

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
5 Goudé - 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 Monday, 24 April 2017
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:19] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:30:43] Good morning and welcome back. The
15 Chamber apologises for this delay of 30 minutes, but, well, things can happen and
16 they are not always as we wish they should be. But it doesn't matter. In any case,
17 we formally apologise.
18 Now, the Chamber wants to start reading out two decisions. Then we will in open
19 session and then we will introduce the witness in private session first to solve some
20 issues.
21 So this is the Chamber's oral ruling on confidential filings, confidential ex parte filings
22 868 and 871 submitted respectively by the Prosecutor and the Legal Representative of
23 Victims. Since the ruling affected the disclosure of documents relating to the
24 testimony of Witness 433, the operative part of this decision and the order to disclose
25 the relevant document to the Defence teams were communicated by the Chamber to

1 both the OTP and the LRV by email on 20 April.

2 The OTP seized the Chamber on a confidential filing ex parte basis in connection with
3 the Legal Representative's objection to disclosure to the Defence of an investigator's
4 report concerning Witness 433, a dual-status witness. The LRV responded on 7 April
5 and the Prosecutor replied on 19 April 2017 upon leave of the Chamber.

6 Having considered the report and the parties' submissions, the Chamber takes the
7 view that the report should be disclosed to the Defence in its entirety and in
8 unredacted form. As already stated by the Chamber, information pertaining to
9 contacts between witnesses and/or victims and/or other witnesses or victims is of
10 interest to the Defence and material to their preparation within the meaning of Rule
11 77 of the Rules of Procedure and Evidence, including for the purposes of credibility
12 assessments, and should therefore be disclosed.

13 The Chamber is not persuaded that the content of the report, and in particular the
14 communications between Witness 433 and the LRV's assistant in the field, might be
15 covered by the so-called "lawyer-client" privilege: The report contains no
16 substantive details as to the content of such discussions. This finding makes it
17 unnecessary for the Chamber to further analyse the nature of the role played by the
18 LRV's assistant or whether, as the Prosecutor contends, Witness 433 might be
19 also -- might have also waived any such privilege. Even if the communications were
20 privileged, nothing of substance is revealed by disclosing the report to the Defence.
21 Nor is the Chamber persuaded that disclosing the report to the Defence would result
22 in disclosing information of the LRV's working methods which might entail safety
23 and security risks. The identity of the LRV's assistant in the field and his role are a
24 matter of common knowledge and no otherwise security-sensitive information
25 appears in the report.

1 The Chamber has noted the LRV's concerns in connection with disclosing the specific
2 terms of the interaction having occurred between Witness 433 and her assistant in the
3 field. However, in the view of the Chamber, such concerns, while they may exist
4 vis-à-vis disclosure to the public, do not warrant withholding the information for the
5 Defence, who are bound by confidentiality obligations; instead, they might be
6 adequately addressed by discussing the report and any related matters in private
7 session, as necessary and appropriate.

8 The Chamber has likewise noted the LRV's submissions to the effect that the report
9 does not accurately reflect the course of events and that the Prosecutor would have
10 violated the protocol on contact and dual-status witnesses. Neither circumstance,
11 however, is suitable to justify withholding the report from the Defence or otherwise
12 affect the Prosecutor's disclosure obligations. The LRV will have an opportunity to
13 question the witness herself in the courtroom, and now she's authorised to do so as
14 she has requested, and to address the report and its content if she deems it
15 appropriate.

16 For the reasons, and this authorisation is for both, for both witnesses, of course -- for
17 these reasons, the Chamber orders the Prosecutor to disclose the report to the Defence;
18 decides that filings 868, 871 and the Prosecutor's reply to filing 871 shall be
19 reclassified as confidential and instructs the parties to file public redacted versions of
20 their own filings as soon as practicable following the completion of Witness 433
21 testimony.

22 This concludes the oral ruling on this issue.

23 We have another oral ruling related to the Prosecutor's application for protective
24 and/or special measures dated 3 March 2017, and I refer to confidential filing 832, to
25 which the Defence for Mr Gbagbo responded with confidential filing 848, the Defence

1 for Mr Blé Goudé with confidential filing 851, and the LRV with confidential
2 filing 850.

3 The Chamber has noted the "Prosecution's notice of the postponement" in the order of
4 appearance of one of the witnesses, in particular Witness 502, originally referred to in
5 the, referred to in the application. This is confidential filing 852, dated 15 March
6 2017. Accordingly, the Chamber's ruling on the protective and special measures
7 requested for this particular witness is postponed until the moment when the
8 Prosecutor will be in a position to notify the Chamber, parties and participants of the
9 new position of this witness in the calling order.

10 Neither the Defence teams nor the LRV opposes the granting of special measures in
11 accordance with Rule 88(1), 88(1) of the Rules of Procedure and Evidence to the
12 benefit of Witnesses 433 and 438.

13 In light of the nature of the requested measures, the Chamber considers it appropriate
14 to also already rule on the measures requested for Witness 438 in spite of the fact that
15 the VWU has not yet submitted its assessment and recommendation for this witness,
16 and this obviously without prejudice to the Chamber reviewing its ruling, should the
17 VWU acquire and submit information requiring so at a later stage.

18 The Chamber, having considered the information provided by the Prosecutor as to
19 the individual circumstances of the witnesses, the lack of objection from either the
20 Defence teams or the LRV, its previous relevant case law and the general background
21 information relevant to this case, decides as follows: One, the request for reading
22 assistance to Witnesses 433 and 438 are granted; two, the requests for regular breaks
23 to avoid excessive fatigue and to accommodate daily prayers is granted to the benefit
24 of Witness 433; the request for psychological support in the courtroom and for regular
25 breaks to prevent emotional discomfort is granted to the benefit of Witness 438.

1 In accordance with the Chamber's constant practice, all special measures will be
2 implemented in such way as to minimise any disruption to the proceedings.

3 Also in line with its constant practice, as well as pursuant to paragraph 31 of the
4 directions on the conduct of the proceedings, the Chamber reminds the parties and
5 participants that questioning shall remain at all time respectful of the dignity of the
6 witnesses and that no exploitation of the vulnerability of the witness is allowed. As
7 stated in paragraph 32 of the directions, the Chamber will intervene and provide
8 specific directions as necessary or appropriate in light of the specific and concrete
9 circumstances of each witness.

10 This concludes the Chamber's oral ruling on this second issue.

11 And I see already Maître Altit nearly on his feet, now on his feet. Please, Maître
12 Altit.

13 MR ALTIT: [9:43:56] (Interpretation) Thank you, your Honour. Your Honours, I
14 do wish to seek clarification if you don't mind, and this regards the first ruling that
15 you issued.

16 Now, at page 4 of the French transcript, line 19 I believe it was, the following appears,
17 and I will quote the French transcript, line 19, "and LRV is allowed to put questions
18 for this witness and following witnesses because the Chamber has so ruled."

19 My question is this, and it's a simple question, were you referring to the LRV's request
20 that was disclosed yesterday or sent to us yesterday regarding the two upcoming
21 witnesses? Because if that is the case, we do have a number of comments to make.

22 Quite simply put, of course, we are not opposed to the LRV's request regarding
23 P-108 -- no, 433. But we do have some reservations, and we continue to oppose the
24 application regarding P-108, and we would like to be heard on that point. And I
25 believe that is a decision that is pursuant to the application from the LRV.

1 THE INTERPRETER: [9:45:43] Interpreter correction: The witnesses mentioned
2 were 108 and P-433.

3 PRESIDING JUDGE TARFUSSER: [9:45:52] To which one do you oppose? You
4 said one you do not oppose and one you do oppose.

5 MR ALTIT: [9:46:05] (Interpretation) Yes, absolutely. We do not oppose the
6 application from the Legal Representative of Victims regarding 433 insofar as the
7 issues to be touched upon by the Legal Representative of Victims was not touched
8 upon during -- that was a, that person is also deemed to be a victim.

9 On the other hand, we do oppose her questioning P-108, because the situation is
10 entirely different, the circumstances are entirely different. P-108 is not a victim
11 authorised to take part in the proceedings and is not an alleged victim of the incidents
12 that have been invoked by the Prosecution.

13 Just to get around the difficulty, the Legal Representative of Victims has said that she
14 could question this person because the witness will be testifying regarding crimes and
15 harm that the person suffered during 25 to 28 September 2011 and two further
16 incidents in 2011, the incidents of 12 April 2011.

17 However, but by doing so, the Legal Representative of Victims is actually
18 opposing -- well, she's going beyond her mandate to represent victims, and the
19 Defence wishes to point out that in her opening statements, the Legal Representative
20 of Victims said that her mandate was solely to represent victims who had been
21 authorised to take part in the proceedings.

22 P-108 is not one of these people and the people mentioned by P-108 in the statement
23 are not victims and that is why we are opposed to this application. This is why we
24 would oppose the application from the Legal Representative of Victims regarding
25 P-108.

1 PRESIDING JUDGE TARFUSSER: [9:48:23] Sorry, if I understand well, you oppose
2 more because of a formal reason, not substantive? It's more formal?

3 MR ALTIT: [9:48:45] (Interpretation) If I could respond, your Honour. 433, you
4 see, is a victim who is authorised to take part in the proceedings and is represented by
5 the Legal Representative, but P-108 is not. P-108, well, the Legal Representative of
6 Victims does not have a general widespread mandate to represent any and all. So I
7 believe it's both a matter of substance and form.

8 PRESIDING JUDGE TARFUSSER: [9:49:19] Well, we understand each other. I see
9 it more formal than a substantive one. But it's okay.

10 Maître Zokou.

11 MR ZOKOU: [9:49:37] (Interpretation) Yes, the Blé Goudé Defence team agrees
12 with Mr Altit and we will not develop this point or expand upon this point because I
13 believe that it has already been dealt with substantially by my colleague.

14 PRESIDING JUDGE TARFUSSER: [9:49:54] The OTP.

15 MS HENDERSON: [9:49:56] Good morning, Mr President, your Honours. The
16 Prosecution has no objection to the Legal Representative questioning either witness.

17 PRESIDING JUDGE TARFUSSER: [9:50:05] Thank you.
18 Legal Representative.

19 MR MACDONALD: [9:50:08] While I was standing up, just to add, because I think
20 it's important, it doesn't matter, your Honour, that the Legal Representatives do not
21 represent a victim. They can seek to question any witness and it's for the Chamber's
22 discretion, which has been applied in all the cases in jurisprudence before this
23 institution. Thank you.

24 PRESIDING JUDGE TARFUSSER: [9:50:37] Legal Representative.

25 MS MASSIDDA: [9:50:38] Thank you, your Honour. Good morning. Just very

1 briefly, the first argument was of course the one which has just been raised by
2 Mr MacDonald. But I wanted to recall the exact wording of my request for
3 questioning, which states in relation to 108 and 433, "The legal representative will
4 question the witnesses on the extent of victimisation known to these persons."
5 Now, Witness P-108 has a specific role within the community. In the examination
6 sheet by the Office of the Prosecutor, it's stated that this person is a chef coutumier, in
7 other words, he's someone who has knowledge about the victimisation in a certain
8 area, about specific victims in the area. And this specific area of questioning is
9 particularly relevant for the interest of victims participating in the proceedings. I
10 wanted just to clarify this because it's not exactly what my learned colleague has
11 explained to the Chamber a few minutes ago.
12 And I wish also to reiterate, your Honour, that actually the legal representative can
13 request to question any witness if the legal representative can show that the personal
14 interests of a victim she represents are at stake.
15 This witness has specific knowledge of victimisation and extent of prejudice suffered
16 by victims in general, and this is squarely an area which the legal representative is
17 entitled to explore for any witness. Thank you.
18 PRESIDING JUDGE TARFUSSER: [9:52:23] Thank you. The request is granted,
19 and therefore the oral decision is confirmed as it was. So there is the possibility for
20 legal representative to question both witnesses.
21 Now I would ask the court usher to bring the witness in and the court officer to call
22 the private session, because there is an issue we have to solve before starting the
23 questioning, please.
24 (Private session at 9.53 a.m.)
25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 10.28 a.m.)

21 THE COURT OFFICER: [10:28:43] We are in open session, Mr President.

22 PRESIDING JUDGE TARFUSSER: [10:28:48] Thank you.

23 Now, Mr Witness, we are now in open session and, therefore, you know what this

24 means; from now on you respond to the Office of the Prosecutor and asking me if you

25 have some concerns, some requests.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

- 1 I give now the floor to the Office of the Prosecutor with the following
2 recommendation: Don't start to recommend the same things I've already
3 recommended. Start with question one, please. Okay? Thank you very much.
4 QUESTIONED BY MS HENDERSON: (Interpretation)
5 Q. [10:29:40] Good morning, Witness.
6 A. [10:29:42] Good morning.
7 Q. [10:29:43] I'd just like to introduce myself. My name is Claire Henderson and I
8 am a lawyer from the Office of the Prosecutor and I shall be putting questions to you
9 today. As you know, we met at our courtesy meeting last Thursday.
10 A. [10:30:02] That is correct.
11 Q. [10:30:02] Very good. I'll start off straightaway with questions. I would just
12 like to say before I go any further that French is not my mother tongue, so I am going
13 to in fact speak in English today. But don't worry, just as your discussions with the
14 Presiding Judge this morning, an interpreter shall assist. So I shall now continue in
15 English.
16 (Speaks English) Mr Witness, today I'll be asking you questions about the time of the
17 post-electoral crisis in Abidjan. Could you first tell us what was your job during the
18 crisis?
19 A. [10:30:52] Yes. I was a trader.
20 Q. [10:30:55] What kind of trader were you?
21 A. [10:31:00] I had two beverage wholesale points.
22 Q. [10:31:09] Thank you. And in what neighbourhood or district of Abidjan were
23 you trading?
24 A. [10:31:15] In Yopougon.
25 Q. [10:31:22] And which part of Yopougon?

