

Trial Hearing
WITNESS: CIV-OTP-P-0097

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Thursday, 9 June 2016
10 (The hearing starts in open session at 9.02 a.m.)
11 THE COURT OFFICER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Good morning. The floor goes immediately to
15 the Prosecutor for the Prosecution questioning of the witness.
16 Good morning, Mr Witness.
17 WITNESS: CIV-OTP-P-0097 (On former oath)
18 (The witness speaks French)
19 THE WITNESS: (Interpretation) Good morning, Mr President.
20 QUESTIONED BY MR MACDONALD: (Continuing)
21 Q. (Interpretation) Good morning, Mr Witness.
22 A. Good morning, Mr Prosecutor.
23 Q. I'm going to move forward with my questions, and we are going to concentrate
24 on the period of 2010. I'd like to briefly return, during the electoral or the election
25 campaign, during the two rounds, did Mr Blé Goudé play a role during the

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1 campaign?

2 A. If my memory serves me correctly, Mr Blé Goudé was in charge of youth, that is
3 to say mobilising youth for the campaign.

4 Q. And to your knowledge, Mr Konaté Navigué, the national director of the youth
5 of the FPI, did he himself have a role?

6 A. Yes. With regard to the campaign, all those who were in charge of the
7 structures or the parties or the NGOs were automatically in some kind of role of
8 responsibility or in charge.

9 Q. Very well. Mr Witness, I have a certain amount of minutes allocated. I am
10 going to focus my questions on very specific events by choice. So I'm going to ask
11 you to answer in a very precise manner.

12 In your statement, you make reference to what you referred to the spectre of the
13 infiltration of rebels in Abidjan, and you refer to two communiqués over the
14 television. Could you please tell us what those televised communiqués were and
15 who were the individuals who made those communiqués, please?

16 MR GBOUGNON: (Interpretation) Mr President, first, to be able to follow things
17 properly, could we please know which statement he is referring to? Could we
18 please have the reference to the transcript, because I don't know what he's talking
19 about.

20 MR MACDONALD: (Interpretation) This is the statement to the Office of
21 Prosecutor, bearing number CIV-OTP-0069-0250.

22 MR GBOUGNON: (Interpretation) Mr President, he is trying to put the witness's
23 statement before him and confront him with it. He's trying -- he might just put a
24 question to him and ask him with regard to the question.

25 MR MACDONALD: (Interpretation) Mr President, I'm not confronting the witness

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1 at all. I don't see why my learned friend is saying that. I am examining the witness.

2 I am putting a question to him. It is specific and direct in nature. There is no

3 confrontation, so --

4 PRESIDING JUDGE TARFUSSER: Please go ahead.

5 MR MACDONALD: (Interpretation)

6 Q. Do you know where we are, Mr Witness?

7 A. I do not know where we are, because in the statement I did not talk about a

8 communiqué. I did not refer to a spectre of infiltration to my knowledge, no.

9 Q. So there were -- were there any communiqués during the electoral campaign in
10 2010 that really were marking, that drew your attention?

11 A. Communiqués?

12 Q. From the government, whether it be from the FDS or from the spokesperson of
13 the government.

14 A. There were communiqués, but I do not recall specifically. Are we talking
15 about 2010 here specifically? That's during the election. So the ones that I do recall
16 or what I do recall is that we were at a time -- no, that was -- that was during the
17 post-electoral crisis. It's not during the election. I would like you to be specific.
18 You might even jog my memory on occasion.

19 Q. Mr Witness, please, let's leave the election campaign to one side. I've gone
20 back somewhat with regard to the position of *Mr Blé Goudé and Mr Navigué during
21 the campaign. Let's now talk about the results of the elections in the month of
22 December 2010, December 2010, all right? The vote, the result was announced under
23 the circumstances that we know about?

24 A. Yes, yes.

25 Q. So that's already in the file.

1 Let us now go more specifically to the communiqués following the results, that's the
2 communiqués from the government in December 2010.

3 A. Mr Prosecutor, I do not recall this communiqué.

4 Q. And to your knowledge, were there any communiqués on the subject of the UN
5 mission in Côte d'Ivoire in December 2010?

6 A. I read in the press -- I do remember what you're referring to, I do -- I read in the
7 press that the government was saying that the UN was no longer doing its work in an
8 impartial manner. I read that in the press.

9 Q. Do you remember having been questioned by the office of the Prosecutor --

10 THE INTERPRETER: Overlapping speakers.

11 THE WITNESS: (Interpretation) -- with regard to the position of the government,
12 whether it be the forces of defence and security or the government itself?

13 A. Yes, exactly, it's the same thing, the press.

14 Q. When you say "the press," can you be more specific? Are we talking here
15 about written press?

16 THE INTERPRETER: Overlapping speakers.

17 THE WITNESS: (Interpretation)

18 A. Written press, it was a daily, The Patriot, for example.

19 MR MACDONALD: (Interpretation)

20 Q. Mr Witness, did you also during that period, you were listening to the television,
21 were you not, the RTI?

22 A. Yes, I did. I watched television, but I did not do so on a daily basis.

23 Q. Do you remember in your statement having been questioned on the subject?

24 A. Yes, Mr Prosecutor.

25 Q. Do you remember the answers that you provided with regard to the RTI --

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1 MR GBOUGNON: Monsieur le Président.

2 THE INTERPRETER: Overlapping speakers, multiple overlapping speakers.

3 PRESIDING JUDGE TARFUSSER: We have to -- (microphone not activated)

4 THE INTERPRETER: Microphone please, Mr President. Microphone please, Mr
5 President.

6 PRESIDING JUDGE TARFUSSER: Yes, sorry. I hear four speakers: OTP, you, the
7 witness and the translator, protesting rightly. So I don't know what's the matter
8 now.

9 MR GBOUGNON: (Interpretation) Mr President, the witness has just said that he
10 remembers having read something in the press. The Prosecutor is asking which press.
11 He says written press and he talks about a specific newspaper. He's trying to bring
12 him back to his statement and make him say something else. He remembers,
13 however, what he said and he says "That's precisely what I said during my
14 statement." I think that's enough.

15 PRESIDING JUDGE TARFUSSER: I don't know if it's precisely what he says during
16 the statement.
17 Yes, please, Mr Witness.

18 THE WITNESS: (Interpretation) Mr President, I believe that we're putting too
19 much passion into this debate. I'm an adult. I know what I said and I do not need
20 any support from left, right and centre. It's very complicated for me, you know. I
21 said during the statement that I gave that I had indeed read in the press that the
22 spokesperson of the FDS had made a communiqué or given a communiqué to say that
23 the forces that were supposed to be impartial were no longer. So I said that I had
24 read that in the press.

25 MR MACDONALD: (Interpretation)

1 Q. Who, who made this statement?

2 A. I said it was the spokesperson of the FDS at the time, Mr Babri Gohourou.

3 Q. The government on the same subject?

4 A. Yes, precisely. It was in virtually the same period.

5 Q. Are you in a position to tell us at that time who was the spokesperson of the
6 government?

7 A. As you indicated, it was a lady. I don't know whether I know her name any
8 longer. It might have been San Pédro. If you were to jog my memory and tell me
9 that that was her name, then I would say that it were. But I know it was a lady.

10 Q. Mrs *Lohoues Oblé?

11 A. Yes, that's correct.

12 Q. And subsequently, did you see these reports of these two representatives, one
13 from the FDS and one from the RTI -- no, from the government over the RTI?

14 A. Were I to have seen them, I would not have said that I read it in the press. I
15 would have provided both sources. If I said that I had read it in the press, it was
16 because I did not see it.

17 MR MACDONALD: (Interpretation) Mr President, we shall come back to that if
18 necessary. I'm going to move on.

19 Q. Mr Witness, I would like to -- are you in a position as to the contents of one or
20 other of the communiqués to tell us what the position was of the government at that
21 moment in time?

22 A. As I did not look at it directly, I can only paraphrase what I read in the press. I
23 am in a position to do that.

24 With regard to the position of the spokesperson of the FDS at the time, what I read in
25 the press was that this person in charge or the official said that the ONUCI forces

1 were no longer fulfilling their mission, the mission for which they had come to Côte
2 d'Ivoire. In other words, those forces were no longer complying with their mandate.

3 I'm just paraphrasing. This is not what was said literally.

4 And with regard to the contents of the communiqué from the government that I also
5 read, it was more or less in the same vein, I believe that it was the renewal of the
6 ONUCI forces mandate, and it would see that according to the press, the government
7 no longer wanted to renew the mandate of ONUCI.

8 Q. Very well. And subsequently, to your knowledge, were there any reactions
9 out in the field subsequent to these two communiqués?

10 A. There was a great deal of movement of mobilisation, but I can't tell you
11 precisely whether it was a reaction to those communiqués or not.

12 Q. So what happened at that moment in time subsequent to those two speeches out
13 in the field?

14 A. I noted out in the field that there was many a rumour being mongered, and
15 sometimes people would be running willy-nilly saying: Oh, the ONUCI has -- and
16 you could see masses moving.

17 But nobody would say that I saw such and such a thing. They were saying that they
18 had transported rebels by helicopter.

19 Q. And what were they saying specifically, what you just referred to?

20 A. *I was saying that it was chaos, because when you say that in a specific
21 neighbourhood rebels came, with the image that you have of rebels, throughout an
22 entire decade, people panic, and it's chaos.

23 Q. What do you mean by panic, madness?

24 MR KNOOPS: Mr President, I object against this line of questioning. The witness
25 is asked to speculate about a link between two communiqués and what happened

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1 afterwards in the field. The witness cannot comment on a potential link or causality
2 between two communiqués and what happened afterwards, the reaction of the
3 people, whether they were a result of those communiqués. The witness actually
4 acknowledged this and the Prosecution still persists in getting an answer from the
5 witness as though he has knowledge of such a causality. So I believe this line of
6 questioning is asking for mere speculations on the part of the witness.

7 MR MACDONALD: Your Honours, I'll reformulate to ask facts to make it clear that
8 what I'm asking -- and the witness, I'm not asking him to speculate or give his
9 interpretation here. I'm asking him, following those calls in relation to the UN
10 mission, I'll be very specific, to his knowledge, was the UN the victim of attacks?

