

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Tuesday, 25 April 2017
10 (The hearing starts in open session at 9.06 a.m.)
11 THE COURT USHER: [9:06:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:06:45] Good morning. Good morning,
15 Mr Witness.
16 WITNESS: CIV-OTP-P-0108 (On former oath)
17 (The witness speaks French)
18 THE WITNESS: [9:06:52] (Interpretation) Good morning, Mr President.
19 PRESIDING JUDGE TARFUSSER: [9:06:54] The floor is back to the Defence for
20 Mr Blé Goudé. Maître Zokou.
21 MR ZOKOU: [9:07:10] (Interpretation) Good morning, Mr President,
22 your Honours.
23 QUESTIONED BY MR ZOKOU: (Interpretation)
24 Q. Good morning, Mr Witness.
25 A. [9:07:20] Good morning, Counsel.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Q. [9:07:22] My name is Zokou Seri, member of the Defence team of Charles
2 Blé Goudé, so I'll ask you questions in relation to your testimony.

3 A. [9:07:33] Okay.

4 Q. [9:07:36] Mr Witness, we are going to come back to Mr Ouattara's rally in
5 Yao Séhi and I would like you to describe the location of the rally that was supposed
6 to welcome Mr Ouattara. Were there tarpaulins?

7 A. [9:08:03] Yes, there were tarpaulins installed, and between the main mosque in
8 Doukouré.

9 THE INTERPRETER: [9:08:21] It was not clear the last word the witness
10 mentioned. If he could kindly repeat.

11 PRESIDING JUDGE TARFUSSER: [9:08:27] Could you repeat please the last word
12 because it wasn't heard by the -- wasn't understood by the interpreters.

13 THE WITNESS: [9:08:43] (Interpretation) It was at Doukouré, opposite
14 Ci-Telecom, that is the main mosque and Ci-Telecom. So there is a road separating
15 the two there.

16 MR ZOKOU: [9:09:05] (Interpretation)

17 Q. [9:09:06] Was it in Doukouré or Yao Séhi that the meeting took place?

18 A. [9:09:12] On the side of Doukouré.

19 Q. [9:09:18] I will show you a photograph, and for the record it is
20 CIV-D25-0029-0004. Can you see that photograph, Mr Witness?

21 A. [9:10:26] No.

22 Q. [9:10:34] It is on evidence 1.

23 A. [9:10:51] Yes.

24 Q. [9:10:52] This is a public document. Mr Witness, please look at the
25 photograph and tell us who you can see.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 A. [9:11:06] It is myself.

2 Q. [9:11:09] And who is opposite you?

3 A. [9:11:12] President Alassane.

4 Q. [9:11:16] Can you confirm that this is the location of the meeting in question?

5 A. [9:11:20] Yes.

6 Q. [9:11:21] Thank you.

7 I would like to call up a second photograph. It is CIV-D25-0029-0003.

8 MS HENDERSON: [9:11:46] Your Honours.

9 PRESIDING JUDGE TARFUSSER: [9:11:48] Yes, Ms Henderson.

10 MS HENDERSON: [9:11:50] Just in relation -- in relation to the item last shown to
11 the witness, it would perhaps be helpful to know the date of the occasion if it's being
12 asked of the witness to identify himself.

13 MR ZOKOU: [9:12:28] (Interpretation) Well, we will facilitate matters.

14 Q. [9:12:32] Mr Witness, was it indeed on the day of the rally in question?

15 A. [9:12:38] Yes, the last day. The last day of the campaign.

16 Q. [9:12:46] The last day of the campaign?

17 A. [9:12:49] Yes.

18 Q. [9:12:49] Thank you.

19 Now, I have given the reference for the second photograph.

20 MR MACDONALD: [9:12:56] That's not good enough for the purposes of the
21 dossier. The witness testified, he gave a date, or he's giving a period which actually
22 in-chief he said in relation to the first round the end -- or I think he even said 27
23 October 2010 when he was referring to that meeting. The point being is, like any
24 videos, because obviously it's a -- drawn from a video, when was this picture taken?
25 Because the witness could be mistaken but we also want certainty on the record, are

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

- 1 we talking about the same meeting?
- 2 PRESIDING JUDGE TARFUSSER: [9:13:37] But is it so important what date this
- 3 meeting, this picture was taken or this video was taken?
- 4 MR MACDONALD: [9:13:46] Your Honour, it's to be situated in the record.
- 5 PRESIDING JUDGE TARFUSSER: [9:13:51] Yes, but if we have the picture --
- 6 MR MACDONALD: [9:13:55] Yes.
- 7 PRESIDING JUDGE TARFUSSER: [9:13:55] -- and the video, I think we can also
- 8 refer to the date or the period.
- 9 MR MACDONALD: [9:14:03] We obviously know that it's during the campaign,
- 10 your Honour.
- 11 PRESIDING JUDGE TARFUSSER: [9:14:07] Ah.
- 12 MR MACDONALD: [9:14:08] That's obvious.
- 13 PRESIDING JUDGE TARFUSSER: Yes.
- 14 MR MACDONALD: But currently we don't have a precise date on record. That's
- 15 our point.
- 16 PRESIDING JUDGE TARFUSSER: Yes.
- 17 MR MACDONALD: Thank you.
- 18 PRESIDING JUDGE TARFUSSER: Thank you.
- 19 MR N'DRY: [9:14:23] (Interpretation) Mr President, yesterday the witness
- 20 dwelled at length on that meeting or rally of President Ouattara in Yopougon, and I'm
- 21 referring to page 28, lines 19 to 21 of the French transcript of yesterday. And the
- 22 date was given, he mentioned 26 October 2010, that is French transcript page 28. So
- 23 when Mr Zokou asks whether it is a photograph related to that rally, the witness says
- 24 "Yes," so the logical deduction is that the photograph could not have been taken
- 25 before or after.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [9:15:18] No, but we can -- excuse me, excuse
2 me. May I say, in the economy of this trial, do you think it is important if it's 27 or 28
3 October when this was taken? And we debate now on this? I think really no.

