix her languages. Thank you.

17 MS BERDENNIKOVA: [10:28:48] Could we please zoom in to the last entry of that
18 page.

19 Q. [10:29:09] Mr Witness, can you see the last name that appears on this page?

20 A. [10:29:14] Yes, I can see it.

21 Q. [10:29:18] And is this the name of your brother?

22 A. [10:29:22] Yes, it is his name, but there is a spelling mistake. But as to the
23 surname, there is no spelling mistake.

24 Q. [10:29:38] And the spelling mistake is --

25 PRESIDING JUDGE TARFUSSER: [10:29:41] It's the same as before.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 MS BERDENNIKOVA: [10:29:43] As before, yes.

2 Q. [10:29:45] So the last document I want to show you this morning is

3 CIV-OTP-0070-0862, and the relevant page is 0867. It's public.

4 Mr Witness, this is another register from the same morgue in Treichville also for the
5 year 2011. And if we could zoom in a little bit in the middle of the document, and if
6 you can look at entry number 0146 in left column.

7 A. [10:30:58] Yes.

8 Q. [10:30:59] Can you see the name? Is this also the name of your brother?

9 A. [10:31:06] Yes, that's his name.

10 Q. [10:31:12] Mr Witness, I thank you very much, because these are all my
11 questions for you this morning.

12 A. [10:31:23] Thank you.

13 MS BERDENNIKOVA: Thank you, your Honours. That's all.

14 PRESIDING JUDGE TARFUSSER: [10:31:26] Thank you to the Office of the
15 Prosecutor.

16 Now the floor goes to the Defence of Mr Gbagbo. And I would ask you to respond
17 to the questions as good as you can, and I give the floor to Maître Altit.

18 MR ALTIT: [10:31:52] (Interpretation) Thank you, your Honour. Good morning,
19 your Honours. Questions will be put by Mr O'Shea on behalf of the Gbagbo Defence
20 team.

21 PRESIDING JUDGE TARFUSSER: [10:32:06] Mr O'Shea, the floor is yours.

22 MR O'SHEA: [10:32:20] Your Honours, good morning. Thank you very much. I
23 noted your Honours' directions this morning, and obviously I will try to comply as
24 best I can. I should, however, say that this 28-page statement which has been
25 admitted into evidence, obviously if this evidence had been given orally, it would

1 have taken some time, the information that's there. And the paragraphs are quite
2 cramped up as well. So if they had been properly set out we'd be dealing with more
3 like 40 pages.

4 There is of course a fair amount of hearsay, and that enables me to speed things up.
5 But at the same time we obviously have to address certain matters in this statement,
6 and we consider this witness to be quite important in terms of particular aspects of
7 our Defence.

8 PRESIDING JUDGE TARFUSSER: [10:33:18] Well, the Chamber didn't give a timing.

9 MR O'SHEA: [10:33:21] No.

10 PRESIDING JUDGE TARFUSSER: [10:33:22] Just sort of an advice to take into
11 consideration that it is a 68 witness and, therefore, I very much rely on the Defence
12 teams to think about questions, straightforward questions without expanding into
13 2002. Just it was a joke, of course. Okay. Thank you.

14 MR O'SHEA: [10:33:46] Your Honour, yes, indeed. And I just wanted to give your
15 Honours heads up as to, and we'll be frank with the Court, as to my intention.

16 PRESIDING JUDGE TARFUSSER: [10:33:57] And we are frank with the Defence.

17 MR O'SHEA: [10:33:59] Yes.

18 PRESIDING JUDGE TARFUSSER: [10:34:00] And the parties.

19 QUESTIONED BY MR O'SHEA:

20 Q. [10:34:09] Good morning, sir. I shall be speaking in English.

21 A. [10:34:12] Good morning.

22 Q. [10:34:13] I am Andreas O'Shea and I represent the interests of Laurent Gbagbo.
23 I would request, please, that when answering my questions you try to focus your
24 answers within the scope of the questions that I put so that we may move forward
25 expeditiously.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 Now, given your background and who you are, I suppose you have been following
2 the proceedings in the International Criminal Court in this case quite closely; would
3 that be right?

4 A. [10:35:10] Yes, I do tune in from time to time on the television.

5 Q. [10:35:21] And it's clear from your statement that you understand a little bit
6 about how this case has proceeded in the sense that there was a point in time when
7 the judges asked for more evidence; that's right, isn't it?

8 PRESIDING JUDGE TARFUSSER: [10:36:01] I didn't understand. We asked for
9 more evidence?

10 MR O'SHEA: [10:36:05] The Court requested the --

11 PRESIDING JUDGE TARFUSSER: [10:36:15] What are you referring to?

12 MR O'SHEA: [10:36:16] I'm referring to the initial confirmation proceedings, your
13 Honour.

14 PRESIDING JUDGE TARFUSSER: [10:36:20] Ah, okay, okay. No, no, please, I
15 thought we were addressed, no, okay.

16 MR O'SHEA: [10:36:24] No.

17 PRESIDING JUDGE TARFUSSER: [10:36:24] Sorry. But if I don't understand, how
18 can you imagine that the witness understands?

19 MR O'SHEA: [10:36:31] Well, certainly, that's certainly an illumination on --

20 PRESIDING JUDGE TARFUSSER: [10:36:38] No. I thought maybe I missed
21 something, but okay.

22 MR O'SHEA: [10:36:41] Clearly my question was not clear enough.

23 Q. [10:36:46] So there was a point in time in these proceedings where the judges
24 indicated that there was insufficient evidence and encouraged the Prosecution to find
25 new evidence. This is an aspect of the case which you've been following, right?

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 A. [10:37:05] I beg your pardon? Were you asking me a question? I don't know
2 if -- well, if you don't have evidence, well, I can give you evidence. I am evidence.

3 Q. [10:37:43] The question is this, sir: Are you aware that at a certain point in time
4 in the proceedings in this case the judges indicated that there was insufficient
5 evidence and encouraged the Prosecution to look for more? Are those facts that you
6 know about?

7 A. [10:38:09] I don't know. That's really your business. If you thought there
8 wasn't sufficient evidence, well, I really don't know. I am a form of living proof and
9 I am here.

10 Q. [10:38:27] So what I have just mentioned is something that you know nothing
11 about; is that right?

12 A. [10:38:47] Well, it is not my task to organise the work of this Court. I don't
13 know how you go about your work. You speak of files and evidence and -- well, all
14 of that, that's your business, you legal people. I am not here to comment on your
15 business. But I am here as a form of living proof.

16 Q. [10:39:21] Well, Mr Witness, I'm not here to engage in argument with you. Is
17 that --

18 A. (No interpretation)

19 THE INTERPRETER: [10:39:29] Overlapping speakers.

20 MR O'SHEA:

21 Q. [10:39:32] Is that a fact that you are aware of or is it not a fact which you are
22 aware of that the judges of the International Criminal Court encouraged the
23 Prosecution to find more proof? Is that a fact that you are aware of or is it not?
24 Could you please answer the question.

25 A. [10:39:54] This is what I'm telling you. The way you deal with your own

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 business --

2 PRESIDING JUDGE TARFUSSER: [10:40:03] Mr Witness, Mr Witness, can I stop you?

3 Can I stop you? The question can be asked in a simpler way: Do you know that if

4 some years ago, three years ago about, the judges in the pre-trial stage asked the

5 Prosecutor to submit more evidence? Do you know this or don't you know this?

6 THE WITNESS: [10:40:26] (Interpretation) I'm not aware of that. I did not hear

7 about that.

8 PRESIDING JUDGE TARFUSSER: [10:40:33] Okay. That's it.

9 MR O'SHEA:

10 Q. [10:40:41] So why did you make the following statement to the Prosecution

11 investigators at paragraph 20 of your statement: (Interpretation) "Recently, about

12 two weeks after the decisions taken by the ICC judges in which they asked for more

13 evidence, we also had a press scrum to draw the attention of the president of the

14 Republic, Mr Ouattara, to his promise that justice would be done and the victims

15 would be compensated."

16 Did you say that to the Prosecution investigators?

17 A. [10:41:34] Yes. You are talking about a statement or a situation. I would like

18 to tell you clearly that I am here to answer your questions. But the details really are

19 not my matter. The details, things like commas, that's not my area.

20 Q. [10:42:01] So please do answer my questions. And the question is this: The

21 passage that I have just read out from your statement, did you say that to the

22 Prosecution or not?

23 A. [10:42:26] That is what I am telling you. I can't remember every little detail,

24 every dot, every comma.

25 Q. [10:42:38] So you don't remember if you said it? Sorry.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 A. [10:42:43] No, no.

2 (Counsel confer)

3 PRESIDING JUDGE TARFUSSER: [10:42:59] Mr Witness, the counsel is confronting
4 you with something you -- is written in the statement you gave to the investigators of
5 the Office of the Prosecutors in 2013, in July 2013. And he's just asking you if you
6 said this or if you did not, and if you said it, if this is the truth. That's it, very simple.
7 The answer can be also very simple. So did you say this? And if yes, is it true?

8 THE WITNESS: [10:43:53] (Interpretation) Thank you, your Honour. I answered
9 saying yes, but why did we -- well, you see, when I am facing you, and you see what I
10 experienced, and if one particular sentence is taken out of context saying that there
11 was not sufficient evidence and additional evidence is required, all of that, well, it's
12 like looking for a needle in a haystack. All of that information swirls around in my
13 head, you see. And, well, have I made myself understood?

14 PRESIDING JUDGE TARFUSSER: [10:44:51] Yes, you have made yourself
15 understood. But this is a court of law, this is a court of law. Your job in here is to
16 answer questions, and you answer them to the best of your knowledge, okay? It's
17 not for you to question or to argue about the content of the questions.
18 You are here to answer questions. And of course your answers then will be assessed
19 by all of us and at the end by the judges in the context of many other things. So you
20 just keep calm, answer the questions to the point and you will see we'll go on well,
21 okay?

22 THE WITNESS: [10:45:42] (Interpretation) Yes, your Honour. I understand now.

23 PRESIDING JUDGE TARFUSSER: [10:45:54] Mr O'Shea.

24 MR O'SHEA:

25 Q. [10:45:57] Mr Witness, do you think that other than the passage that I've read

1 out there are a number of other aspects of your statement that you don't remember
2 saying?

3 A. [10:46:28] I am telling you that I can remember the general thrust of my
4 statement, but each and every little detail, every dot, every crossing of every T, I can't
5 remember all of that.

6 Q. [10:46:44] When the Prosecutor was asking questions -- sorry.

7 PRESIDING JUDGE TARFUSSER: [10:46:51] Please, I tried to put him on the right
8 way, and now don't destroy what I said, please.

9 MR O'SHEA:

10 Q. [10:47:07] When the Prosecutor was asking you questions, you were asked if the
11 contents of your statement was true, and you confirmed that it was.

12 A. [10:47:28] Yes, yes.

13 Q. [10:47:33] But if there are paragraphs of your statement which you don't
14 remember, then you cannot make that confirmation, can you?

15 A. [10:47:41] Am I supposed to give an answer?

16 Q. Yes, please.

17 A. Very well. Let us be clear -- well, I hope that I won't get carried away.

18 Your Honour, I speak to you now directly because this point is very important.

19 What I would like to say here, when you take out a few words from a statement and
20 then you say that there is not enough evidence and you have to find some more
21 evidence, this is like looking for a needle in a haystack.

22 I apologise, but I tell you, I went through a horrific situation and the burden upon me
23 is just too heavy. And I'm very tired in my mind.

24 And when I say that I can't remember each and every little detail of my statement,
25 that doesn't mean that the general thrust I don't remember.

1 I think that the Presiding Judge tried to provide a certain framework, *I have
2 understood. That's what it's about, but do not get me to say that I have made a
3 statement when I don't understand or I cannot recall. That's what I am talking about."

4 And I think that when you consider everything that I was subjected to, I know that
5 you are trying to come to the truth, there are some words, and I can tell you, it is not
6 easy for me. There are some things I just cannot bear. That is what I am telling you.

7 PRESIDING JUDGE TARFUSSER: [10:49:42] Yes, we do understand. But still you
8 have to understand also what the procedure is. And I think I will obviously ask the
9 counsel to make more direct questions where the question is easy to understand,
10 because sometimes you're a little bit convoluted also in the questioning, so please
11 help also the witness to understand the question in order for him to give a proper
12 answer.

13 MR O'SHEA: [10:50:18] Your Honour, I will take that on advisement.

14 Q. [10:50:26] Now, while you were following these proceedings, did you take the
15 initiative to get in contact with the Prosecution?

16 A. [10:51:08] I beg your pardon?

17 PRESIDING JUDGE TARFUSSER: [10:51:11] The question could have been put
18 easier like this: Did you contact the Prosecution or did the Prosecution contact you?

19 THE WITNESS: [10:51:19] (Interpretation) The OTP is in contact with me on an
20 ongoing basis, not just to see how I'm doing, but also -- well, each time, each time one
21 takes stock of what is being said at the court, that also provides me some comfort.
22 And, you see, me as a witness, I realise that many things are said at the court and
23 outside the Court. But it is reassuring to me to know that the trial will continue right
24 to the very end and that there is no reason for panic. So whether it's me or them, we
25 have been in contact with one another on an ongoing basis.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [10:52:21] There is no reason to panic. The trial
2 will go on. Don't worry. It will come to an end, in any case, with a decision,
3 whatever this decision will be. But the question was:

4 Did you first contact the OTP, the Office of the Prosecutor, or were you contacted by
5 the Office of the Prosecutor? In other words, how did you enter in contact with the
6 Office of the Prosecutor? And I think I have correctly interpreted the counsel.

7 MR O'SHEA: [10:53:02] Your Honour --

8 THE WITNESS: [10:53:04] (Interpretation) Thank you, your Honour. This is what
9 I said. I am in contact. I am always -- they contacted me. I contacted them. I beg
10 your pardon? I'll explain what is going on.

11 PRESIDING JUDGE TARFUSSER: [10:53:24] Let me ask you. You made a
12 statement in July 2013, right?

13 THE WITNESS: [10:53:31] (Interpretation) Yes, yes.

14 PRESIDING JUDGE TARFUSSER: [10:53:34] How did it come that you made this
15 statement? Did you contact the OTP saying "I want to make a statement" or did the
16 OTP come to you saying -- and find you in order to make this statement? I think it's
17 an easy question.