11 MR O'SHEA: That's a very leading question, if I may say so.

12 PRESIDING JUDGE TARFUSSER: Pardon?

13 MR O'SHEA: Sorry, your Honour. I said that's a very leading question, if I may
14 say so.

15 PRESIDING JUDGE TARFUSSER: The question is if the UN were victims of attacks,
16 I don't think that is very --

17 MR O'SHEA: Couldn't be more leading, with respect.

18 PRESIDING JUDGE TARFUSSER: We can say no, we can say yes and then --

19 MR O'SHEA: Yes.

20 MR MACDONALD: Follow up or not.

21 PRESIDING JUDGE TARFUSSER: Follow up or not, yes, let's say. But I don't think
22 it's very much leading, I must say.

23 MR MACDONALD: Thank you, your Honour.

24 PRESIDING JUDGE TARFUSSER: Yes, but -- may I say something? You will have
25 all the time then when you are questioning to come back to all these things. If we

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1 continue to opposing whether -- I have also some doubts sometimes, but I think you
2 will have all the time to question the witness afterwards. I am very happy to let you
3 do so the whole day today and tomorrow.

4 Please, Mr Gbougnon.

5 MR GBOUGNON: (Interpretation) Thank you, Mr President. Just to specify, the
6 witness says this on page 8 --

7 MR MACDONALD: I will object, your Honour. I will ask the witness now to leave
8 the courtroom each time, because my colleagues in their interventions are influencing
9 the witness, and that's what they've been doing and that's the purpose of their
10 objections. I wasn't born yesterday doing this job. So I'm sorry, this is unacceptable
11 behaviour that I'm raising with the Chamber and that's the sole purpose of every
12 single objections they're making right now.

13 Obviously it's a topic that they don't like, but the Chamber is here for its true mission
14 function. Now it's being -- and we're wasting time.

15 PRESIDING JUDGE TARFUSSER: We are wasting time. We are wasting time
16 really. I agree.

17 MR MACDONALD: But, your Honour, this is why I would simply put that you
18 have just ruled and it is for the Defence to sit down and the Prosecution to continue.

19 PRESIDING JUDGE TARFUSSER: Maître Gbougnon.

20 MR GBOUGNON: (Interpretation) Mr President.

21 PRESIDING JUDGE TARFUSSER: Yes, what was your objection?

22 MR GBOUGNON: (Interpretation) As my learned colleague said, he is making a
23 nexus between the communiqué and the reaction, whereas the witness said at the
24 beginning that he, he said this clearly -- when one wants to interpret that the
25 objections are made for this or that reason, I don't believe that the Prosecutor is in a

1 good position to make such a remark.

2 Never has he asked a witness to go out for him to make an objection. So I am against
3 this, him saying this about me.

4 PRESIDING JUDGE TARFUSSER: Okay. I would really ask you to try to come to
5 an end of the questioning by the Prosecutor and then you will have all the time to
6 question the witness on these topics. I don't think that this was a leading question, if
7 there was any attack on the UN. I mean, it's a question where he can freely, freely
8 answer.

9 Please, Mr Prosecutor, go ahead.

10 MR MACDONALD: (Interpretation)

11 Q. Mr Witness, I'm not asking you to make a link, that will be up to the Chamber, if
12 they exist, yes or no. What I'm asking you for is facts.

13 Subsequently, after these communiqués, was or did the ONUCI come under attack in
14 any way?

15 A. The ONUCI did come under attack. The ONUCI came under attack, but it was
16 before the communiqués or just after the communiqués. I'm not sure. I can't
17 guarantee when it was because I wasn't on location, and I was reading everything in
18 the press.

19 Q. Mr Witness, I think I have to come back somewhat. I do apologise to the
20 Chamber.

21 I'm going to hark back to the pre-election period, that is to say during the campaign
22 period. So you mentioned yesterday the agoras and the parlements and you talked
23 about the period of 2007. Now, and you talked about a decrease in numbers. What
24 about during the election campaign in 2010?

25 A. During the election campaign, the speakers in the parlements who had a certain

1 gift in terms of speaking mobilised, and I even believe that there was a group or
2 collective of these speakers who wanted to mobilise people.

3 Q. And this mobilisation was directed at what electorate?

4 A. Which candidate or which electorate?

5 Q. Which candidate?

6 A. This was the candidate that they supported, that they *had always supported.

7 Q. Now, listen, Mr Witness --

8 A. It was the candidate Laurent Gbagbo.

9 Q. Okay. That's all. We're just looking for facts.

10 A. Well, it's very obvious.

11 Q. Now, Mr Witness, I would like to talk about the directives given my or the mot
12 d'ordres by Mr Blé Goudé. In your statement you refer to a rally at the Le Baron Bar.
13 Now, what happened? What do you know about it?

14 A. I know and I would add that the press revealed or reported the *Blé Goudé rally
15 at the Baron Bar in Yopougon. And in addition, they said that the youth started to
16 set up roadblocks. They started to ransack mini buses that are called ngbakas.
17 But after my investigation I had two versions. There was the version provided by
18 the press that said that on instructions of Blé Goudé, this destruction began; and I had
19 a second version which was that some young people had rebelled against the
20 transporters, who at that time were always respecting the instructions of Mr Alassane
21 Ouattara, who was giving instructions for there to be a ville morte, a dead city,
22 notably that life was to come to a halt, you know, in terms of transport, et cetera, et
23 cetera.

24 Now, as logic would have it in Côte d'Ivoire, transporters or transport companies are
25 in the majority, and they are supporters of Mr Alassane Ouattara. And the Young

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1 Patriots held it against them that they always respected this or these instructions.

2 Q. Mr Witness --

3 PRESIDING JUDGE TARFUSSER: Excuse me. May I pose you a question. Have
4 you been at the Baron Bar rally? Have you been there?

5 THE WITNESS: (Interpretation) No, no, certainly not.

6 MR MACDONALD: (Interpretation)

7 Q. Did you see the broadcast of the speech given at Le Baron Bar?

8 A. No.

9 Q. Witness.

10 A. Yes.

11 Q. Do you remember --

12 MR MACDONALD: I'm sorry, your Honour, I would like to go in closed and partial
13 closed session very briefly, very briefly.

14 PRESIDING JUDGE TARFUSSER: Okay. Let's go in private session.

15 (Private session at 9.32 a.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 9.33 a.m.)

8 THE COURT OFFICER: (Interpretation) We are in open session.

9 PRESIDING JUDGE TARFUSSER: Mr Prosecutor.

10 MR MACDONALD: (Interpretation)

11 Q. Once again I will put a question to you. And I'm asking you to tell us what
12 you learned from the press. What were Mr Blé Goudé's instructions?

13 A. Mr Prosecutor, let me tell you this, when it comes to this particular issue, this is
14 the answer that I gave. I said that the rally at the Baron Bar, I wasn't at that rally.
15 Now, they -- well, I was in the area that day, and I did see the group of people, and
16 people did tell me that there was a rally there. And that's what I told your
17 investigators.

18 Now, after the rally, as I've already described, some things happened and I read
19 about those things in the press.

20 Q. Mr Witness.

21 A. Yes.

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 A. Roadblocks. Roads were blocked off, and they were held by some young

1 people.

2 Q. From what group?

3 A. Young Patriots as usual.

4 Q. What did they do at those roadblocks?

5 A. When you got to one of these roadblocks, they would ask you where you were
6 going, and you would say where you were going -- correction, where you lived.

7 And they would say: Well, how long have you lived there for?

8 You would answer.

9 And that wouldn't last. That was for about a day. And then they would ask you
10 for a hundred or 200 francs, that kind of amount.

11 Q. Just to make sure that we've understood your testimony, one day after the rally
12 at Le Baron Bar, these roadblocks were set up, and you yourself saw the roadblocks?

13 A. Mr Prosecutor --

14 Q. It's just a "yes" or "no." I just summarised.

15 A. No, you haven't understood. I told you -- I'll explain the reasoning or the
16 rationale for the roadblocks. On the first day the roadblocks represented a form of
17 systematic checking, control. If you got there with your vehicle, they would look in
18 the glove compartment, they would look everywhere to make sure that you had no
19 weapons. They would also check your identity and they would ask you where you
20 were going. That was the first day of the roadblocks.

21 After that, the roadblocks became a form of extortion. They just wanted some
22 money so they could have something to eat. They would hit you up for a hundred
23 or 200 francs.

24 PRESIDING JUDGE TARFUSSER: Mr Witness, have you incurred a roadblock?

25 THE WITNESS: (Interpretation) Yes.

1 PRESIDING JUDGE TARFUSSER: So this is something you say because you lived
2 it?

3 THE WITNESS: (Interpretation) Exactly, exactly, indeed.

4 PRESIDING JUDGE TARFUSSER: You did not read it?

5 THE WITNESS: (Interpretation) Well, since I was moving about --

6 MR MACDONALD:

7 Q. Remember the first day we were speaking in private session about some events
8 that you saw with your own eyes?

9 A. Yes, that's what I saw with my own eyes. I saw the roadblocks.

10 Q. And first of all, what happened? Well, how did they enforce their -- the
11 instructions or how did they run the show, so to speak? What did they have, what
12 were their tools or their mode --

13 A. There would be five, six, eight of them, sometimes ten of them, *they didn't
14 have... I don't know if you want to know if they had weapons or were empty-handed.
15 If that's the question, they did not have any weapons.

16 Q. Once again, Mr Witness --

17 A. Yes.

18 Q. -- you said they had no weapons?

19 A. The people at the roadblocks did not have weapons.

20 Q. Very well. Agreed.

21 What would happen if people had names (Redacted)

22 (Redacted)

23 A. (Redacted). I went through the roadblocks. Other
24 people, well, sometimes I would give them a hundred or 200 francs. On the other
25 hand, other people were intimidated.

1 Q. How were they intimidated? Give us facts, please tell us about things you
2 actually saw, events. How were these people intimidated?

3 MR GBOUGNON: (Interpretation) Your Honour, I beg your pardon. I'm sorry to
4 interrupt my learned friend, but I must say this, a few moments ago you asked the
5 witness whether he had seen these events, and he said yes. He said he had gone
6 through these roadblocks. And I think the Prosecution should have asked him
7 whether he was a witness to intimidation or if he had heard about intimidation. Was
8 he a witness to intimidation or was he told about intimidation?

9 PRESIDING JUDGE TARFUSSER: That is exactly how I understood the question, I
10 must say.

11 MR MACDONALD: Your Honour, I submit to you that again this is a clear attempt
12 at interrupting the Prosecution in order to influence the witness. It cannot be clearer
13 than that because my questions are open. I am not done with my questioning on
14 that topic. My colleague knows exactly what he's doing. And this, I submit
15 respectfully cannot be tolerated because it is basically an attempt to prevent the
16 Prosecution from eliciting evidence which is of obviously relevant evidence for this
17 trial.