1 A. [10:31:29] I had one point at the SICOGI and one in Yao Séhi.

2 Q. [10:31:37] Thank you. And apart from that work, did you have any roles in the
3 community?

4 A. [10:31:45] I did. I should state that I was the president of Yao Séhi
5 neighbourhood and I was the Agni chief of my community.

6 Q. [10:32:05] And in those roles -- well, let's go one by one. Firstly, as the customary
7 chief, what kind of responsibilities or duties did you have?

8 A. [10:32:21] Well, as chief, I would say that we are leaders and focal points for our
9 communities, and we would deal with problems encountered in the community,
10 anybody encountering a problem would come to me and we would operate in the
11 framework of an association.

12 Q. [10:33:06] Thank you. And in your capacity of president of the neighbourhood
13 of Yao Séhi, what were your duties and responsibilities in that role, if they were at all
14 different?

15 A. [10:33:20] As president, I worked a lot with various bodies. This is a
16 neighbourhood which has a lot of difficulties. Various projects, we were the
17 beneficiary of various projects and through those projects we would carry out youth
18 work. We were involved with a lot of projects run by NGOs, for instance, the World
19 Bank was assisting us and a Swiss foundation. There were also projects involving
20 the collection of refuse, for instance. There was an organisation made up of young
21 people and women, for instance, and I as president was involved in running these
22 activities --

23 Q. [10:34:35] Thank you, Mr Witness.

24 A. [10:34:40] -- in Yao Séhi.

25 Q. [10:34:42] You mentioned youth work. What exactly did you have to do with

1 the youths when you were performing youth work?

2 A. [10:34:52] When it came to refuse collection, for instance, we were given training,
3 and that enabled us to set up this refuse collection operation with young people based
4 on 5 cents per household. So that project -- or, rather, 50 francs, rather. So that
5 project went well.

6 Now, there was another project where unfortunately we didn't have a site, but we
7 had a fountain, a fountain which -- or water point which was operated by two
8 workers and, thanks to the funding received, we were able to assist some people in
9 changing from one type of work to another, and we had funding for this type of
10 project.

11 Q. [10:36:06] You also said, Mr Witness, in your capacity as a customary chief, that
12 people would come to you with problems. What kinds of people would you
13 regularly speak to in that role or also in your role of president of the neighbourhood?

14 A. [10:36:27] As neighbourhood chief, chef du quartier?

15 Q. [10:36:39] Yes, in both capacities, what kind of people would you happen to
16 speak to on, let's say, on a day-to-day basis?

17 A. [10:36:45] Well, we would deal with household matters where there were
18 difficulties within a household. That would be a regular type of problem that would
19 be put to me. Also health issues; so aside from disputes, health issues. There we
20 would, for instance, be approached by people who were ill and wanted to return
21 home to their village, and we would assist them, providing them with the funding so
22 that they could travel home to relatives.

23 So I think most of the time is taken up in dispute resolution, for instance, disputes
24 between neighbours within the community.

25 Q. [10:37:53] And can you just tell us very briefly what kind of personal qualities

1 should a customary chief or a president of the district of Yao Séhi have.

2 A. [10:38:09] Well, in my capacity as president, I manage the projects that are set up
3 in the area. I should point out that I was elected by the youth, and I'm involved in
4 managing projects in that connection. As president, I would write to organisations,
5 receive answers, and we would receive quite a lot of funding, donations.

6 Now, when one is chief, that's very different to being president of the association of
7 Yao Séhi. As a chief, I really am the leader of my community, so I provide guidance.
8 In 2011, I was elected as chief overseeing 22 community chiefs, so I am the central
9 chief above these.

10 Q. [10:39:42] Mr Witness, now, I just want to take you to slightly before the
11 post-electoral crisis. I want to take you to the time of the presidential campaigning.
12 Do you recall a time that any of the presidential candidates visited Yao Séhi?

13 A. [10:40:07] I do. In my capacity as chief or, rather, I was the spokesperson of the
14 chiefs, and President Ouattara visited as did Mr Gbagbo's spokesperson.

15 Q. [10:40:39] And in relation to the visit by Mr Ouattara, do you recall when that
16 happened?

17 A. [10:40:48] I don't know the exact date, but I believe it was on the last day of the
18 campaign that he visited.

19 Q. [10:41:09] If I could perhaps refresh your memory on that point, Mr Witness.

20 I'm referring to the witness's statement. It's item 1 on our list. The ERN is
21 0013-0108. And citing from paragraph 19, in French, (Interpretation) "The last day of
22 the presidential campaign of 2010, on around 26 October 2010, we, the chiefs of the
23 neighbourhood of Yao Séhi, hosted Mr Ouattara."

24 (Speaks English) Would that be the correct date, around 26 October 2010?

25 A. [10:42:10] Yes.

1 Q. [10:42:13] Now, on that day that Mr Ouattara came to visit, what happened
2 when he arrived?

3 A. [10:42:24] His arrival? Well, basically we were stormed. There were a lot of
4 people, a great number of people, a great influx of people. Despite that, Mr Alassane
5 alighted from his vehicle. He came to us. He greeted us and he, however, said that
6 he must apologise but for his own safety he had to reboard his vehicle.

7 Q. [10:43:17] When you say that "people stormed," which people stormed Mr
8 Ouattara?

9 A. [10:43:23] Well, I would say there were a lot of people, and supporters of
10 Mr Gbagbo were nearby, and they infiltrated the crowd, and that's how things kicked
11 off.

12 Q. [10:43:53] Did anything in particular happen later in the day?

13 A. [10:44:07] Soon after President Alassane left, a group of young people followed
14 us and they demanded to know why we had agreed to receive President Alassane.
15 So we went to the police, and we were given protection and then returned home.

16 Q. [10:44:43] Who were these people who demanded to know why you had
17 received Mr Ouattara?

18 A. [10:44:52] Well, they were Mr Gbagbo's supporters.

19 Q. [10:45:02] How many of them were there approximately?

20 A. [10:45:07] A large number. I couldn't give you a figure.

21 Q. [10:45:15] How could you tell that they were Mr Gbagbo's supporters?

22 A. [10:45:21] By means of their T-shirts.

23 Q. [10:45:27] And what was it about their T-shirts exactly?

24 A. [10:45:33] The T-shirts had been printed and they bore a Gbagbo slogan and the
25 photo, a photo of Mr Gbagbo.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Q. [10:45:49] Now, you said that they wanted to know why you had received Mr
2 Ouattara. Is there anything else that you recall them saying?

3 A. [10:46:00] They said things like Mr Ouattara is not from ivory -- Côte d'Ivoire;
4 he's from Burkina Faso.

5 Q. [10:46:18] Anything else you recall?

6 A. [10:46:23] Not really.

7 Q. [10:46:28] I'm going to refer to paragraph 22 of the witness's statement. I'm just
8 going to read out the selected quotes attributed to these people without reading the
9 whole paragraph, if my learned friends permit.

10 Mr Witness, do you recall saying this to investigators, that is, saying that this group of
11 people said the following things, and I quote in French, (Interpretation) "These people
12 who facilitate a visit by the people from Burkina Faso, they're going to pay dearly."

13 A. [10:47:19] Oui.

14 Q. You remember telling investigators that the group of people said that, do you?

15 A. [10:47:20] Yes, yes.

16 PRESIDING JUDGE TARFUSSER: Why don't you read and then ask, because
17 otherwise -- so we accelerate.

18 MS HENDERSON: [10:47:24] Yes, your Honour.

19 Q. [10:47:25] Another one in French. (Interpretation) "The traitors who received
20 him and another one, the cowards who received ADO, those people are not real
21 Ivorians."

22 A. [10:47:52] Yes.

23 Q. [10:47:55] Do you recall telling investigators that?

24 A. [10:48:00] I do, yes.

25 Q. [10:48:07] You said that afterwards you reported this and you got some

1 protection.

2 Who did you report this to?

3 A. [10:48:17] *It was the police chief Traoré in the 16th arrondissement, yes.

4 Q. [10:48:40] Was it directly to the Commissioner Traoré that you reported this or
5 to another person?

6 A. [10:48:54] No, no. It was to the commissioner directly. When the crowd
7 gathered, we went immediately to the police station and we found the commissioner
8 on duty. And when we explained it to him, we told him that we were chiefs, we had
9 nothing to do with it, that it was our duty to receive anyone and everyone. We
10 lodged a complaint, and he provided us with a receipt confirming that complaint and
11 he asked us to return to the police station with the receipt should anything further
12 happen.

13 Q. [10:49:39] And just to be sure, which commissariat was this?

14 A. [10:49:45] It was the police station of the 16th arrondissement. That's just 50 or
15 100 metres from Yao Séhi, just about 100 metres off from Doukouré.

16 Q. [10:50:08] To your knowledge, is there just one commissioner at that
17 commissariat or is there more than one?

18 A. [10:50:17] Well, the district is part of the 16th arrondissement. There are in fact
19 several police stations in Yopougon, but the district was part of the 16th.

20 Q. [10:50:42] Now, this Commissioner Traoré, is he the only commissioner that you
21 know of based there at the time or were there others?

22 A. [10:50:53] There were others, but they were in the district. Commissioner
23 Traoré, he was at the 16th. He's the one who oversees
24 the 16th arrondissement.

25 MS HENDERSON: [10:51:24] Your Honours, can we briefly pass into private session.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [10:51:29] Let's please go into private session.

2 But excuse me, you said "we went to this commissioner." Who is "we"? You and
3 who?

4 THE WITNESS: [10:51:42] (Interpretation) There was a chief from Central who has
5 since died. There was a chief called Mr Tapahou, who has also died in the interim,
6 and myself.

7 PRESIDING JUDGE TARFUSSER: [10:52:09] Does this satisfy you or do you want to
8 go further in private session?

9 MS HENDERSON: [10:52:14] No, your Honour. I still wish to go into private
10 session.

11 PRESIDING JUDGE TARFUSSER: [10:52:16] Okay.

12 MS HENDERSON: [10:52:17] Yes.

13 PRESIDING JUDGE TARFUSSER: [10:52:20] Let's go into private session.

14 (Private session at 10.52 a.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Open session at 11.08 a.m.)
- 13 THE COURT OFFICER: [11:08:27] We are in open session, Mr President.
- 14 PRESIDING JUDGE TARFUSSER: [11:08:33] Thank you very much.
- 15 We have the break and we come back in half an hour, thank you.
- 16 THE COURT USHER: [11:08:38] All rise.
- 17 (Recess taken at 11.08 a.m.)
- 18 (Upon resuming in open session at 11.44 a.m.)
- 19 THE COURT USHER: [11:44:03] All rise.
- 20 Please be seated.
- 21 PRESIDING JUDGE TARFUSSER: [11:44:23] The Defence for Mr Blé Goudé, good
- 22 morning again, can obviously reply, I would say at the end of this session. I would
- 23 close 10 minutes before for your reply to this request by the OTP, okay? So we can
- 24 decide immediately in the afternoon.
- 25 Mr O'Shea.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 MR O'SHEA: [11:44:47] This is not a response to the Prosecution. I'm simply
2 asking or requesting if the evidence which was given in private session before the
3 break could be reclassified as public, because in our submission it should be.

4 PRESIDING JUDGE TARFUSSER: [11:45:09] Well, we will decide on this. Okay.
5 Now the floor is to the Office of the Prosecutor for her questioning.

6 Good morning again, Mr Witness.

7 MS HENDERSON: [11:45:29]

8 Q. [11:45:30] Hello again, Mr Witness.

9 A. [11:45:38] Good morning, ma'am.

10 Q. [11:45:40] Could you tell us what you know about any parlement within
11 Yopougon?

12 A. [11:45:57] I must say that the parlement was created by the young people of
13 Yopougon so as to exchange ideas on political events. So these were young
14 unemployed people. So these were locations that were chosen and they would go
15 there from morning to evening to talk about politics.

16 Q. [11:46:32] Who did these young people support politically?

17 A. [11:46:38] Mr Gbagbo.

18 Q. [11:46:49] And during the post-electoral crisis, how many of these parlements
19 did you know about in Yopougon?

20 A. [11:46:56] There were three of them. There was one right next to the 16th, one
21 in Wakouboué and then another one at a technical service of the town hall. So these
22 were the three that I knew.

23 Q. [11:47:29] When you say "the 16th," you're talking about the police station of the
24 16th; is that right?

25 A. [11:47:38] Yes, right next to it. It is just an alley that separates that parlement

1 from the police station of the 16th arrondissement.

2 Q. [11:48:02] Thank you. And in relation to the technical service of the mairie,
3 what was that used for when it was not a parlement? What was its normal use?

4 A. [11:48:18] The space was empty. It was an empty piece of land.

5 Q. [11:48:36] *Mr Witness, do you recall the investigators from the Office of the
6 Prosecutor marking on a map of the site, these three parlements in Yopougon?

7 A. [11:48:50] Yes.

8 Q. [11:49:00] I'd like to show you a document, if that could be displayed, please, by
9 the Registry. It's annex 2 to the statement, item 3 on our list. The ERN is 0013-0138,
10 and it can be displayed publicly.