4 MR MACDONALD: [9:15:39] The metadata says 27 October. That's all --

5 PRESIDING JUDGE TARFUSSER: Yes, okay.

6 MR MACDONALD: It's to have it on record. That's all, your Honour -- I don't
7 know why --

8 PRESIDING JUDGE TARFUSSER: Yes.

9 MR MACDONALD: I mean, it's so -- the Defence, it's so complicated just -- to even
10 suggest a date.

11 PRESIDING JUDGE TARFUSSER: [9:15:52] 27 October. We get it, 27 October.
12 Please go ahead.

13 MR ZOKOU: [9:16:05] (Interpretation) Thank you, Mr President.

14 Q. [9:16:07] Mr Witness, on the photograph on your screen now, is this the crowd
15 that was there during the same rally? Can you tell us the location of this
16 photograph?

17 A. [9:16:32] Yes, this was just at the time of his arrival.

18 Q. [9:16:37] Thank you.

19 Mr Witness, when Mr Ouattara arrived at the location of that rally and then he saw
20 you, what did he tell you precisely?

21 A. [9:17:07] He apologised and said that his security was not guaranteed so he
22 had to be inside the vehicle.

23 Q. [9:17:21] Once he went inside the vehicle what happened?

24 A. [9:17:28] He took a megaphone and he spoke, but we didn't hear anything.

25 Q. [9:17:39] Thank you. I will show you another photograph, and it

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 is CIV-D25-0029-0002.

2 Can you see the photograph, sir?

3 A. [9:18:16] Yes.

4 Q. [9:18:16] Is that the moment you are referring to?

5 A. [9:18:22] It is after he apologised and then he went back inside the car to speak,
6 yes.

7 Q. [9:18:32] So, in the final analysis did he address the crowd from the vehicle?

8 A. [9:18:38] Yes.

9 Q. [9:18:43] Did he at any one time say that there were infiltrators?

10 A. [9:18:53] No.

11 Q. [9:18:53] Thank you.

12 Mr Witness, you have talked about your position as a chief of the neighbourhood in

13 Yao Séhi. Who elected you chief of the Yao Séhi community?

14 A. [9:19:41] The 22 chiefs of the communities.

15 Q. [9:19:49] The chiefs of the communities are the customary chiefs?

16 A. [9:19:55] Yes.

17 Q. [9:19:56] And those customary leaders are designated by their various
18 communities?

19 A. [9:20:02] Yes.

20 Q. [9:20:10] How many people are there in Yao Séhi, approximately?

21 A. [9:20:22] I would say between 15 and 16,000 habitants.

22 Q. [9:20:31] So it is not those inhabitants who actually elected you?

23 A. [9:20:38] No.

24 Q. [9:20:46] Mr Witness, I will refer to one of your statements, and it is page 27 of
25 the transcript of yesterday. And I'm talking specifically about lines 16 to 18 and

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 mainly line 17, but I will read from line 15 to line 18. You said:

2 "Well, a president, well, I manage the projects that we receive, and I have to say that I
3 was elected by all the youth, and we manage the projects," and so on.

4 Do you confirm that, Mr Witness?

5 A. [9:21:54] Yes, I said I was the president of the neighbourhood, not of the youth.

6 Q. [9:22:03] So you were never elected by the youth?

7 A. [9:22:09] No, no.

8 Q. [9:22:11] Thank you, Mr Witness.

9 I would like to come back to the issue of the parlements for some clarification. Do
10 we agree, as you said yesterday, that from time to time you would stop by the
11 parliament for two to three minutes, the one near the technical service?

12 THE INTERPRETER: [9:22:56] Mr President, can the witness wait for the question
13 and then answer clearly. He's just overlapping.

14 PRESIDING JUDGE TARFUSSER: [9:23:02] Please, wait for the question to be
15 completed and then start to respond to the question, okay.

16 THE WITNESS: [9:23:16] (Interpretation) Yes, Mr President.

17 MR ZOKOU: [9:23:23] (Interpretation)

18 Q. [9:23:23] Mr Witness, during the two or three minutes that you would stop by
19 and then you would listen to the speakers in the parlement, can you tell us in which
20 language they spoke?

21 A. [9:23:44] French.

22 Q. [9:24:00] Now, regarding attendance of these parliaments you said there were
23 hundreds of people. Were they the same people coming to the parliaments or they
24 varied?

25 A. [9:24:19] Well, I cannot know that.

1 Q. [9:24:36] Now, about the groups that came to those parliaments. You stated
2 that there were Wés and Bétés mainly who attended.