18 PRESIDING JUDGE TARFUSSER: No. I will give you the floor. We don't discuss
19 about this. Please, no, we don't discuss about this.

20 MR ALTIT: (Interpretation) I don't wish to argue. But I really must respond, one
21 second. I just can't let this go by. This is impugning motives.

22 PRESIDING JUDGE TARFUSSER: This has nothing to do with your questioning.
23 And this is between the Prosecutor and Mr Gbougnon. I don't really understand
24 why you are standing up.

25 MR ALTIT: (Interpretation) You are correct, your Honour. However, this has to

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1 do with the Defence. At least three times now the Prosecution has tried to intimidate
2 the Defence so that the Defence cannot raise objections when the Defence feels it has
3 the duty to do so.

4 And yet the Prosecution is coming forward with all kinds of leading questions.

5 Generally speaking, I would like this trial to run in a proper manner, as you do, and
6 thus I think we really need to return to a form of courtesy and to avoid behaviour that
7 is unacceptable in a court of justice. That's all I have to say.

8 PRESIDING JUDGE TARFUSSER: All I have to say is that I said repeatedly, and I
9 don't want any more that these sort of accusations are made.

10 I ask you, Mr Prosecutor, to continue.

11 And I ask the parties to respect now the questioning by the Prosecutor. You will
12 have all the time to do your questioning after, after the Prosecutor has finished in not
13 very long time.

14 MR MACDONALD: Your Honours, right now I'm doing -- anyway, yes.

15 PRESIDING JUDGE TARFUSSER: Yes. Please go ahead.

16 MR MACDONALD: (Interpretation)

17 Q. Mr Witness.

18 A. Yes.

19 Q. I'll repeat my question. You made mention of intimidation. What form of
20 intimidation, what form did it take?

21 A. Oh, yes, well, there was a lack of understanding. You see, the rationale was,
22 well, people were actually even burnt alive. People saw that.

23 PRESIDING JUDGE TARFUSSER: Did you see that?

24 THE WITNESS: Sorry?

25 PRESIDING JUDGE TARFUSSER: Did you see that? Have you been intimidated?

1 Have you been asked to pay money?

2 THE WITNESS: (Interpretation) How many times do I have to say it? I said I
3 went through the roadblocks. I would pay a hundred francs, 200 francs. I've said
4 that several times.

5 MR MACDONALD: (Interpretation)

6 Q. Now, I understand that in private session you mentioned the issue of people
7 who had been burnt to death?

8 A. It wasn't in private session. It was --

9 Q. The first -- just a second, just a second.

10 You described what you saw and the context in which you saw it, and the Chamber
11 shall come to its conclusions and interpret your testimony as they will.

12 Now, in your statement, now that we're on this particular topic, you explained what
13 Article 125 meant. What is that?

14 A. Yes. Article 125 was a kind of violence that consisted of taking people who
15 were alive, beating them up and then burning them to death. And I told you on the
16 first day that I did not look -- I don't know whether -- I think you remember, I think.
17 But if you want, I can return --

18 Q. I don't want you to go back to the scene. I'm asking you questions about
19 Article 125.

20 A. That's what I summarised.

21 Q. Could you be more specific? Why 125?

22 A. 125, because, you see, the rationale was that people who were beaten up would
23 be burnt. And you see, they thought at the time that -- well, you see, it would be 100
24 francs for the petrol and then 25 francs for the matches. That was the idea
25 that -- well, that is how this expression came into being.

1 Q. And if you look at the list you have, could you tell us whom you spoke with
2 about Article 125?

3 A. I never spoke to anyone about that.

4 MR MACDONALD: (Interpretation) Your Honour, if we could briefly go into
5 private session for this particular topic, because I need to make reference to an item
6 that is not public in nature.

7 PRESIDING JUDGE TARFUSSER: Can we go to private session, please.

8 (Private session at 9.48 a.m.)

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- 16 (Redacted)
- 17 (Open session at 9.58 a.m.)
- 18 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.
- 19 MR MACDONALD: (Interpretation)
- 20 Q. Witness, were you made aware or did you yourself become aware of other
- 21 instructions from Blé Goudé after the instructions that were issued at Le Baron Bar?
- 22 A. Yes, I was told about other instructions issued by Mr Blé Goudé.
- 23 Q. And what were these instructions about?
- 24 A. They were about looting.
- 25 Q. Looting what?

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1 A. Shops, goods in general.

2 Q. Belonging to whom?

3 A. Belonging to people usually thought of as non-Ivorian.

4 Q. Now, without revealing the specific location, did you yourself see any such
5 looting after this call to engage in looting? Did you yourself see for yourself such a
6 thing?

7 A. I did see shops that had been looted.

8 Q. And what was the nationality of those shops in particular that you were well
9 aware of?

10 A. I told you that most of them were nationals of ECOWAS.

11 Q. If you prefer, we can go into private session very rapidly for you to be able to
12 provide us with the specific nationality of a tradesman that you would visit more
13 specifically.

14 A. A Malian person.

15 MR MACDONALD: (Interpretation) Now, at this juncture, Mr President, I would
16 like to show a video, and I shall wrap up with this, with one or two questions after
17 this video, but it will be the end of my examination.

18 PRESIDING JUDGE TARFUSSER: And the video is?

19 MR MACDONALD: (Interpretation) Now the video bears reference number
20 CIV-OTP-0003-0018, from minute timestamp 5.36 to minute 6.40. There is also a
21 transcript that was to be found at 0008-0067.

22 Q. Mr Witness, you need to push button Evidence 2.

23 (Viewing of the video excerpt)

24 MR MACDONALD: I'm going to read, your Honour, into the transcript the passage.

25 (Interpretation) So the excerpt commences on page 0070, line 80, after the first part

1 of the sentence:

2 And people would have us believe that people are leaving Abidjan. The question is
3 still outstanding. Who is leaving Abidjan?

4 And then you see the crowd.

5 Who is leaving Abidjan? You're going to repeat after me: Who is leaving Abidjan?

6 And they answer: Who is leaving Abidjan? Who is leaving Abidjan?

7 And then there is a change *of shot. At the beginning it's a little bit incomprehensible,
8 and then according to the transcript it says: There will be a commission to conduct a
9 survey on all the boutiques or shops. Then it's incomprehensible.

10 And then me, as minister of employment, I am seeking to provide people with
11 employment -- then it's incomprehensible -- Ivorian.

12 They have left all -- incomprehensible -- and then they've left all
13 their -- incomprehensible -- and you can hear the crowd.

14 And then Mr Blé Goudé says the following things: And when they come back, they
15 will find -- incomprehensible -- in Côte d'Ivoire. The Mauritians left their shops,
16 they left. And when they come back, they will find new shop owners in Côte
17 d'Ivoire.

18 God is not going to come -- it doesn't come down to speak to man. He
19 communicates with us via events and situations to give you something. You don't
20 see things clearly.

21 End of excerpt.

22 Q. Now, Mr Witness, firstly, were you an eyewitness to this call, whether it be
23 over -- threw the press, over the RTI or in person?

24 A. I saw it over the television and I also heard it through the press.

1 Q. Were there any -- was there any follow up to this speech? I'm asking you
2 about facts.

3 A. Yes, and I've already talked to you about it.

4 Q. Now, this speech is dated 23 March 2011 to situate it. You yourself, I'd like to
5 ask you more specific, and we're going to go into private session for the purpose, I'm
6 going to briefly finish on this, because this information could be identifying in nature.

7 PRESIDING JUDGE TARFUSSER: Please, can we go in private session.

8 (Private session at 10.07 a.m.)

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14 (Redacted)

15 (Redacted)

16 (Open session at 10.11 a.m.)

17 THE COURT OFFICER: (Interpretation) We are in public session, Mr President.

18 THE WITNESS: (Interpretation) Could I just add something for the understanding

19 of something that we've just finished off with? I indicated that in that context, many

20 nationals of ECOWAS countries had started to feel afraid for their security because

21 people were talking about an ECOWAS force being mobilised in order to drive out

22 Mr Laurent Gbagbo. And when the various *negotiations were going on, the Young

23 Patriots, there were -- there were rumours that if forces arrive from these various

24 countries, they would be under attack. So in such an atmosphere, the ECOWAS

25 nationals started to leave Côte d'Ivoire.

1 I'm describing this to you just to enable you to understand the video that you have
2 just shown and to understand also the reason why people said this, you know,
3 they've left Côte d'Ivoire. If I don't provide you with the context, it might be a little
4 bit difficult for you. I hope I've assisted in your understanding of the matter.

5 Q. I thank you, Mr Witness. Those are the questions that I had to put to you. I
6 would like to thank you.

7 (Speaks English) Because of time constraints, your Honour, there is certain things
8 that I am not questioning the witness on, but there is one that I think I have to come
9 back and question. It's going to take 5 minutes, 5 minutes.

10 PRESIDING JUDGE TARFUSSER: You have got to come back when?

11 MR MACDONALD: Now, just before I finish.

12 PRESIDING JUDGE TARFUSSER: Yes, do it.

13 MR MACDONALD: Thank you.

14 Q. (Interpretation) I do apologise, Mr Witness. There is a last subject. During
15 this very same period, what do you know of the calls to enlist in the defence and
16 security forces? Were you a witness to this, whether it be in the press, the RTI, calls
17 for people to mobilise and go and enlist in the army?

18 A. I never talked about this in my statement.

19 Q. Indeed. But I'm putting the question to you. Were you a witness to this?

20 A. In the press I did read that there was a call for people to enlist, yes.

21 Q. And did you see such calls broadcast over the television subsequently?

22 A. Absolutely.

23 Q. And who was making these calls?

24 A. He was the person in charge of the forces at the time, Philippe Mangou.

25 Q. Did you see any leaders of the Jeunes Patriotes?

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1 A. Yes, I did, namely Mr Blé Goudé.

2 Q. Very well. I'm going to show you a very brief excerpt, and I'm going to ask
3 you to identify certain individuals who were not identified previously --

4 And then I shall be wrapping up definitively with this, Mr President.

5 I'm going to ask you, Witness, to look at the images and then we're going to come
6 back with a few points of identification and I shall finish with that.