18 THE WITNESS: [10:54:02] (Interpretation) It was the OTP that contacted me, the
19 office of Madam Prosecutor.

20 PRESIDING JUDGE TARFUSSER: [10:54:12] Okay, thank you.

21 The floor is back to you. I will intervene sometimes if need be, if you allow.

22 MR O'SHEA: [10:54:23] It's not for me to allow, your Honour. But the less
23 intervention the better from this side of the bar.

24 Q. [10:54:35] So when did this happen? When did the Prosecution first, first get
25 into contact with you, the first time?

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 A. [10:54:54] Well, when the OTP contacted me -- well, the OTP contacted me, but I
2 can't give you a date, but they did contact me. I can't remember the actual dates.

3 Q. [10:55:16] Do you know in which year?

4 A. [10:55:27] I think we worked together for years on the file, and I think it was in
5 2013 or 2012. I don't want to get it wrong, but I can't give you an exact date. I don't
6 have the dates. They contacted me. We worked together. There you have it.

7 Q. [10:55:49] Now, you've just said, "I think we worked together for years on the
8 file."

9 How many times have you met with the Prosecution?

10 A. [10:56:40] I couldn't tell you exactly. Many times. We've had many meetings.

11 Q. [10:56:55] Is it more than two?

12 A. [10:57:00] Several times.

13 MR O'SHEA: [10:57:03] I want to pursue this, with your Honour's leave.

14 Q. [10:57:20] Was it more than three times?

15 A. [10:57:25] Several times. I can't give you an exact number, several times,
16 several meetings, several sessions.

17 Q. [10:57:35] And on each of these several occasions, were notes being taken of
18 what you were saying?

19 A. [10:57:49] Of course.

20 Q. [10:57:56] And on each of these several occasions, was what you said read back
21 to you?

22 A. [10:58:16] Of course. When you finish working, you take stock, so yes.

23 Q. [10:58:27] Have you signed several statements?

24 A. [10:58:31] Yes, I signed several documents.

25 MR O'SHEA: [10:58:48] I see it's time, your Honours, for the break.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [10:58:54] Yes, it's time for the break.
- 2 Now, Mr Witness, we break now for half an hour and we come back at 11.30 to
- 3 continue the questioning, okay.
- 4 The hearing is adjourned.
- 5 THE COURT USHER: [10:59:14] All rise.
- 6 (Recess taken at 10.59 a.m.)
- 7 (Upon resuming in open session at 11.34 a.m.)
- 8 THE COURT USHER: [11:34:13] All rise.
- 9 Please be seated.
- 10 PRESIDING JUDGE TARFUSSER: [11:34:41] Good morning once again.
- 11 Good morning, Mr Witness.
- 12 I give again the floor to the Defence of Mr Gbagbo, to Mr O'Shea.
- 13 Can you not hear? No, you can't hear.
- 14 THE WITNESS: [11:35:21] (Interpretation) I can hear, but it's very low. Can you
- 15 hear me, too? I can hear it, but very low.
- 16 PRESIDING JUDGE TARFUSSER: [11:35:28] I can hear you perfectly. Can you
- 17 hear me?
- 18 THE WITNESS: [11:35:34] (Interpretation) There we go. I can hear you now.
- 19 PRESIDING JUDGE TARFUSSER: [11:35:39] Now okay? Are you fine now? Are
- 20 you fine?
- 21 THE WITNESS: [11:35:42] (Interpretation) Yes, it's okay.
- 22 PRESIDING JUDGE TARFUSSER: [11:35:48] Okay. I just welcomed you again.
- 23 Now we start the second session. We will break at 1 o'clock for lunch.
- 24 I give immediately the floor to the Defence of Mr Gbagbo, to Mr O'Shea. And I
- 25 would like, once again, to recommend you to answer the questions without arguing,

1 just answer the questions to the best of your knowledge and truth, okay?

2 Mr O'Shea.

3 MR O'SHEA: [11:36:31] Your Honours, thank you.

4 Q. [11:36:42] Sir, when you heard that the judges at the confirmation stage had
5 asked the Prosecution to get more evidence, did you provide the Prosecution with
6 any evidence other than your own testimony?

7 A. [11:37:23] No.

8 Q. [11:37:26] Did you during the course of your interactions with the Prosecution
9 suggest the names of witnesses who might be helpful for the Prosecution?

10 A. [11:37:49] Yes, I did give some names, the names of those individuals who
11 experienced those events with me.

12 Q. [11:38:14] Is it many names or just a few?

13 A. [11:38:24] In my statement I think there are several or there are many names that
14 appear.

15 MR O'SHEA: [11:38:43] Can the witness please be provided with a blank piece of
16 paper?

17 PRESIDING JUDGE TARFUSSER: [11:38:53] Yes, please. He could also write on
18 the screen blank.

19 MR O'SHEA: [11:39:25] Yes, if that's more convenient for procedure.

20 PRESIDING JUDGE TARFUSSER: [11:39:28] Preferable I think for us.

21 MR O'SHEA: [11:39:31] Very well, your Honour.

22 PRESIDING JUDGE TARFUSSER: [11:39:34] That way we make a screenshot and
23 put it into the record, otherwise we have to scan it again. So it's already done.

24 MR O'SHEA: [11:39:44] Is it easy for the witness to write on the screen?

25 PRESIDING JUDGE TARFUSSER: [11:39:47] Well, others have done it.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

- 1 MR O'SHEA: [11:39:48] Okay.
- 2 PRESIDING JUDGE TARFUSSER: [11:39:50] And they were supposed not to be able
3 to write and read, so ...
- 4 MR O'SHEA: [11:39:55] Well, yes, I'm in your Honours' hands on that one, whatever
5 is most helpful to the Court.
- 6 PRESIDING JUDGE TARFUSSER: [11:40:00] No. I think that we should just do the
7 easier thing. And I ask the court officer.
- 8 MS BERDENNIKOVA: [11:40:07] Your Honours, just to make sure that this is
9 shown confidentially.
- 10 PRESIDING JUDGE TARFUSSER: [11:40:12] Just to make sure? Sorry.
- 11 MS BERDENNIKOVA: [11:40:13] That this will be shown confidentially, the
12 document that the witness is going to --
- 13 PRESIDING JUDGE TARFUSSER: [11:40:18] Why?
- 14 MR O'SHEA: [11:40:21] My learned friend is right, your Honour.
- 15 PRESIDING JUDGE TARFUSSER: [11:40:25] Yes. But first of all we want to know
16 what about, then we can decide.
- 17 MR O'SHEA: Yes.
- 18 PRESIDING JUDGE TARFUSSER: Otherwise --
- 19 MR O'SHEA: [11:40:30] My learned friend need not have jumped up, but she's
20 actually right.
- 21 PRESIDING JUDGE TARFUSSER: [11:40:34] Okay.
- 22 MR O'SHEA: [11:40:35] I was going to ask that question, because I am going to
23 possibly place other people --
- 24 PRESIDING JUDGE TARFUSSER: [11:40:41] Okay. I didn't know what it was
25 about so ...

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 MR O'SHEA: [11:41:06] Are we ready? Once I've completed the exercise, of course,
2 we can verify what he's written and then make it public.

3 Q. [11:41:50] So could you please assist the Court by writing down the names of the
4 witnesses which you suggested or recommended to the Prosecution?

5 A. [11:42:26] I don't really grasp the question.

6 Q. [11:42:29] A moment ago I asked you if you had suggested the names of
7 witnesses to the Prosecution, and you answered in the affirmative. So what I am
8 asking you to do now for the assistance of the Chamber is to write down the names of
9 those people who you suggested as witnesses to the Prosecution.

10 A. [11:43:10] The question is to -- throughout my entire testimony and statement,
11 you're talking about the names of the people that I have provided. Are those the
12 names you wanted?

13 THE INTERPRETER: [11:43:25] Overlapping speakers.

14 MR O'SHEA:

15 Q. [11:43:28] Listen to the question. The question is very simple. The question is
16 a very simple one. Please write down the names of the people who you had
17 suggested to the Prosecution could be witnesses in these proceedings.

18 A. [11:43:55] Well, I would say that throughout all the statements that I gave and
19 the various people's names that I gave, is that what you are talking about?

20 Q. [11:44:14] Yes, yes, all right. But I'm asking you to do something, please. If
21 I'm treating you unfairly, the Chamber will stop me. I'm asking you please to write
22 down those names, not all the names in your statement, but the names of the people
23 that you suggested --

24 A. (Inaudible)

25 Q. -- could be witnesses. Please don't overlap.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 The names of those people who you suggested to the Office of the Prosecutor could
2 be witnesses in this trial, all right. Please write down those names.

3 A. [11:45:03] Okay. Well, let's look at it, the two of us. Well, throughout my
4 statement, what I said in my statement with regard to what I experienced? Are those
5 the names of those various individuals that you're looking for? Okay. How am I
6 going to do this?

7 PRESIDING JUDGE TARFUSSER: [11:45:29] Please, can you help the witness.

8 But, Mr Witness, don't make things more difficult than they are. You suggested
9 apparently names to the Prosecutor of possible witnesses. Now you are asked to
10 write them down.

11 THE WITNESS: [11:45:45] (Interpretation) That's what I'm doing, but it doesn't
12 seem to be coming up on the screen. Okay.

13 MR MACDONALD: [11:45:56] To be quite honest, your Honour, I think this is a
14 difficult question to understand for the following reason: The witness gave a
15 statement relating facts --

16 MR ALTIT: [11:46:05] Pardon, Monsieur le Président, pardon.

17 PRESIDING JUDGE TARFUSSER: [11:46:07] I don't understand, but we'll see.

18 MR MACDONALD: [11:46:10] On peut faire sortir le témoin.

19 PRESIDING JUDGE TARFUSSER: [11:46:15] Let's, please, the witness write these
20 names, otherwise we make confusion.

21 THE WITNESS: [11:47:03] (Interpretation) Well, these are the various names that
22 come out in my statement, *there's Bamba Soialio, there is Diabaté Chaka, there is
23 Fofana Mamadou. *There are several names. I don't know whether I should go on.

24 PRESIDING JUDGE TARFUSSER: [11:47:20] As long as you recall them.

25 THE WITNESS: [11:47:55] (Interpretation) Yes. Is that all right or do you want

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 me to go on?

2 MR O'SHEA:

3 Q. [11:48:01] Continue if there were other people who you suggested.

4 A. [11:48:12] There are various stages to this.

5 Q. [11:49:17] Are you finished, sir?

6 A. [11:49:19] Yes, I've provided a few names.

7 MR O'SHEA: [11:49:21] Could I just ask the assistance of the Registry just to put
8 numbers next to those names just to assist in my next questions.

9 PRESIDING JUDGE TARFUSSER: [11:49:41] I think it's 1, 2, 3, 4, 5.

10 MR O'SHEA: [11:49:45] It's to help the witness.

11 Q. [11:50:05] Now, if you want to refer to any of these names, because we're going
12 to exercise caution at the moment, this document may become public later, but for the
13 moment we're going to exercise caution, if you want to specifically refer to any of
14 these names in your answer, then please refer to them by the number on the left-hand
15 side of the name. Do you understand, Mr Witness?

16 A. [11:50:28] Okay.

17 Q. [11:50:36] Now, my question is this: Did you speak to any of these five
18 individuals and talk to them about the fact that they could give evidence for the
19 Prosecution?

20 A. [11:51:02] No.

21 Q. [11:51:06] Did you ask anyone else to do so?

22 A. [11:51:22] No.

23 Q. [11:51:29] And do you know, do you know if any of these five individuals did in
24 fact subsequently speak to the Prosecution?

25 A. [11:51:52] No.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 MR O'SHEA: [11:52:05] This document can be exhibited now, your Honours, and
2 I'm going to move on.

3 PRESIDING JUDGE TARFUSSER: [11:52:15] Yes, please.

4 THE COURT OFFICER: [11:52:16] The document will be saved under the number
5 CIV-REG-0001-0127.

6 PRESIDING JUDGE TARFUSSER: [11:52:27] Thank you.

7 Mr O'Shea.

8 MR O'SHEA:

9 Q. [11:52:33] Now, you have explained that you have had some contact over the
10 years with the Office of the Prosecutor. When you wanted to talk to the Office of the
11 Prosecutor, would you contact the Prosecution directly or would you contact another
12 person to make that clear?

13 A. [11:53:18] No, it was direct contact, because it was a question of confidentiality.

14 Q. [11:53:25] And without naming that person, the person that you had contact
15 with, your point of contact, without giving the name of that person, what function did
16 that person tell you that they held?

17 A. [11:53:55] Well, what I'm saying is that the people whose names I provided are
18 those people who, when I experienced the events, were either there or were at a
19 location that was linked with the situation that I experienced. There we are.

20 Q. [11:54:22] I'll put the question again.

21 You have said that you were in direct contact with the Office of the Prosecutor, all
22 right?

23 A. [11:54:41] Yes.

24 Q. [11:54:42] what I'm asking you is this: The person that you were in direct
25 contact, without naming that person, that person within the Office of the Prosecutor,

1 what function did that person tell you that they held within the Office of the
2 Prosecutor?

3 A. [11:55:01] The employees of the Office of the Prosecutor?

4 Q. [11:55:14] Yes, yes, your point of contact within the Office of the Prosecutor.

5 A. Well, these were contacts that changed all the time, because the person that I
6 might see today in a given meeting would not be the person that I'd seen before. So I
7 came across a great number of people.

8 Q. [11:55:39] Was there a person within your political party, the RDR, who was the
9 person who cooperated with the Prosecution in the name of the party?

10 A. [11:56:29] I do not know.

11 Q. [11:56:33] You've stated that the RDR was created in 1994 and that you have
12 been a member since its creation. Are you one of the founding members? Are you
13 one of the people who founded that party?

14 A. [11:57:11] I am not a founding member.

15 Q. [11:57:18] When was the first time that you took on an official role within the
16 RDR? In which year would that be?

17 A. [11:57:50] In 1994.

18 Q. [11:57:54] And in 1994, what was your official function within the party?

19 A. [11:58:16] I am president of the core committee.

20 Q. [11:58:27] Are you still today holding that position?

21 A. [11:58:37] Yes, there has not been any change, but I have occupied other
22 positions since. I've worked in my region, and in my region I was in charge of
23 mobilisation and coordination and mobilisation in the Bafing.

24 Q. [11:59:00] We'll come to that. So from 1994 until now, you have always been
25 president of the comité de base?

1 Are you not hearing the interpretation?

2 A. [11:59:46] Oui.

3 Q. [11:59:46] Did you hear my question?

4 A. [11:59:50] Yes, I just heard it now. Marie-Thérèse Boka (phon) Junior, 220
5 Logements, Adjamé.

6 Q. [12:00:07] And the comité de base, what is the role of the comité de base for the
7 party?

8 A. [12:00:26] The comité de base works at the grassroots. They're the ones who
9 mobilise, who organise. They receive information from the summit and then they
10 disseminate that information. They inform the militants at the grassroots. So they
11 organise and they train.