3 A. [9:24:56] With the Attiés.

4 Q. [9:25:05] How are you capable of determining the ethnic groups that attended
5 those locations given that you went there only for two to three minutes and they
6 spoke in French?

7 A. [9:25:25] Can you repeat the question, please?

8 Q. [9:25:31] How are you able to determine the ethnic origin of the groups who
9 attended these parliaments where they spoke French and you cannot see whether the
10 people varied or not?

11 A. [9:26:02] I said that most of those young people going to the parlement, well,
12 sometimes some of those people came to me from time to time and they would
13 explain what was happening. They talked about what they listened to and told us
14 about it, and when they did that I always refrained from talking about it, discussing it
15 with them. And the vast majority of these people lived in Yao Séhi.

16 Q. [9:26:57] Mr Witness, you testified here before this Court that you could not
17 identify the people since you did not know how many people were there, whether
18 they were the same people or not and that they were speaking in French, but you
19 have concluded that the people were Bété, Wés and Attié.

20 A. [9:27:30] *Yes, one cannot identify. Not only them.

21 Q. [9:27:40] Thank you for your answer.

22 Mr Witness, I will move on to something else related to an individual that we talked
23 about yesterday. I have a slight difficulty here. I do not want to identify the person
24 using his name, so I think we can do it directly.

25 You said this person was a relative of Mr Charles Blé Goudé.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 MS HENDERSON: [9:28:21] At this point, it's the Prosecution's submission that we
2 should go into private session or at the very least the witness should be asked in
3 private session if he can go into this topic in public.

4 MR ZOKOU: [9:28:43] (Interpretation) Mr President, I do not think it is necessary.
5 We discussed that at length yesterday. And just like Mr Altit, we requested for
6 reclassification. We did agree on the fact that once the person is identified, we could
7 talk about it without mentioning the name. And I believe the witness is sufficiently
8 mature to understand that we can talk about this person without mentioning the
9 name. We have to be public, and according to the Rules we can continue. And if I
10 think there is something sensitive, I will of course assume my responsibilities.

11 MR O'SHEA: [9:29:32] Can I make a suggestion, your Honour, that we follow your
12 Honour's course of yesterday.

13 PRESIDING JUDGE TARFUSSER: [9:29:33] Please go ahead.

14 MR O'SHEA: [9:29:34] If the witness --

15 PRESIDING JUDGE TARFUSSER: [9:29:37] Yes, I will. I will follow the course of
16 yesterday.

17 MR O'SHEA: [9:29:41] Yes, of course. If the witness raises the issue, fine. If the
18 witness doesn't raise the issue it's in the hands of my learned friend.

19 PRESIDING JUDGE TARFUSSER: [9:29:47] Absolutely. And I follow the course
20 of yesterday. Please, I think we have understood each other, have we? So it is you,
21 Mr Witness, who, in case, ask me for private session.

22 Please Maître Zokou, go ahead.

23 MR ZOKOU: [9:30:12] (Interpretation) Thank you, your Honour.

24 Q. [9:30:15] Mr Witness, you talked about someone whom you introduced as a
25 relative of Charles Blé Goudé because they were from the same ethnic group. Do

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 you understand the person I'm referring to?

2 A. [9:30:31] Yes.

3 Q. [9:30:31] Very well. You said that this person was Mr Blé Goudé's right-hand
4 man; is that correct?

5 A. [9:30:44] Yes.

6 Q. [9:30:44] You also identified the organisation of Mr Charles Blé Goudé
7 yesterday. You said it was COJEP; isn't that so?

8 A. [9:30:56] Yes, the patriots, yes. The COJEP.

9 Q. [9:31:03] Yes, agreed. So COJEP, Mr Blé Goudé's organisation and the
10 so-called relative of Mr Blé Goudé. Can you tell us what duties that person assumed
11 within the organisation?

12 A. [9:31:28] I don't know.

13 Q. [9:31:38] Could you tell me as well whether Mr Charles Blé Goudé -- or, well,
14 what specific mandate he entrusted to this person?

15 A. [9:31:50] Just the president of the parliament of the technical service.

16 Q. [9:32:01] I'm talking about the relative, this relative of Mr Blé Goudé. Did
17 you see Mr Charles Blé Goudé entrusting this person with a particular mandate on his
18 behalf?

19 A. [9:32:16] No.

20 Q. [9:32:23] Thank you.

21 (Counsel confer)

22 MR ZOKOU: [9:33:12] (Interpretation) I apologise, your Honour.

23 Q. [9:33:14] We will now move on to another point, Mr Witness. Maguy
24 le Tocard, the man who went by that name.

25 Now, yesterday in response to a question by the Prosecution, he asked you how it

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 came to be that you talked about the Niangon group, and I quote from yesterday's
2 transcript, page 79, lines 12 to 16. Basically you said that since every morning we
3 saw these young people going about the neighbourhood, running, exercising and
4 working out, doing their runs through the neighbourhoods. However, I'd like to
5 remind you of your statement to the OTP, in particular paragraph 48. In response to
6 that same question, you said this:

7 "I don't know whether they had to pay some money to receive training. I never tried
8 to find out who those people, who that militia was."