7 The ERN of this video is -- I'm going to talk to the Chamber in English now.

8 (Speaks English) Your Honours, we have the same footage in two videos. The
9 thing is is that one such footage, the image quality is much better. But there is a little
10 location that is missing which is found in the other video, where the meeting took
11 place in essence. And we have two transcripts of the same.

12 PRESIDING JUDGE TARFUSSER: One better and less good?

13 MR MACDONALD: One less good, but a better -- I mean a more --

14 PRESIDING JUDGE TARFUSSER: Accurate and one less accurate. I don't know.
15 How can you have different transcripts?

16 MR MACDONALD: I wouldn't say that. Well, the transcript is the transcript of the
17 video from where it comes.

18 PRESIDING JUDGE TARFUSSER: Yes.

19 MR MACDONALD: I mean, we don't play with that.

20 So if you bear with me, I'm going to give numbers.

21 PRESIDING JUDGE TARFUSSER: Do so.

22 MR MACDONALD: And I'm only going to give the last four digits, I'm going to
23 skip the CIV-OTP.

24 PRESIDING JUDGE TARFUSSER: That's a good idea.

25 MR MACDONALD: So the video 0043-0269, from minute 32.29 to 34.58, and the

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1 corresponding transcript can be found at 0047-0611, lines 559 to 586. That is the
2 footage we are going to show.

3 The other footage --

4 PRESIDING JUDGE TARFUSSER: Is this the better or the less good quality?

5 MR MACDONALD: This is the better quality.

6 Now, the lesser better quality but with a more complete extract of this meeting,
7 because it gives the location, can be found in footage 0064-0091, from minute 14.39 to
8 17.20, and it's transcript at 0088-0041, lines 9 to 46. Evidence 2.

9 PRESIDING JUDGE TARFUSSER: And it's public?

10 MR MACDONALD: And it's public.

11 (Viewing of the video excerpt)

12 MR MACDONALD: (Interpretation)

13 Q. Mr Witness, have you already seen this report?

14 A. No. The report that I did see, however, was when Mr Blé Goudé was together
15 with Général Mangou, but I never saw this.

16 Q. Very well. I'm going to ask you possibly to identify a number of individuals
17 rapidly. So I'm going to ask you to identify, if you're in a position to do so, I'm going
18 to show you a photograph, and this photograph bears reference number, it is a freeze,
19 *0092-0281, which comes from this video.

20 So the individual sitting on the left, do you recognize him?

21 A. Wearing a hat?

22 Q. Yes.

23 A. I believe it is Mr Jean-Yves Dibopieu.

24 Q. And the individual on the right?

25 A. It's Mr Maho Glofiéhi, there we are.

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1 Q. Very well. I'm now going to show you another freeze or still image, which
2 does not come from this video. It's 0092-0291, and the video is also on our list. It's
3 another still image from another video, so it's not this video, but I'm showing you or
4 asking you to tell us whether you recognize somebody here. So do you recognize?

5 A. Those two?

6 Q. Yes.

7 A. I don't know anybody.

8 Q. It doesn't ring a bell?

9 A. Absolutely not.

10 Q. And I'm now going to show you a last photograph, which is 0092-0031. Do
11 you recognize this individual?

12 A. Absolutely not.

13 Q. So you don't recognize him either?

14 A. No.

15 Q. Very well. So, Mr Witness, thank you very much. Those were my questions.

16 A. Thank you very much, Mr Prosecutor.

17 PRESIDING JUDGE TARFUSSER: Thank you, Mr Prosecutor.

18 And now I'll give the floor to the Defence. I don't know who wants to take the floor
19 first. I see the Defence of Mr Blé Goudé raising.

20 MR KNOOPS: Yes, Mr President. The Defence of Mr Blé Goudé will start first this
21 time, excuse me, and my colleague Mr Gbournon will do the examination.

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

23 MR KNOOPS: Thank you, Mr President.

24 PRESIDING JUDGE TARFUSSER: Mr Gbournon, yours the floor.

25 Now, Mr Witness, now we come to the Defence. The Defence is going to question

1 you, and Mr Gbougnon of the Defence team of Mr Blé Goudé is questioning you.

2 QUESTION BY MR GBOUGNON: (Interpretation)

3 Q. Good morning, Mr Witness.

4 A. Good morning, counsel.

5 Q. My name is Jean Serge Gbougnon. I'm from the Abidjan bar. And I am a
6 member of the Defence team for Mr Charles Blé Goudé. I would first and foremost
7 like to thank you for your participation in the establishment of the truth. It is no
8 easy task to be present for days under the fire, if you like, questions of the parties, and
9 I'd like to thank you for participating in an objective manner in these discussions in
10 the establishment of the truth. Thank you.

11 A. Thank you, counsel.

12 MR GBOUGNON: (Interpretation) Now, Mr President, before we start, I would
13 like to request that we move into private session to talk about something that was
14 raised in private session.

15 PRESIDING JUDGE TARFUSSER: Yes. Can we go in private session.

16 (Private session at 10.27 a.m.)

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19 (Redacted)

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5 (Open session at 10.35 a.m.)

6 THE COURT OFFICER: (Interpretation) We are in open session.

7 PRESIDING JUDGE TARFUSSER: Mr Gbougnon.

8 MR GBOUGNON: (Interpretation) Thank you, your Honour.

9 Q. Mr Witness, I'd like to explain something to you once again. For the purposes
10 of the Court record, that is to say the transcript, we need a bit of a pause between the
11 question and the answer so that the interpreters can do their work. So a bit of a
12 pause, a few seconds between question and answer.

13 I don't want us to go beyond the scope, and I believe that you are really very deeply
14 emerged or involved in the group of patriots at the time, but just to see what the
15 scope of your activities were, what was the time frame, exactly when did you meet
16 and interview all these various people?

17 A. I became interested in these people, this world, so to speak, beginning in 2006.

18 Q. Up until when?

19 A. Until 2009.

20 Q. So you are saying from 2006 to 2009 you were very much immersed in this
21 world, but not after 2009?

22 A. Yes, that is right.

23 Q. In your statement, (Redacted)

24 (Redacted)

25 MR MACDONALD: (Interpretation) Your Honour, are we in open session? I

- 1 would like us to go into private session, private session.
- 2 PRESIDING JUDGE TARFUSSER: For this questioning?
- 3 MR MACDONALD: For this questioning.
- 4 PRESIDING JUDGE TARFUSSER: Okay.
- 5 MR MACDONALD: And my intervention.
- 6 PRESIDING JUDGE TARFUSSER: But it's not now starting you to intervene?
- 7 MR MACDONALD: No, your Honour.
- 8 PRESIDING JUDGE TARFUSSER: Okay.
- 9 MR MACDONALD: It's a question of -- I know I'm standing up and then I'm
- 10 interrupting.
- 11 PRESIDING JUDGE TARFUSSER: No. Sure.
- 12 MR MACDONALD: But for a very good reason that you'll find out.
- 13 PRESIDING JUDGE TARFUSSER: Okay.
- 14 Please can we go in private session.
- 15 (Private session at 10.38 a.m.)
- 16 (Redacted)
- 17 (Redacted)
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- 22 (Redacted)
- 23 (Open session at 10.51 a.m.)
- 24 THE COURT OFFICER: (Interpretation) We are in open session.
- 25 PRESIDING JUDGE TARFUSSER: Thank you, court officer.

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1 The floor is back to you, Mr Gbougnon.

2 MR GBOUGNON: (Interpretation)

3 Q. Yesterday you mentioned that the AJSN was established. Who told you about
4 that? Who gave you that information, because I suppose you actually weren't there?

5 MR MACDONALD: (Interpretation) I believe that the witness could make
6 reference to the numbers on the list. I remind everyone we are in open session.

7 THE WITNESS: (Interpretation)

8 A. I spoke to person number 7. You know his position and his status. Person
9 number 7. If you know this person's status and position, I think you can understand
10 the background that led to the creation of this movement.

11 MR GBOUGNON: (Interpretation) Your Honour, if I could address the Chamber?
12 Yesterday this issue was dealt with in open session, and the witness mentioned those
13 people in open session. So you see my problem? Yesterday you mentioned them in
14 open session and now he's asked to make reference to numbers.

15 When can he give actual names and when does he use numbers?

16 MR MACDONALD: (Interpretation) If I can be of assistance to the Chamber and
17 my learned friend? When we are dealing with sources of information, we must refer
18 to the numbers. We must use the numbers. When we are dealing with the names
19 of people, for example, who was the leader of a particular group, that information can
20 be provided in open session. Some names indeed were mentioned in open court,
21 namely, who was the leader of the GPP and the witness provided the name. He was
22 asked who was the source of information who told you that he was the leader of the
23 GPP? The witness may have said some things that were redacted from the court
24 record, and then or afterwards -- and the Prosecution wasn't constantly saying: No,
25 no.

1 That's not the rule. The rule is if it's the source, it's the numbers; but if it's generic
2 information, the actual name can be provided.

3 PRESIDING JUDGE TARFUSSER: I think he's right, the Prosecutor is right. If he
4 refers to sources, then he is going to the numbers. If he refers to other names, he can
5 say the names.

6 MR GBOUGNON: (Interpretation) Thank you, your Honour.

7 Q. Now, the participants at this meeting, who were they? Tell us.

8 A. No, we're not talking about the same thing. If you are talking to me about the
9 first meeting, that's a different matter. Otherwise, you see, I spoke to person number
10 7. That was about the fact that there was a supposition that Mr Blé Goudé was the
11 leader of all the youth. That is what number 7 told me.

12 As for the AJSN, there was a meeting and there were other sources.

13 Q. I'll repeat my question. What is your source of information about this
14 meeting?

15 A. There was person number 8, person number 1, then -- well, that's all, that's all.
16 I said that's all. And perhaps 47.

17 Q. So number 8 told you that a meeting had been held to set up the AJSN. And
18 who was at the meeting?

19 A. He was there and he didn't even want to go into the room, but he was outside.

20 Q. Now, finally, did he attend the meeting, yes or no?

21 A. He knows -- he knew which leaders went in. He knew everyone. But the
22 actual discussions, he wasn't there because he, he thought that the person who would
23 be the leader, well, that person was his protege, and so he did not actually participate
24 in the meeting.

25 Q. He went to the red city, but he did not actually go into the meeting room, is that

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1 what you are saying?

2 A. Yes, exactly.

3 MR GBOUGNON: (Interpretation) I think if you agree, it's now time for us to have
4 our break and then we will resume?

5 PRESIDING JUDGE TARFUSSER: Yes, of course. For the benefit of the
6 interpreters, because it's now two hours, we make the break, half an hour, at 11.30 we
7 are here until 1.30.