12 Q. [12:00:57] Is there a vice-president of that committee?

13 A. [12:01:13] Yes, there are vice-presidents.

14 Q. [12:01:23] What is the name of that person?

15 A. [12:01:32] There was *Koné Mamadou, who was my vice-president at the time.
16 But then later on there were many changes. *When there were disturbances, the
17 bureau was not renewed, you see.

18 Q. [12:02:02] So are you saying that in 2011 the committee was not functioning?

19 A. [12:02:10] In 2011, after the disturbances, the party had been reorganized. And
20 after the disruptions there was a slow-down of activities because of what we had
21 experienced. So the mobilisation was no longer at the level it was before.

22 Q. [12:02:46] Was the comité de base meeting in 2011?

23 A. [12:02:53] In early 2011 it was difficult, because the war was ongoing, so we
24 couldn't meet, so it was not easy to organise political meetings.

25 Q. [12:03:15] What about in the weeks and months leading up to the first round of

1 elections?

2 A. [12:03:30] Yes, before the first round of the elections there were contacts, there
3 were meetings and we were preparing for the elections. So we talked about how to
4 organise the elections, and prior to that, how to mobilise people to ensure that they
5 were registered on the electoral rolls. And there were mobile activities to identify
6 those who were not yet registered. So there were lots of things that were being done.

7 Q. [12:04:18] And you met without any difficulties during that period, did you?

8 A. [12:04:26] Before the elections?

9 Q. Yes.

10 A. No, you cannot say without difficulty. But that is because *the party to which I
11 belonged was a martyred party. Because just the name RDR would put you in
12 difficulty ever since it was created, it is only currently that things are going rather
13 well.

14 Q. [12:05:02] Now, when you were mobilising from the level of the comité de base,
15 who would you give instructions to from the level of the comité de base to mobilise?

16 A. [12:05:22] At the level of the comité de base, you have the militants. You have
17 to convince people to join the party and then you train them. So we gave
18 instructions to our militants.

19 Q. [12:05:55] And was it one of the principal objectives of the RDR to remove
20 Gbagbo from power?

21 A. [12:06:21] No. And why is that? We are a party that was legally set up. The
22 objective of our party was to get to power, but it was not to eliminate anyone. We
23 simply wanted to get to power following democratic procedures.

24 Q. [12:06:55] And when you say "militants of the RDR," how many people were
25 militants of the RDR?

1 A. [12:07:17] How many militants? You are talking about the entire party? Well,
2 *I am not in a position to tell you, because... there are reasons for that, so I cannot tell
3 you precisely how many militants were there. There were reasons for that.

4 Q. [12:07:39] At what point, at what points in the years between 2002 and 2010 was
5 there division within the RDR?

6 A. [12:08:27] Divisions within the RDR? I do not know what you mean by
7 "divisions."

8 Q. [12:08:44] Were there competing groups within the RDR?

9 A. [12:08:53] I do not know what you mean by "competing."

10 Q. [12:09:06] What was your role in organising marches?

11 A. [12:09:20] With regard to the organisation of marches, my role as president of
12 the comité de base was someone who organised the grassroots, relayed information
13 from the summit to the grassroots and from the grassroots to the summit.

14 Q. And what do you mean by "the summit"?

15 A. When there is -- when you have the grassroots in a political party, after you
16 have completed your work, you report to your hierarchy, and that is the leadership of
17 our party. *And from the comité de base, the information goes to the section
18 president, then to the political commissar; from the political commissar to the
19 departmental, from the departmental to the top. So I do not send information
20 directly to the management. I send it to the secretary of the section, then he sends it
21 up to the political commissar: political commissar, departmental; departmental to the
22 top, to the management. That is how the party is organised.

23 Q. [12:10:47] How was the hierarchy organised?

24 MR MACDONALD: [12:10:53] I think it was just mentioned, your Honour.

25 PRESIDING JUDGE TARFUSSER: [12:10:56] That's what he just said.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

- 1 MR O'SHEA: [12:10:57] No.
- 2 PRESIDING JUDGE TARFUSSER: [12:10:58] That's what he just described.
- 3 MR MACDONALD: [12:11:00] Yes.
- 4 MR O'SHEA: [12:11:01] No. He described the process.
- 5 PRESIDING JUDGE TARFUSSER: [12:11:06] Yes, that's the same.
- 6 MR O'SHEA: [12:11:07] No. He described the process. He's not in the hierarchy.
- 7 If I've understood his evidence, he does not consider himself as being in the hierarchy,
- 8 and he's just described the process of information to the hierarchy.
- 9 Q. [12:11:22] Is that right, Mr Witness?
- 10 A. [12:11:23] What do you mean? Please can you elaborate?
- 11 Q. [12:11:35] How was the hierarchy organised?
- 12 A. [12:11:40] Are you talking about the leadership of the party?
- 13 Q. Yes.
- 14 A. It is just like in any modern party, the way the administration is organised.
- 15 Q. [12:11:56] Well, explain how the direction of the RDR was organised.
- 16 A. [12:12:03] You had a president, a secretary general, then you also have deputies.
- 17 I do not know what to tell you about this. Before there was no president, there was a
- 18 secretary general. Then after it changed. The post of president was created. Then
- 19 there was a secretary general, Madam Henriette and so on and so forth. There was
- 20 the bureau.
- 21 Q. [12:12:35] And who was the president in 2010?
- 22 A. [12:12:43] Mr Alassane Dramane Ouattara.
- 23 Q. [12:12:46] And who else was in the direction of the party other than Madam
- 24 Henriette and Monsieur Ouattara?
- 25 A. [12:12:59] The secretary general had the deputies also. I don't know, I can't

1 give you the organisation chart.

2 Q. [12:13:15] Who was the next in charge below the president?

3 A. [12:13:20] The secretary general.

4 Q. Who was next in line after secretary *general?

5 *A. After the secretary general there are the national secretaries.

6 THE INTERPRETER: [12:13:31] Mr President, we are losing a lot of Mr O'Shea's
7 questions from the transcript because he does not wait.

8 PRESIDING JUDGE TARFUSSER: [12:13:36] Mr O'Shea is very not disciplined,
9 because you are the one who is always --

10 MR O'SHEA: [12:13:43] Overlapping.

11 PRESIDING JUDGE TARFUSSER: [12:13:44] -- overlapping and we are not getting
12 the questions:

13 MR O'SHEA: [12:13:47] Thank you, your Honour.

14 Q. [12:14:03] So in terms of the organisation of the party, was the direction
15 organised in terms of regions?

16 A. [12:14:20] No. Let me explain. In the decentralised organisation chart there
17 are national secretaries. You can hear of the national secretary responsible for
18 organisation and mobilisation. That person is responsible only for organisation and
19 mobilisation of militants throughout the entire country. You have a national secretary
20 responsible for elections, and he's in charge of everything related to elections and so
21 on and so forth. There is the national secretary in charge of human rights, and he is
22 responsible only for human rights and so on and so forth, like a government.

23 Q. [12:15:14] And who was the national secretary?

24 A. [12:15:17] I said it was *Henriette Dagri Diabaté who was the national secretary
25 of the RDR. She had her deputies and everyone was responsible for a precise

1 department. You had human rights, elections, organisation and mobilisation,
2 finance and so on and so forth. This was how the national secretariat was organised.

3 Q. [12:16:00] What was the role of Guillaume Soro?

4 A. [12:16:12] Within the RDR?

5 Q. Yes.

6 A. Well, he was not a militant of the RDR.

7 Q. [12:16:19] What was the relationship between the RDR and Guillaume Soro?

8 A. [12:16:26] I do not know. We were a political party. Why would you want a
9 political party to have links with an individual? If there are such links, it is between
10 an individual and another individual.

11 The RDR has relations with other parties, other close parties. But if the RDR has a
12 relationship with an individual in town, it means it is an individual within the RDR,
13 not the RDR as an organisation.

14 At that time Soro was not a member of the party, unlike today, when he is a member,
15 but at that time he wasn't.

16 Q. [12:17:19] And in 2010, what was the relationship between your party and the
17 rebels?

18 A. [12:17:41] I am not in a position to give you an answer to that. Why would you
19 want my party to have any special relationship with the rebels?

20 Q. [12:17:56] Well, what was the relationship between the RDR and the rebels in
21 2010?

22 A. [12:18:07] Well, I have already answered that question. Why would you want
23 there to be a relationship with the rebellion?

24 Q. [12:18:16] Instead of answering the question with a question --

25 PRESIDING JUDGE TARFUSSER: [12:18:19] No. He answered the question by

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 saying "I am not in a position to give you an answer to that," dot. This is on the
2 transcript.

3 MR O'SHEA:

4 Q. [12:18:34] Well, you are in a position, aren't you, sir, to give an answer to that
5 question?

6 A. [12:18:38] And why is that?

7 PRESIDING JUDGE TARFUSSER: [12:18:39] No, it's not for you, Mr Witness, to ask
8 questions but to answer. So the question was put --

9 THE WITNESS: [12:18:48] (Speaks English) Okay.

10 PRESIDING JUDGE TARFUSSER: [12:18:51] -- that you are in the position. Now
11 you just have to answer -- to object or to say --

12 THE WITNESS: [12:18:59] (Interpretation) We did not have a relationship.

13 MR O'SHEA: [12:19:05]

14 Q. [12:19:05] So is it your evidence that there were no relations between the rebels
15 and the RDR in 2010 in Côte d'Ivoire?

16 A. [12:19:22] Oui.

17 Q. [12:19:22] Is that your evidence?

18 A. [12:19:23] Yes, that is what I'm saying.

19 Q. [12:19:30] So is it -- would you go so far as to say that there was no cooperation
20 between the RDR and the rebels?

21 A. [12:19:50] Yes, there was no cooperation.

22 Q. [12:19:58] Is it your evidence that there were no meetings between officials of
23 the RDR and the rebels?

24 A. [12:20:10] No.

25 Q. [12:20:15] No meaning there were no meetings?

1 A. [12:20:20] There were no meetings. We had our meetings *in Rue Lepic, in
2 Cocody Abidjan.

3 Q. [12:20:30] And there was no communication?

4 PRESIDING JUDGE TARFUSSER: [12:20:33] Yes, but when he said no, it's no.
5 There was nothing. So that's it. I mean, you are making always questions with the
6 same answers. If they have no relation, from that befalls that they had no meetings,
7 no relations, no relations. I do know you will now say the same thing you said a few
8 days ago, that you are closing the doors and that -- okay. But when you say no
9 relation, that's no, to me at least in my perception, so there is no alternative.

10 MR O'SHEA: [12:21:12] Well, the distinction was between no relations and no
11 communication. So for your Honours, no communication is assumed from no
12 relations. Very well.

13 Q. [12:21:34] But your political party and the rebels shared the same objective,
14 which was to take over power; is that not correct?

15 A. [12:21:54] Within the RDR we had created our political party to take over power
16 in a democratic manner. We went to the elections and we won the elections
17 democratically.

18 Q. [12:22:19] Can you please answer my question, and my question is this: Did
19 the rebels in Ivory Coast and the RDR have the same objective of taking over power in
20 Ivory Coast? Did they share that objective? Regardless of the methods to be used,
21 did they share that objective?

22 A. [12:22:55] No. And that is because I did not know their objectives.

23 Q. [12:23:09] Are you really saying to this Chamber that you, president of the
24 comité de base from 1994 to today of the RDR in Ivory Coast, you did not know what
25 the objectives of the rebels were in Ivory Coast? Is that your evidence?

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 A. [12:23:35] What I am telling you is that I am a grassroots militant of the RDR.

2 Our role was to mobilise, organise and accede to power democratically.

3 So if there were other entities that wanted to accede to power democratically, I think
4 that we had allies, but not allies within the rebellion.

5 Q. [12:24:14] Regardless of whether you were allied or not, and I repeat the
6 question, is it your evidence that you knew nothing of what the objectives of the
7 rebels were?

8 A. [12:24:40] Let me react to a concern. I never stated that we were allied to the
9 rebellion. Now, I am talking to you about a legally established political party, and
10 now you want to compel me to tell you about the objectives of the rebels. I'm here to
11 tell you about my own political party since you are putting questions to me. But
12 since I was not a member of the rebellion, I cannot tell you what their objectives were.
13 I was not a member, and I have never been a member of the rebellion. I am a
14 member of the RDR.

15 Q. [12:25:33] Is the reason you cannot give the objectives of the rebellion because
16 you say now that you did not know those objectives? We're not talking about what
17 your role was. We're talking about your knowledge.

18 A. [12:26:02] Do you want me to tell you the objectives of the rebellion?

19 Q. [12:26:07] Mr Witness --

20 PRESIDING JUDGE TARFUSSER: [12:26:08] Mr Witness, do you know --

21 THE WITNESS: [12:26:13] Oui.

22 PRESIDING JUDGE TARFUSSER: [12:26:14] -- what the objectives of the rebellion
23 were? And maybe this would be a question of mine: Who are the rebellion in your
24 knowledge? Who is the rebellion? Who are the rebels?

25 THE WITNESS: [12:26:25] (Interpretation) The rebels are Ivorians who rebelled

1 against the government in place. So they rebelled against the government in place.
2 They had their objectives. We, as an organised political party, we had our own
3 objectives. And our objective was to accede to power democratically. We
4 struggled democratically. We went to democratic elections, and we won the
5 elections democratically. Now, regarding the objectives of the rebellion, these were
6 Ivorians who rebelled, because everyone has their rights, and they have their own
7 way of defending their rights, so there was a group of Ivorians who rose up at one
8 time against the powers that be.

9 Now, if you want me to go into details to tell you why that happened, I think you
10 would need to call the rebels to tell you that.

11 Q. Now, in your region of Bafing, when did the rebels take over that region?

12 A. [12:28:00] I cannot tell you the precise date, because I am not good with dates.
13 But I know that the rebels had taken over the larger part of Côte d'Ivoire at the time,
14 and my region was part of that.

15 Q. [12:28:28] And when you say "during the period," what are you talking about?
16 Which period are you talking about?