9 Can you confirm that's what you said?

10 A. [9:34:55] Yes.

11 MS HENDERSON: [9:35:03] Your Honours, we'd ask for --

12 PRESIDING JUDGE TARFUSSER: [9:35:04] Yes, please.

13 MS HENDERSON: [9:35:05] -- the earlier part of that paragraph to be read as well to
14 situate the witness.

15 MR ZOKOU: [9:35:29] (Interpretation) Well, the witness has already answered
16 that question.

17 MR MACDONALD: [9:35:38] Your Honours.

18 PRESIDING JUDGE TARFUSSER: [9:35:39] Yes, Mr MacDonald.

19 MR MACDONALD: [9:35:41] Respectfully submitted, we cannot take a sentence
20 out of its context.

21 PRESIDING JUDGE TARFUSSER: [9:35:49] Yes, but you did it, the OTP did it
22 yesterday as well --

23 MR MACDONALD: [9:35:51] It's not a question that --

24 PRESIDING JUDGE TARFUSSER: -- may I say, yes.

25 MR MACDONALD: -- the OTP is doing it --

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: Yes, but --

2 MR MACDONALD: -- we're doing it, if the -- I'm sorry, your Honour, but we do
3 refresh the memory. Here the point is being that the last sentence does not refer to
4 Maguy le Tocard's group. That's the point. When you read that sentence in the
5 context of its paragraph, it does not refer to Maguy le Tocard's group, it refers to the
6 other group that's mentioned. So if we want to do -- we're fudging the two groups
7 that are geographically located in two different locations. That's our point. Thank
8 you.

9 MR ZOKOU: [9:36:41] (Interpretation)

10 Q. [9:36:42] Mr Witness --

11 PRESIDING JUDGE TARFUSSER: [9:36:44] Can you please read out the whole
12 paragraph 48 to the witness once again, and I would ask now always to read out the
13 whole paragraphs we are referring to and not just excerpts of the paragraphs. And
14 this is for all parties. Please. Thank you.

15 I see Maître Gbougnon behind on his feet but here we are standing up for each team,
16 more people. I think we have to confine this also to the one who has the floor.
17 Maître Gbougnon.

18 MR GBOUGNON: [9:37:27] (Interpretation) Thank you, your Honour.
19 Your Honour, I certainly realise why you made your last remarks, and we shall
20 indeed follow your instructions. We entirely agree with you on this point, but what I
21 don't agree with is that a few moments ago you said that the Prosecution cannot each
22 and every time read out one or two sentences out of context and require the Defence
23 to do the contrary and then give testimony on behalf of the person who is actually
24 before us. We cannot be told. We cannot be told to proceed in this manner. So we
25 call upon the Chamber to keep everyone to the same standard, so to speak.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [9:38:37] Well, that's what I was going to say,
2 Maître Gbougnon. Probably, we didn't understand each other. I just said from
3 now on we will read out the whole paragraphs we are quoting; otherwise we will
4 engage in these kind of discussions more often. So just to -- please, Maître Zokou,
5 the whole paragraph 48. Thank you.

6 MR ZOKOU: [9:39:13] (Interpretation) Thank you, your Honour.

7 Paragraph 48:

8 "There was another training and recruitment site that was located at Niangon south.
9 It was a camp located close to Saint-Pierre church. It was another militia group, a
10 group different to Maguy's. The military training in Niangon south was given
11 following the same principles as the camp of Maguy le Tocard. I don't know
12 whether they had to pay some money to get the training there. I never tried to find
13 out who these people were, who this militia was. And since the witness has
14 responded to my question, I will move forward in my --

15 MS HENDERSON: [9:40:09] The question needs to be put, otherwise --

16 PRESIDING JUDGE TARFUSSER: [9:40:17] I would also ask not to -- to stand up,
17 wait, and then you will be given the floor.

18 MR ZOKOU: [9:40:32] (Interpretation)

19 Q. [9:40:33] You made mention of an alleged instructor for that group. You
20 referred to a group of militiamen. And the Prosecution asked you yesterday, in light
21 of a question -- correction, in light of an answer you had given, and I will read out the
22 passage. You were asked that, "Who was that instructor?" And you said, "It was a
23 member of the GR and he wore a red beret." Do we agree?

24 A. [9:41:13] Yes.

25 Q. [9:41:16] Yesterday's transcript, page 83, lines 20 to 27. And just to be more

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 specific, you were asked this, line 18:

2 "To get back to the issue of the training, do you know who the trainers were, the
3 instructors?"

4 Answer: "Well, there was one trainer from the presidential guard. I didn't know his
5 name."

6 Question: "How can that be? Why do you say that he was a member of the
7 presidential guard?"

8 Your answer was this: "I could tell by the clothes he was wearing."

9 Question: "What was he wearing? What was his uniform?"

10 Answer: "Red beret, camouflage-print shirt and pants."

11 You've already confirmed this statement. So I put it to you, sir, and I put it before
12 the Chamber's assessment as well, I will put a number of photographs to you.

13 If we could please view item CIV-D25-0029-0007. If you could press the button
14 marked "Evidence 1" each time to see the photograph.