8 THE COURT USHER: All rise.

9 PRESIDING JUDGE TARFUSSER: This hearing is adjourned.

10 (Recess taken at 10.59 a.m.)

11 (Upon resuming in open session at 11.34 a.m.)

12 THE COURT USHER: All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: Good morning again.

15 Good morning to you, Mr Witness.

16 The floor goes immediately to Mr Gbougnon.

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

18 Q. Witness, we will now resume where we had left off earlier this morning. You
19 said yesterday while giving testimony that there were several coalitions, several
20 coalitions made up of groups of Young Patriots, well, there were several coalitions of
21 various groups. Could you give the names?

22 A. Yes, I did say that there were several coalitions. Alongside the Alliance there
23 was the *UPLTCI, there was the CONARECI. Those were the major coalitions.

24 Q. You also said, and correct me if I get it wrong, but you said that the Alliance
25 was familiar with this notion of a barehanded struggle or fight, and there was also

1 mention made of military struggle or fight?

2 MR MACDONALD: To quote the witness, he never said that. But it's okay, it's fine,
3 but that's not what he said, if we're to quote him.

4 PRESIDING JUDGE TARFUSSER: I can't remember, but if we quote, we should go
5 to the quotation I think. If we refer to the witness what he said before, we should
6 really go to the quotation.

7 MR GBOUGNON: (Interpretation) That is why I said that I was speaking off the
8 top of my head and that the witness could correct me if I was wrong. I will continue.

9 Q. Mr Witness, what was the etiology according to you of the Alliance?
10 According to what you had heard, what was their etiology?

11 A. There was a problem, a choice had to be made, options had to be chosen as to
12 the means for the struggle or the fight. The Alliance was in favour of
13 demonstrations and protests, for example, sit-ins, rallies, meetings. And, ultimately,
14 what I saw amongst them, the Alliance advocated the use of rhetoric, of words for the
15 liberation of the country. They were in favour of the use of words, of rhetoric.
16 Ultimately the Alliance indicated that they were within the prolongation of the fight
17 led by Martin Luther King. And unlike the Alliance, on the other side, you see,
18 people were saying when you are faced with an armed rebellion, what is the point of
19 using words, of holding demonstrations? We would rather take the approach of
20 Malcolm X, namely, an armed struggle. That is what I said yesterday.

21 Q. Thank you, Mr Witness. Who was the leader of the UPLTCI?

22 A. Eugène Djué.

23 Q. And Mr Charles Blé Goudé, did he give instructions or orders to Mr Eugène
24 Djué, to your knowledge, to your knowledge? You can tell us if you had heard such
25 a thing from someone else.

1 A. Mr Eugène Djué was the marshal. I won't hide this from you. (Redacted)
2 (Redacted), he thought that all of them, that they were all generals. What I mean
3 when I say "All of them," well, he was a general. Blé Goudé was a general.
4 Dibopieu was a general. And when the war began, everyone would have to be
5 brought together; and he thought, he thought and the others thought that he, he
6 needed to rise and have a higher rank, and he would become the marshal; and thus a
7 marshal cannot be subordinate to a general.

8 That is all I had to say. That was everything I heard from him.

9 Q. And this movement led by Mr Djué, the UPLTCI, UPLTCI, what kind of
10 approach did they take to the struggle?

11 A. I've already answered that question.

12 Q. And the FLJO, who led that group?

13 A. Mr Maho Glofiéhi.

14 Q. The FLJO was a member of the coalition?

15 A. I don't know why you're asking me that, because I said that the Alliance only
16 included some groups that were in favour of using words and rhetoric. The FLJO
17 was a military organisation. I don't know whether -- do you need to ask me such
18 questions? The answers are so obvious. The FLGO was not a member of the
19 Alliance.

20 THE INTERPRETER: The interpreter correction: The acronym in question was
21 FLGO.

22 MR GBOUGNON: (Interpretation)

23 Q. Witness, I realise you must be tired, even exhausted, but something that may
24 seem to be obvious to you is not necessarily obvious to us or to the Chamber. That is
25 why we sometimes go back to certain matters to get additional information. I realise

1 that you must be exhausted.

2 A. Not exhausted, but perhaps a bit irritated by things I think are quite obvious,
3 and I know that you are --

4 Q. Thank you. During the demonstrations that were held as part of the JTI, I may
5 have the acronym wrong, the JTI, you said that yesterday -- GTI, you said that
6 Mr Blé Goudé went there with a mattress to express his discontent.

7 Other than that demonstration, did you contact -- did you have contact with other
8 people involved in demonstrations in Abidjan?

9 A. No. I said yesterday, and let me repeat it, that alongside that
10 demonstration -- and that particular image went around the world, that image of
11 Mr Blé Goudé with his mattress -- there were other groups that were at Le Plateau, at
12 the RTI, and I said that I did not know whether they had gone into the building or not,
13 but I think I said that yesterday; and that in the streets people sensed that people were
14 not happy. They were demonstrating, taking to the streets.

15 Q. (Redacted) -- I'm talking about financing -- did you see or did
16 you speak to people about these suppositions? Did you speak to people who had
17 said things about the sources of the financing or the money?

18 A. Well, on that particular point, the sources of funding, I believe that I was clear
19 enough. I said that I had seen within the area or the group or that there was a great
20 deal of rivalry, and because of this each person was saying, "Oh, the other fellow is
21 getting money. Such and such a person is being funded or getting money." But I
22 didn't speak to the official from the Alliance, so I couldn't ask him directly what his
23 sources of funding were. I could only in that case go by what various people were
24 telling me. That's all I had to go on. That is what I said.

25 Q. Before the event held at Le Baron Bar, I'm saying the event, in Côte d'Ivoire at

1 any particular point in time was there -- at times did young people set up roadblocks
2 for one reason or another?

3 A. I don't know of any such events. Perhaps I don't know. I don't know exactly
4 what you're driving at. Stop me if I am going down the wrong path. But perhaps
5 in Abobo in that particular neighbourhood there was what was called the Invisible
6 Commando. And the Invisible Commando would harass the government forces to
7 such an extent that it was almost impossible for government forces to enter that
8 neighbourhood. There were roadblocks in that neighbourhood.
9 But that really wasn't my focus of interest.

10 Q. Now, these roadblocks in Abobo caused by the Invisible Commando, there were
11 many roadblocks in Abobo. Did you actually see them?

12 A. Yes. I saw roadblocks because I went in that area, I went by that area once.

13 Q. Thank you. I'd like to briefly turn to the phenomenon of these agoras and
14 parliaments, these gatherings, these kind of speakers' corners, during the time, 2006 to
15 2009 up until 2010, these parliaments and agoras, was this phenomenon copied by
16 other people, people other than the Young Patriots? Were there similar fora
17 elsewhere? Because I believe you've heard about similar events or gatherings, but
18 they had not been organised by the Young Patriots.

19 A. Perhaps Les Grains.

20 Q. Could you be more specific? What do you mean exactly?

21 A. These were places where people had an opportunity to discuss, debate, and
22 people would gather and talk about everything, about society economics, politics, and
23 they would drink tea. And this event or these gatherings would be called Les
24 Grains.

25 Q. Earlier you mentioned the departure of people who were nationals of the

1 ECOWAS countries, and you said that they left because apparently they were afraid;
2 is that correct?

3 A. Yes, that is correct.

4 Q. Did they leave subsequent to an express request to do so by Mr Charles Blé
5 Goudé?

6 A. I don't know, but I will explain the context to you. I said when answering a
7 question from the Prosecution that the context was such that I don't know whether it
8 was ECOWAS who ultimately asked that a force be sent, l'COMOG was the name of
9 that force at the time. But the COMOG was supposed to be made up of soldiers
10 from nearly all the countries making up the ECOWAS bloc.

11 And so when it was a matter of -- well, even the announcement of such a force,
12 obviously, like Côte d'Ivoire -- well, there are many communities within the
13 ECOWAS, I make that point. Actually Côte d'Ivoire represented 26 per cent of the
14 nationals of that bloc.

15 And when it was announced that this force would be set up, the ECOMOG,
16 automatically, young people were told: *"If the ECOMOG arrives, you'll be dealing
17 with us. If people come from your country, you'll be dealing with us."
18 And this was common knowledge. That was quite usual. It was a daily occurrence.
19 It was a reaction quite normal of the people. So I think it was as a reaction to that,
20 many nationals from the ECOWAS countries began to leave Côte d'Ivoire, and that is
21 why I said that my observation, this observation, this context that I provided, if it can
22 be of assistance in understanding the situation.

23 Q. Thank you.

24 THE INTERPRETER: Message from the interpreter: The acronym used regarding
25 this force appears to be COMOC, C-O-M-O-C.

1 Q. Now I would just like to read out the transcript of the video and then I will ask
2 you a question. Now, the reference number CIV-OTP-0062-0712, 0009-0342, starting
3 at line 87.

4 MR GBOUGNON: (Interpretation) Incomprehensible -- "a commission to take
5 stock of all the shops" -- incomprehensible -- because I myself, as minister of
6 employment, I am trying to provide employment even" -- incomprehensible. "They
7 left all the" -- incomprehensible -- "there. They left all the" -- incomprehensible.
8 "Once they come back they will find" -- incomprehensible -- in Côte d'Ivoire. The
9 people from Mauritania have left their shops. They have gone away. When they
10 come back, they will find new shop owners in Côte d'Ivoire. God does not descend
11 from heaven to speak to man. He makes himself known through situations." End
12 of quote.

13 Q. Mr Witness, I came back to this excerpt before, because before playing that
14 footage, the Prosecution asked you whether Mr Charles Blé Goudé had appealed to
15 people to loot, and you said yes.

16 So I'm asking you whether your answer was a result of this analysis or whether this
17 message contained a call to pillaging.

18 A. I do not myself believe that you understood what the Prosecutor asked me.
19 The Prosecutor never asked me whether Blé Goudé called for pillaging. He's right
20 there. If he asked that question, then he can repeat it.

21 What I believe I understood was that in addition to the roadblocks, were there other
22 things? And I said yes, I was able to see pillaging, I observed pillaging afterwards.
23 But he never asked me whether he called for pillaging.

24 MR MACDONALD: (Interpretation) I believe it is on page 27 onwards of the
25 French transcript. I can assist my learned friends, page 27 at the bottom of the page,

1 lines 18 onwards.