17 A. [12:28:34] The period when the rebellion was launched. I do not know that
18 date.

19 Q. [12:28:50] Well, in 2009, were the rebels occupying Bafing?

20 A. [12:29:02] The rebels were where they had been until the time of the elections.

21 Q. [12:29:13] In 2009 -- sorry.

22 In 2009, were the rebels occupying the region of Bafing?

23 A. [12:29:24] That is what I told you, the rebels remained where they were up until
24 the time of the elections. This is because in the accords that had been signed, the
25 new president had to reunite the country. And if I remember correctly, all of them

1 signed. So we went to the elections and each person occupied their territory.

2 Q. [12:29:59] So is the answer to my question whether the rebels were occupying
3 Bafing in 2009 yes? Is that the answer?

4 A. [12:30:16] Yes.

5 Q. [12:30:21] Were you living in your region of Bafing in 2009?

6 A. [12:30:38] No, I was not living in my region.

7 Q. [12:30:43] Did you go to your region in 2009?

8 A. [12:30:49] No, not in 2009. I went there before.

9 Q. [12:30:57] And in 2010, did you go to your region of Bafing?

10 A. [12:31:02] No, I didn't go.

11 Q. [12:31:11] So in 2010, where were you mobilising the population?

12 A. [12:31:32] I was in Abidjan.

13 Q. [12:31:36] And who was mobilising the population in Bafing?

14 A. [12:31:46] Well, let me explain it to you. The mobilisation in Bafing, when the
15 RDR was set up, I was active in Abidjan. But when we had to extend our spiderweb,
16 *I had to go and help in my region, and that's what I did. I was given the post of head
17 of mobilisation at the time. And once we had set up our comité de base and our
18 sections, when things were running smoothly, I think I then came back to Abidjan
19 and continued working in Abidjan.

20 Q. [12:32:37] And how did you go about mobilising the population in Abidjan?

21 A. [12:33:03] Well, that's what I said, the easiest way that we had was to go and
22 meet with the civilians and explain the ideals of our party to them, explain what we
23 were going to bring more, the extra that we would bring were we to come to power.
24 So it was communication, it was dialogue. We would train those who were with us
25 and who would then go on to disseminate information themselves.

1 Q. [12:33:45] And did you, did you personally give speeches for that purpose to the
2 population?

3 A. [12:33:55] Of course, yes, it is my role to speak.

4 Q. [12:34:04] And during those speeches, did you criticise the president of the
5 Republic?

6 A. [12:34:10] Yes, all the presidents that had been there before, at the time when we
7 were setting up, there was the PDCI, we would criticise them as they were -- well,
8 that was the role of a political party after the coup d'état, we would criticise the
9 general; after that we criticized President Gbagbo, as any political party would do.

10 Q. [12:34:43] And who provided the financing for your mobilisation?

11 A. [12:34:55] Well, in terms of finance, we were a young party at the outset, and we
12 gave ourselves the means or we had to get membership fees. People had to be
13 issued with cards. And each section would take charge of itself.
14 And from time to time the management would come and support us, and I think that
15 that was our asset within the RDR, to the extent that each base, if you like, would take
16 care of itself. We were convinced of our path, and that's how we functioned.

17 Q. [12:35:42] In 2010, how many marches did you organise?

18 A. [12:35:57] I wouldn't be able to tell you. I wouldn't be able to say. But we
19 always organised marches whenever the opportunity presented itself as a political
20 party.

21 Q. [12:36:21] And when marches were organised, was there any coordination with
22 the rebel leaders?

23 A. [12:36:44] No.

24 Q. [12:36:50] Were the rebel leaders made to know that marches were to take place?
25 Was information transmitted to them that marches were to take place?

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 A. [12:37:13] No.

2 Q. [12:37:23] In 2010, who were the rebel leaders?

3 A. [12:37:30] I'm sorry?

4 Q. [12:37:31] In 2010, who were the rebel leaders?

5 MR MACDONALD: [12:37:36] Your Honours, I understand you did not give
6 specific instructions to mainstream the questioning, but I think this question is known
7 already by the Chamber and everyone who are the leaders of the rebellion.

8 MR O'SHEA: [12:37:52] Can I stop my friend there, please, because there is a specific
9 reason why I'm asking that question. So if he wants to carry on, the witness will
10 have to leave.

11 MR MACDONALD: [12:38:03] I don't think the witness needs to leave. I'm just
12 raising --

13 MR O'SHEA: [12:38:07] What you said is obstructing --

14 PRESIDING JUDGE TARFUSSER: [12:38:09] No. Come on.

15 MR O'SHEA: [12:38:10] What you said is obstructing my questioning.

16 PRESIDING JUDGE TARFUSSER: [12:38:13] Stop please, both. I think until now
17 we should go ahead. This is questioning by the non-calling party. And I tried to
18 give instructions in order to limit it, but of course it's not the same instruction as it
19 was yesterday with the other witness, with the vulnerable witness. So I would ask
20 you to go ahead, keeping in mind, keeping in mind, yes, keeping in mind what I said
21 at the beginning.

22 Did you want to say something, Mr Witness?

23 THE WITNESS: [12:38:51] (Interpretation) Yes. I just wanted to go to the toilet, if
24 possible. Is it possible? I have an urgent need.

25 PRESIDING JUDGE TARFUSSER: [12:39:03] Of course, of course it is possible.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: [12:39:04] D'accord.

2 PRESIDING JUDGE TARFUSSER: [12:39:06] Please go. If you have an urgent need,
3 satisfy the urgent need.

4 (The witness stands down)

5 MR O'SHEA: [12:39:33] That gives me the opportunity to just say that of course the
6 objective of my question was not to find out who the rebel leaders were, but to see the
7 reaction of the witness and to allow the Chamber to evaluate that reaction for later
8 purposes.

9 MR MACDONALD: [12:40:14] While standing, your Honour, it's a request on a
10 totally different topic, but --

11 PRESIDING JUDGE TARFUSSER: [12:40:19] While standing was -- you stood up.

12 MR MACDONALD: [12:40:21] Yes.

13 PRESIDING JUDGE TARFUSSER: [12:40:22] It's not while standing.

14 MR MACDONALD: [12:40:23] No, no. I'm standing up to make a request in
15 relation to Witness 350, the same request that we had made previously for the
16 investigator that has been in contact with this witness to be present for the
17 familiarisation. Thank you.

18 PRESIDING JUDGE TARFUSSER: [12:40:40] It's the same request we already
19 granted without parties opposing, so there is no need for the -- I don't think there is
20 any change now.

21 MR MACDONALD: [12:40:53] And it may also apply to the third vulnerable
22 witness, whose number I cannot remember just now.

23 PRESIDING JUDGE TARFUSSER: [12:41:01] 117.

24 MR MACDONALD: [12:41:03] Yes, 117, I see that the Chamber is --

25 PRESIDING JUDGE TARFUSSER: [12:41:09] Yes.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 MR MACDONALD: [12:41:09] Thank you. Also, just to clarify something, because
2 for some reason --

3 PRESIDING JUDGE TARFUSSER: [12:41:28] The witness is coming back.
4 (The witness enters the courtroom)

5 MR MACDONALD: [12:41:32] Those two witnesses, 350 and 117, will it be a similar
6 order for full closed sessions?

7 PRESIDING JUDGE TARFUSSER: [12:41:38] Yes.

8 MR MACDONALD: [12:41:38] Thank you.

9 PRESIDING JUDGE TARFUSSER: [12:41:39] It's for both, yes. It's for all three
10 vulnerable, full closed session.

11 Are you fine, Mr Witness? Did this help?

12 THE WITNESS: [12:41:55] (Interpretation) Yes, I'm okay.

13 PRESIDING JUDGE TARFUSSER: [12:41:59] Okay. Now we have another 15
14 minutes before the lunch-break, so please concentrate, try to respond and so we can
15 go ahead with the questioning.

16 Mr O'Shea.

17 MR O'SHEA: [12:42:15] Thank you, your Honours.

18 Q. [12:42:17] The question is: Who were the rebel leaders in 2010.

19 A. [12:42:28] The rebel leaders? Well, the rebel, the rebellion was headed up by
20 Mr Guillaume Soro, he was the boss.

21 Q. [12:42:40] And who else? Who were the other leaders?

22 A. [12:42:43] Well, I can't give you the organisational chart. I'm not part of the
23 rebellion, so there we are.

24 Q. [12:42:56] The question is simple, Witness: Who were the other rebel leaders,
25 or do you not know?

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 A. [12:43:02] The rebellion was headed up by Mr Guillaume Soro. He had his
2 secretariat. Do you want me to provide you with the organisational chart and how it
3 worked? Well, I wasn't part of it so ...

4 PRESIDING JUDGE TARFUSSER: [12:43:31] Nobody wants the organisational chart.
5 We want just to know if you know other names of rebels in 2010, apart of Mr Soro
6 you already named. If you have other names, please give them.

7 THE WITNESS: [12:43:48] (Interpretation)

8 A. Apart from Mr Soro, apart from Mr Soro, there was *Mr Wattao, there was Mr
9 Koné Zakaria and so on and so forth.

10 MR O'SHEA:

11 Q. [12:44:03] In 2010, had you met Guillaume Soro?

12 A. [12:44:09] No.

13 Q. [12:44:13] And in 2010, had you met *Mr Wattao?

14 A. [12:44:20] No. Sorry, in 2010 how many?

15 Q. [12:44:30] By 2010, had you met him?

16 A. [12:44:33] No.

17 Q. [12:44:39] And what about in 2011, had you met Guillaume Soro?

18 A. [12:44:48] No.

19 Q. [12:44:48] And *Mr Wattao neither?

20 A. [12:44:50] No, no, none of the members of the rebellion.

21 Q. [12:44:56] In 2010, did you meet with anybody who was in contact with Mr
22 Guillaume Soro or *Mr Wattao?

23 A. [12:45:19] Well, there were people who went into the areas who would come
24 back again, so I might come across people who went into the areas of where Mr Soro
25 was and came back again.

1 Q. [12:45:39] What about individuals within the hierarchy of your political party,
2 did you know anyone who was in contact with Mr Guillaume Soro within the
3 hierarchy of your political party?

4 A. [12:45:54] I wouldn't be in a position to say, no.

5 Q. [12:46:04] Where does the word "grins" come from?

6 A. [12:46:46] Where the word "grins" comes from? Well, that's going to be a
7 lengthy explanation, but if you want me to I can explain it to you.
8 The grins at the outset, *that name comes from Great Mali. In Bambara, people would
9 say angajin (phon), that means to say our union. And in those various locations there
10 were people, friends who would go and have discussions at distinct moments in time
11 in the day. And over the time the word ongajin, which became grins, G-R-I-N-S,
12 means in Côte d'Ivoire here when at a given moment in time during the day you will
13 find people throughout the territory, people who will have discussions, exchanges,
14 who will talk about all and sundry. And you will see people such as intellectuals in
15 those places, people who neither read nor write. You will see the local carpenter or
16 mechanic who will have discussions on any subject. This is a place where people
17 can talk about anything at all. There is no taboo. So I would say that this really is a
18 democracy incarnate. And when I talk about that, I'm very pleased.

19 Q. [12:48:40] Very good, Mr. Witness. So the culture of the grins, of these
20 meetings and having tea after work, this culture is also followed in Mali, is it?

21 A. [12:48:59] Yes, that's what I said to you. It comes from Mali. That's what I
22 said to you at the outset, and then I went into a little bit more depth. I talked about
23 the etymology, the root of that word "grins."

24 Q. [12:49:22] And how many grins were there in Abidjan in 2010?

25 A. [12:49:39] In 2010, hmm, well, I no longer remember what I said in my statement.

1 We had between 23 and 25,000 grins across the Ivorian territory. But in 2010 I do not
2 have the specific figure in mind.

3 Q. [12:50:05] And did you go to the different grins in Abidjan or did you have
4 particular grins that you went to?

5 A. [12:50:26] I didn't hear what you just said well.

6 Q. [12:50:32] Excuse me. Did you have particular grins that you visited in Abidjan,
7 or did you go to all the grins in Abidjan?

8 A. [12:50:44] Yes, very specific grins, because I can't go to all of the grins. There
9 are hundreds of thousands of grins across Abidjan. Yes, distinct grins.

10 Q. [12:51:01] So in Abidjan there were hundreds of thousands?

11 A. [12:51:09] There are hundreds of thousands of grins in Abidjan and throughout
12 the entire territory there is more than 25,000 grins.

13 PRESIDING JUDGE TARFUSSER: [12:51:28] There is something I cannot
14 understand. A hundred thousand in Abidjan and 25,000 in the whole, in the whole
15 Côte d'Ivoire?

16 THE WITNESS: [12:51:38] (Interpretation) Well, it's just a way of talking, you
17 know, hundreds of thousands, when I say that. Well, we have grins that have been
18 put in a register, and there are those who are not registered.

19 Well, I'm talking about those significant grins. But if we are talking about the grins
20 throughout the Côte d'Ivoire, there are millions of them. But they're not all
21 registered or noted down.

22 MR O'SHEA:

23 Q. [12:52:14] Where was the specific grins or the specific grins in plural that you
24 went to?

25 A. [12:52:36] Well, there are significant grins in all the major neighbourhoods in

1 Abidjan. So I would go to those significant grins in the major built-up areas of

2 Abidjan, Adjamé, *Cocody, Marcory, Yopougon, Treichville, Abobo, Anyama.

3 Q. [12:53:23] Did you used to go in 2010 to the grins in Abobo?

4 A. [12:53:35] In 2010? Yes.

5 Q. [12:53:43] And where in Abobo is that located?

6 A. [12:53:51] Which grins? Which grins?

7 Q. [12:54:00] The one that you used to go to.

8 A. [12:54:07] In Abobo there is the Habitat neighbourhood. There is at least four
9 significant grins there. And there is the Derrière Rails where there are two or three
10 grins. And there is Kludja (phon), there is the station. There we are.

11 Q. [12:54:34] So explain to us how one of these grins Abobo, how they functioned?

12 A. [12:54:42] Well, if I'm going to explain to you how grins functions, well, not just
13 Abobo, we worked the same everywhere.

14 Okay. So the grins in Côte d'Ivoire, before we had an acknowledgment, we would
15 work on an underground basis, because sometimes we would be bothersome to the
16 various parties in place. And we didn't function in broad daylight. But when we
17 were acknowledged or received official approval, we started to function in the open.
18 There is a president. There is a national bureau. And then in the neighbourhoods
19 or towns there are delegations. And then there are those people who are in charge.
20 So from the top to the bottom, I didn't say it worked like a political party, but other
21 people used to say that we were like a political party.

22 Now, from the top down, when we had information to give, we would call it Chinese
23 whispers, because the grins would come under a lot of criticism during that crisis.