15 A. [9:43:46] I'm doing that but it doesn't seem to be coming up on the screen.

16 THE COURT OFFICER: [9:43:51] It seems it has not been uploaded in the eCourt
17 yet maybe?

18 MR ZOKOU: (Interpretation) I will now ask the Court officer.

19 THE COURT OFFICER: [9:44:20] The Court has a copy. Thank you.

20 MR ZOKOU: [9:44:48] (Interpretation)

21 Q. [9:44:49] Can you see the photograph, Mr Witness?

22 A. [9:44:52] Yes.

23 Q. [9:45:06] Could you describe these uniforms that these men are wearing,
24 particularly their headgear, their beret?

25 PRESIDING JUDGE TARFUSSER: [9:45:13] Why should he describe something we

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 see?

2 MR ZOKOU: [9:45:29] (Interpretation) It is important, your Honour, to bring the
3 witness to a certain understanding, but even if you've quickly understood I think it
4 might be better to proceed in this manner.

5 PRESIDING JUDGE TARFUSSER: [9:45:37] No, but you can say, "Is this what you
6 meant" instead of describing, yes.

7 MR ZOKOU: [9:45:59] (Interpretation)

8 Q. [9:45:59] Now, Mr Witness, you mentioned red berets. Are these the red
9 berets you were talking about? Is this what you meant?

10 A. [9:46:07] Well, I wouldn't say so because these ones are darker -- correction,
11 the Republican Guard berets are darker.

12 Q. [9:46:20] But we are talking about red berets?

13 A. [9:46:23] Red berets.

14 Q. [9:46:52] Now, these men you see on the photograph wearing military clothing,
15 can you tell us, after viewing this image, which particular unit did these men belong
16 to?

17 A. [9:47:16] Well, I really can't see them very well.

18 Q. [9:47:23] Do these men belong to a particular unit of the Ivorian army?

19 A. [9:47:42] I don't know. Well, going by what I see here --

20 Q. [9:47:48] Let's go slowly, one step at a time.

21 Let us proceed very slowly, slow and steady.

22 MR MACDONALD: It's a point of procedure, your Honour.

23 PRESIDING JUDGE TARFUSSER: [9:48:01] Mr MacDonald.

24 MR MACDONALD: [9:48:02] It's a point of procedure, and I think it's very
25 important that the witness exceptionally leaves the courtroom because I want to raise

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 something that I find disturbing and I want to raise this with the Chamber. It goes to
2 the comments the Chamber made at the very beginning of this trial about leading
3 questions.

4 PRESIDING JUDGE TARFUSSER: [9:48:26] Can the witness be brought out for a
5 few minutes. Thank you.

6 (The witness stands down)

7 PRESIDING JUDGE TARFUSSER: [9:48:55] Mr MacDonald.

8 MR MACDONALD: [9:49:00] Your Honours, this picture, according to the
9 metadata, it's Ibrahim Coulibaly, the alleged commander of the Commando Invisible.
10 It was taken in Abobo, not Yopougon. It is definitely not people from the Garde
11 Républicaine. So we let it go and the witness clearly answered that indeed the Garde
12 Républicaine - and maybe we can show real pictures of Garde Républicaine
13 soldiers - the beret in fact are indeed burgundy, darker red.

14 This technique of doing, questioning the witness in this courtroom to entrap him, we
15 submit is unacceptable and contrary to your directives. So the witness has answered.
16 We did not object, but it clearly -- the witness, when he refers to Wattao, then we're in
17 the direction that, yes, he's identifying what he thinks are rebels. But clearly, clearly,
18 clearly what the witness was testifying and referring to as the trainer are not
19 Commando Invisible people.

20 So I would ask the Chamber to intervene and to stop this line of questioning
21 immediately. Thank you.

22 PRESIDING JUDGE TARFUSSER: [9:50:34] Maître Zokou.

23 MR ZOKOU: [9:50:43] (Interpretation) Your Honour, first of all, I wish to tell
24 Mr MacDonald that my line of questioning belongs to me, not to the Prosecution.
25 That is the first thing.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 So I am examining the witness and even though I'm making reference to one
2 particular point, I do not necessarily have to remain with that particular point because
3 I am going to another issue which is linked not only to the truth of the witness's
4 statements but also to his very credibility.

5 If the witness believes he can define merely on the basis of a beret, a soldier's
6 belonging to a particular unit, he should be able to identify the people belonging to
7 various army units, because later I will be continuing with questions about uniforms
8 worn and other pieces of clothing worn by soldiers and I do not care to be interrupted
9 each time that I ask a question.

10 PRESIDING JUDGE TARFUSSER: [9:51:57] Mr O'Shea.

11 MR O'SHEA: [9:51:59] Your Honours, in my submission, Mr MacDonald's
12 objection is slightly premature in the sense that my learned friend has not actually
13 demonstrated that he is misleading the witness. Until he does so, it's premature for
14 the Prosecution to object.

15 The reason I'm on my feet is because I'm very interested in this line of questioning
16 myself and was intending to come here myself. And it's extremely relevant for
17 obvious reasons. This witness has drawn certain conclusions about the corps that a
18 certain individual belongs to based upon his dress. So it's not an issue of my learned
19 friend trying to mislead the witness into thinking he's a rebel or anything like that, of
20 course not. It's about the witness's capacity to identify people in the context at the
21 time when people were wearing different types of clothes. And it's highly relevant
22 and, as I say, the Prosecution are premature in that there's been no indication so far of
23 misleading the witness.