11 Do you see that map on your screen, Mr Witness?

12 A. [11:50:04] Yes.

13 Q. [11:50:05] And if I could ask the Registry to just zoom in to the centre of the map
14 where there are some letters marked. Thank you. That's enough.

15 And, Mr Witness, is this the map that you marked with investigators?

16 A. [11:50:30] Yes.

17 Q. [11:50:34] Now, you can see a Y in the centre of the screen. What does that Y
18 refer to?

19 A. [11:50:43] The technical service.

20 Q. [11:50:45] Okay. We can see a marking that says "service technique," and
21 above that we also see a letter Y. What does that Y refer to?

22 A. [11:51:04] The parlement.

23 Q. [11:51:09] Okay. Can you see a letter D marked?

24 A. [11:51:19] Yes.

25 Q. [11:51:22] What does that letter D refer to?

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 A. [11:51:43] Well, they put "FC" there. I don't quite understand what it is.

2 Q. [11:51:49] Okay.

3 A. [11:51:52] I think, yeah, it's close to the 16th.

4 Q. [11:51:58] Okay. I'm just going to refresh you on part of your statement. It's
5 paragraph 188. And you say in French and in reference to this annex, (Interpretation)
6 "The Yao Séhi neighbourhood indicated by the letter Y."

7 (Speaks English) Is that right that where that Y is, that is where Yao Séhi is?

8 A. [11:52:32] Mm-mm, yes.

9 Q. [11:52:39] And you also said in your statement, same paragraph (Interpretation)
10 "The Doukouré neighbourhood indicated by letter D."

11 (Speaks English) Is that then Doukouré where that D is marked?

12 A. [11:52:55] Yes, yes.

13 Q. [11:52:59] Now, you referred to the service technique?

14 A. [11:53:08] Yes.

15 Q. [11:53:10] Is that the site of the service technique parlement that you were
16 speaking to us about?

17 A. [11:53:16] Yes.

18 Q. [11:53:23] Thank you. And just above the Y and the D, you can see two more
19 points or you can see some more text.

20 A. [11:53:39] It is the 16th and then the pharmacy Wakouboué.

21 Q. [11:53:44] Okay. And are you telling us that those are the sites of the other two
22 parlements?

23 A. [11:53:51] Yes.

24 Q. [11:53:55] Thank you, Mr Witness. We're finished with that document.

25 Mr Witness, did you go to these parliaments at any time during the post-election

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 crisis?

2 A. [11:54:14] No.

3 Q. [11:54:20] You never went to any one of them?

4 A. [11:54:26] No.

5 Q. [11:54:26] Did you ever see other people go into them?

6 A. [11:54:40] Yes.

7 Q. [11:54:41] Who would you see go into these parlements?

8 A. [11:54:52] Friends of mine and people I knew.

9 Q. [11:54:58] Do you know about the areas of Côte d'Ivoire that these people came
10 from, the ones that you knew?

11 A. [11:55:15] Most of them, well, from all areas, from all regions, practically
12 everyone.

13 Q. [11:55:37] So, Mr Witness, you don't remember if there is a particular region of
14 Côte d'Ivoire that people typically came from, the people who were going to the
15 parlement?

16 MR O'SHEA: [11:56:11] In the light of the previous answer, your Honour, that's
17 particularly leading.

18 MS HENDERSON: [11:56:18] Your Honour, in my submission, it's not leading. He
19 can say no. And it's not leading us to the substance of which area.

20 PRESIDING JUDGE TARFUSSER: [11:56:26] Please go ahead.

21 MS HENDERSON: [11:56:31]

22 Q. [11:56:31] I'll repeat, Mr Witness, is there a particular area of Côte d'Ivoire that
23 the people attending the parlement who you knew were from?

24 A. [11:56:44] You had the Wé, and then the Attié and then the Bété.

25 PRESIDING JUDGE TARFUSSER: [11:57:07] Which seem to me not areas but

1 ethnicities more.

2 MS HENDERSON: [11:57:19] Yes, your Honour.

3 PRESIDING JUDGE TARFUSSER: [11:57:21] Okay.

4 MS HENDERSON: [11:57:33]

5 Q. [11:57:34] And these groups that you just named, which candidate, which
6 presidential candidate did they --

7 PRESIDING JUDGE TARFUSSER: [11:57:39] Yes, but we do know the things -- we
8 should not repeat always the same things. I mean, we are here. It's one year and a
9 half. So we know lots of things. Please.

10 MS HENDERSON: [11:57:53]

11 Q. [11:57:56] Mr Witness, I want to ask you now about the parlement at the
12 technical service particularly. Do you remember, not just in the post-electoral crisis
13 but any time, that you went there yourself?

14 MR O'SHEA: [11:58:16] I thought he'd been asked the question whether he'd ever
15 been to any of the parliaments and he said "No, I did not."

16 PRESIDING JUDGE TARFUSSER: [11:58:29] Yes, he said "I did not." If there is
17 something to confront the witness with, please confront him instead of reformulating
18 the question.

19 MS HENDERSON: [11:58:39] Yes, your Honour. I wanted to make sure that it
20 wasn't restricted by time. But I will do that now.

21 Q. [11:58:49] Mr Witness, at paragraph 30 of your statement, speaking about the
22 technical service parlement, you said (Interpretation) "I went to that parliament on
23 several occasions. I would listen for five minutes and then I would leave."

24 (Speaks English) Do you recall saying that to the investigators?

25 A. [11:59:17] Yes, yes.

1 Q. [11:59:22] Okay. And what can you tell us about that now, is that true?

2 A. [11:59:25] From time to time, those of us traditional leaders, we work with the
3 technical services, so on my way to there I would stop maybe two, three minutes,
4 listen and then I go on my way.

5 Q. [11:59:52] And on these occasions that you were there and stopped and listened,
6 what did you hear being discussed at the parlement?

7 A. [12:00:03] Bad, wrong -- wrong information that is given at those locations. It
8 is not true information that they discuss there, it is false political information.

9 Q. [12:00:24] And what was that information?

10 A. [12:00:34] Well, I -- I'm not a politician, but let's take the example of Bouygues,
11 the CIE. Our young people, you see, would say the Independent Electoral
12 Commission really wasn't part of Côte d'Ivoire or that Mr Gbagbo had done all he
13 could to keep everything that belonged to the French. And it was completely false,
14 completely untrue since those of us who had been listening to the news and that
15 knew that he had come to renew a contract. That's management, it's -- that's all
16 about managing a company.

17 As for the parliament, that company was supposed to go back to Côte d'Ivoire, be
18 taken over but, you see, unfortunately that wasn't true.

19 THE INTERPRETER: [12:01:58] Interpreter correction: The company mentioned
20 was the CIE, not the Independent Electoral Commission.

21 MS HENDERSON: [12:02:15]

22 Q. [12:02:15] Did you ever see a presidential candidate go to the parlement at the
23 technical service?

24 A. [12:02:24] Was Mr Gbagbo, Mr Gbagbo would go to the parliament.

25 Q. [12:02:36] Did you see him there yourself?

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 A. [12:02:41] Well, no.

2 Q. [12:02:48] How do you know that he was there?

3 A. [12:02:57] We are located in Yao Séhi about 500 metres, 500 metres. So if the
4 president went by you would see automatically.

5 Q. [12:03:15] Are you saying that you saw him at that time?

6 A. [12:03:23] *I wasn't there, but I saw him go by

7 Q. [12:03:33] And when was this?

8 A. [12:03:50] I don't remember the date.

9 PRESIDING JUDGE TARFUSSER: [12:03:55] Excuse me, Mr Witness. What is your
10 source of information of the visit of Mr Gbagbo, then President Gbagbo, to the
11 parliament? Who told you if you were not there and you didn't see him passing by?

12 THE WITNESS: [12:04:22] (Interpretation) The president was in a place, especially
13 the area where we were living, with the sirens going and the lights flashing. And
14 you see, with the young people, this large group of young people from Yopougon
15 automatically -- we knew that the president had gone to the parliament.

16 PRESIDING JUDGE TARFUSSER: [12:04:50] Yes, but what I asked you is your
17 source of information. You said you haven't seen him going there, and you were not
18 at the parliament, you didn't listen to the speech, okay, so you directly you don't
19 know anything. Why do you know what you are saying and from whom do you
20 know?

21 THE WITNESS: [12:05:19] (Interpretation) Well, in Yopougon, you see, the
22 parliament, the place where it's located, that's our neighbourhood, and it's just after,
23 well, it's just 500 metres to get there. So the president was there at that location, and
24 automatically everyone knew about it. When the president of the republic comes to
25 make a visit, it's not like an ordinary person visiting. That person is the top leader of

1 the country. So people knew, everyone was talking about it, everyone was saying,
2 "Oh, the president is here. The president has just got here."
3 I wasn't there, but when he went by, I was alongside the road.

4 MS HENDERSON: [12:06:22]

5 Q. [12:06:22] Mr Witness, you said you couldn't quite remember when this visit
6 happened. Are you able to say if it was before or after the elections?

7 A. [12:06:35] Before the election.

8 MS HENDERSON: [12:06:45] Your Honours, if we could pass into private session,
9 please.

10 PRESIDING JUDGE TARFUSSER: [12:06:53] Let's go please into private session.

11 (Private session at 12.07 p.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 1 p.m.)

9 THE COURT OFFICER: [13:00:55] We are in open session, Mr President.

10 PRESIDING JUDGE TARFUSSER: [13:01:03] We are now after a while again in open
11 session. I hope we can maintain the open session as much as possible, and I give the
12 floor back to the Office of the Prosecutor.

13 On the reclassification, we will obviously decide later in due course. Thank you.

14 MS HENDERSON: [13:01:27]

15 Q. [13:01:28] Mr Witness, you've spoken about a man who was under the authority
16 of a warrant officer from the navy. What did that man tell you about his orders from
17 that warrant officer from the navy?

18 MR O'SHEA: [13:01:55] I'm sorry.

19 PRESIDING JUDGE TARFUSSER: [13:02:13] Please.

20 MR O'SHEA: [13:02:15] I'm sorry, but correct me if I am wrong, your Honours, but
21 the man we're talking about according to the evidence of this witness was not under
22 the authority of anyone at the time he was talking to this witness, because he had
23 been dismissed, unless I've misunderstood.

24 PRESIDING JUDGE TARFUSSER: [13:02:40] So let's first ask the question if he was,
25 because I don't know either.

1 MS HENDERSON: [13:02:48] Your Honours, I'm looking at -- sorry, just one
2 moment. I had the page a second ago. Yes, it's the English page 61, line 13.
3 "And during the crisis he appeared under the authority of an adjutant chef senior
4 warrant officer" and then there is a name. The formulation was drawing on that
5 excerpt, your Honour.

6 PRESIDING JUDGE TARFUSSER: [13:03:35] Okay. 13-14, 61, 13-14, English.

7 MS HENDERSON: [13:03:43] Yes, your Honours.

8 PRESIDING JUDGE TARFUSSER: [13:03:44] Yes, please, go ahead.

9 MS HENDERSON: [13:03:46]

10 Q. [13:03:46] Mr Witness, I'll repeat the question. You've said that this man told
11 you he was under the authority of this navy warrant officer. What did the man tell
12 you about any orders coming from the warrant officer?

13 A. [13:04:07] At times when he would come, he would say "We abducted this
14 person or that. We eliminated them. We dropped them, and we dropped the body
15 off right into the sea." That is what he told us. So each time he would come, he
16 would always have something to tell us, to such an extent that people were afraid of
17 him, this young guy.

18 But I must say that I don't know whether he was taking drugs. He was a well-built
19 fellow. And so each time he would come in to the place with -- he would say, "Well,
20 we abducted this white guy and we did this, we did that." And so we were honestly
21 afraid of him. That's what he would tell us. And so that's, you know, that's what I
22 wonder about.

23 Q. [13:05:20] So those are things that he told you that he did. What does that have
24 to do with this warrant officer from the marine though; is there anything there?

25 A. [13:05:36] Well, he came under his authority. The warrant officer, warrant

1 officer Tapé was the guy, he was the guy. It was his team, he was part of the team of
2 that guy.

3 MR O'SHEA: [13:05:58] Just a point, and this may be where my confusion came
4 from. The word used by the witness was "coupole." The word translated on the
5 transcript was "authority." I'm not entirely sure they mean the same thing. And it's
6 quite a significant point, of course, because we know from the witness's evidence that
7 this man was dismissed, and then we have the expression "authority," but of course
8 the word in French was "coupole." Perhaps a better translation would be umbrella
9 with all due respect to the translators.

10 MR N'DRY: [13:06:48] (Interpretation) I entirely support, I entirely agree with my
11 colleague who has made this objection. And indeed, I myself was looking for the
12 French equivalent and I didn't see that at all, not at all the same expression, the word
13 "authority" in French because that word was not actually said by the witness.

14 PRESIDING JUDGE TARFUSSER: [13:07:11] Thank you, Maître N'Dry.

15 MS HENDERSON: [13:07:13] Your Honours, that concludes that topic. If there is
16 an issue --

17 PRESIDING JUDGE TARFUSSER: We have --

18 MS HENDERSON: -- with the translation there can be a request made. And if the
19 parties disagree, then that's a procedure that can follow at a later time.

20 PRESIDING JUDGE TARFUSSER: [13:07:25] Yes. And not only, we have also the
21 issue raised by the Defence lawyers on the transcript, so we'll take -- obviously we'll
22 take care of this discrepancy.