2 MR GBOUGNON: (Interpretation) Thank you, Mr Prosecutor. I have found the
3 reference. It is page 27, line 23.

4 MR MACDONALD: (Interpretation) And what is the topic of that question?

5 MR GBOUGNON: (Interpretation) Mr President, sir, can I speak without being
6 interrupted?

7 Q. And what was the topic?

8 Then the witness answers, "The issue was pillaging."

9 And the Prosecutor asked, "Pillaging of what?"

10 And the answer was, "Shops and property in general."

11 Question: "Belonging to whom?"

12 "Populations generally from non-Ivorian countries."

13 Mr Witness, do you remember precisely what you said?

14 A. Yes, I remember what I said, and my position has not changed. That question
15 was not specifically asked to me, was there a call to pillaging? It was not put in that
16 manner.

17 So what I'm saying and what I'm standing by is that the meeting referred to in the
18 Baron Bar, apart from the roadblocks, subsequently there was pillaging.

19 This is the same video footage we are talking about. It is not something else. You
20 are taking something out of context, whereas the Prosecutor presented an entire
21 excerpt, and he said this was Blé Goudé at the Baron Bar and what happened
22 afterwards, that is what we talked about.

23 Q. Mr Witness, you say that the question, the Prosecutor did not specifically ask
24 that question. Now, let me put that question to you. Did Mr Charles Blé Goudé
25 call for pillaging?

1 A. Mr Charles Blé Goudé did not issue any call for people to go and pillage.

2 Q. Thank you.

3 Mr Witness, I think since we are in open session, even though I'm moving on to
4 another issue here, let us be cautious so that you should not mention your place of
5 residence and identify yourself.

6 Now, regarding the event that you said you witnessed in your locality, this is
7 something that you saw with your own eyes, or did you only witness it partially or
8 were you told about it?

9 A. I believe that the explanation that I gave was sufficiently clear. The incident
10 started. I saw the crowd gather. I approached and I heard what people were
11 saying. But then I did not follow developments right to the end. That is what I
12 said.

13 Q. Just a moment. I'm trying to see the paragraph in your statement.

14 I will read out what you said when the Prosecutor interviewed you, paragraph 164,
15 CIV-OTP-0069-0287, paragraph 164:

16 "I was not myself a witness of such an incident, but I saw a group of demonstrators
17 shouting 'Burn him, he's a rebel.' The emotional weight of such a scene did not make
18 it possible for me to follow it till the end. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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WITNESS: CIV-OTP-P-0097

(Open Session)

ICC-02/11-01/15

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25 MR MACDONALD: (Interpretation) Excuse me. Mr President, can we go into

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1 private session, please?

2 PRESIDING JUDGE TARFUSSER: Yes. Let's go please in private session.

3 (Private session at 12.16 p.m.)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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11 (Redacted)

12 (Redacted)

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WITNESS: CIV-OTP-P-0097

(Private Session)

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(Private Session)

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(Private Session)

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- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Open session at 12.28 p.m.)

1 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.

2 PRESIDING JUDGE TARFUSSER: Thank you very much.

3 Mr Gbougnon, the floor is back to you.

4 MR GBOUGNON: (Interpretation)

5 Q. Mr Witness, from 2006 to 2009, why were you not able to meet with Mr Charles
6 Blé Goudé?

7 A. I made an appointment on a few occasions, but he was extremely busy,
8 otherwise I indicated my intention to meet with him. That is all.

9 Q. Mr Witness, thank you very much for your cooperation. Thank you for having
10 been concise and precise in the answers you gave to me. And I wish you a good
11 afternoon.

12 A. Thank you, counsel.

13 PRESIDING JUDGE TARFUSSER: Does this mean that the defence for
14 Mr Blé Goudé has finished its questioning?

15 MR KNOOPS: Yes, Mr President, we have. Thank you very much.

16 PRESIDING JUDGE TARFUSSER: Thank you very much.

17 Now the floor is to Maître Altit or --

18 MR ALTIT: (Interpretation) Thank you, your Honour. Mr O'Shea will be
19 conducting the examination on behalf of this defence team.

20 PRESIDING JUDGE TARFUSSER: Thank you.

21 Mr O'Shea.

22 MR O'SHEA: If you could just give me one moment to organise.

23 PRESIDING JUDGE TARFUSSER: Yes, of course.

24 QUESTIONED BY MR O'SHEA:

25 Q. Yes. Good afternoon, sir.

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1 A. Good afternoon.

2 Q. My name is Andreas O'Shea, and I'm asking questions on behalf of

3 Laurent Gbagbo in these proceedings.

4 I would like to please just ask you that when I ask questions of you, if you could
5 please confine yourself to the question which I ask, and in line with the directions of
6 the Chamber, to confine yourself to the facts which you have witnessed directly or
7 indirectly.

8 Now, is it right that the JFPI was created in the year 1990?

9 A. Yes, that is correct. But before we go any further, I would like to make a
10 suggestion in response to the proposition you have put.

11 Q. I have to stop you, please. I've asked you a question, and you've kindly
12 responded to my question in a correct fashion. So as I say, we'll just confine
13 ourselves to the answers to my questions, if you don't mind. The Prosecution can
14 always come back later if he wishes or the Chamber.

15 Now, the JFPI was one of the organisations which you described as a coalition or
16 federation. So is it right that in 1990 it brought together various groups under one
17 umbrella?

18 A. I never said that the JFPI was a coalition, never, never did I say that.

19 Q. So you didn't say that there were five coalitions which included the UPLTCI, the
20 AJSN, the *AJSN, the GFPI, CONARCI and the JPP? You've never said that?

21 A. No, I've never said that.

22 Q. And I'm not confining myself to these proceedings. You've never ever said
23 that?

24 A. I never said that.

25 Q. I may come back to that.

1 But would it be right that even before 1990 there were groups of young people who
2 were politically motivated, if I can put it that way?

3 A. I suppose.

4 Q. Is that a yes?

5 A. If whether before 1990, but the question isn't clear enough.

6 Q. If before 1990, there were young people who organised themselves for political
7 reasons, who were active for political reasons?

8 A. Before 1990.

9 Q. *That's right.

10 A. Maybe the MEESI.

11 Q. And when was the AJSN created?

12 A. As of 2002.

13 MR MACDONALD: Excuse me, Mr O'Shea, I'm sorry, because there is a technical
14 issue. We hear a tapping. I think it's your le tray in French that is hitting -- thank
15 you. Sorry about that.

16 MR O'SHEA: Yes, thank you very much, Mr MacDonald. Yes.

17 Q. And when was it that President Laurent Gbagbo first came to power?

18 A. The year 2000, yes, 2001.

19 Q. And is it right that on the 18th and 19th of September 2002, there was, if I can
20 express it this way, a failed coup d'état?

21 A. Yes, that is correct.

22 Q. And in Yopougon, there were young people who protested in response to this;
23 is that right?

24 A. Yes, exactly.

25 Q. Now, during the course of the questions of Prosecution counsel, you made

1 mention of a statement by the president of the Commission Économique et Sociale,
2 the Commission Économique et Sociale was a consultative body, wasn't it?

3 A. It was an institution, part of Côte d'Ivoire.

4 Q. Well, it was a consultative body, wasn't it?

5 A. I do not know what that means "consultative."

6 Q. That is that it provides expertise and it can be consulted and it can make
7 recommendations, that's its function, is it not?

8 PRESIDING JUDGE TARFUSSER: Mr O'Shea, may I ask you when put your
9 question, don't you make now the witness an expert -- out of the witness an expert,
10 after having said at the outset, you said, to confine yourself to the facts to which you
11 have witnessed directly or indirectly?

12 MR O'SHEA: Well, I'm asking about things which to my knowledge this witness has
13 knowledge based upon obviously the documents which I have read. And he's
14 described where he's got his various information from. So I'm not going outside
15 what I know he knows.

16 PRESIDING JUDGE TARFUSSER: I'm not discussing this.

17 MR O'SHEA: I'm not expecting him to provide us with an opinion about any of
18 these matters.

19 PRESIDING JUDGE TARFUSSER: I just said aloud what I thought.

20 MR O'SHEA: But I take on board what you say and I'll be careful to ensure that
21 opinions are not elicited.

22 PRESIDING JUDGE TARFUSSER: Thank you very much.

23 MR O'SHEA: But just to assist your Honour, your Honour will recall that this
24 subject was dealt with by the Prosecution, and so just so that you understand why I'm
25 dealing with it.

1 Q. So is that right, Mr Witness, according to what you know or what you've heard,
2 that this is a body which is there for consultation and to make recommendations to
3 the government?

4 A. No. I have no idea.

5 Q. Very well. And you don't know, do you, as to whether the president of this
6 body when he made the famous statement that you've referred to, you don't know,
7 you can't say that he was not speaking in a personal capacity, can you?

8 A. That is the problem I have with your way of going about things. When it suits
9 you, you want me to act as though I were an expert, and other times you want me to
10 answer questions with a "yes" or a "no," "yes" or "no."

11 So you see, knowing the role of the economic and social commission, that is
12 something which comes under the heading of expertise. But if that is how you want
13 to proceed, things will be difficult, because a few moments ago on purpose, well, you
14 said that the JFPI was a coalition. And I said no, I never said that.

15 But since you want me to give "yes" or "no" answers, well, I could have just said that
16 the JFPI was a member of a coalition.

17 Q. All right. But *--

18 A. But I did not say that because I was not giving any interpretation.

19 Q. But, Mr Witness, with respect, okay, let's stick to the questions which I'm asking,
20 all right. And don't worry about my methodology.

21 A. Okay.

22 Q. You're unable to say, aren't you, whether the president of this body, this
23 Commission Économique et Sociale was speaking his personal opinion or was
24 speaking on behalf of his organisation over which he presided? You're not in a
25 position to say, are you?

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1 A. Absolutely not.

2 Q. Sorry, just a second.

3 (Counsel confer)

4 MR O'SHEA: Thank you for your indulgence.

5 Q. Now, I'm going to suggest to you what the exact words were which were used
6 by the president of the Commission Économique et Sociale, all right, and you can tell
7 me if you agree. The exact expression used by this man was, and I'm going in
8 French (Interpretation) "National revival or leap forward to save democracy which
9 has been murdered." Would you agree with that?