24 PRESIDING JUDGE TARFUSSER: [9:53:19] Well, before Mr MacDonald
25 intervened, I was intervening myself, asking the witness if he has military experience

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 and how his military experience is, because one thing is to -- because he has identified
2 the red beret, darker or lighter, dark, and I think that was done. But where you are
3 right, Maître Zokou, is that the line of questioning is yours. But still one should not
4 step by step bring the witness into a trap by misleading him.

5 So I would really ask you to, well, to follow your line of questioning without -- with
6 respecting, by respecting the witness and to ask him what he can know and not what
7 he cannot know also according to his experience, I mean to his military experience.
8 So please go ahead in your line of questioning but bearing in mind not to bring him
9 into a trap. Okay, thank you.

10 Can we now bring the witness in again.

11 (The witness enters the courtroom)

12 MR ZOKOU: [9:55:51] (Interpretation)

13 Q. [9:55:54] Mr Witness, welcome back. I was asking you whether, when you
14 look at these photographs of these uniformed men, were you able to determine what
15 army unit, what unit of the Côte d'Ivoire army they belonged to?

16 PRESIDING JUDGE TARFUSSER: [9:56:21] Excuse me, Mr Witness, let me pose
17 the question: Do you recognise these uniforms as uniforms of army of Côte d'Ivoire,
18 yes or no?

19 THE WITNESS: [9:56:37] (Interpretation) Yes, your Honour.

20 PRESIDING JUDGE TARFUSSER: [9:56:39] Which one?

21 THE WITNESS: [9:56:44] (Interpretation) Well, the men are wearing red berets.

22 PRESIDING JUDGE TARFUSSER: [9:56:49] And therefore? Mr Witness, you said
23 that the red berets you referred to yesterday were darker, it is a different red. Now
24 you see these apparently soldiers on this photo, and the question is: Do you
25 recognise these uniforms they're wearing as uniforms of some Ivorian army?

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: [9:57:46] (Interpretation) Well, those are the commandos. They
2 are the commandos because the Republican Guard soldiers, their head gear is darker.

3 PRESIDING JUDGE TARFUSSER: [9:58:03] Okay. So now I would like to go
4 further because we have understood. Thank you.

5 MR ZOKOU: [9:58:27] (Interpretation) Thank you, your Honour.

6 If I could have just a few moments to consult with my case manager. Two seconds.

7 (Counsel confers)

8 MR ZOKOU: [9:59:26] Merci.

9 Q. [9:59:28] Mr Witness, yesterday you made mention of a death and you said
10 that this person died on 11 March 2011; is that correct?

11 A. [9:59:49] Yes.

12 Q. [9:59:54] Now, during your response you made mention the Doukouré
13 mosque which apparently was attacked and burnt to the ground?

14 A. [10:00:07] Yes.

15 Q. [10:00:09] And you said that was one or two days after?

16 A. [10:00:13] One day after.

17 Q. [10:00:15] And you maintain that point?

18 A. [10:00:18] Okay, thank you.

19 THE INTERPRETER: [10:00:21] Interpreter correction: The person mentioned
20 was Moumouni, line 14, page 22 of the French realtime transcript.

21 MR ZOKOU: [10:00:47] (Interpretation)

22 Q. [10:00:48] Mr Witness, regarding the enlistment that allegedly was conducted
23 and the calls issued by Mr Charles Blé Goudé, you said that you heard Mr Blé Goudé
24 calling upon the young people to go and enroll. Can you confirm that?

25 A. [10:01:09] Yes.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Q. [10:01:11] Did you hear that on the radio, on the television?

2 A. [10:01:15] Yes.

3 Q. [10:01:16] Very well. I will show you a video, Mr Witness, and to the
4 Chamber, and it is CIV-D25-0029-0033. And the corresponding transcript is
5 CIV-OTP-0010-0020.

6 Can you hand the controls over to us? It is a public video.

7 PRESIDING JUDGE TARFUSSER: [10:02:24] Channel 1 or channel 2?

8 THE COURT OFFICER: [10:02:26] Evidence channel 2, Mr President.

9 PRESIDING JUDGE TARFUSSER: [10:02:28] Thank you.

10 THE INTERPRETER: [10:02:42] From the interpreters, we --

11 (Viewing of the video excerpt)

12 THE INTERPRETER: [10:02:53] (Interpretation of the video excerpt) Journalists:

13 To --

14 PRESIDING JUDGE TARFUSSER: [10:02:55] Wait.

15 THE INTERPRETER: [10:02:56] Yes, we were not sure whether we had the
16 document because the ERN numbers were different, but we have it now.

17 PRESIDING JUDGE TARFUSSER: [10:03:04] Okay.

18 (Viewing of the video excerpt)

19 MR ZOKOU: [10:03:35] We will start all over again.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [10:03:39] (Interpretation of the video excerpt) Journalist:

22 Coming back to the events, Charles Blé Goudé, you launched calls ever since the
23 second round of the presidential election, and recently you sent another call to the
24 young people to enlist themselves. What is the specificity of this last call?