23 MR O'SHEA: [13:07:39] Your Honour, of course, is that when one's dealing with
24 something so crucial one needs to flag it up immediately.

25 PRESIDING JUDGE TARFUSSER: [13:07:45] Yes, yes, yes. No, no, no, no, of

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 course. It is flagged up and it is well noted.

2 Please go ahead, Madam Prosecutor.

3 MS HENDERSON: [13:07:58] Thank you, your Honour.

4 Q. [13:07:59] Mr Witness, you mentioned a person by the name of Maguy Le
5 Tocard. Who was Maguy Le Tocard?

6 A. [13:08:08] He was a gentleman who formed a militia. He had his office right by
7 the 16th and there he would train the young people.

8 Q. [13:08:29] How long had you known Maguy Le Tocard for up till the
9 post-electoral crisis?

10 A. [13:08:41] Three years before, three years before the crisis, because he was
11 training these young people. He was training the young people so that they would
12 be ready to do their military service.

13 Q. [13:09:03] At what point did the training start?

14 A. [13:09:16] Well, it was just after the 2002 crisis, just after the 2002 crisis, that is
15 when the vast majority of the young people who were unemployed wanted to join the
16 army. So that's how it came to be that Mr Maguy recruited these people. And he
17 was charging 25,000 francs, because these young people who wanted to enlist told me
18 that they were paying 25,000 francs to get enlisted and for their training.

19 Q. [13:10:00] When you say "enlist," enlist in what exactly, in what group were they
20 paying these 25,000 francs for?

21 A. [13:10:19] Maguy Le Tocard, he was in charge and people were paying 25,000
22 francs there to sign up, to enlist.

23 Q. [13:10:33] In Mr Le Tocard's group, you're saying, in Maguy Le Tocard's group?

24 A. [13:10:42] Yes.

25 Q. [13:10:45] How did you know exactly that Maguy Le Tocard was in charge of

1 this militia?

2 A. [13:11:13] Well, he had his office just by there, by the 16th arrondissement.

3 And the training of the young people, there was a large area and that's where he did
4 the training. And we even attended a few times. It was a real proper military
5 training.

6 Q. [13:11:49] We'll go through a couple of those points one by one. When you say
7 that he had his office by the 16th arrondissement, where exactly was the office located
8 in comparison to that police station?

9 A. [13:12:06] Well, if I face away from the 16th arrondissement police station, it's to
10 my right. Because, you see, there's this area, the SICOI area, the SICOI between
11 the station and the 16th, there is an empty area, that's where they would do their
12 training.

13 Q. [13:12:44] Imagine that you're walking right out of the 16th arrondissement
14 police station, how long would it take you to walk to Maguy Le Tocard's office?

15 A. [13:12:54] Two or three minutes.

16 Q. [13:13:08] Do you know when that first became Maguy Le Tocard's office?

17 A. [13:13:15] I can't give you a specific date.

18 Q. [13:13:27] Do you know if there were any other militia groups in Yopougon in
19 addition to Maguy Le Tocard's group?

20 A. [13:13:39] There were other groups, but they were on the other side around
21 Niangon.

22 Q. [13:13:56] How do you know about that group, at Niangon?

23 A. [13:14:08] Each morning we would see them going around. They ran in groups.
24 And they would go from one neighbourhood to the rest. They were exercising,
25 running.

1 Q. [13:14:25] How did you know the difference between these groups, between
2 Maguy Le Tocard's group and this Niangon group?

3 A. [13:14:47] Some had uniforms, some had uniforms. As for Maguy, well, they
4 had specific running pants or different pieces of clothing. But generally speaking,
5 they wore sports clothing.

6 Q. [13:15:06] Was there a particular type or uniform of clothing that identified one
7 group from another?

8 A. [13:15:26] No, not exactly, not everyone. Some were running in their own
9 clothing, but others had uniforms or sports exercise clothes, same colour.

10 Q. [13:15:40] What colour was that?

11 A. [13:15:48] I no longer remember the colours. Maybe red.

12 Q. [13:15:59] And Maguy Le Tocard's group in particular, do you remember what
13 they wore?

14 A. [13:16:05] They were wearing more camouflage clothing, but not all of them
15 wore that. Some had trackies, I guess you could call them, or T-shirts. The top
16 would be camouflage print. It would vary.

17 Q. [13:16:31] Now, you spoke earlier about youths who had gotten weapons from
18 the parlement, they told you. How did those youths fit in with these two groups
19 that you've now described, Maguy Le Tocard's group and the Niangon group?

20 A. [13:16:50] Well, each group was separate. Each separate was -- each group was
21 separate, distinct. Each group operated the way it was, the way it existed, each
22 group.

23 Q. [13:17:12] And now, sorry, to go back to Maguy Le Tocard's group in particular,
24 how regularly did you see them training?

25 A. [13:17:20] Before the crisis, any time, Monday to Friday.

1 Q. [13:17:34] And during the crisis?

2 A. [13:17:39] Before the crisis.

3 Q. [13:17:42] You've told us about before the crisis. How frequently during the
4 crisis were they training though?

5 A. [13:17:52] During the crisis, they were in the 16th arrondissement. They were
6 occupying the whole area, the 16th arrondissement.

7 Q. [13:18:05] Did you see them yourself when they were training?

8 A. [13:18:11] Yes.

9 Q. [13:18:13] And besides the 16th arrondissement police station, besides that area,
10 did you see them training anywhere else?

11 A. [13:18:24] No. They would patrol, you see. They would patrol. So all the
12 leaders -- well, everyone would go to see them and -- for protection, the leaders from
13 Doukouré and Yao Séhi, those leaders, we went to see them so that those young
14 people should protect us.

15 Q. [13:18:59] And on the times that you saw these youths training, did you ever see
16 them being filmed by anyone?

17 A. [13:19:17] Yes. France 24 network and TV5, they were filming them.

18 Q. [13:19:25] What activities were they doing when they were training?

19 A. [13:19:48] They were doing sports, working out, if you know what I mean.

20 Q. [13:19:51] Did you ever see them with weapons?

21 A. [13:19:54] Yes.

22 Q. [13:19:55] What weapons were they?

23 A. [13:20:03] Kalashnikovs.

24 Q. [13:20:04] Did you ever see them with any other weapons that you remember?

25 A. [13:20:11] No, just Kalashnikovs.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Q. [13:20:16] If I refresh your memory, from paragraph 88, of your statement --

2 A. [13:20:25] Rocket launchers I --

3 MR ALTIT: [13:20:27] (Interpretation) If I may.

4 PRESIDING JUDGE TARFUSSER: [13:20:30] Mr Altit.

5 MR ALTIT: [13:20:32] (Interpretation) I apologise for interrupting my learned

6 colleague, but if we could just hark back to what you said a few moments ago. You

7 refresh a witness's memory when the witness says that he can't remember something

8 and he says so. And I think that has more value really than what he might have said

9 in his statement.

10 You can confront a witness with something, that's another matter, but you can't really

11 say that that you are refreshing a witness's memory when there is an inconsistency

12 between what he's saying and what we see in the statement.

13 PRESIDING JUDGE TARFUSSER: [13:21:09] I'm trying to say this since some

14 months now, but there is a difference, there is a difference between refreshing the

15 memory and confronting a person with the contradicting statement. So I would ask

16 parties to use the right term, because it has also obviously some impact on the

17 evaluation of the testimony. It's not everything is a refreshing of memory.

18 MS HENDERSON: [13:21:40] Yes. Before I got there, your Honour, the witness did

19 say something. I'm not sure if -- it appears in the record. I'm not sure if your

20 Honours heard it.

21 PRESIDING JUDGE TARFUSSER: [13:21:47] I heard it. He talked about rocket

22 launchers.

23 MS HENDERSON: [13:21:51] Yes, thank you.

24 Q. [13:21:52] So, Mr Witness, you've said Kalashnikovs, rocket launchers. Are

25 there any other weapons that you remember that the Maguy Le Tocard group had?

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

- 1 A. [13:22:03] Something 16.
- 2 THE INTERPRETER: [13:22:06] Inaudible.
- 3 THE WITNESS: [13:22:09] (Interpretation) And that was all.
- 4 THE INTERPRETER: [13:22:11] Message from the interpreters: Could the witness
- 5 be asked to repeat his last reply, it was partially inaudible.
- 6 PRESIDING JUDGE TARFUSSER: [13:22:17] Yes. "Something 16." Some part of
- 7 your answer did not -- was not gotten by the interpreters. Can you please repeat?
- 8 THE WITNESS: [13:22:32] (Interpretation) I said Kalashnikovs and rocket
- 9 launchers.
- 10 MS HENDERSON: [13:22:36]
- 11 Q. [13:22:36] Yes. Thank you, Mr Witness. You said something to do with 16 as
- 12 well. Can you tell us what you said? Could you repeat it, please? I believe you
- 13 might have said in French "c'est tout." Is that what you said?
- 14 A. [13:22:58] Yes.
- 15 Q. [13:23:02] What were these youths doing with the weapons when you saw
- 16 them?
- 17 A. [13:23:09] They were chasing after the rebels. They were fighting the rebels.
- 18 Q. [13:23:19] And when was this?
- 19 A. [13:23:23] When the crisis broke out.
- 20 Q. [13:23:31] Back on the training, were you aware of who the trainers were?
- 21 A. [13:23:50] There was a trainer from the presidential guard. I don't know what
- 22 his name was.
- 23 Q. [13:24:02] What makes you say that he was from the presidential guard?
- 24 A. [13:24:10] I could tell from his clothing.
- 25 Q. [13:24:15] What clothing was that?

1 A. [13:24:19] Red beret with a T-shirt, both a camouflage T-shirt, and slacks, almost
2 camouflage.

3 Q. [13:24:40] Do you know how many youths were in Maguy Le Tocard's group?

4 A. [13:24:49] There were a lot of them.

5 Q. [13:24:59] Can you say approximately?

6 A. [13:25:05] About 400, 400 or more.

7 Q. [13:25:16] And can you say anything about the age that they were, the age
8 range?

9 A. [13:25:25] I would say between 18 and 35.

10 Q. [13:25:35] Did they have a certain way that you ever saw of communicating with
11 one another?

12 A. [13:25:44] They had some codes, you see, like us, they had codes.

13 Q. [13:25:56] When you say "code," what kind of code do you mean? Is this body
14 language? Is this a spoken code? Tell us about the code.

15 A. [13:26:11] Well, it was language. But we didn't understand. It was their
16 language.

17 Q. [13:26:24] Mr Witness, you referred before around the time of the death of a Mr
18 Moumouni the group of Maguy Le Tocard installing itself at the 16th arrondissement
19 police station. When you speak about them installing themselves there, are you
20 talking about their office that was, you said, a couple of minutes walking from the
21 police station or are you talking about something else?

22 A. [13:27:08] Just when the crisis began, the police liberated the 16th. They all left
23 and that's how it came to be that Maguy occupied the police station at the 16th
24 arrondissement.

25 Q. [13:27:27] Can you tell us some more about the police leaving? What led the

1 police to leave? What did you see?

2 A. [13:27:38] That day we didn't understand anything. They came through the
3 neighbourhood. There were a lot of them. We thought that they were go -- well,
4 you see, there is a place to smoke in the neighbourhood, and we thought they were
5 going that way. Then afterwards we sought -- well, we realised that there were no
6 longer any police officers in the 16th arrondissement. All the police stations had
7 been shut down and the young people began to head that way. And then we
8 observed that Maguy had already occupied the 16th arrondissement and all the
9 stations, all the offices.

10 Q. [13:28:35] And did this occur before or after the arrest of Mr Gbagbo?

11 A. [13:28:44] Before Mr Gbagbo's arrest.

12 Q. [13:28:58] When you're saying that the youths were occupying the station, can
13 you explain what you yourself actually saw when you are talking about occupying?

14 A. [13:29:08] The offices were occupied since -- it was as if it was him with his
15 militia who had replaced the police officers. So that's how -- we were going
16 towards him and he would receive us in the offices at the police station with his
17 troops, and we would go to him and present our arguments *and ask for protection.
18 Since even before that, the day of Mounouni's death, when they killed Moumouni at
19 the parliament, the next day there was an attack upon the Doukouré mosque and
20 people were killed there. The very next day Gbamnan Djidan came to console the
21 families of the people who had died. And it was just after that, that is when the
22 police liberated the 16th and Maguy occupied the 16th with his troops. And so the
23 Doukouré leaders and the Yao Séhi leaders, we went there and we spoke to him and
24 his group. And he promised that he would protect us. Unfortunately, each time it
25 was getting worse and worse. Amongst us there were rebels who had been caught

1 and they would, they were killed. People knew what we had experienced for
2 years.

3 Q. [13:31:17] You said "we would go to the police station to meet with Maguy Le
4 Tocard." Does that include you personally? Did you personally go there to meet
5 with Maguy Le Tocard in the period after Mr Moumouni was killed?

6 A. [13:31:33] That is the collective of chiefs, the group of chiefs from my
7 neighbourhood and from the other neighbourhood.

8 PRESIDING JUDGE TARFUSSER: [13:31:52] And you were part of this collective?
9 This is the question.

10 THE WITNESS: [13:31:56] (Interpretation) Yes.

11 MS HENDERSON: [13:32:00] I'd like to go into private session. It's a brief one for
12 the end of this topic, your Honour.

13 PRESIDING JUDGE TARFUSSER: [13:32:07] We will do this after the lunch break, I
14 think, yes. No, is it? Yes, yes. No, no, it's after the lunch break.