10 A. Perfectly.

11 Q. As with your English.

12 Now, the coup d'état or the attempted coup d'état we mentioned a moment ago of the
13 18th and 19th of September of 2002, there were two military officers who were seen as
14 responsible for that attempt, one of them Daly Oblé and another one called Dagrou
15 Loula. Is that something which you heard?

16 A. No, absolutely not.

17 Q. Did you hear who was responsible for stopping that coup d'état, attempted
18 coup d'état, from the point of view of high-ranking military officers? Did you hear
19 anything about that?

20 A. The coup d'état of which year?

21 Q. The attempted and failed coup d'état of 18th and 19th of September 2002.

22 A. No.

23 Q. We'll come back to that.

24 A. It's not.

25 Q. Have you ever heard of those two individuals at all?

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1 A. Yes.

2 Q. And were they high-ranking officers in the army?

3 A. Yes.

4 Q. And were they killed?

5 A. Yes.

6 Q. And then --

7 MR MACDONALD: Sorry. What's good for the geese is good for the gander.

8 What's the sources of the witness's knowledge for this, which is now being elicited by
9 my colleague in cross-examination? Thank you, your Honour.

10 MR O'SHEA: Well, your Honour, I don't think that's necessary, because it means we
11 have to start going into closed session. My learned friend knows what the source is.

12 MR MACDONALD: I will be very honest, I have no clue whatsoever where we're
13 going with this, so I would be happy to go in closed session to find out.

14 PRESIDING JUDGE TARFUSSER: I have no clue what it relates to the case, but --

15 MR O'SHEA: I just want to quickly, your Honour, if I may just point out that there
16 seems to be an error on the transcript. Those two individuals I mentioned, they were
17 high military officers in the army. They were victims. They were not rebels. And
18 it appears that in the transcript it's come out as if they were rebels. So I just want to
19 make that clear.

20 I think if your Honour permits, I'll proceed with my questions, and if my learned
21 friend wishes to go back and examine the sources of this witness's information, then
22 he will be at liberty to do so, because I want to go through this expeditiously, and I
23 think I can go through this more expeditiously if I continue in the vein that I'm doing
24 now.

25 PRESIDING JUDGE TARFUSSER: Yes, please continue. But I would really like,

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1 also the Chamber would like to know, because we -- how this relates to the case.

2 MR O'SHEA: Well, if the witness leaves, I can explain, but I think it will become
3 clear.

4 PRESIDING JUDGE TARFUSSER: Well, continue please.

5 MR O'SHEA:

6 Q. So following on from the killing of these individuals, one has of course the
7 rebellion, or you can say that that's part of the rebellion. And is it right that between
8 the 17th of November 2002 and the 28th of November 2002, large parts of territory of
9 the country were taken over by the rebels within that short space of time? Is that
10 information that you heard?

11 A. Yes. But if you don't mind, I would like really with your -- if you don't mind,
12 with your permission.

13 Q. You will have the opportunity to answer my questions. But if you give an
14 answer to my question, please don't elaborate. As I say, the Prosecution will allow
15 you to elaborate if he wants.

16 PRESIDING JUDGE TARFUSSER: Also the Chamber could allow him to elaborate --

17 MR O'SHEA: Yes.

18 PRESIDING JUDGE TARFUSSER: -- because, I mean, I would really like to
19 understand. I think also the Chamber wants to understand and we do not. I do not
20 understand.

21 MR O'SHEA: Well, you don't understand the line of questioning, your Honour?

22 All right. Well, as I say, it will become clear.

23 PRESIDING JUDGE TARFUSSER: Yes. But I don't think we should limit also the
24 witness to say something more than just a "yes" or a "no" on your leading questions.

25 So please go ahead, but I hope --

1 MR O'SHEA: Well, they're not leading questions because they're not matters in
2 dispute. I think we settled that yesterday.

3 PRESIDING JUDGE TARFUSSER: Yes.

4 MR MACDONALD: Well, if they're not in dispute, what are we asking questions
5 about?

6 PRESIDING JUDGE TARFUSSER: I don't know, I don't know.

7 MR O'SHEA: Well, excuse me, I don't want Mr MacDonald to do this.

8 PRESIDING JUDGE TARFUSSER: No. I don't like Mr MacDonald to do this.
9 Please proceed.

10 MR O'SHEA: I'm sorry, but I think the Chamber can trust me. I'm conducting my
11 questions --

12 PRESIDING JUDGE TARFUSSER: That's what I'm doing.

13 MR O'SHEA: -- with a view to defending a client, and we have an interest to defend.

14 PRESIDING JUDGE TARFUSSER: I have no doubt that.

15 MR O'SHEA: So the Chamber must understand that, you know, it's not going to be
16 possible to understand my intentions just from one or two questions. I'm building a
17 picture here, which in my submission I'm entitled to do.

18 PRESIDING JUDGE TARFUSSER: You're entitled to do. It's not one or two
19 questions. It's more than one or two, because the first ten, you know, I just waited.
20 But then I don't see the light under the tunnel.

21 But please, go ahead. Please, go ahead.

22 MR O'SHEA: Well, the light will begin to reveal itself.

23 Q. Now, following these attacks and this rapid taking over of territory, there was a
24 large degree of panic and fear which was instilled within the population, including
25 the young population of Ivory Coast, wasn't there?

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1 A. Exactly.

2 Q. And this was in fact the impetus for young people to organise themselves.

3 You've heard this, haven't you?

4 A. Do you want an analysis from me? Because I never really spoke to anyone
5 about that. Is your question necessitating an analysis?

6 Q. Well, were you there at the time?

7 A. Yes.

8 Q. So not your analysis or your opinion, but based on your observations.

9 A. Yes, it was a reaction to this a attack which it was for that reason that the
10 patriotic youth began to organise themselves.

11 Q. And among the territory that was taken over included territory which involved
12 large amounts of production of coffee and cocoa. Did you hear that?

13 A. No.

14 Q. All right. Well, we'll come back to that.

15 The rebellion included -- did you hear that the rebellion included substantial attacks
16 in Bouaké and Abidjan and Konargi (phon)?

17 A. Konargi?

18 Q. Khorogo, sorry, Khorogo. Is that a yes?

19 A. Yes.

20 Q. Now, following on from these events, you've heard that there was a peace
21 process from your --

22 A. Yes. There was a process for agreements.

23 Q. And did you hear that one of those accords was the Linas-Marcoussi Accord?

24 A. Yes, I heard that.

25 Q. And were you told or did you learn otherwise that the parties, FPI, MPCI, PDCI

1 and the RDR as a result of that accord were all able thereafter to participate in
2 government?

3 A. Yes.

4 Q. And did you also hear that at least three individuals from the rebels became
5 ministers in this coalition?

6 A. Yes.

7 Q. And in your interactions with people, did you learn that a lot of the youth were
8 not happy with that?

9 A. Yes. I have already said yes.

10 Q. And this was part of the impetus as well for the youth to organise themselves?

11 A. Yes, it had a great impact.

12 Q. Now, the regulation which governed FESCI, did you learn that that regulation
13 prohibited the secretary general of that organisation from simultaneously being a
14 militant in a political party?

15 A. Yes.

16 Q. And in your interactions with people, did you learn that music constituted an
17 influence on the Young Patriots?

18 A. Yes.

19 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

20 MR O'SHEA: Sorry, your Honour.

21 Q. And did you also learn that the writings of academics who taught in
22 universities had an influence on the thinking of the Young Patriots?

23 A. Absolutely.

24 Q. Now, if I could ask you, have you heard of Idriss Ouattara?

25 A. Yes.

- 1 Q. And from what you heard, who did Idriss Ouattara support?
- 2 A. The Alliance.
- 3 Q. Which Alliance are you referring to?
- 4 A. The Alliance led by Mr Charles Blé Goudé.
- 5 Q. And did you hear where he hailed from?
- 6 A. No.
- 7 Q. Have you heard of somebody called Seydou Koné?
- 8 A. Yes.
- 9 Q. And do you know who he supported?
- 10 A. The Alliance also.
- 11 Q. And did you hear where he was from?
- 12 A. Yes.
- 13 Q. Where was he from?
- 14 A. From the north.
- 15 Q. Did you hear of Navigué Konaté?
- 16 A. Yes.
- 17 Q. Did you hear who he supported?
- 18 A. Yes.
- 19 Q. And who was that?
- 20 A. At the beginning the Alliance.
- 21 Q. And do you know which ethnic group he was?
- 22 A. Yes.
- 23 Q. What was that?
- 24 A. Sénoufo.
- 25 Q. And which part of the country was he from?

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- 1 A. The north.
- 2 Q. Now, have you heard of Youssouf Fofana?
- 3 A. Yes.
- 4 Q. Did you hear that he headed an organisation called La Voix du Nord?
- 5 A. Yes.
- 6 Q. And La Voix du Nord politically, who did they support?
- 7 A. Initially the Alliance.
- 8 Q. And have you heard of Serge Koffi?
- 9 A. Yes.
- 10 Q. And do you know where he was from?
- 11 A. No.
- 12 Q. Now, we've heard a lot about the Young Patriots and Blé Goudé. What we
- 13 haven't heard much about are young people who organise themselves in the north of
- 14 the country and supported the other side. Did you hear of Les Grains?
- 15 A. Yes.
- 16 Q. Can you explain to the Chamber who were Les Grains or what was Les Grains
- 17 according to what you've heard and what you've observed?
- 18 A. Les Grains were meeting places where people came to after work. And these
- 19 were places where young people and sometimes including older people would sit
- 20 down around a cup of tea and discuss all sorts of issues. There were no limitations.
- 21 Q. And were there other groups of young people who organised themselves in
- 22 support of Ouattara?
- 23 A. Unless you can jog my memory.
- 24 Q. Did you hear that Guillaume Soro was head of FESCI until 1990?
- 25 MR MACDONALD: I'm sorry, I think the date is wrong.

1 MR O'SHEA:

2 Q. Are you able to comment on the date, Mr Witness, as to when Guillaume Soro
3 was head of FESCI, comment in the sense, of course, of basing yourself on what
4 you've heard from people?

5 A. Yes. I believe that he was the leader of FESCI up until 1998, that is '96 to '98.

6 MR MACDONALD: The Prosecution is willing to admit that on the record so that it
7 becomes a fact that the Chamber can take a fact of common knowledge, if it's not
8 already part of our annexes where the parties agree, but yes.