25 Charles Blé Goudé: I would like to tell you, we want to make a difference between

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 the methods used by those who are on the other side and our methods. As you can
2 see, in order to defend a nation, when you want to pick up a weapon, you need to
3 have the right to pick up that weapon; you need to have the right to pick up the
4 weapon. This means that you must be a policeman; you have to be a gendarme or a
5 soldier. You cannot, in a country that you want to lead, distribute weapons to
6 civilians who will put them under their clothes and be shooting around in the whole
7 country. They cut people's throats all over in the country. It is not in that way that
8 you will govern Côte d'Ivoire. It is for that reason that for us the young patriots and
9 the young people all together, all those who are burning with a desire to liberate their
10 country, to participate in their own way in the liberation of their country and who feel
11 that it is through military means that they would like to do that. I am telling them
12 there is a way, there is a legal way to join the army, to join the regular army of
13 Côte d'Ivoire. It is for that reason that I'm saying that tomorrow I call on them to go
14 to the état-major, and the chief of general staff with his team, they will find a way to
15 register them and to enlist them in the army of Côte d'Ivoire. That is what is normal
16 in a state that is governed by law. Otherwise, those who want to transform
17 Côte d'Ivoire into Rwanda, I tell them I do not want civil war in this country. I do
18 not want civil war in this country because you will not find a country where there are
19 only pro-Ouattara people and all pro-Gbagbo people have disappeared, just like you
20 will not find a country with only pro-Gbabgo people and all pro-Ouattara people
21 have disappeared. That does not exist. So the only entity that is in a position to
22 make a difference is the regular army, and it is for that reason that I made that call. I
23 would like to ask the young people to respond massively to the call.

24 MR ZOKOU: [10:06:27] (Interpretation)

25 Q. [10:06:29] Mr Witness, do you recognise Mr Blé Goudé on the video?

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 A. [10:06:34] Yes.

2 Q. [10:06:36] Is that the call by Mr Charles Blé Goudé that you heard?

3 A. [10:06:41] Yes.

4 Q. [10:06:42] Thank you, Mr Witness.

5 Thank you, Mr Witness. I would like to show another video, and the references are
6 CIV-OTP-0064-0113, and the time code is minute 45.51 to 49.38. And we will still
7 play it. And the transcript is CIV-OTP-0086-1028, page 1030, line 43, and then to line
8 101 of page 1031.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [10:08:52] (Interpretation of the video excerpt) Thanking
11 Charles Blé Goudé. Today, we came to see our general to tell him we are ready, we
12 are ready to join the army in order to defend the motherland because we are tired of
13 being attacked, being attacked pointlessly.

14 MA: For Charles Blé Goudé, the president of the republic, Laurent Gbagbo, and his
15 army are holding on tight, are not leaving any place for weakness or fear. And so the
16 country of Côte d'Ivoire, if required, will be defended without witness or calculations.

17 Charles Blé Goudé: I do not want war in this country, and when I say I do not want
18 war in this country, it is not because I am not weak. And I am telling those who have
19 ears to hear: I do not want war in this country. Raila Odinga, who is moving
20 around from country to country, if you know him, he experienced exactly the same
21 situation that we are experiencing in Côte d'Ivoire. He experienced that in Kenya.
22 When the Kenyan president said that he had won the elections, Raila Odinga also said
23 that he had won the elections, but he accepted to be prime minister in order to avoid
24 war in Kenya. So what he prevented in Kenya, these people want to create it in
25 Côte d'Ivoire. We cannot accept that. Thousands of young people like you are

1 burning with a desire to defend the country. With what they are expecting, it is my
2 duty to carry this message to the person who is at the head of our army so that he
3 should understand that he is not alone and that there are young people behind him
4 who are ready. At this particular moment, what is happening, it is not new. For the
5 time being, there is a head of state; there is the capacity of the army. We are being
6 attacked with a psychological war. There's nothing new in Côte d'Ivoire. It is the
7 same people who, together in 2002, attacked us. It is the same people who are there.
8 This is a small statement, that is all. Sarkozy is France; he replaced Chirac. That is
9 all: Sarkozy replaced Chirac. Alassane, for a long time, he denies that he is with the
10 rebellion, but God has done everything for us to know it finally; that he is with the
11 rebellion. Compaoré, he is the rear base for the rebellion, so there is nothing new.
12 But before that crisis finishes, we will discover progressively all those who were at the
13 source of the crisis. You have given me a message, I have understood it, and I repeat
14 it. I do not want war in this country. I want us to avoid this situation. I was
15 appointed minister of employment and youth, and it is to come here and it was not to
16 come and start a war. It is to find work for you. That is my work.

17 MR ZOKOU: [10:12:46] (Interpretation)

18 Q. [10:12:46] Mr Witness, did you ever see that video before?

19 A. [10:12:50] No.

20 Q. [10:12:52] Can you identify the person who was speaking in the red shirt and a
21 cap?

22 A. [10:13:01] Mr Blé.

23 Q. [10:13:02] Thank you, Mr Witness. And that is the end of my questioning.

24 PRESIDING JUDGE TARFUSSER: [10:13:07] Thank you. It could have ended one
25 question before.

1 Is this the end of the questioning by the team of Mr Blé Goudé?

2 MR ZOKOU: (Interpretation) Yes, Mr President, it is the end of the questioning of
3 the Defence team of Mr Charles Blé Goudé. I was simply impatient to calm down a
4 little bit. Thank you.