15 And, Mr Witness, you can go for lunch. We resume in about one hour and a half.

16 So you have time to rest and to eat.

17 And I would ask the court usher to bring the witness out.

18 I know exactly what you are going to ask, and I will anticipate you.

19 Can you please bring the witness out. Thank you.

20 (The witness stands down)

21 PRESIDING JUDGE TARFUSSER: [13:33:12] So two things to do, one, to give the
22 floor to the Defence for Mr Blé Goudé, Maître Zokou, to give the floor to you in order
23 to respond to the issue raised by the Prosecutor on your list of materials. I didn't
24 forget. We know exactly what's the problem, so just focus on your --

25 MR ZOKOU: [13:33:49] (Interpretation) Mr President, I will focus on the essential

1 issue. Indeed, the request of the Prosecutor that we know does not seem founded to
2 us in this particular case because we are referring to the rules of the conduct of the
3 proceedings, number 35, paragraph 35, the non-questioning party and the legal
4 representative will disclose the list of materials as soon as possible and latest 24 hours
5 before their questioning.

6 At no time is there mention of our obligation to specify the particular excerpts of the
7 transcripts. In the past we have been courteous and we promise the Prosecutor that
8 it will depend on what the witness says during the examination-in-chief, and if that
9 happens we will be in a position to specify the paragraphs that we will use.

10 Thank you.

11 PRESIDING JUDGE TARFUSSER: [13:35:13] Mr MacDonald.

12 MR MACDONALD: [13:35:14] Very, very succinctly. By definition, prior
13 statements of other witnesses cannot be used, and that's what we're talking about.
14 To question a witness, you've ruled on this previously, your Honour.

15 PRESIDING JUDGE TARFUSSER: [13:35:27] No, in future witnesses, not in prior.

16 MR MACDONALD: [13:35:30] Past witnesses that have testified.

17 PRESIDING JUDGE TARFUSSER: [13:35:32] Of course.

18 MR MACDONALD: [13:35:33] The Defence or the parties, Prosecution included
19 when we are going to cross, cannot use the content of a prior witness testimony to
20 challenge another witness. I'll leave it at that. The point being --

21 PRESIDING JUDGE TARFUSSER: [13:35:48] Leave it at that, yes.

22 MR MACDONALD: [13:35:49] The point being is videos we need to provide the
23 time stamps, right? We feel that the same principle should apply, including the
24 essence any relevant other information. If you look at your directives of May, as
25 modified, the purpose is to help the other parties so that we don't, when my colleague

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 will want to do that, stop them and say, "Okay, now we need five minutes' break to be
2 able to read that part."

3 If we know in advance, we can prepare adequately.

4 PRESIDING JUDGE TARFUSSER: [13:36:28] We have understood perfectly what the
5 issue at stake is.

6 So we will obviously decide on this as soon as we come back.

7 Now, the last thing to say is that the Prosecutor has used more than two hours of the
8 three envisaged. So I would ask the Prosecutor for how long she is still willing to
9 question or needing to question this witness, taking, bearing in mind the three hours,
10 which in this, in this case of this witness and the next witness, is particularly
11 important for the timing. I mean, we have three days. Please.

12 MS HENDERSON: [13:37:18] Yes, your Honours. I think we're just over two hours
13 and we only need one more hour.

14 PRESIDING JUDGE TARFUSSER: [13:37:24] Good. Thank you very much. So the
15 Defence for Mr Gbagbo is requested to start immediately so that we have one hour
16 more or less in the afternoon.

17 MR ALTIT: [13:37:39] (Interpretation) Thank you, Mr President. After discussion
18 with the Blé Goudé Defence, it is the Blé Goudé Defence that will begin and then we
19 will follow.

20 PRESIDING JUDGE TARFUSSER: [13:37:53] So it's the Blé Goudé Defence which
21 starts immediately after -- no. First the Legal Representative of course, which was so
22 silent for many weeks. So first the Legal Representative, which will take how long?

23 MS MASSIDDA: [13:38:12] I think a maximum of 15 minutes, if the issues are not
24 covered by the Office of the Prosecutor.

25 PRESIDING JUDGE TARFUSSER: [13:38:18] 15?

1 MS MASSIDDA: [13:38:21] 15, one-five, 15.

2 PRESIDING JUDGE TARFUSSER: [13:38:25] Okay, one-five, okay. Thank you very
3 much. The hearing is suspended and we will resume in one hour and a half.

4 THE COURT USHER: [13:38:30] All rise.

5 (Recess taken at 1.38 p.m.)

6 (Upon resuming in open session at 3.10 p.m.)

7 THE COURT USHER: [15:10:56] All rise.

8 PRESIDING JUDGE TARFUSSER: [15:11:32] Before starting with the questioning of
9 the witness, I would just read out the oral ruling on the OTP request in relation to the
10 list of materials provided by the Defence of Mr Blé Goudé. The request relates to the
11 list of materials under paragraph 35 of the directions on the conduct of the
12 proceedings provided by the Defence of Mr Blé Goudé, which includes nine
13 transcripts of this trial.

14 The Prosecutor submits that they have not been given the portions of those transcripts,
15 and the request to be given these particulars, that is to find in English realtime
16 transcript of today, page 38, lines 10 to 13.

17 The Defence of Mr Blé Goudé responded, stating that they complied with the
18 directions of the conduct of the proceedings and they are not under obligation to
19 specify particular excerpts of the transcript, and this is to find in English realtime
20 transcript, page 87, lines 8 to 16.

21 In the view of the Chamber, it must be expected of every party to know what has so
22 far been said during the trial. Indeed, the obligation to provide a list of materials in
23 advance of questioning a witness only relates to documentary evidence. The parties
24 may always refer to what has previously been said in court without an obligation to
25 provide prior notice.

1 Therefore, the Chamber finds that the Defence was not obliged to include in its list of
2 materials transcripts of this trial and a fortiori it is not obliged to specify particular
3 portions of these transcripts. The request is therefore rejected.

4 I would now give immediately back the floor to the Office of the Prosecutor for the
5 continuing of the questioning for one hour as announced.

6 Please, you have the floor.

7 MS HENDERSON: [15:14:14] Thank you, your Honour. As said before the break,
8 we're asking to go into a very brief private session to finish off this topic.

9 PRESIDING JUDGE TARFUSSER: [15:14:22] Let's go please briefly, and I repeat
10 briefly, into private session.

11 (Private session at 3.14 p.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 3.19 p.m.)

24 THE COURT OFFICER: [15:19:12] We are in open session, Mr President.

25 PRESIDING JUDGE TARFUSSER: [15:19:23] Thank you very much.

1 Madam Prosecutor.

2 MS HENDERSON: [15:19:27]

3 Q. [15:19:28] Mr Witness, are you aware of any calls that Mr Blé Goudé made to the
4 youth during the post-electoral crisis?

5 A. [15:19:44] Yes.

6 Q. [15:19:46] Can you tell us about those calls, please.

7 A. [15:19:52] I don't recall exactly what Mr Blé said, but he called on the young
8 people to mobilise to liberate Côte d'Ivoire. I can't recall the exact words he used,
9 however.

10 Q. [15:20:22] Do you recall ever hearing him say anything about army headquarters
11 in a call?

12 A. [15:20:32] Yes, headquarters, yes. But it's all quite some time ago now.

13 Q. [15:20:46] More precisely, and I'll use the term in French, anything he ever said
14 to the youths about the état-major?

15 A. [15:21:01] Ah, yes. The young people would go and enlist at the army
16 headquarters.

17 Q. [15:21:18] How do you know that they would enlist? Did you see them?

18 A. [15:21:26] Yes, indeed. Very early in the morning we saw young people
19 heading off and, when they got there, I believe it was General Mangou dealt with
20 them and then the young people would return. There were a lot of young people
21 who told them that the general had told them to go home and that they would be
22 called back later.

23 Q. [15:22:03] Sir, just to clarify, is that the young people told you that the general
24 had told them to return and that they would be called back later?

25 A. [15:22:19] General Mangou, the call itself was carried out by Mr Blé Goudé and

1 the objective was to enlist these young people. And we're talking about thousands
2 of young people coming from the interior of the country, including in coaches. And
3 because they could not deal with them, they asked them to go home and to come
4 back.

5 Q. [15:22:55] Thank you, Mr Witness. You've spoken about General Mangou.
6 Do you know of anything that happened to General Mangou, or to do with him, in
7 the weeks following the arrival of the youth to the état-major for enrollment?

8 A. [15:23:20] Based on information that we received, once again, there was an
9 attack on the home of General Mangou.

10 Now, I can't confirm whether that is or is not the case, but that is the information
11 which we received. It wasn't carried on the TV channels, so I do believe it was true.

12 PRESIDING JUDGE TARFUSSER: [15:24:01] Yes, excuse me. "We received."
13 "We" who? And from who did you receive this? Because otherwise it's just very far
14 hearsay. When you say "we received," who are you referring to by "we"?

15 THE WITNESS: [15:24:28] (Interpretation) Well, when I say "we," I'm talking about
16 the people in the community, the population. When information comes through,
17 everybody is informed. And then it's up to everyone to establish whether what they
18 have heard is true or false.

19 PRESIDING JUDGE TARFUSSER: [15:24:52] Well, and did you establish what you
20 heard, if it's true or not?

21 THE WITNESS: [15:24:57] (Interpretation) In my own case, I didn't believe it until
22 it was broadcast on the news. Given that it had just been said and given that we
23 hadn't seen it ourselves and without television proof, well --

24 PRESIDING JUDGE TARFUSSER: [15:25:32] So there must be a mistake in the
25 English transcript, because at page 95, line 8 and 9, it is said "it wasn't carried out on

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 the TV, so I do believe it was true." There must be some contradiction, if I'm not
2 mistaken.

3 Was it carried out on the TV or was it not carried out on the TV, this attack on the
4 home of General Mangou?

5 THE WITNESS: [15:26:17] (Interpretation) No, the press did talk about it.

6 PRESIDING JUDGE TARFUSSER: [15:26:23] The press did talk about it?

7 THE WITNESS: [15:26:28] (Interpretation) Yes.

8 PRESIDING JUDGE TARFUSSER: [15:26:29] So there is a mistake in the translation.

9 MS HENDERSON: [15:26:36]

10 Q. [15:26:36] Mr Witness, I want to ask you about what you heard before you saw
11 it on the press. What were you told about who had carried out the attack at
12 General Mangou's residence?

13 A. [15:26:53] Now, that attack in the vicinity of General Mangou, we were told by
14 some it was attackers, others said it was militiamen who were disgruntled. We
15 didn't have a lot of clarity on who had attacked the general's home.

16 PRESIDING JUDGE TARFUSSER: [15:27:34] Neither for what purpose.

17 MS HENDERSON: [15:27:40]

18 Q. [15:27:41] Were you told by anybody what the purpose was of the attack?

19 A. [15:27:48] No.

20 Q. [15:27:55] Mr Witness, I'm going to read you a portion of your statement at
21 paragraph 57.

22 PRESIDING JUDGE TARFUSSER: [15:28:07] You confront the witness.

23 MS HENDERSON: [15:28:10] Yes, that's correct.

24 Q. [15:28:13] In French, I'll cite (Interpretation) "We were led to believe that it was
25 the rebels who had attacked his home, but, in fact, it was the militiamen who had

1 attacked him. It was the militiamen themselves that told me that."

2 A. [15:28:38] Well, yes. You know, I can't remember everything that's happened
3 since 2010.

4 Q. [15:28:51] The portion that I just read, is that the truth?

5 A. [15:28:57] *Yes, yes, indeed, that is the truth, since it's the same militiamen who
6 attacked the mayor Gbamnan Djidan, because they thought that the mayor was an
7 accomplice, therefore they went there, to his place to destroy everything. Mayor
8 Gbamnan Djidan, until the day before, because of his compassion towards the victims
9 of the mosque, young people believed that they were part of the rebels, and that's
10 why he was also attacked in his home in Yopougon.

11 PRESIDING JUDGE TARFUSSER: [15:29:53] Excuse me, and who are those
12 militiamen who told you? What do you understand with the term "militiaman"?

13 THE WITNESS: [15:30:09] (Interpretation) When I say "militiaman," I'm referring
14 to our young people who were trained by Maguy and who took up arms at various
15 locations. And each time they would carry out operations or robberies they would
16 declare what they had done, that such and such a person had been inside, that they
17 had done this and that. Back in 2010 I remember well how those young people
18 would come and go. And I would listen, hear what they said, and I would ask them
19 to slow down, to calm down and to avoid killing.

20 Q. [15:31:19] Mr Witness, besides the militiamen that you have spoken to us about
21 today, did you ever see any other armed people, armed people speaking a foreign
22 language in Yopougon during the crisis?

23 A. [15:31:33] Yes, there were some Liberians, some Liberians. I even had a
24 neighbour from Liberia who was one of Taylor's soldiers. They had taken up a
25 house right next to mine, and we were neighbours. And he confided in me,

1 although he spoke French with some difficulty, but, however gradually, he was able
2 to tell me that they had come and that they were being taken care of by the former
3 minister of public service, Minister Oulaye, and from time to time they would spend
4 about six months. And then there was a four-by-four vehicle of the army *which
5 was the colour of military fatigues which would come and fetch them. And about
6 four of them would go to Guiglo.

7 Upon their return, and you see, he used to take money from me and whenever he
8 returned, he would pay up for the amount advanced to him. That's how it
9 happened until 2010, when shortly after the crisis they took up arms again.

10 Unfortunately, he was killed. He was killed. He was a father of one child. He
11 had come along with a young girl from Liberia.