24 And when we would use this Chinese whispers, it was from word to mouth.

25 So if we wanted to have a piece of information go from Abidjan to San Pedro, then

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 when we would launch our machine, we would have that information and then San
2 Pedro would disseminate it. So it's a sort of ant hill or a spiderweb that we set up
3 across the territory of Côte d'Ivoire. We're proud of it. And I think that towards
4 the end people understood that we were fighting for a good cause. There we are.
5 And today we have organised ourselves legally constitutionally into an NGO. And
6 we have relay points throughout the world and we have accompanied French
7 students who came to do their theses in Abidjan also, English students and Turkish
8 students, and I think that there are books that can prove today throughout the world
9 that the grins are by essence the place of true democracy, where the elite can rub
10 shoulders with the general population, and we're proud of it.

11 MR O'SHEA: Perhaps we can pause there, your Honours.

12 PRESIDING JUDGE TARFUSSER: [12:58:07] I think that we take now the
13 lunch-break and we will resume at 2.30. Therefore, you have time to rest for one
14 hour and a half. We will come back at 2.30.

15 The hearing is adjourned.

16 THE WITNESS: [12:58:26] (Interpretation) Thank you, your Honour.

17 (Recess taken at 12.58 p.m.)

18 (Upon resuming in open session at 2.32 p.m.)

19 THE COURT USHER: [14:32:20] All rise.

20 Please be seated.

21 PRESIDING JUDGE TARFUSSER: [14:32:50] Good afternoon.

22 Good afternoon, Mr Witness. Do you feel cold?

23 THE WITNESS: [14:33:03] (Interpretation) Yes, a bit, but it's all right.

24 PRESIDING JUDGE TARFUSSER: [14:33:11] I could provide you with a ski jacket.

25 Okay.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

- 1 THE WITNESS: [14:33:23] (Interpretation) No. That's all right.
- 2 PRESIDING JUDGE TARFUSSER: [14:33:25] So I give the floor again to Mr O'Shea.
- 3 And I once again recommend you just to respond, the better you respond, the most
- 4 straightforward you respond without arguing, the more expedite we are.
- 5 THE WITNESS: [14:33:47] (Interpretation) Okay.
- 6 PRESIDING JUDGE TARFUSSER: [14:33:49] With this I don't want to prevent you
- 7 to say everything you deem necessary to say to the Chamber.
- 8 MR O'SHEA: [14:34:00] We noticed a ski jacket on a previous witness.
- 9 PRESIDING JUDGE TARFUSSER: It was not mine.
- 10 MR O'SHEA: I'm wondering, it's not yours?
- 11 PRESIDING JUDGE TARFUSSER: [14:34:04] It was not mine, no.
- 12 The floor is yours.
- 13 MR O'SHEA: [14:34:14] Thank you, Mr President.
- 14 Q. [14:34:17] Yes, Witness, I hope you enjoyed your lunch.
- 15 A. [14:34:22] Yes.
- 16 Q. [14:34:25] Now, you founded an organisation named in French, and I quote,
- 17 "Rassemblement de Grins de Côte d'Ivoire," closed quotes, with the acronym RGCI.
- 18 And this was officially created in 2003, right?
- 19 A. [14:35:11] Yes.
- 20 Q. [14:35:13] And the RDR was officially created in 2004; is that right?
- 21 A. [14:35:23] No.
- 22 Q. [14:35:24] 1994, sorry, 1994.
- 23 A. Yes.
- 24 Q. [14:35:36] So when you founded this organisation, you started to organise these
- 25 grins, did you?

1 A. [14:35:47] Yes.

2 Q. [14:35:56] And how did you go about organising them?

3 A. [14:36:10] Thank you. This coalition, the GRCI, represents civil society. So we
4 wanted to make a contribution, a modest contribution to the development of our
5 society and our country. By that I mean with our friends, when we received the
6 official approval of the papers, we set up chapters throughout Côte d'Ivoire and we
7 operate in a normal fashion, just like any other association.

8 What's special about us is that the organisation provides a forum for dialogue, for
9 expressing one's views, for training citizens, freedom of speech, particularly the rights
10 of ordinary citizens, ordinary folk.

11 I said earlier that the word came from Mali originally. In Côte d'Ivoire we tried to
12 copy this model because, you see, already in the past the people, the people working
13 in the various neighbourhoods had groups of friends that would gather from time to
14 time over the course of the day, and we tried to organise all of this, and we tried to
15 train ordinary citizens so that they would be able to defend their rights.

16 Q. [14:38:13] So if we go down to the level of an individual grins, people come out
17 of work in the evening, and they assemble at this place with a view to discussing
18 matters. And you have people there, do you, who give little speeches in order to
19 train people in ideas with respect to certain things?

20 A. [14:38:49] Yes, that's right.

21 Q. [14:38:55] And you've explained to the Prosecution that each grins had 10
22 members. Now, the 10 members -- apart from the 10 members, did you have other
23 people coming to these grins for these discussions?

24 A. [14:39:33] Yes. At first when we decided 10 members, that was a minimum,
25 not a maximum. Now, did other people come and attend? I think I told you earlier

1 that we had freedom of speech, and when people came, they could talk about
2 absolute anything. There were no taboos, no sacred cows. And you could find elite,
3 people from the elite rubbing shoulders with very ordinary people. Anyone and
4 everyone could attend, because these were small groups in the various
5 neighbourhoods. If you had access, there was no problem, you could attend. So
6 there you have it.

7 Q. [14:40:23] What, if you can say, what were the three biggest grins in Abidjan,
8 biggest in the sense of in terms of the numbers of people who used to turn up?

9 A. [14:40:46] No. When you say a large grins, it doesn't necessarily mean one that
10 brings together the largest number of people. We had delegates who would be more
11 active than others, because when I say that we talked about anything and everything,
12 we also trained the members so that they would be aware of their rights, and for that
13 we needed to have people who had some time and who could do the volunteer work
14 that we needed. For example, one grins might have only five people or two or three
15 people, but if a few people were more active or more mobile, that grins would
16 become a major grins for us.

17 Q. [14:41:41] And young people would come to this venue and those who were, as
18 it were, more active would talk to these young people on issues of the day?

19 A. [14:42:06] Yes. Not just young people. Everyone would go. A grin is not
20 just made up of young people. It can contain men, women, young people, older
21 people.

22 Q. [14:42:21] And on what topics, if we come close to the electoral period, on what
23 topics would the training of young people be at these grins?

24 A. [14:42:44] Well, everything having to do with human rights, the economy,
25 employment, everything.

1 Q. [14:43:02] And presumably what was needed to bring about change in the
2 country?

3 A. [14:43:17] Yes. It was necessary to have people who could explain to others, to
4 the people what their rights were and how they could defend these rights.

5 Q. [14:43:40] Did you have people who would be present at the grins who would
6 perform the function of security?

7 A. [14:44:07] No, no. I don't know what you're talking about really.

8 Q. [14:44:15] And how often would these grins, how often would people come
9 together?

10 A. [14:44:33] I don't understand your question.

11 Q. [14:44:43] You don't understand what is meant by how frequently people would
12 meet at the grins?

13 A. [14:44:50] No. We didn't have specific days. There were hours where you
14 would go out, go to the grins, chat with friends and then go back home. But that
15 could be at any time of the day.

16 Q. [14:45:20] Did you sometimes meet in stadiums?

17 A. [14:45:26] We had some large *meetings in large rooms, but to my recollection,
18 not in stadiums.

19 Q. [14:45:46] And at these grins, would people make financial contributions
20 towards the objectives of human rights and changing the country?

21 A. [14:46:04] No. Each grins was autonomous. And when it came to money,
22 each grins would handle its own financial affairs.

23 Now, when you had contact with the national office of grins of Côte d'Ivoire and you
24 agreed to be a member, then you would have to have membership cards, and the
25 cards, once you had a card, there was one part of the card that is reserved for the

1 committee and another part of the card reserved for the administration.

2 Q. [14:46:52] And if young people wanted to participate in activities which came
3 within the parameters of the topics discussed in the grins, could they come to the
4 grins and ask for financial assistance to the elders or to the more senior or more active
5 people?

6 A. [14:47:24] That was not possible, because there was no money for that. If you
7 wish, the grins were autonomous, so there really weren't any funds. They were
8 more like clubs made up of friends who would meet and discuss personal interests.
9 Now, we really didn't have solidarity funds or anything like that. But if a member of
10 a grin had problems, for example, at the hospital, we would chip in. But there was
11 no actual fund, per se. We would provide solidarity to one another, that is all.

12 Q. [14:48:27] Were there grins in each of the neighbourhoods in Abidjan? Was the
13 whole of Abidjan covered?

14 A. [14:48:42] There were grins in every neighbourhood in Abidjan. But not all of
15 them were affiliated with the national coalition, the GRCI.

16 Q. So there was a grin in Grand Bassam?

17 A. There were grins in the plural in Grand Bassam, but not all of them were
18 affiliated with the national office, so if they weren't affiliated with us, they wouldn't
19 have our membership cards and so they weren't part -- they thus would not be part of
20 our movement.

21 Q. [14:49:21] So there were other movements which employed this strategy of
22 grins?

23 A. [14:49:37] No, no. I don't know how -- well, I'll explain to you how it works.
24 Within the neighbourhoods in the towns and the various neighbourhoods of a town,
25 there would be places where at one particular point in time during the day, once

1 people had finished work, they would meet up with one another and have a talk. So
2 it was a place where people could come together and talk to one another. And in
3 our jargon, it was called a grin.

4 But not all of these groups were affiliated with the national coalition. The majority,
5 yes, but not necessarily all the grins. Each group was free to be affiliated with us or
6 not. But that wouldn't mean that we would try to take the name or term away from
7 them. If they wanted to call themselves a grin because they sat there and had tea
8 and talked about things, that was possible.

9 Q. [14:50:55] Were there leaders or senior people within the grins who would take
10 initiative and speak on a regular basis?

11 A. [14:51:09] Within the grins, there were all kinds of people, high-level people,
12 high-profile people, ordinary working people or unemployed people. Everyone was
13 entitled to speak.

14 Q. [14:51:39] And in the years before the elections, did Alassane Ouattara visit
15 these grins to speak to people?

16 A. [14:51:53] No, not to my knowledge.

17 Q. [14:52:03] And the pro-Ouattara militants, would they like to come to the grins
18 to discuss politics?

19 A. [14:52:21] Of course. I'm a supporter of the RDR. *Even the FPI supporters also
20 came to our grin, they also had grins too. The PDCI too, they have supporters who
21 have grins or who are members of certain grins within the city."

22 Q. [14:52:46] And did Guillaume Soro come to talk at the grins?

23 A. [14:52:51] No.

24 Q. [14:53:14] So these grins, in the period before the elections, used to gather freely?

25 A. [14:53:28] Before the elections, well, it wasn't easy *at times. We had some very

1 difficult times *before the election, when anybody who did not think like the
2 established power was not welcome. *So, people would come and visit us at any time.
3 And some grins were in sensitive neighbourhoods and so it would be difficult for
4 those people to meet.

5 Q. [14:54:12] In your task of mobilising in the first tour of the elections, you would
6 campaign freely, wouldn't you?

7 A. [14:54:31] During the first round of presidential -- of voting for the president,
8 the first round of voting in Côte d'Ivoire, the campaign was fantastic. Everyone
9 was able to campaign throughout the entire country. It was the second round of
10 voting that was problematic. *It was good, too good to be true. Subsequently it was
11 a mess.

12 Q. [14:55:16] You've spoken about, you've said that on the night before the election
13 results there was a couvre-feu?

14 A. [14:56:00] Yes.

15 Q. [14:56:00] And that was put in place to ensure that there were not troubles at the
16 time of the results, wasn't it?

17 A. [14:56:09] Yes, that's what we didn't go along with because, you see, during the
18 first round of voting, there was no curfew. Everything was fine. It was very calm.
19 But during the second round, Mr Ouattara and Mr Gbagbo had gone ahead to the
20 second round of voting, and it was during the debate that the two of them had, that
21 was the night when we were taken by surprise and learned that there was to be a
22 curfew, because we were supposed to be working during the night.
23 But the day that we went to work on the electoral list, you see, it was just unthinkable,
24 we couldn't go along with it, we just could not accept it. And it had nothing to do
25 with security. I think they themselves, they knew what they wanted to do, but we

1 were not going to go along with it, because we needed to protect the government, our
2 government. We had voted. *The results needed to be announced. We were
3 living in a developing country without roads in some parts of the country, so you
4 can't necessarily cover the entire territory *in record time, even in Abidjan, so you
5 needed to go out *and be everywhere, in the offices and work late into the night.
6 *One couldn't establish a curfew. It wasn't even.... It was... well, there we are."

7 Q. [14:57:46] But the purpose of a couvre-feu was exactly to protect the election
8 results and to prevent troubles going on while the counting was going on and while
9 the election results were being moved. That was a legitimate purpose, wasn't it?

10 A. [14:58:10] It was not legitimate because, you see, during the first round, all the
11 parties, we had campaigned, we had congratulated one another, we danced together.
12 We did everything together. We received the results in a very calm way. But the
13 second round of voting, you can't say: Oh, you, that group over there, you stay at
14 home and we'll take care of the counting. That was unacceptable in a democracy.
15 That is unacceptable. Africa must move forward. *There we are. You can't do that
16 where you come from, so, we cannot accept that this be done where we come from.

17 Q. [14:58:48] Now, you being as you were so fervently against the idea of the
18 couvre-feu, did you encourage young people to disobey that couvre-feu?

19 A. [14:59:05] We told everyone not to accept the curfew because we were election
20 scrutineers. We were supervising the counting. We were working for the elections,
21 for the results and we could not be told -- we were not going to stay at home and let
22 others do the work. That just was not on. That never happens like that anywhere
23 in the world. We did not agree to it. We never will. It has nothing to do with
24 passion. Democracy has nothing to do with any of that.

25 PRESIDING JUDGE TARFUSSER: [14:59:45] Well, I think it goes now a little bit of

1 political statements by both of you, so I think we should come back to facts more than
2 to opinions and especially political opinions. Thank you.

3 MR O'SHEA: [15:00:04] As your Honour pleases.

4 Q. [15:00:07] Were you present in your region when the rebels attacked and took
5 over?

6 A. [15:00:36] No. I told you a short while ago no.

7 Q. [15:00:43] And over the years, did you witness or hear the fighting?

8 A. [15:01:02] Yes, there was fighting in Côte d'Ivoire. There was fighting in Abidjan.

9 Q. [15:01:08] And under what circumstances did you personally hear fighting
10 going on? Where were you?

11 A. [15:01:22] There was fighting in Abidjan. I was in Abidjan. I did not or I was
12 not able to leave Côte d'Ivoire.

13 Q. [15:01:32] So what period of time are you talking about that you personally hear
14 the fighting going on?

15 A. [15:01:43] Post-electoral period, meaning after the second round of elections,
16 those problems arose, the war broke out.