9 MR O'SHEA: Thank you, Mr MacDonald.

10 Q. Have you heard of the Commando Invisible?

11 A. Yes.

12 Q. Who were they?

13 A. Can you be more specific, please?

14 Q. On the basis of what you heard, what did you learn of the existence of the
15 Commando Invisible?

16 A. There was some sort of contradiction relating to the primary actors of the
17 Commando Invisible. On the one hand, there was Sergeant Ibrahim Coulibaly,
18 Sergeant-Chef Ibrahim Coulibaly, who told the media that he was the leader of the
19 Invisible Commando.

20 Other rumours circulating indicated that it was instead former rebels who had come
21 from Bouaké who had set up the Invisible Commando. So those were the two ideas
22 existing at the same time.

23 Q. And to your knowledge, was the Commando Invisible an armed group?

24 A. Yes.

25 Q. Now, during the course of the questions that were asked of you by the

1 Prosecution, you made a brief allusion to Martin Luther King and Malcolm X when
2 you were asked by the Prosecution about arms in the hands of groups. Those young
3 people who followed the views of Martin Luther King or who wanted to follow the
4 views of Martin Luther King, according to what you know, what was their modus
5 operandi as wanting to follow Martin Luther King?

6 A. In fact, what I said is that following the ideas of either Martin Luther King or
7 Malcolm X, these were not things that were really common. It was simply one
8 person, for example, who would be doing that. It was not common knowledge, it
9 was not everyone who knew that these people were following the ideas of Martin
10 Luther King and the others were on the other side. It was not like that.
11 But what I can say is that those who were in the agoras advocated oratory speeches.
12 They wanted to free the country using speeches, demonstrations, sit-ins and all other
13 types of conventional democratic means.
14 On the other side there were those who advocated armed struggle, that is the result to
15 weapons. I believe I was sufficiently clear on this matter.

16 Q. Very, Mr Witness. Thank you.

17 Now, did you hear that private companies, privately-owned companies took it upon
18 themselves to assist young people in their activities?

19 A. No, I never heard that.

20 Q. You've mentioned at one point a newspaper called Le Patriote. This was a
21 newspaper which supported or expressed views which were in support of Ouattara;
22 is that right?

23 A. Yes, yes.

24 Q. Did you learn that France in November of 2004 destroyed the air forces of the
25 Ivorian army?

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1 A. Yes.

2 Q. Did you also learn that Burkina Faso and Mali and Guinea assisted the rebel
3 forces?

4 A. Yes, that is something that was being said.

5 MR O'SHEA: Mr President, I intend to move on to a different line, if I can put it that
6 way. And I note that the time is 1.26. So if it's convenient for your Honours, this
7 would be a convenient moment for me.

8 PRESIDING JUDGE TARFUSSER: Yes, it's convenient also for the Chamber. We
9 suspend for lunch-break one hour, at 2.30 we are back. The hearing is adjourned.

10 THE COURT USHER: All rise.

11 (Recess taken at 1.27 p.m.)

12 (Upon resuming in open session at 2.33 p.m.)

13 THE COURT USHER: All rise.

14 Please be seated.

15 PRESIDING JUDGE TARFUSSER: Good afternoon.

16 Good afternoon, Mr Witness.

17 The floor is to Mr O'Shea.

18 MR O'SHEA: I will ask one or two questions in open session -- I'm just saying this
19 for the benefit of the public so they know -- and then I will go into closed session.

20 My questioning will probably not last longer than 40 minutes, but the closed session
21 may be extensive, and it's probably the last part of my cross-examination. So I say
22 that for the benefit of the public. I'll have one or two questions and then I'll be going
23 into closed session for quite a while.

24 PRESIDING JUDGE TARFUSSER: Okay.

25 MR O'SHEA:

1 Q. Yes, good afternoon, sir. I hope you've enjoyed your lunch.
2 I'm going to just read you a short passage from a report of Amnesty International
3 which is dated May 2011. The passage is on page 46 of the report. I'm going to
4 read you a short passage, and then I want to see if you recognize that passage, first of
5 all.

6 And for the benefit of the interpreters, I'm about to speak in French. (Interpretation)
7 "On Monday, 28 March 2011, the day of the attack, I fled into the bush to hide. Two
8 days later, on Wednesday, the FRCI came to look for me with dogs. I was bit on the
9 foot and on the buttocks. The scars left by the bites were still visible when the
10 Amnesty International delegates met with *that person two weeks afterwards. They
11 were chasing me even across the river. When I was able to reach a hill, they were
12 not able to climb. But the people who were chasing me shot at my direction, but
13 they did not hit me."

14 (Speaks English) Do you remember that? Do you remember ever reading that
15 passage?

16 A. Yes.

17 Q. Were you in the area where that alleged incident took place at the time it took
18 place or not?

19 A. No, I was not in that area.

20 MR O'SHEA: Okay. I'm going to go into closed session now, Mr President, and it
21 will be quite an extensive one.

22 PRESIDING JUDGE TARFUSSER: Well, probably to the end, you said?

23 MR O'SHEA: Probably to the end, yes. But there is an objection.

24 MR MACDONALD: There is no objection, it is just to have the ERN of the
25 document you were quoting from and the page, just to make sure we're all on the

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1 same page.

2 PRESIDING JUDGE TARFUSSER: 47. I can just say 47, I think, the page.

3 MR O'SHEA: 46.

4 PRESIDING JUDGE TARFUSSER: Oh.

5 MR O'SHEA: You're better than me.

6 PRESIDING JUDGE TARFUSSER: The ERN, ERN?

7 MR O'SHEA: Okay. Well, the ERN that I'm reading from, all right, is

8 CIV-OTP-0081-0006.

9 PRESIDING JUDGE TARFUSSER: Now please can we go in closed session.

10 Just for the public, we will be in closed session until it seems, on the request of the

11 Defence, until more or less the end of the questioning. So it will be a longer one.

12 MR O'SHEA: Sorry, it's my fault.

13 PRESIDING JUDGE TARFUSSER: Yes, private would be enough. Sorry.

14 (Private session at 2.40 p.m.)

15 (Redacted)

16 (Redacted)

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3 (Redacted)

4 (Open session at 3.18 p.m.)

5 THE COURT OFFICER: (Interpretation) We are in public session, Mr President.

6 PRESIDING JUDGE TARFUSSER: Thank you very much.

7 The Defence of Mr Gbagbo has finished its questioning.

8 I ask now the Prosecutor if he has to re-question the witness. There is some topics

9 left in requesting -- wants to re-question the witness? The answer is yes?

10 MR MACDONALD: Yes, the answer is yes. I'm sorry, because I'm thinking. My
11 mind is formulating the question.

12 QUESTIONED BY MR MACDONALD: (Interpretation)

13 Q. Mr Witness, I just want to come back to one point. Subsequent to the questions
14 put to you by Mr O'Shea, when he named certain leaders such as Idriss Ouattara,
15 Zéguen Touré.

16 A. Seydou Koné.

17 Q. Seydou Koné, Youssouf Fofana, and I believe Mr Zéguen Touré, but I'm not
18 certain of that from memory in this context. To your knowledge, what was the
19 ethnic representation within the Galaxie Patriotique aside from the leaders named by
20 my learned colleague? What was the ethnic representation? That was the question
21 of my colleague.

22 MR GBOUGNON: (Interpretation) Mr President, I am obliged to take to my feet,
23 because we're asking the witness with these four names, Touré Zéguen, et cetera, and
24 he's asked to give the ethnic composition of 10 million people. I don't think we're
25 being nice to the witness here. 10 million people, do you want him to say what

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- 1 ethnic origin they are all of?
- 2 MR MACDONALD: (Interpretation) There is a factual basis, Mr President, to my

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1 question and, therefore, I would like to go into private session (Speaks English) to
2 explain the factual basis to the knowledge of the witness.

3 PRESIDING JUDGE TARFUSSER: Can we go in private session again.

4 (Private session at 3.22 p.m.)

5 (Redacted)

6 (Redacted)

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9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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15 (Redacted)

16 (Redacted)

17 (Open session at 3.42 p.m.)

18 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.

19 MR MACDONALD: I'll be happy to note that that was the only question in
20 re-examination or topic that the Prosecution wanted to touch upon. Thank you.

21 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

22 MR MACDONALD: (Interpretation) Thank you, Mr Witness, for your cooperation.
23 I believe that we all had the opportunity to greet you.

24 THE WITNESS: (Interpretation) Thank you, Mr Prosecutor.

25 PRESIDING JUDGE TARFUSSER: Now it's time for me to say thank you to you,

- 1 Mr Witness. Your testimony is finished. Thank you for your patience. You have
2 answered the questions as good as you could. And have a safe trip back.
3 I would ask now the court usher to accompany the witness outside.
- 4 THE WITNESS: (Interpretation) Mr President, can I also express a word of thanks?
5 PRESIDING JUDGE TARFUSSER: You may, you may.
- 6 THE WITNESS: (Interpretation) I would like to thank you.
7 PRESIDING JUDGE TARFUSSER: Without, without making a statement?
- 8 THE WITNESS: (Interpretation) Yes. Absolutely not.
9 PRESIDING JUDGE TARFUSSER: Okay.
- 10 THE WITNESS: (Interpretation) I would like to thank you for the trust that you
11 placed in me by contacting me to come here. And I hope that my testimony could
12 help in the taking of your decisions. Thank you very much, Mr President.
- 13 PRESIDING JUDGE TARFUSSER: Thank you. Have a safe trip, have a safe trip
14 back home. Thank you very much.
- 15 (The witness is excused)
- 16 PRESIDING JUDGE TARFUSSER: Now I have only to say how we proceed further.
17 We adjourn now the hearing to Tuesday morning at 10.30, because we have a video
18 link witness. So at 10.30 because of the two hours' time difference, we give one and
19 we take one. So 10.30. Witness 520, if I'm not mistaken. So Tuesday, 10.30.
- 20 Just one little thing, it's just for the future to Mr O'Shea, to ask the witness if (Redacted)
21 (Redacted), I don't know if it's the right thing
22 to do.
- 23 MR O'SHEA: Yes, that will go down in the annals of legal history.
- 24 PRESIDING JUDGE TARFUSSER: I do know.
- 25 MR O'SHEA: It's not what I would like to be down in the annals of legal history for.

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- 1 Thank you.
- 2 PRESIDING JUDGE TARFUSSER: No.
- 3 Thank you very much. So the hearing is adjourned until Tuesday, 10.30.
- 4 THE COURT OFFICER: All rise.
- 5 (The hearing ends in open session at 3.47 p.m.)