12 Q. [15:33:28] Did he ever tell you about the circumstances of how he came to
13 Abidjan from Liberia?

14 A. [15:33:35] Well, they had come in 2002 during the crisis. It was during the 2002
15 crisis that they came. But in the 2002 crisis, Mr Gbagbo was able to stem that crisis
16 and so they remained. They stayed back.

17 Q. [15:34:11] And besides what your neighbour told you about these Liberians,
18 how often -- I withdraw that.

19 Did you also see other Liberians in Yopougon during the crisis?

20 A. [15:34:27] Yes.

21 Q. [15:34:36] How often would you see them, on how many occasions?

22 A. [15:34:39] Several times. They used to wear T-shirts with red banderols around
23 their heads. They also had some young girls who were carrying Kalashs, and what
24 appeared to be the case was that they were not ready to loot along with the youth
25 who were looting because what they did automatically was maybe shoot down these

1 young people. So it was war, and war meant war, and they were supposed to fight
2 against the rebels who were coming in.

3 Q. [15:35:42] When you say that they were supposed to fight for the rebels who
4 were coming in, what do you mean by that? What do you know about instructions
5 that they were given?

6 A. [15:35:59] Well, they were there to defend. They were there to defend and to
7 stop the rebels from coming in to take over power.

8 Q. [15:36:32] Can you tell us the name of this neighbour who told you about the
9 Liberians?

10 A. [15:36:40] His name is Kuya, Kuya Bola.

11 Q. [15:36:50] And did he ever tell you what his position was among the Liberians?

12 A. [15:36:57] Well, these were people who held Mr Gbagbo in very high esteem, in
13 very high esteem, because in English they used to say "No Gbagbo, no peace." But I
14 don't know what that means, "No Gbagbo, no peace."

15 Q. [15:37:25] He never mentioned to you what position he held among the
16 Liberians?

17 A. [15:37:33] He was their commander.

18 Q. [15:37:40] You also mentioned a person by the name of Oulaye. Do you know
19 the first name of that person?

20 A. [15:37:49] Please repeat the name.

21 Q. [15:37:56] You said the name Oulaye, Oulaye?

22 A. [15:38:04] Oh, that was the former minister of the public service. They were
23 taken care of by a Guiglo, who went to collect their salaries.

24 Q. [15:38:22] And do you know the full name of this man, Mr Oulaye?

25 A. [15:38:29] He was the former minister of public service. Minister of public

1 service, that was his position. Yes, that's it.

2 Q. [15:38:48] If I suggest to you that his full name is Mr Hubert Oulaye, would that
3 sound correct?

4 A. [15:39:01] Yes, that's it, yes.

5 Q. [15:39:06] Did you ever see the Liberians with weapons?

6 A. [15:39:12] Yes. They all had weapons.

7 Q. [15:39:19] What kind of weapons did they have?

8 A. [15:39:24] Kalash.

9 Q. [15:39:29] Did your neighbour ever tell you about the recruitment of Liberians
10 during the crisis?

11 A. [15:39:48] No.

12 Q. [15:39:52] Did he ever say anything about bringing Liberians himself?

13 A. [15:39:56] No.

14 Q. [15:40:09] Did you ever find out from your neighbour where the Liberians were
15 housed in Abidjan?

16 A. [15:40:30] He had -- he had friends who would come and they would hold
17 meetings at my place. Some, some would come, and since this was a drinking spot,
18 they would share a drink together, and that is how we subsequently found out, as he
19 explained that this is what he did, that he had been in the army.

20 Q. [15:41:08] Yes. The question again, did you ever find out from your neighbour
21 where the Liberians were living at this time?

22 A. [15:41:24] Well, some of them used to live in Béago, in Béago, which is a
23 neighbourhood in Yopougon next to the laguna.

24 Q. [15:41:41] How do you know this?

25 A. [15:41:52] Well, when they came to see the commander, they would introduce

1 themselves and say that they came from such and such a place. When they came,
2 they would all greet me and say "chief, chief, chief, chef," and they didn't hesitate to
3 tell me that they were living in Béago.

4 Q. [15:42:16] Is that Béago spelt B-É, with an acute accent, A-G-O?

5 A. [15:42:27] Yes, Béago, yes, G.

6 Q. [15:42:34] And your neighbour Mr Kuya, do you know if he is alive or dead?

7 A. [15:42:47] He's dead.

8 Q. [15:42:47] Mr Witness, I now want to ask you about, firstly, things that you saw
9 in Yopougon, attacks, killings. Can you tell us, firstly, anything that you yourself
10 saw in Yopougon during the crisis?

11 A. [15:43:23] Well, there was the death of Moumouni Lologo. We did everything
12 to intervene at level of the parlement with an effort to save him, but that didn't work
13 out. Then we also saw, well, I saw at the 16th arrondissement --

14 Q. [15:44:04] I'm going to stop you there because first we'll talk about Mr
15 Moumouni, and then we can go into any other incidents. When did you first hear
16 about Mr Moumouni being in any trouble?

17 A. [15:44:27] It was in the afternoon, one afternoon. I was resting and my mobile
18 phone rang several times. On that day, I had fallen asleep and I did not hear my
19 mobile phone ringing. Now, when I was awoken by something, I realised that I had
20 missed several calls.

21 Then as I left my home to go to the drinking spot, I saw people running towards me
22 to say, "Chief, chief, chief, you have to intervene quickly, because the youth of the
23 parlement have caught Moumouni." And, and, you see, Moumouni, his father was
24 from Burkina Faso and the mother from Burkina Faso as well. Although we had
25 been living together in that neighbourhood for more than 15 years, so I immediately

1 called one Jean-Louis who was a member of the executive or bureau of the parlement.
2 Now, he tried to intervene. And around 3 or 4 p.m., between 4, 3 and 4 p.m., well, I
3 don't remember the date, but he called me around that time to say that Moumouni
4 was dead, that Moumouni had been killed.

5 So we were all saddened. And the idea was that there was a rush on our foreign
6 relatives who had to flee actually, people whom we knew. One of them, we actually
7 had to protect him by putting a cap on his head in order to get him out of the
8 neighbourhood. And this was followed by Malians whom we did everything to get
9 out of there. And now, when it comes to the death of Moumouni, that is what
10 happened and we, we were not able to do anything about it. He was killed by the
11 youth of parlement. And the police of the 16th arrondissement was going to prepare
12 a report and to forward the body to the mortuary.

13 Q. [15:47:50] Did you find out how Moumouni was killed?

14 A. [15:48:05] How?

15 Q. [15:48:10] Yes. Do you know how his killers killed him, what they did?

16 A. [15:48:19] Well, they stoned him. They hit him with sticks, sticks and stones.
17 That's how he was killed.

18 Q. [15:48:31] And how do you know this? Who told you this?

19 A. [15:48:36] Well, I dispatched people to the site. I dispatched people to find out.

20 Q. [15:48:49] And these people presumably reported back to you and told you this;
21 is that what you're saying?

22 A. [15:48:57] Yes. I sent people who went there, who saw everything and came
23 back and reported back to me.

24 Q. [15:49:08] We can go into private session or we can ask to go into private session
25 if you would like. Can you tell us the names of these people who reported to you?

1 A. [15:49:19] Okay. There is Jean-Louis, who was part of Mr Gbetri's bureau.

2 Then there was Goly. Well, Goly, I had called on him to intervene to stop the killing
3 of Moumouni. But in spite of all that, it didn't work.

4 I also have a friend who had the number of the close protection bodyguard of Mr Blé,
5 and he was able to reach that bodyguard. But unfortunately the bodyguard told him
6 that Mr Blé was busy and that he should call back later. But he pointed out to him
7 that there had been a problem at the parlement with the technical services. But
8 unfortunately since Moumouni was already dead, there was no -- you see, we did
9 everything we could to intervene, but unfortunately it didn't work.

10 Q. [15:50:36] You said that you had called on Mr Goly to intervene, to stop the
11 killing. Did Mr Goly ever give you any explanation for what happened? Did he
12 ever explain anything about the killing to you?

13 A. [15:50:52] Well, he was not there. He said that he was towards the entrance to
14 Abidjan. He was not at that location. And it is Jean-Louis whom we sent to the
15 location, to the site.

16 Q. [15:51:13] Did you ever find out anything about the reason for the killing, why
17 Mr Moumouni was killed?

18 A. [15:51:29] Well, they said he was a rebel and that they were the ones providing
19 information, and it is for that reason that he was killed.

20 Q. [15:51:53] Now, you've referred to a bodyguard telling another person that
21 Mr Blé was busy and would call back later. Who was Mr Blé?

22 A. [15:52:29] He was the president of COJEP, Mr Blé Goudé.

23 Q. [15:52:38] Now, Mr Witness, that was a killing that you heard about from other
24 people, you didn't see yourself. Were there killings that you saw yourself in
25 Yopougon during the crisis?

1 A. [15:52:59] Yes. Some 50 metres from the bridge at the 16th, some young people
2 arrested a number of individuals and shot at them. I don't know their origin, but
3 they were said to be rebels. So they shot them, three of them, and then they took
4 tyres and started to burn them.

5 Q. [15:53:51] You said that this was 50 metres from the bridge at the 16th. Was it
6 close to any other particular building that you have in mind?

7 A. [15:54:03] Yes. Nelson Mandela, there was a business opposite.

8 Q. [15:54:13] And these young people that you saw who did the shooting and the
9 burning, who were they?

10 A. [15:54:22] They were Maguy's youth.

11 Q. [15:54:28] How do you know that they were from Maguy's youth?

12 A. [15:54:34] Well, this happened at the same time when we were arriving, because
13 we needed to go across that area to find food, and it's at that time that this thing
14 happened. It was a coincidence and that's how we came to see it, and I saw it
15 myself.

16 Q. [15:55:00] In terms of other incidents like the death of Moumouni, was this
17 before or after the death of Moumouni?

18 A. [15:55:18] It was after the death of Moumouni.

19 Q. [15:55:27] And was it before or after the arrest of Mr Gbagbo, if you remember?

20 A. [15:55:34] Before the arrest of Mr Gbagbo.

21 Q. [15:55:41] Now, you've said that it was at a place called Nelson Mandela. What
22 is that place exactly? What happens in that building?

23 A. [15:55:51] It is a business.

24 Q. [15:55:55] What kind of business is it?

25 A. [15:56:01] Correction, it's an institution, a college.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Q. [15:56:09] Were there any other occasions that you saw people being attacked or
2 killed around that area during the crisis?

3 A. [15:56:21] No.

4 Q. [15:56:26] Just one moment, Mr Witness.

5 This is paragraph 125 from your statement, and I cite in French, (Interpretation) "One
6 morning I saw someone from Niger being shot down and burnt at the Mandela
7 College area."

8 A. [15:57:28] Yes, that's correct.

9 Q. [15:57:32] Do you remember seeing that attack as well?

10 A. [15:57:37] Yes.

11 Q. [15:57:41] When was that? When did that occur?

12 A. [15:58:01] All of those things happened at the beginning, at the beginning of the
13 crisis when the youth already had some Kalashs.

14 Q. [15:58:17] And so on this occasion, who was beating and killing this man?

15 A. [15:58:25] It was Maguy's group.

16 Q. [15:58:36] Did you see any other occasions of Maguy's group attacking people in
17 the neighbourhood?

18 A. [15:58:50] No.

19 Q. [15:58:58] So I'm citing to paragraph 122. I will, with my friend's leave,
20 paraphrase the lead-up, that you describe one day with two of your friends,
21 neighbours, going to the Wassakara market. And then you say this, and I cite in
22 French (Interpretation) "Returning from the market, we saw that Maguy Le Tocard's
23 militiamen had apprehended young people following a check of their identity cards.
24 We saw four militiamen take one young person and drag him to one side. They
25 placed him to the left of Mandela College. We then heard gunfire and we heard

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 blood flowing. After they took petrol, they put it on him, lit him and he took light."

2 *Do you also remember this time?

3 A. [16:00:13] Yes, yes.

4 Q. [16:00:15] Now, Mr Witness, we're into the last part of my questions, and I'd like
5 to go into private session for this last part, your Honours.

6 PRESIDING JUDGE TARFUSSER: [16:00:32] Please let's go into private session.

7 (Private session at 4 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 4.09 p.m.)

5 THE COURT OFFICER: [16:09:35] We're in open session.

6 MS HENDERSON: [16:09:40] So the video is lined up. For the benefit of the
7 interpreters, the first part that we'll be playing, the transcript reference is page 1029
8 from line 39. And we can play the video now. We'll go up to minute 46 and 20
9 seconds.

10 (Viewing of video excerpt)

11 THE INTERPRETER: [16:09:58] (Interpretation of the video excerpt) Historical.
12 But it was a tough start to the day for Charles Blé Goudé when around 500 young
13 people from Yopougon commune swept into the area around his residence causing
14 him -- causing the minister to wake up and receive him.

15 Today we are here to see our general to tell him we are ready. We are ready to go
16 into the army to defend our mother country because we are tired, tired of being
17 attacked for no purpose at all.

18 MS HENDERSON: [16:10:35]

19 Q. [16:10:36] And, Mr Witness, do you recognise that person there?

20 A. [16:10:38] Yes.

21 Q. [16:10:46] Who was that person?

22 A. [16:10:50] That is the president of the parlement of the technical service.

23 Q. [16:11:05] Thank you, Mr Witness. We'll now move onto item 4 on our list,
24 which is ERN 0002-0995. The transcript is 0007-0181; that's item 6 on our list.