17 Q. [15:02:07] And before the post-electoral period, in the years leading up to the
18 post-electoral period, did you personally hear fighting?

19 A. [15:02:18] There was fighting within the country, but I was not there. The
20 country was divided into two, and I was not at all the war fronts, at the battle fronts,
21 no, I wasn't there. However, with the onset of the crisis there was fighting in
22 Abidjan and it ended up spreading to the whole country.

23 Q. [15:02:51] Do you have any military experience?

24 A. [15:03:26] No.

25 Q. [15:03:36] Can you tell the difference between different weapons?

1 A. [15:04:28] Yes, I think so. I can see now *the situation we lived through in
2 Abidjan between a submachine gun which spouts discontinuously and the explosion
3 of shells, one doesn't need to be an expert in weaponry to understand these things.

4 Q. [15:04:50] Can you distinguish between the injuries caused by different
5 weapons?

6 A. [15:05:03] The difference can also be made. You see, during the march when
7 grenades were launched, some young people had their skin perforated, and when a
8 grenade has been lobbed and it explodes, I can see that and I understand it. I don't
9 need to be an expert to testify about what I saw with my own eyes.

10 Q. [15:05:35] So can you distinguish between the injuries caused by rockets,
11 grenades, Kalashnikovs?

12 A. [15:06:03] No, I cannot tell you what a rocket would do. But what I saw was
13 the effect of a grenade. But when it comes to rockets, I really don't know.

14 Q. [15:06:21] So when you said to the Prosecution at paragraph 44 of your
15 statement, and I quote in French, (Interpretation) "I was able to recognize that these
16 injuries came from rockets, grenades and Kalashnikovs, which I was able to see."
17 (Speaks English) When you said that, that doesn't quite accord with your abilities?

18 A. [15:07:00] No. Well, it does correspond, because I told you that when a
19 grenade was launched, I saw the consequences on the youth. Now, when it comes to
20 the noise from a Kalashnikov, which is discontinuous, I can identify that. When
21 there is a shot with a pistol, I know what happens. *A bullet lodges in my thigh
22 from a pistol; I haven't had a rocket launched at me. Everybody would know that it
23 isn't a rocket. If I had been hit by a rocket, that would be called heavy weaponry.
24 So I have told you that in general, I can speak about these things. But I cannot get
25 into all the details with all the details because I am only a human being, and that's it.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 Q. [15:07:44] On the day of the march of the 16 December 2010, you were part of
2 the organisation of that march?

3 A. [15:08:26] Yes.

4 Q. [15:08:29] Now, were you organising at the planning level or at the operational
5 level?

6 A. [15:08:41] It depends on what you mean by "planning" and "operational."

7 What I did, what we did is that I organised our supporters. I organised the members
8 of our movement and assist organisations that joined us or came to meet us, we
9 organised ourselves as we usually did at other times. We had organised marches in
10 Abidjan before, and it all ended up with killings and we continued, however, we
11 didn't back off, because we knew that the truth was on our side.

12 Q. [15:09:30] Were you part of the planning of the march? Did you form part of
13 the decision-making process to have a march?

14 A. [15:09:44] I didn't take part in the decision to organise a march. I belonged to a
15 political party and my political party was part of a coalition known as the RHDP, and
16 various calls were issued and each party organised its base accordingly as we were
17 used to doing in the past, and that's exactly what we did. And then we proceeded to
18 march, not knowing that we were going to run into resistance from people who were
19 going to butcher us on that day.

20 PRESIDING JUDGE TARFUSSER: [15:10:22] Mr Witness, what were your tasks,
21 what did you do in this organisational process concretely?

22 THE WITNESS: [15:10:44] (Interpretation) Thank you, Mr President. I said that
23 as a militant of the RDR, which was part of a coalition, and I was a grassroots militant
24 and also a civil society activist, so to speak, all I did was to mobilise my militants and
25 my friends and all our supporters who were all of the same mindset as myself so that

1 we could collectively say no.

2 So for the organisation of the march of 16 December, yes, I participated in the -- at the
3 base. Now, we don't need to be at the summit. But when the order came from the
4 summit, we called on all and sundry to go out and protect the vote, that we had won;
5 so I participated, I was involved with all those whom I knew and then we went out
6 and marched.

7 MR O'SHEA:

8 Q. [15:11:38] Explain to us in a little bit more detail how you did this, how you did
9 this organisation.

10 A. [15:11:54] Thank you. We were in the habit of doing this. When we got a call
11 or an order from our headquarters on any demonstration or protest march, we would
12 proceed accordingly. What happened was the base or the grassroots officials would
13 be contacted and provided with the instructions.

14 For example, on 16 December we have to march. We will go to the RTI, because it
15 had been confiscated by one party, therefore, we have to go and claim our rights at
16 the RTI. And that is how it happened that we mobilised or organised our militants
17 to converge on that location and to say no, so that our voice could be heard. That is
18 what we did in relation to that march. Therefore, I was totally part of the
19 organisation of that march.

20 Q. [15:12:48] This order, was it oral or in writing?

21 A. [15:12:56] The call or mot d'ordres, well, it was issued over radio or on television
22 or even if it's in the media, as far as we were concerned, that was already official, and
23 that's it.

24 Q. [15:13:14] What was the order?

25 A. [15:13:36] The order or mot d'ordres was for people to go to the RTI and to tell

1 the world that we did not accept to forfeit our rights and that the RTI should be
2 liberated so that all citizens of the Côte d'Ivoire should have access to the RTI because
3 it was a state media, it was not a private channel, and for that reason could not be
4 confiscated because one had power here or there. So our purpose was to say no. So
5 we organised the elections and we went to tell them that it is Mr Ouattara who had
6 won the elections.

7 And the entire world heard us, although we came under attack.

8 Q. The order was to liberate --

9 A. And we were violated on that day.

10 Q. [15:14:29] Sorry. So the order was to liberate the RTI?

11 A. [15:14:38] That's not what I said. That is not what I said to you. That's it.

12 I said that the idea was to have our voice heard, another voice heard, because the
13 television is a national medium, and everybody pays their dues, and so a party could
14 not hijack it in order to promote its own views and intoxicate the people.

15 We had won the elections and we needed to talk about it and the results could not be
16 changed over the television. *So, it wasn't about liberating anything at all.

17 Q. [15:15:15] Who gave the orders? Who gave the orders?

18 A. [15:15:20] The RHDP headquarters.

19 Q. [15:15:27] And who in particular within the RHDP gave the orders?

20 A. [15:15:37] Well, the release came from the leaders. Well, all you need to know
21 is that there was a release, a communiqué on that day. And I think what's his name
22 again? Mr Kaowé and Madam Anne Ouloto had had discussion over TV network at
23 the Golf and that TV channel was created and we were able to have access to it. But
24 we received information which we complied with to the letter. We complied with
25 what our leaders had said. And even if we had to do it all over again, we would do

1 it all over again, even a thousand times.

2 Q. [15:16:25] So you say that there were television emissions coming from l'hôtel
3 du Golf?

4 A. [15:16:55] Yes.

5 Q. [15:16:59] So who put in place this facility of having television emissions from
6 l'hôtel du Golf?

7 A. [15:17:17] Well, I'm sorry, let me clarify. The television station from the Hotel
8 Golf was the TCI. It was set up because the RTI had been blocked and millions of
9 Ivorians in Côte d'Ivoire were no longer able to have access to proper information.
10 So the leaders who were there did everything they could to set up this private TV
11 channel. And those who were able to watch it, and like I was saying, we had to do a
12 lot of gymnastics to be able to watch that channel, because if you were seen watching
13 them you would be beaten up.

14 *Now, well before all of that, at the end of the elections when the FPI camp did not
15 want to recognize that they had been defeated, and the RTI was still the only voice
16 present. And that is why our leaders asked us to be mobilised in order to protect our
17 votes, because we had voted and we had won. So we needed to fight to do that job,
18 which is what we did.

19 And thereafter the Golf TV was able to provide us with information, because we had
20 no access to the RTI, which had been blocked off by one camp, one camp. So the
21 other camp was able to set up a private TV channel legitimately to inform us since we
22 had been prohibited from having access to the RTI, although we are supposed to own
23 it collectively.

24 *Q. But how was that installed?

25 *A. I don't know. I was not at the Golf.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 Q. [15:19:15] And what kind of information was transmitted through this television network?

2 A. [15:19:21] The reality on the ground in Côte d'Ivoire at the time was such that if
3 our leaders had not done so at the time, the situation in Côte d'Ivoire would be very
4 different. *If they hadn't done that to counteract, everybody would have been
5 listening to the RTI, as we didn't have access to RFI anymore, nor to the international
6 channels, whereas they didn't win the elections, he is anyway the one who was in
7 charge of communication at the time, and any information coming from Côte d'Ivoire
8 would only have been available through the RTI, which was the one-minded thought
9 pattern. And so I am here congratulating the leaders of the RHDP who had the
10 courage to -- and that's it.

11 PRESIDING JUDGE TARFUSSER: [15:20:06] Mr Witness, you are not here to
12 congratulate anybody. You are here to respond to questions. And you are not here
13 to make political proclaims, okay?

14 And I would also ask the counsel not to try -- well, incite somehow with questions to
15 elicit political statements from the witness. We are talking about facts. Thank you.

16 MR O'SHEA:

17 Q. [15:21:01] Now, you say apart from this TCI, this private network from l'hôtel
18 du Golf, the RTI was the only television network that was transmitting information.
19 Have I understood you correctly?

20 A. [15:21:13] Yes.

21 Q. [15:21:17] But, in fact, there were other television networks, weren't there, that
22 were operating at that time, for example, France 24 was operating, wasn't it, and
23 transmitting information about the events?

24 A. [15:21:35] France 24 was present. But how many people had access to it?
25 Their transmitters were cut off. Their transmitters were cut off in our country.

1 That's what happened. We didn't have access to information in our country. That
2 is it. So the leaders set up CTI and I think it was a very good thing.

3 Q. [15:21:59] And France 24 also emitted information directly from the Golf Hotel,
4 didn't it?

5 A. [15:22:08] Well, I don't know. I was not at the Golf and I, therefore, cannot tell
6 you who the anchors of the news were.

7 Q. [15:22:21] And who provided the finance for this TCI?

8 A. [15:22:24] I don't know. I was not at the Golf and once again I tell you I do not
9 know. But we were proud to have that TV network.

10 Q. [15:22:39] And the rebels also used that network to transmit information, didn't they?

11 A. [15:22:47] I was not at the Golf, so I don't know what the programmes were. I
12 don't know how the programme schedule was developed.

13 Q. [15:23:01] But you, you saw --

14 PRESIDING JUDGE TARFUSSER: [15:23:08] Wait.

15 MR O'SHEA: [15:23:09] Sorry.

16 Q. [15:23:11] But you saw, didn't you, emissions on the television?

17 A. [15:23:19] Pardon?

18 Q. [15:23:19] You saw emissions on the television from rebel leaders, where rebel
19 leaders spoke and appeared?

20 A. [15:23:30] On TCI? No. TCI I remember, Mr Guy Kaowé, Madam Anne
21 Ouloto and the minister, what's his name, Adjoumani and other journalists of the RTI
22 who were at the Golf. Well, there was a blockade and these were the people who
23 organised these or, rather, who broadcast these programmes. I'm not aware of any
24 programmes from the rebels.

25 Q. [15:24:09] And you must have seen emissions through the television from

1 France 24, TFI, where rebel leaders appeared and spoke?

2 A. [15:24:34] Those who had access to TFI and France 24 were able to see any of the
3 interviews that may have been broadcast.

4 PRESIDING JUDGE TARFUSSER: [15:24:54] Have you had access to those stations,
5 TV stations?

6 THE WITNESS: [15:24:59] (Interpretation) Yes, personally, yes. At some point I
7 had access to TFI, to TFI, to RFI. And when the crisis deepened, I did not have
8 access to anything any longer because I was simply trying to protect my own life.

9 MR O'SHEA:

10 Q. [15:25:31] Now, when you were organising *the march on 15...26 December,
11 you were taking your instructions from l'hôtel du golf, right?

12 A. [15:25:38] The instructions or orders came from our leaders.

13 Q. [15:25:52] And the rebels were also receiving their instructions from l'hôtel du
14 Golf, weren't they?

15 A. [15:25:56] I don't know. I'm not in a position to tell you. I'm not able to tell
16 you. I don't know.

17 Q. [15:26:11] Do you know of, in addition to what you were organising, a separate
18 form of organisation that was going on the same day with respect to the rebel soldiers?
19 Are you aware that they were simultaneously organising to take over the RTI on
20 exactly the same day? Are you aware of that?

21 A. [15:26:42] No.

22 MR O'SHEA: [15:26:57] I'm just going to show videos. I'll just get the reference.

23 Q. [15:27:14] I'm going to show you a short clip, CIV-OTP-0064-0101, from 32
24 minutes and 49 seconds to 33 minutes and 38 seconds. And this is the journal
25 télévisé of the RTI of 30 December 2010. And it's public.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [15:27:58] Who is operating? Is it you having
2 the -- okay.

3 MR O'SHEA: [15:28:11]

4 Q. Just before I show the video, can I just ask you this question. What was
5 planned in terms of the RTI itself that day? What was the plan with respect to the
6 RTI?

7 A. [15:28:35] There was no other plan. I told you already that the idea was for all
8 the Ivorians to have the possibility to have access to the TV. Elections had taken
9 place, but only one camp was able to access the TV. So the other camp also needed
10 to have access to the national television. That was the point.

11 The idea was to give everybody an opportunity to tell their share of the truth so that
12 everybody should have access to the national public network. That's it.

13 PRESIDING JUDGE TARFUSSER: [15:29:15] Yes, we do have understood this. But
14 if I interpret what counsel asked is what was the plan? You go, you march, you
15 march towards RTI, and then what was the end of the march? What should have
16 been the outcome of the march?

17 THE WITNESS: [15:29:42] (Interpretation) Thank you, Mr President. The
18 ultimate purpose of the march was to manifest or protest in front of RTI so that RTI
19 would change its programming, which was already public and according to which
20 only one camp had access to the national television.

21 So we went there to protest, to demonstrate so that our grievances should be taken
22 into consideration. That's it. I think that's part of democracy.

23 PRESIDING JUDGE TARFUSSER: [15:30:15] Okay, thank you.

24 MR O'SHEA: [15:30:17]

25 Q. [15:30:18] So was the final objective not to take the RTI by force?

- 1 A. [15:30:30] No.
- 2 Q. [15:30:33] All right. I'll show you the videoclip now.
- 3 (Viewing of the video excerpt)
- 4 MR O'SHEA: [15:31:34]
- 5 Q. [15:31:35] Did you recognize that video footage?
- 6 A. [15:31:46] *Yes, yes, I recognize those intervening.
- 7 Q. [15:31:51] Did you recognize the location where it was taken?
- 8 A. [15:31:58] No. That, I didn't see.
- 9 Q. [15:32:03] So you don't know where they are?
- 10 MR O'SHEA: [15:32:05] Sorry.
- 11 A. [15:32:07] Well, they're in a garden.
- 12 Q. [15:32:09] You don't know where that the garden is?
- 13 A. [15:32:14] I'm not in a position to know. I wasn't the one shooting the video
- 14 footage.
- 15 Q. [15:32:28] And do you recognize the individuals who are speaking in that
- 16 video?
- 17 A. [15:32:33] Of course, of course.
- 18 Q. [15:32:40] Who were they?
- 19 A. [15:32:44] I saw Mr Guillaume Soro, who was the prime minister at the time I
- 20 believe. And if you want me to situate this in time, now, I don't know when it was
- 21 filmed, whether it was at the time that the *CEI and the international community had
- 22 recognized the victory of Mr Ouattara, *then it was quite normal, because Mr
- 23 Guillaume Soro was, at the time, Prime Minister...
- 24 Q. [15:33:26] Yes, that wasn't my question, Mr Witness.
- 25 A. [15:33:29] I can, I can go into --

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 Q. I just asked you --

2 PRESIDING JUDGE TARFUSSER: [15:33:34] (Microphone not activated)

3 MR O'SHEA: [15:33:43]

4 Q. [15:33:43] I just simply asked you who the individuals were who were
5 speaking?

6 A. [15:33:51] Mr -- Mr Guillaume Soro. Now, if you don't want me to go on, I
7 don't know how I'm going to give details.

8 MR MACDONALD: [15:34:11] Just one clarification, your Honour. I think it's
9 important, because the first question that was asked was about recognising the video
10 or if he had seen this video. And the witness said that he recognized the people that
11 were intervening on the video. That's in French, his answer in French. So it was
12 never about recognition of the video itself or, how should I put it, that he --

13 PRESIDING JUDGE TARFUSSER: [15:34:42] (Microphone not activated)

14 MR MACDONALD: [15:34:44] I just want to note it for the record. So if in English
15 it's we're under the impression that he did recognize or had seen this video before,
16 that's not his answer.

17 PRESIDING JUDGE TARFUSSER: [15:34:52] Have you seen this video before today?

18 THE WITNESS: [15:34:59] (Interpretation) I saw -- can I answer?

19 PRESIDING JUDGE TARFUSSER: Yes.

20 THE WITNESS: (Interpretation) I just saw it now. And I want to clarify something.

21 PRESIDING JUDGE TARFUSSER: Please.

22 THE WITNESS: (Interpretation) *I said: if this video was filmed before....after the
23 CEI sponsored by Mr Bakayoko and the international community had declared Mr
24 Ouattara to be the president, if it was after that that Mr Guillaume Soro, being the
25 prime minister and defence minister at that time, gave that speech, I think it is an

1 official speech, because they were the official authorities of the day at that time after
2 the election. So there you have it.

3 PRESIDING JUDGE TARFUSSER: [15:35:51] Yes. This is again an evaluation of
4 you. But it's on the record.
5 Mr O'Shea, please.

6 MR O'SHEA: [15:36:12] I'd like the witness to go out for a moment please, your
7 Honours.

8 PRESIDING JUDGE TARFUSSER: [15:36:16] Have you to address the Court?

9 MR O'SHEA: [15:36:18] Yes.

10 PRESIDING JUDGE TARFUSSER: [15:36:20] Mr Witness, could you please leave,
11 with the help of the court usher, the courtroom just for a few minutes. Thank you.
12 (The witness stands down)

13 THE INTERPRETER: [15:36:41] Interpreter correction: Line 25, page 2, the
14 acronym given was the CEI, not the TCI. Many thanks.

15 PRESIDING JUDGE TARFUSSER: [15:36:50] Thank you.

16 Maître O'Shea.

17 MR O'SHEA: [15:36:55] Your Honour, I'm sure that my learned friend
18 Mr MacDonald is not doing this intentionally, but I would ask him to please, when he
19 stands up and makes his objections about what the witness said or didn't say, to
20 please do it in the absence of the witness.

21 There was an occasion earlier today where I put a question and I said, "Who were the
22 leaders of the rebels?" And my learned friend jumped up and said "Everybody
23 knows who the leaders of the rebels were."

24 And my purpose in asking that question was to see what the witness was going to say,
25 because I suspected based upon previous answers that he had given that he might say,

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 that he might say, that's not what he did say, but he might say, "I don't know who
2 they were."

3 But, of course, when Mr MacDonald said "Everybody knows who the rebel leaders
4 were," that just put a complete stop on that possibility.

5 So that was one thing. And with regard to the last intervention, it's Mr MacDonald's
6 understanding that the witness did not acknowledge recognising the video. I have a
7 different understanding. I don't know if Mr MacDonald is right or if I'm right. But,
8 of course, once Mr MacDonald stands up and says, "Well, it's important to
9 understand that the witness is not saying that he recognized the video then" -- and
10 you see how the witness spoke thereafter about whether he recognized the video or
11 not.

12 So that's my request, that if there are going to be objections of that nature, that even if
13 it does take a minute or two, that the witness be asked to leave so that my line of
14 questioning is not frustrated.

15 PRESIDING JUDGE TARFUSSER: [15:39:09] Mr MacDonald, do you want to
16 intervene? But I think what is a little bit your habit is to jump up and speak.

17 MR MACDONALD: [15:39:17] Yes, but, your Honours --

18 PRESIDING JUDGE TARFUSSER: [15:39:19] Without having, without having asked
19 the word for the floor and without giving the floor. So you just speak sometimes a
20 little bit too early.

21 MR MACDONALD: [15:39:31] Your Honour, it is very simple, let's play the
22 recording of what the witness said.

23 PRESIDING JUDGE TARFUSSER: [15:39:35] No, no, no, no. But here is the --

24 MR MACDONALD: [15:39:37] If I'm wrong, I'll bow. But I'm not wrong. Because
25 you know what, everybody here heard it in French because we're following the

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

- 1 French. So I'm very happy to be proven wrong by playing the recording.
- 2 PRESIDING JUDGE TARFUSSER: [15:39:51] But it's not a matter of only this time.
- 3 It's a matter of the system. That's what I think is more the concern of Mr O'Shea.
- 4 And I would really ask you to stand up and then we talk about, wait before speaking.
- 5 MR O'SHEA: [15:40:14] As I said, your Honour, I don't know whether
- 6 Mr MacDonald is right or I'm right. But I am listening in French. I am listening in
- 7 French, and I thought I'd heard "oui, oui."
- 8 PRESIDING JUDGE TARFUSSER: [15:40:30] That's also your problem, that you are
- 9 listening in French, that's why you overlap.
- 10 MR O'SHEA: Yes, it is.
- 11 PRESIDING JUDGE TARFUSSER: So I'm listening in English and therefore I try to
- 12 stop you all the time.
- 13 MR O'SHEA: [15:40:44] Okay.
- 14 PRESIDING JUDGE TARFUSSER: [15:40:45] Okay? But I think now we can --
- 15 MR O'SHEA: [15:40:48] Just a second please, your Honour.
- 16 (Counsel counter)
- 17 MR O'SHEA: [15:41:00] All right. Thank you.
- 18 PRESIDING JUDGE TARFUSSER: [15:41:05] Please, can the witness be brought in
- 19 again. I don't know where the court usher is, but I hope he is in the immediate
- 20 vicinity.
- 21 MR O'SHEA: [15:41:28] I must apologise to the Chamber, I'm normally a bit better
- 22 on this 5 second thing than I have been today. I think I'm tired.
- 23 PRESIDING JUDGE TARFUSSER: [15:41:37] We are all tired, but --
- 24 (The witness enters the courtroom)
- 25 PRESIDING JUDGE TARFUSSER: [15:42:07] Mr Witness, here we are again. We

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 had only a short discussion, which didn't relate to you personally, but to the
2 proceedings. We have another quarter of an hour to go until the break and,
3 therefore, I really urge you to respond to the point so that we can move on.
4 And I would ask counsel to make questions to the point so we can move on. Okay.
5 Thank you.

6 MR O'SHEA: [15:42:42] Your Honour, yes.

7 Q. [15:43:07] Did you know that Mr Guillaume Soro had made such statements as
8 you observed in the video?

9 A. [15:43:24] I don't understand the question exactly.

10 Q. [15:43:29] Well, you've seen the video?

11 A. [15:43:32] Yes.

12 Q. [15:43:34] Seeing Mr Soro basically talking to people in military uniform and
13 telling them that we're going to go and take the RTI effectively. Did you hear that he
14 had made such statements at that time?

15 A. [15:44:00] I just saw the statement on the RTI, the documentary on the RTI, I've
16 just seen it now.

17 PRESIDING JUDGE TARFUSSER: [15:44:15] Yes, but the question is you've seen it
18 now, dot. Put it beside.

19 At that time did you know about this or similar statements made by Mr Soro, yes or
20 no?

21 THE WITNESS: [15:44:33] (Interpretation) No.

22 MR O'SHEA: [15:44:38]

23 Q. [15:44:38] And what about today, did you know that he had made such
24 statements today?

25 A. [15:44:45] No, I just saw the footage and I specified that if he made that

1 statement after the president of the CEI who was organising the election gave his
2 verdict, well, it was normal for him to do that, because it came from the official
3 president of Côte d'Ivoire, so in other words, the official voice of the republic.

4 PRESIDING JUDGE TARFUSSER: [15:45:18] We have understood this and this is
5 already on the record. It is not necessary for you to repeat things which are on the
6 record.

7 MR O'SHEA: [15:45:34]

8 Q. [15:45:35] Yes, so just answer my question, please. The learned Judge, the
9 learned Judge President asked you the question: Did you know at the time that such
10 statements or similar statements had been made by Guillaume Soro? And you said
11 no.

12 Now I'm asking you at today's date, did you know about the fact that Guillaume Soro
13 had made such statements, or is it in this courtroom that you're hearing of this for the
14 first time?

15 A. [15:46:12] It is now that I see.

16 PRESIDING JUDGE TARFUSSER: [15:46:21] But here it is not about what you see.
17 We know that you saw you've said --

18 THE WITNESS: [15:46:28] It's now that --

19 PRESIDING JUDGE TARFUSSER: [15:46:30] Wait a minute. Did you learn after, in
20 the years after and up to today about such statement made at that time by Mr Soro, or
21 do you learn it today here, not that he made it that day on television, but that he made
22 such statements? Did you learn it now or did you learn it in the last years up to
23 now?

24 THE WITNESS: [15:47:03] (Interpretation) I just learned about it. I just learned
25 about it.

1 MR O'SHEA: [15:47:14]

2 Q. [15:47:15] So your evidence to this Court -- with your Honour's leave, just one
3 more.

4 So your evidence to this Court is that up until today's date you knew nothing about a
5 plan on the part of the rebels to take over the RTI by force? Is that really your
6 evidence, that up until today in the courtroom, you knew nothing about that?

7 A. [15:48:02] Can I answer? I said, and I repeat, I received -- we received a release
8 from the officials of the RHDP telling us to go and protest in front of the station.
9 Now, the channel that we managed to get, TCI, the image showing that Guillaume
10 Soro called people, I just saw that image today. And I -- and whether he said or not
11 said, my statement, I repeat, the little niggly details, the commas, I can't remember
12 everything, but I do know that we were told to go and protest in front of the RTI.
13 Now, Guillaume Soro was not the responsible person of the RHDP. He was a
14 minister. But now whether he heard -- whether I heard, rather, we heard many
15 things, many things about Guillaume Soro, much more dramatic than what we just so.
16 So it might be possible, but I heard even worse things, that he killed people. He ate
17 people. He wanted to kill Gbagbo. I heard much worse, that there was talk that he
18 even ripped hearts out of babies' bodies. I heard many things, much worse, much
19 worse than that footage.

20 Q. [15:49:42] Are you saying that you heard that Guillaume Soro had ripped hearts
21 out of babies? Am I understanding you correctly?

22 A. [15:50:12] Yes. People said many things about him. What didn't we hear?

23 Q. [15:50:23] What else have you heard about Guillaume Soro that's so bad?

24 A. [15:50:28] About the rebels? The television always said that they were killers,
25 they ripped babies out of pregnant women's bellies. They conducted rituals upon

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 bodies, that they drank blood. There were so many atrocities.

2 And when I see what I saw, that's nothing in relation to what was being said about

3 Guillaume Soro and his friends at that time and the people that he worked with

4 before or after.

5 Q. [15:51:10] If we could just go back to the video for a moment at 33 minutes and

6 18 seconds.

7 Do you recognize that man?

8 A. [15:51:50] Yes. *Mr. Ouattara Siaka aka "Wattao".

9 THE INTERPRETER: [15:51:56] Message from the interpreter: If the witness could
10 repeat the name in full.

11 PRESIDING JUDGE TARFUSSER: [15:52:00] Could you please repeat the name in
12 full for the interpreters.

13 THE WITNESS: [15:52:05] (Interpretation) I said that man was Ouattara Issiaka,
14 also known as *"Wattao", the one wearing military clothing. I don't have the image
15 on the screen anymore.

16 PRESIDING JUDGE TARFUSSER: [15:52:22] Me neither.

17 MS NAOURI: [15:52:25] (Interpretation) The computer that we've been using is
18 blocked momentarily. I'm afraid the image --

19 MR O'SHEA: [15:52:40] It doesn't need to come back, your Honours. The computer
20 is doing what I'm doing at the moment, running out of charge.