25 For the interpreters, we'll be playing the equivalent of transcript pages 0187 starting at

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 line 207. We'll be going from minute 07 and 30 seconds. I'm just stating for the
2 record with this video item, there does seem to be two different timestamps, one
3 displayed on the item, one being the media player one. I'm citing the media player
4 one.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [16:12:34] (Interpretation of the video excerpt) Thousands
7 and thousands of young people, we will no longer accept that anyone in the Élysée or
8 in the White House anywhere dictate the law to us. We won't accept that. We are
9 ready to defend the integrity of our country right to the last Ivorian.

10 MS KADJI: [16:13:04] (Interpretation) Your Honour, if I might. Could the
11 Prosecutor give us the date of that recording.

12 PRESIDING JUDGE TARFUSSER: [16:13:15] Not the Prosecutor, well, the
13 Prosecutor and maybe also the witness if he knows.

14 MS HENDERSON: [16:13:22] Yes, your Honour, I'll ask that first to the witness and
15 then I can communicate to the Court the information that we have on this video.

16 Q. [16:13:31] Mr Witness, the person who you've just seen speaking there, do you
17 know who that is?

18 A. [16:13:38] I don't know at all who that is.

19 Q. [16:13:54] We'll move onto the last item, it's item 5, it's ERN --

20 PRESIDING JUDGE TARFUSSER: [16:14:10] Can you tell us from when this video
21 is.

22 MS HENDERSON: [16:14:14] Yes. Sorry, your Honour. I went past that because
23 there was no recognition. But I can tell you that it was downloaded by the Office of
24 the Prosecutor on 22 June 2011, and it would appear to relate to events that happened
25 after the second tour of elections. As there is a reference at the side of the video to

1 the second tour having already happened that's at seconds 19 to 23.

2 MR O'SHEA: [16:14:51] Are we to take it that the Prosecution has no information as
3 to the date the video was actually taken?

4 PRESIDING JUDGE TARFUSSER: [16:15:02] That's what I understand, yes.

5 MR O'SHEA: [16:15:11] I wonder if the Prosecution can answer that. That's my
6 understanding but I wonder if the Prosecution can answer that question.

7 MR MACDONALD: [16:15:17] I will answer it by providing it later, your Honour,
8 by email. I understand it's not submitted in any event. But we'll communicate the
9 video cannot be deemed as submitted because it hasn't been recognised. Anyway,
10 what I mean to say is we will provide the date that we have. I think it's on the 6
11 February 2011, but I need to confirm this. Thank you.

12 PRESIDING JUDGE TARFUSSER: [16:15:42] Okay. Thank you.

13 MS HENDERSON: [16:15:43] Okay. So the last video item 5, ERN, 0003-0713.

14 Transcript is item 8. The ERN is 0021-0009. We're playing from 47 seconds to 1
15 minute even.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [16:12:34] (Interpretation of the video excerpt) Thousands
18 and thousands of young people, we will no longer accept that anyone in the Élysée or
19 in the White House anywhere dictate the law to us. The Ivorian armed forces
20 defending their fatherland, which is in danger, it's finished, we're not joking any more.
21 We're not here to joke any longer. We're at war.

22 MS HENDERSON: [16:16:22]

23 Q. [16:16:23] Mr Witness, do you recognize that location?

24 A. [16:16:29] No.

25 Q. [16:16:37] The clothes that we can see the people wearing on the ground there,

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 do you recognize those clothes?

2 A. [16:16:49] Yes.

3 Q. [16:16:53] What can you tell us about those clothes?

4 A. [16:16:59] These are the young people who were enlisted. This is the uniform
5 that they wore when exercising, training.

6 Q. [16:17:15] And some seconds before we stopped on this frame you saw a person
7 in a balaclava speaking. Do you recognize that person by voice or by the small part
8 of the face you can see?

9 A. [16:17:29] No, I don't recognize him.

10 MS KADJI: [16:17:46] (Interpretation) Your Honour, we have the same comment.
11 There is no date here either.

12 MS HENDERSON: [16:18:03] Your Honour, I can also ask that of the witness and
13 then provide any information that we have.

14 PRESIDING JUDGE TARFUSSER: [16:18:09] Please do so. No, he can't answer
15 because he doesn't recognize anything, not even where it is, so --

16 MS HENDERSON: [16:18:14] No, that's true, your Honour, he --

17 PRESIDING JUDGE TARFUSSER: [16:18:15] I don't think that he can say, the date
18 would be the only thing he knows on this.

19 MS HENDERSON: [16:18:21] Yes, your Honour.

20 PRESIDING JUDGE TARFUSSER: [16:18:22] Please.

21 MS HENDERSON: [16:18:23]

22 Q. [16:18:23] Mr Witness, when you said that these were the young people who
23 were enlisted, which group of young people are talking about exactly?

24 A. [16:18:40] I'm referring to the young people. What's that called again? The
25 Young Patriots.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Q. [16:19:20] And we're going to just go forward to point 2.09. It's the last excerpt.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [16:19:41] (Interpretation of the video excerpt) If Nicolas

4 Sarkozy doesn't stop the criminals, the mercenaries that he's poured into Côte d'Ivoire

5 really for decades and decades, the French, through the French and all the Europeans,

6 they're going to find their way -- they're going to find us on their path.

7 MS HENDERSON: [16:20:06]

8 Q. [16:20:06] And can you confirm that that man speaking there was Mr Gbetri as

9 well?

10 A. [16:20:10] Yes.

11 PRESIDING JUDGE TARFUSSER: [16:20:20] Maître N'Dry.

12 MR N'DRY: [16:20:22] (Interpretation) Well, I think that this has just slipped

13 through directly, but the question is put to the witness as to whether he recognises the

14 person who has spoken. That would be simpler, I think.

15 PRESIDING JUDGE TARFUSSER: [16:20:40] Of course, but it was written, it was

16 written down so, I mean, the question could also have been avoided as such, I mean

17 by --

18 MR N'DRY: [16:20:53] (Interpretation) Indeed.

19 MS HENDERSON: [16:20:54] Yes, it's true that it's identified on the video. That's

20 why the formulation was as it was, your Honour.

21 PRESIDING JUDGE TARFUSSER: [16:21:00] Yes, yes.

22 MS HENDERSON: [16:21:02] And I'll say on this video, the information that we

23 have is that it was downloaded by the Office of the Prosecutor on 27 December 2011.

24 Your Honour, that concludes the Prosecution's questioning today.

25 PRESIDING JUDGE TARFUSSER: [16:21:15] Thank you very much.

1 And now I give the floor to the Legal Representative of Victims. Madam Massidda,
2 please.

3 MS MASSIDDA: [16:21:26] We have no questions, your Honour, for this witness.
4 Thank you.

5 PRESIDING JUDGE TARFUSSER: [16:21:31] Okay, no question.

6 Therefore I think it's Maître Zokou who is, I think so, because you are sitting in the
7 first row.

8 MR ZOKOU: [16:21:41] (Interpretation) Yes, I'm here sitting exposed, but no, in
9 fact, it is my colleague, Ms Kadji, who will be putting questions on behalf of the Blé
10 Goudé party.

11 PRESIDING JUDGE TARFUSSER: [16:22:07] Sorry about this, Madam Kadji, I didn't
12 know this. So I give you the floor.

13 Now, Mr Witness, it's the turn of the Defence of Mr Blé Goudé.

14 QUESTIONED BY MS KADJI: [16:22:24] (Interpretation)

15 Q. Good afternoon, your Honour, Judges and colleagues and witness.

16 A. [16:22:43] Good afternoon.

17 Q. [16:22:44] I am representing Mr Charles Blé Goudé in these proceedings. I'm a
18 barrister before the Cameroon bar. Witness, here being questioned during
19 examination-in-chief, you stated that you were elected as chef de quartier, so chief of
20 your neighbourhood, and therefore chief of a community of some 22 ethnic groups.

21 A. [16:23:31] That is correct.

22 Q. [16:23:33] By the way, as we're speaking the same language, could you just
23 pause after your answer to facilitate the interpreters.

24 You also stated that you received candidate Alassane Ouattara during the electoral
25 campaign and that in 2010, and you did so, I presume, on behalf of the whole

1 community whom you represent. Could you answer by speaking into the
2 microphone.

3 A. [16:24:14] At this point in time I was simply the spokesperson of the chiefs. I
4 had not yet been elected.

5 Q. [16:24:21] Ah, you were not yet chief?

6 A. [16:24:25] I was the chief of the Attié, but in the collectivity of chiefs my role was
7 as a spokesperson.

8 Q. [16:24:35] But you were indeed a traditional chief and elected traditional chief at
9 that time?

10 A. [16:24:40] Yes, yes.

11 Q. [16:24:41] Could you state to the Court what was the objective of this meeting
12 between candidate Ouattara and yourself as chief?

13 PRESIDING JUDGE TARFUSSER: [16:24:55] Excuse me. Please, it's not enough
14 just to say that we have to observe the pause, but you have to observe it, the pause,
15 not enough just to talk about it. So please, when one has finished to speak, just hold
16 on for a few moments and then the other one is speaking. Thank you.

17 MS KADJI: [16:25:22] (Interpretation) Yes, I apologise, your Honour. You know,
18 this is the first time.

19 Q. [16:25:37] So I was saying could you state to the Court what the objective of the
20 meeting arranged with candidate Ouattara was?

21 A. [16:25:49] Thank you. Like any good candidate who visits a village or a
22 well-organised place, I think that it was in that framework that we received president
23 Alassane.

24 Q. [16:26:10] That isn't entirely clear for me. Candidate Ouattara was
25 campaigning at the time?

- 1 A. [16:26:25] Yes.
- 2 Q. [16:26:27] So what was the purpose, why did you as a traditional chief decide to
3 receive him?
- 4 A. [16:26:35] In the framework of the campaign, in the framework of the campaign.
- 5 Q. [16:26:43] Okay. The 22 ethnic groups?
- 6 A. [16:26:53] Not just the 22.
- 7 Q. [16:26:55] Please slow down for the interpreter.
- 8 A. [16:26:57] Not just the 22 but, rather, the collective of all 48 neighbourhoods in
9 Yopougon.
- 10 Q. [16:27:17] There were several candidates seeking election. Was this during the
11 first phase?
- 12 A. [16:27:25] The second phase.
- 13 Q. [16:27:27] The second phase? At what period of time approximately?
- 14 A. [16:27:33] The second phase, the second round.
- 15 Q. [16:27:36] Yes. And at what period of time did this take place?
- 16 A. [16:27:40] It was towards the end of the second round campaign, so towards the
17 end of October, I believe.
- 18 Q. [16:27:50] So you met with candidate Ouattara. Was that to support his
19 campaign or was it for another reason? Did you support him as a candidate?
- 20 A. [16:28:17] No. Chiefs were not involved in politics.
- 21 Q. [16:28:28] So we can conclude that this meeting was of a neutral nature?
- 22 A. [16:28:36] Yes, neutral.
- 23 Q. [16:28:41] Now, you've just said that there were a number of candidates. Did
24 you also have to organise meetings of that type for other candidates, for instance
25 candidate Laurent Gbagbo?

1 A. [16:29:10] As regards candidate Laurent Gbagbo, it should be said that indeed, if
2 I'm not mistaken, we received the president's sister at the house of youth, la maison
3 des jeunes, sister of president or, rather, Mr Gbagbo and that was at the maison des
4 jeunes.

5 Q. [16:29:55] My question was this, did you receive candidate Laurent Gbagbo as
6 you received candidate Alassane Ouattara?

7 A. [16:30:04] No. My answer is no. However, we did receive the sister of
8 Mrs Gbagbo who came to campaign in front of the 48 chiefs.

9 Q. [16:30:38] Mr Witness, in your statement to the OTP, of 2012, at point 20, you
10 said something which you repeated here this morning, namely, that candidate
11 Ouattara had to quickly return or go back without providing you with the usual
12 envelope which candidates hand over during visits; is that true or is that the case?

13 A. [16:31:14] No. What I said this morning, that when we were about to receive
14 President Ouattara, upon the arrival of the convoy, there was an influx of people and
15 some youth infiltrated the crowds and for purposes of security, he had to enter into
16 his vehicle. And we separated on that note. So there was not any problem relating
17 to money. There were no money problems.

18 Q. [16:32:04] Mr Witness, let me take you back to your statement to the Office of
19 the Prosecutor at paragraph 20 of your statement, and I'm going to read it out to you,
20 and I quote:

21 "In spite of the crowd, Alassane Ouattara came out of the car and quickly greeted all
22 the chiefs and shook my hand. When he saw the crowd, Alassane Ouattara
23 preferred to get back into his vehicle and go back and return. He told me the
24 following, 'I must be in the vehicle for my own safety.' For this reason we did not
25 receive the envelope on that day as election campaign custom would usually have it.

1 In fact, during such visits, a candidate in the elections usually provides his political
2 programme and before leaving it is common practice for the expenditure incurred in
3 relation to the visit, for example, to be reimbursed, such expenses including
4 tarpaulins, chairs and what have you. But that is not what happened in our case."
5 That is what you said?

6 A. [16:33:59] I'm sorry, unfortunately I did not say that. I am sorry.

7 Q. [16:34:04] What did you say in relation to the envelope then?

8 A. [16:34:08] I did not talk about envelopes. You see, when President Ouattara
9 arrived, we were overwhelmed by a crowd, a crowd of people, a huge crowd. And
10 so when his convoy stopped, he came out indeed and came towards us and stretched
11 his hand towards us. I was the first person to whom he extended his hand since I
12 was the spokesperson for the chiefs.