21 Q. [15:52:48] Now --

22 MR MACDONALD: [15:52:50] We're willing to make an admission that it is indeed
23 Mr Ouattara Issiaka Wattao.

24 MR O'SHEA: That's not the issue. Thank you, Mr MacDonald. But thanks for
25 your help anyway.

1 PRESIDING JUDGE TARFUSSER: [15:53:02] Please, please go ahead.

2 Q. [15:53:15] Now, when was the first time you saw that man?

3 A. [15:53:18] Wattao?

4 Q. Yes.

5 A. In my life, in my lifetime?

6 Q. Yes.

7 A. I think it was -- well, the footage I saw about the rebellion --

8 Q. [15:53:39] Well, can you put a year on that?

9 A. [15:53:41] No. But I do know that I saw a certain -- how should I put it? -- a Mr
10 Wattao, Wattao Issiaka, and I think that that was on the television when there was
11 talk about the rebellion.

12 Q. [15:54:04] And you've just told the Court certain things that you heard about
13 Guillaume Soro. What, if anything, did you hear about Mr Wattao?

14 A. [15:54:21] Yes. I said about the rebellion and Guillaume Soro, many things
15 were said about them, that they practised satanic rituals, they drank the blood of
16 babies, they ate their bodies. Everything was said about them, everything under the
17 sun. What was not said about them?

18 Now, between the truth and falsehoods, I think the line is somewhere in the middle.

19 *But I don't think they kill babies or eat people. They travel all over Côte d'Ivoire. I
20 think this was basically a smear campaign. They were trying to make him out to be
21 some kind of devil. It was what people were saying.

22 Q. [15:55:12] Do you know where Wattao was based?

23 A. [15:55:16] During the rebellion? He was, I think he was within the secretariat
24 of Guillaume, Guillaume Soro. Unless I'm mistaken, he was the deputy to the chief
25 of staff or something like that.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 Q. [15:55:39] And do you know what's happened to Guillaume Soro today?

2 PRESIDING JUDGE TARFUSSER: [15:55:46] We're always missing the first two or
3 three, four words of nearly all questions you are putting.

4 MR O'SHEA: [15:55:57]

5 Q. [15:55:57] Do you know where Guillaume Soro is today, what he's doing?

6 A. [15:56:09] Now?

7 Q. Yes.

8 A. These days, today, I think he's the president of the national assembly, but not in
9 Abidjan, or he might, he might have become something. But when I came from
10 Abidjan, he was speaker of the national assembly.

11 Q. And do you know --

12 THE INTERPRETER: [15:56:29] Overlapping speakers.

13 PRESIDING JUDGE TARFUSSER: [15:56:34] By the way, by this time everybody
14 knows, also the Chamber.

15 MR O'SHEA: [15:56:40] Yes. As I say, the purpose is not -- well, the purpose is
16 different from perhaps what your Honours think at the moment.

17 Q. [15:56:55] And do you know what Mr Wattao is doing today?

18 A. [15:57:08] He is a soldier, he's a soldier. Now, he became a colonel, but his
19 exact position I don't know, because that's not really of interest to me.

20 Q. [15:57:19] If there was, as you said, if there was, as you said, no cooperation
21 between the RDR and the rebels, why is it that these rebel leaders hold important
22 positions today?

23 PRESIDING JUDGE TARFUSSER: [15:57:46] Well, I think this is not a question
24 which can be admitted. I mean, it's not in his power. It's not his decision. It is a
25 deduction, but not a fact.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

- 1 THE WITNESS: [15:58:04] (Interpretation) May I respond?
- 2 MR O'SHEA:
- 3 Q. [15:58:08] The question has not been admitted, sir.
- 4 A. [15:58:12] Okay.
- 5 MR O'SHEA: It's 4 o'clock, your Honours.
- 6 PRESIDING JUDGE TARFUSSER: [15:58:14] Pardon?
- 7 MR O'SHEA: [15:58:15] It's 4 o'clock.
- 8 PRESIDING JUDGE TARFUSSER: [15:58:18] Yes. I think it's 4 o'clock. And now
- 9 we have to stop to give a little bit of breath to the interpreters and court reporters.
- 10 So we stop for today and we resume on Monday morning at 9.30. I would ask the
- 11 court usher to -- yes, yes, but tell me.
- 12 It's not at 9.30, but at 9, okay. Monday, 9 o'clock.
- 13 (Trial Chamber confers)
- 14 PRESIDING JUDGE TARFUSSER: [15:59:14] So I would ask the court usher to bring
- 15 the witness out.
- 16 (The witness stands down)
- 17 PRESIDING JUDGE TARFUSSER: [15:59:31] And I give the floor to the Office of the
- 18 Prosecutor, who has requested it.
- 19 MR MACDONALD: [15:59:42] Very briefly, your Honour. I'm sure you have it
- 20 already in mind. For scheduling purposes, do we take for granted that Witness 350
- 21 will be on Tuesday, or how long will it take, because I understand the calculations are
- 22 maybe not exact, but two and a half hours have been already -- this witness has been
- 23 examined by the Defence for around 2.5 hours.
- 24 PRESIDING JUDGE TARFUSSER: [16:00:13] I was going to ask this, what the
- 25 outlook is.

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 I just want to remind all parties that next week we have five days of extended hours.
2 We want to finish all these witnesses by 9 December. If need be, we go to extended
3 hours also, and this is a threat, extended hours also the week after. We'll see where
4 we stand at the end of next week. But just to let you know that we want to finish all
5 the witness.

6 We will see what with Witness 106 will happen with the admin issues, but if they are
7 solved, also Witness 106. So just to let you know.

8 Therefore I would ask now Mr O'Shea to give me an overview on what he's expecting
9 in terms of time.

10 MR O'SHEA: [16:01:15] Well, within the obvious constraints that we need to
11 obviously do what we have to do for our client, we will cooperate with the Court as
12 fully as possible in the Court's intention. I haven't done the mathematics of how the
13 extended hours works, but if we were doing the normal hours, I would anticipate two
14 more sessions for us.

15 PRESIDING JUDGE TARFUSSER: [16:01:43] The extended hours work two hours,
16 two hours and two hours.

17 MR O'SHEA: [16:01:50] So then one and a half sessions perhaps. But it's an
18 estimate. But I can't speak for the Defence of Blé Goudé also.

19 PRESIDING JUDGE TARFUSSER: [16:02:00] Of course not.

20 MR O'SHEA: [16:02:01] Yes.

21 PRESIDING JUDGE TARFUSSER: [16:02:02] That's why I will give immediately also
22 to the Defence of Mr Blé Goudé, who will tell us that it depends very much on how
23 exhaustive you are.

24 Mr Zokou, please.

25 MR ZOKOU: [16:02:16] (Interpretation) Thank you, Mr President. Now,

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 regardless of how exhaustive Mr Gbagbo's team would be, we have questions to ask,
2 but not too many. And I think we will take about one session in principle, but we
3 could do a little less than that. Thank you.

4 PRESIDING JUDGE TARFUSSER: [16:02:39] Okay. Thank you very much. So I
5 can tell also via here to the Registry that we will finish with this witness on Monday
6 for sure, and if possible, start also with the next witness.

7 So this said, the hearing is adjourned to Monday morning, 9 o'clock. Thank you.

8 THE COURT USHER: [16:03:07] All rise.

9 (The hearing ends in open session at 4.03 p.m.)

10 CORRECTIONS REPORT

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

12 *Page 11, line 20:

13 "the first one is an x-ray." is corrected to "the first one is a photograph"

14 *Page 14, lines 9-10:

15 "This is a certificate de décès ou de mortinatalité." is corrected to "This is a certificat
16 de décès ou de mortalité"

17 *Page 14, lines 11-12:

18 "This is a death certificate or stillbirth, certificate of death or stillbirth. This is for my
19 younger brother, yes." is corrected to "This is a death certificate for my younger
20 brother, yes."

21 *Page 16, lines 11-12:

22 "But with regard to the transfer of the body in the morgue to Treichville" is corrected
23 to "But with regard to the transfer of the body from the morgue in Cocody to
24 Treichville"

25 *Page 25, lines 1-3:

1 "but, you see, I gave a statement, but I can't understand half of it or remember half of
2 it." is corrected to "I have understood. That's what it's about, but do not get me to say
3 that I have made a statement when I don't understand or I cannot recall. That's what I
4 am talking about."

5 *Page 36, lines 16-17:

6 "When there were disturbances, there were changes in the bureau." is corrected to
7 "When there were disturbances, the bureau was not renewed, you see."

8 *Page 37, lines 10-11:

9 "the party to which I belonged was a party in difficulty. There were matters," is
10 corrected to "the party to which I belonged was a martyred party."

11 *Page 38, line 2:

12 "I am not in a position to tell you their reasons for that" is corrected to "I am not in a
13 position to tell you, because... there are reasons for that"

14 *Page 38, lines 17-22:

15 "And when you talk about the comité de base, the information goes to the section,
16 then to the political committee, to the departmental organ and then to the summit.
17 So I do not send information directly to the summit. I send it to the president of the
18 section, then the political commissioner, the departmental leadership and then up to
19 the hierarchy." is corrected to "And from the comité de base, the information goes to
20 the section president, then to the political commissar; from the political commissar to
21 the departmental, from the departmental to the top. So I do not send information
22 directly to the management. I send it to the secretary of the section, then he sends it
23 up to the political commissar: political commissar, departmental; departmental to the
24 top, to the management."

25 *Page 40, line 4: "general" is translated and added

1 *Page 40, line 5:

2 "A. After the secretary general there are the national secretaries." is translated and
3 added

4 *Page 40, line 24: "Henriette Diabaté" is corrected to "Henriette Dagri Diabaté"

5 *Page 43, line 1: "in Rue Lepic," is translated and added

6 *Page 46, lines 16-17:

7 "or I didn't help in my region, but I was given the post of being in charge of
8 mobilisation at the time." is corrected to "I had to go and help in my region, and
9 that's what I did. I was given the post of head of mobilisation at the time."

10 *Page 52, lines 8-9:

11 "that name comes from Mali in Bambara. People would say ongajin (phon)" is
12 corrected to "that name comes from Great Mali. In Bambara, people would say
13 angajin (phon),"

14 *Page 54, line 2: "Cocody," is translated and added

15 *Page 59, lines 17-18:

16 "meetings in large rooms, in stadiums, but to -- correction, but to my recollection, not
17 in stadiums." is corrected to "meetings in large rooms, but to my recollection, not in
18 stadiums."

19 *Page 61, lines 19-21:

20 "but there were supporters of the other parties. So there are people from both sides.
21 The FPI also had members within grins who were members of various grins within
22 the city." is corrected to "Even the FPI supporters also came to our grin, they also had
23 grins too. The PDCI too, they have supporters who have grins or who are members of
24 certain grins within the city."

25 *Page 61, line 25: "at some times." is corrected to "at times."

1 *Page 62, lines 1-2:

2 "before the election. For example, we had -- what do you call it, that period before,
3 just before -- well, in some cases you weren't welcome." is corrected to "before the
4 election, when anybody who did not think like the established power was not
5 welcome."

6 *Page 62, line 2:

7 "So, people would come and visit us at any time." is translated and added

8 *Page 62, lines 10-11:

9 "That was not anything to be seen to be quite true, to be quite truthful, it was
10 anything." is corrected to "It was good, too good to be true. Subsequently it was a
11 mess."

12 *Page 63, line 2:

13 "The results were out there." is corrected to "The results needed to be announced. "

14 *Page 63, line 4: "in record time, even in Abidjan" is translated and added

15 *Page 63, line 5: "and be everywhere, in the offices" is translated and added

16 *Page 63, line 6:

17 "And a curfew, you see, it just ..." is corrected to "One couldn't establish a curfew. It
18 wasn't even.... It was... well, there we are."

19 *Page 63, lines 15-16:

20 "There we are. You can't do that where you come from, so, we cannot accept that this
21 be done where we come from." is translated and added

22 *Page 65, line 1: "the situation we lived through" is translated and added

23 *Page 65, lines 21-23:

24 "A bullet lodges in my thigh from a pistol, everybody would know that. If I had
25 been hit by something from a rocket, that would be different." is corrected to "A

1 bullet lodges in my thigh from a pistol; I haven't had a rocket launched at me.
2 Everybody would know that it isn't a rocket. If I had been hit by a rocket, that would
3 be called heavy weaponry."
4 *Page 68, line 16:
5 "So that was it." is corrected to "So, it wasn't about liberating anything at all."
6 *Page 69, lines 14-16:
7 "Now, at the end of the elections the other camp did not want to recognize that they
8 had been defeated, and they had the singularity of speech so to speak." is corrected to
9 "Now, well before all of that, at the end of the elections when the FPI camp did not
10 want to recognize that they had been defeated, and the RTI was still the only voice
11 present."
12 *Page 69, line 24: "Q. But how was that installed?" is translated and added
13 *Page 69, line 25: "Hence, I don't know." is corrected to "A. I don't know"
14 *Page 70, lines 4-6:
15 "If they hadn't done that to counteract the RTI, which was handled by one side" is
16 corrected to "If they hadn't done that to counteract, everybody would have been
17 listening to the RTI, as we didn't have access to RFI anymore, nor to the international
18 channels,"
19 *Page 72, line 10:
20 "the march on 16 December" is corrected to "the march on 15... 26 December"
21 *Page 74, line 6:
22 "Yes, yes, I did." is corrected to "Yes, yes, I recognize those intervening."
23 *Page 74, line 21: "TCI" is corrected to "CEI"
24 *Page 74, lines 22-23:
25 "so it was quite normal for Mr Guillaume to –" is corrected to "then it was quite

1 normal, because Mr Guillaume Soro was, at the time, Prime Minister...”

2 *Page 75, lines 22-23:

3 “It's not that I said if this video was filmed before, before the TCI sponsored by Mr
4 Bakayoko” is corrected to “I said: if this video was filmed before....after the CEI
5 sponsored by Mr Bakayoko”

6 *Page 82, line 8:

7 “Mr Wattao, that was his name.” is corrected to “Mr Ouattara Siaka aka ‘Wattao’. “

8 *Page 82, line 14: “Wattao” is corrected to “ ‘Wattao’ “

9 *Page 83, line 19:

10 “But I don't think he kills babies or eats people. He travels all about Côte d'Ivoire.” is
11 corrected to “But I don't think they kill babies or eat people. They travel all over Côte
12 d'Ivoire.”

13 The Court Management Section has made the following corrections in the transcript:

14 *Page 32, line 22: “this” is corrected to “there's”

15 *Page 32, line 23: “There is several names.” is corrected to “There are several names.”

16 *Page 36, line 15: “Konan Madou” is corrected to “Koné Mamadou”

17 *Page 51, lines 8, 13, 19, 22: “Mr Ouattara” is corrected to “Mr Wattao”