13 But then he went on to present his apologies or excuses and said, "Chiefs, I am sorry,
14 for reasons pertaining to my safety I have to return to my car." And that is how he
15 went back to his car.

16 We did not mention anything about money, not at all, because we were not the
17 organisers. We were not the organisers.

18 Q. [16:35:23] Okay. So is that your testimony on that point, that you didn't
19 discuss money at all?

20 A. [16:35:29] Not at all.

21 Q. [16:35:33] Now this morning, Mr Witness, you indicated that you used to spend
22 at the very most two to three minutes at the parlement, the technical services
23 parlement; is that correct?

24 A. [16:36:02] Yes, that's correct.

25 Q. [16:36:05] Mr Witness, during those two to three minutes that you spent at the

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 parlement, were you able to hear any of the speakers talk, for example, about
2 organising an action that members of the parlement were planning to undertake?

3 A. [16:36:52] No.

4 Q. [16:36:56] During those two to three minutes that you spent at the parlement,
5 were you able to hear any of the speakers mention the mode of financing for any
6 actions that members of the parlement could undertake?

7 A. [16:37:27] No.

8 Q. [16:37:30] Mr Witness, let me now take you back to your statement to the OTP,
9 and I want to refer to paragraph 26, and I quote you:

10 "Money was given to those in charge of the parlement to say that which they had to
11 say."

12 And then I proceed to paragraph 27:

13 "I know that it was President Gbagbo who gave the money because president, the
14 president himself" -- well, the rest is not important.

15 Now, how did you know that in relation to the two or three minutes that you spent at
16 the parlement?

17 A. [16:38:47] As I was saying, most of those who created the parlement know me,
18 and I know them as well. So you know that black people speak a lot, or too much, or
19 they talk too much. They are young people, they talk without being aware of what
20 they're saying. And so this is the explanation that I can offer.

21 Q. [16:39:30] I will return to that point.

22 Now, Mr Witness, similarly, during those two to three minutes that you spent at the
23 parlement, did you hear anything about planning of any action whatsoever?

24 A. [16:40:04] There has never been such a thing.

25 Q. [16:40:11] Finally, did you ever hear talk of any point of rallying announced by

1 one or the other speaker at the parlement in relation to an intended activity which
2 was to be undertaken by the members of the said parlement?

3 A. [16:40:37] No.

4 Q. [16:40:53] Mr Witness, now, still in relation to your statement, at paragraph 34,
5 you indicate that Blé Goudé on several occasions visited that parlement specifically
6 on the day after the last day of the campaigns; is that correct?

7 A. [16:41:28] Yes.

8 Q. [16:41:30] Now, if I were to tell you that the day after the last day of the
9 campaign is the day of the elections, would you still stand by that assertion, namely,
10 that Blé Goudé went there or was there the day after the last day of the campaigns;
11 would you still stand by that?

12 A. [16:41:53] Going by what I know, was it -- well, what I know is that -- at the end
13 of the campaign, Mr Blé Goudé went around and he went to the parlement. When
14 he had the rally at CP1, it is from the CP1 rally that he went to the parlement of the
15 technical services. Well, I don't recall the exact date.

16 Q. [16:42:46] That visit of Mr Blé Goudé which you talked about, were you present
17 there for the two or three minutes as usual previously?

18 A. [16:43:01] No, no.

19 Q. [16:43:06] Were you present during that visit by Mr Charles Blé Goudé?

20 A. [16:43:12] When Mr Blé Goudé finished his rally at CP1, I was at the bridge at
21 the 16th. And it is from the bridge of the 16th that Mr Blé Goudé went to the
22 parlement. He went to the parlement.

23 Q. [16:43:37] Mr Witness, on several instances, you mentioned here as well as in
24 your statement on several occasions that the information you are providing to the
25 Court today was provided to you by youth. I'm not going to refer to all the

1 paragraphs, but you have paragraph 34 and paragraph 40 for example.

2 Now, can we know which youth you are referring to? Who are those youth who
3 provided you information about everything that was happening according to you?

4 A. [16:44:37] Well, I was an official, so to speak, of the neighbourhood, and I was
5 very close to the youth. Now, unfortunately one must say that many of them did not
6 understand and they went towards the Kalashs. The greater number of those youth
7 whom I knew did not kill to the best of my knowledge. But whenever they came,
8 they would talk to me and say, "Old man, this is what has happened" and so on and
9 so forth. And that's how it happened.

10 Q. [16:45:25] I'm sorry, but you didn't answer my question, because that is exactly
11 the same thing that appears in the statement and which you said this morning, which
12 you have again repeated. But I would like to get more clarification from you,
13 because whenever you have answered, you have said you have been told by the
14 youth, at paragraph 91, and then you say it is the youth who told you that you
15 needed to wait and that it was the youth who told you that Blé Goudé had come to
16 motivate the youth and so on and so forth.

17 Now, I want to have more clarification from you. Can you please indicate to the
18 Court with specificity who these youth were? If you have any names, we would be
19 able to go into private session to mention them, but who are these youth who always
20 came to you to provide you with intelligence and information on everything?

21 PRESIDING JUDGE TARFUSSER: [16:46:29] Yes, please.

22 MS HENDERSON: [16:46:30] It's an objection to a very broad question. It's
23 understandable that there could be some difficulty in answering when it's so broad,
24 but if we are speaking about specifics, for example, well, my learned friend is
25 referring to paragraph 40, the answer to that was already given by the witness.

1 I could find, with a bit more time, I could find the part in the transcript, but some
2 parts of some sources for this information have already been given in the witness's
3 answers to the Prosecution's questions. If there are other ambiguities, they need to
4 be put specifically with the information and then the source particularly, not in the
5 broad manner so far.

6 PRESIDING JUDGE TARFUSSER: [16:47:20] Well, I myself this morning asked a
7 few times who he's referring by saying "we" and "the youth." But I think sometimes
8 we should really try to find out who those people are by name. We can't think that it
9 was invested by hundreds of people all the time. I think there must be some
10 privileged interlocutor to the witness. So the question I think is in that direction.
11 And, of course, if the witness wants to go into private session to put these names, we
12 will go into private session. But I think we should identify some of those youth.
13 We can't just live with people with a generic reference.
14 So, yes, please go ahead.

15 MS KADJI: [16:48:34] (Interpretation) Mr President, as you have indicated, if the
16 witness would rather go into private session in order to provide a few names of these
17 young people, I have no trouble with that at all.

18 THE WITNESS: [16:48:45] (Interpretation) Okay.

19 PRESIDING JUDGE TARFUSSER: [16:48:47] So let's briefly go into private session.

20 (Private session at 4.48 p.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Open session at 4.55 p.m.)

6 THE COURT OFFICER: [16:55:47] We are in open session, Mr President.

7 PRESIDING JUDGE TARFUSSER: [16:55:49] Thank you.

8 Please reformulate the question.

9 MS KADJI: [16:55:53] (Interpretation) Thank you, Mr President.

10 Q. [16:55:56] Well, Mr Witness, I was referring you to item 58 of your statement
11 where you say the following, "Blé Goudé succeeded to bring together many people.
12 He would fill up stadia. We had never seen that. That was not easy. It was
13 fetishism."

14 Now, I want to ask you what you mean and please tell the Court what you mean by
15 "that was fetishism"?

16 A. [16:56:29] Thank you. One must say that my brother, Blé Goudé, maybe the
17 fetishism here -- well, we're Africans, we know what fetishism is or what a fetish is.
18 But we also know that there are people who are gifted. Maybe what I can say is that
19 instead of "fetishism" I could use the word "gifted."
20 But gifts are usually limited. So as far as I am concerned, it's a gift.

21 PRESIDING JUDGE TARFUSSER: [16:57:22] I think if we read the last sentence,
22 maybe we have the rest of paragraph 58, maybe we have sort of an understanding, a
23 better understanding.

24 MS KADJI: [16:57:37] (Interpretation) I had another question on this point, Mr
25 President, and so I'll continue to read that paragraph.

1 Q. [16:57:50] "Although everyday people died, youth were dying, they continued
2 to follow him. Those youth who were killed and who continued in spite of that,
3 others continued to follow him, to follow Charles Blé Goudé."
4 Those youth, which camp did they belong to? Those youth who were killed, which
5 camp did they belong to?

6 A. [16:58:19] The patriots.

7 Q. [16:58:22] The patriots belonged to which camp?

8 A. [16:58:27] Blé Goudé.

9 Q. [16:58:31] Since Blé Goudé was not a candidate, which candidate was Blé
10 Goudé's camp in?

11 A. [16:58:43] President Gbagbo.

12 Q. [16:58:47] Can you indicate to the Court who was killing the pro-Gbagbo youth?

13 A. [16:59:01] Hello? Can you please repeat the question.

14 Q. [16:59:05] Yes, of course. Can you indicate to the Court who was killing those
15 pro-Gbagbo youth?

16 A. [16:59:20] Who was killing those youth? Well, it was accidentally, accidentally.
17 Sometimes people die accidentally.

18 Q. [16:59:43] Mr Witness, I think that the Chamber has pointed out to you here that
19 you have come here to tell the truth. We are dealing here with a crisis, and that's
20 what we are dealing with. What type of accidents could have led up to the death of
21 these youth?

22 A. [17:00:11] Well, the Young Patriots who had taken up arms, the youth, the
23 Young Patriots who had taken up arms were fighting the rebels, and they fell during
24 that fighting.

25 Q. [17:00:36] Mr Witness, to be clear and to simplify everything, these youth were

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 killed by the rebels; is that correct?

2 A. [17:00:50] The rebels.

3 MR MACDONALD: [17:00:56] Now, your Honours, I --

4 PRESIDING JUDGE TARFUSSER: [17:01:00] Mr MacDonald.

5 MR MACDONALD: [17:01:01] There was a clear answer (Interpretation) "During
6 fighting with the rebels."

7 Now, during fighting with the rebels by definition is by the rebels.

8 So if my colleague seeks to go further and to make subsequent submissions that it is
9 the rebels who killed patriots without delving into context -- and I'm not done, I'm not
10 done.

11 PRESIDING JUDGE TARFUSSER: Go ahead.

12 MR MACDONALD: (Interpretation) I was waiting for my colleague to sit down.
13 So we must determine what type of fighting --

14 PRESIDING JUDGE TARFUSSER: [17:01:54] You have the floor and you continue
15 until the end. Mr N'Dry will have the floor after.

16 MR MACDONALD: [17:02:00] (Speaks English) Thank you, your Honour.

17 PRESIDING JUDGE TARFUSSER: [17:02:02] It doesn't depend on if he's standing or
18 not.

19 MR MACDONALD: [17:02:05] Noted, your Honour.

20 PRESIDING JUDGE TARFUSSER: [17:02:07] Please.

21 MR MACDONALD: [17:02:08] Now, in here in this case, your Honour, what I'm
22 trying to convey and the message is during clashes with rebel or fighting with rebel,
23 "combat," the way it is may be translated on the record in English, unfortunately I'm
24 following in French, so it's between, fighting between the two parties.

25 Now, if we want to argue later anything else in light of the new question that was

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 asked, well, then we have to go further on the first question to determine these, the
2 fighting, these clashes.

3 PRESIDING JUDGE TARFUSSER: [17:02:58] Maître N'Dry.

4 MR N'DRY: [17:03:00] (Interpretation) Mr President, I thought that the witness's
5 answer was very clear. But since Mr MacDonald rose to try to explain according to
6 what he wants to hear, let me revisit the answer provided by the witness, which to
7 my mind is very clear.

8 He was asked to confirm, and Maître Kadji put a very direct question to the witness,
9 and if I am to understand what you are saying, those youth who fell fell at the hands
10 of the rebels. And the witness in full responsibility said, "Yes, the rebels."
11 There is no possible other interpretation to this point. I hope that this is clear
12 enough.

13 PRESIDING JUDGE TARFUSSER: [17:04:01] Mr MacDonald.

14 MR MACDONALD: [17:04:02] Could I recommend that we free the witness for
15 today and that we --

16 PRESIDING JUDGE TARFUSSER: [17:04:07] No. Can I recommend that I think
17 that we are talking about something which is so clear and we are making confusion
18 on something which I thought was clear.

19 MR MACDONALD: [17:04:18] Where is the fighting going on, your Honour, in Côte
20 d'Ivoire? Which fighting are we referring to? That's what it's leading to.

21 PRESIDING JUDGE TARFUSSER: [17:04:26] Well, yes, of course. Yes, of course.
22 We are not discussing the merit of the case. I think to my understanding at least the
23 answer of the witness was clear. Well, obviously it can be that I have misunderstood,
24 but I don't think so.
25 Please.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 MS KADJI: [17:04:52] (Interpretation) The witness's answer was very, very clear to
2 me as well, Mr President. But now I wanted to move on to something else, but it is
3 5.05 already. When are we supposed to stop today, Mr President?

4 PRESIDING JUDGE TARFUSSER: [17:05:08] Five minutes, in five minutes, because
5 we started at 3.10.

6 MS KADJI: [17:05:14] (Interpretation) I was going to go down another line of
7 questioning.

8 PRESIDING JUDGE TARFUSSER: [17:05:20] Okay. So we stop here and we
9 resume tomorrow at 9 o'clock with three sessions of two hours. So the hearing is
10 adjourned to tomorrow morning 9 o'clock. Thank you.
11 (The hearing ends in open session at 5.05 p.m.)