5 PRESIDING JUDGE TARFUSSER: [10:13:38] Okay, thank you very much.

6 Now I give the floor to the Defence of Mr Gbagbo, Maître Altit.

7 MR ALTIT: [10:13:52] (Interpretation) Thank you, Mr President. Mr President,
8 the questioning by the Laurent Gbagbo team will be conducted by Mr O'Shea.

9 PRESIDING JUDGE TARFUSSER: [10:14:05] Thank you, Mr O'Shea. The floor is
10 yours. I would just ask you, if you can, to give me an outlook also in light of the
11 questioning by the Defence for Mr Blé Goudé, just for organisational matters.

12 MR O'SHEA: [10:14:31] I would say three and a half to four.

13 PRESIDING JUDGE TARFUSSER: [10:14:34] Hours?

14 MR O'SHEA: [10:14:36] Yes. Does that still fall within our plan?

15 PRESIDING JUDGE TARFUSSER: [10:14:42] A little bit outside, but we will -- I
16 will re-ask you at the end of the second session.

17 MR O'SHEA: [10:14:50] Yes, it is a bit early.

18 PRESIDING JUDGE TARFUSSER: [10:14:51] Yes.

19 MR O'SHEA: [10:14:52] Your Honour, with your indulgence, with the Chamber's
20 indulgence, before I begin my cross-examination there is a procedural issue which I
21 would like to raise which will allow me, if I'm able to discuss this with you, it will
22 allow me to proceed expeditiously with my -- not cross-examination -- my
23 examination of the non-calling party. So with your Honour's indulgence, I'd like the
24 witness to step out for a moment because it's important to me that I resolve this issue.

25 PRESIDING JUDGE TARFUSSER: [10:15:28] Okay, can you please accompany out

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 the witness. Thank you. Please, the witness out. Thank you.

2 (The witness stands down)

3 PRESIDING JUDGE TARFUSSER: [10:15:59] By the way, just to say that we
4 had -- this plan was made with a view to have two witnesses in one and a half days,
5 three hours, three hours, three hours. Therefore, three and a half, four would be
6 obviously outside of the three hours. This is to remind you of this, what we agreed
7 upon before and that, therefore, we did this extended hours for the three days in
8 order to have two witnesses, for which the Prosecutor requested three hours, so this
9 would exactly fit into the three days, so therefore three hours. Please.

10 MR O'SHEA: [10:16:44] Your Honour, yes, I understand the constraints and I do
11 undertake to operate expeditiously. I may even finish in an hour, but we'll see.
12 Your Honours, I'm trying to place myself in the shoes of the Judges. I understand
13 where the Bench is coming from. It can be frustrating to see the lawyers popping up
14 frequently because of course it creates a situation where the trial extends itself. But
15 of course I'm raising an issue of fairness now, and an issue of fairness must always, in
16 my submission, override a question of speed.

17 Your Honour made a ruling earlier, and I did not have the opportunity to make
18 representations before that ruling was made, and it was during the course of the
19 questioning by Mr Zokou, and the ruling was that from now onwards, if anyone
20 wants to cite from the statement, they must read the entire paragraph.

21 Now, I'm going to ask your Honours to reconsider the position on that and take a
22 slightly more flexible line, and I explain why. In the statement there are obviously
23 some paragraphs that are short, others paragraphs that are long, and from our
24 perspective obviously we want to bring into evidence those aspects of the evidence
25 that are in the interest of our client.

1 Now, it could be that by pure chance a sentence reveals a piece of evidence which is
2 favourable to the Defence, and by pure chance it falls within a paragraph where
3 there's also an element of incriminating evidence which may not have come out
4 during the testimony. And in my submission, it would be unfair to force the Defence
5 to elicit incriminating evidence against their own client in order to be able to elicit
6 favourable evidence just because of a rule that they must read an entire paragraph.
7 In my submission, a degree of trust needs to be placed in the advocates in that the
8 advocates of course have a duty to the Court and a duty to the witness not to mislead
9 the witness, not to take things out of context.

10 In the event that things are taken out of context, the Prosecution is perfectly within
11 their rights to stand up and object and say, "Well, this is taken totally out of context
12 because of the following sentence", as my learned friend Mr MacDonald did earlier.

13 And that's perfectly proper.

14 But there are circumstances where of course the advocate can cite a sentence from a
15 statement without taking it out of context for a limited purpose and, in my
16 submission, that's also legitimate.

17 So for those reasons I'm requesting that your Honour perhaps soften the impact of the
18 statement that your Honour made earlier.

19 PRESIDING JUDGE TARFUSSER: [10:20:33] Anybody wants to intervene on this?

20 MR MACDONALD: [10:20:39] No, your Honour.

21 PRESIDING JUDGE TARFUSSER: [10:20:42] Of course, the statement was spoken
22 out a little bit radically, but I thought this was the thought behind that, and in that
23 case it was a short statement of three lines, that one should because normally one
24 paragraph is one argument. Obviously if the statement is a long one and more
25 arguments are contained in that statement, of course one can read out the relevant,

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 but that para, that issue must be entire, not, not striping, not misleading the witness.

2 Therefore it can be only read out part of it, but the whole part of that issue which is at
3 stake, if I may be understood.

4 MR O'SHEA: [10:21:45] Your Honour, yes, I --

5 PRESIDING JUDGE TARFUSSER: [10:21:46] That's it. But we will decide on a
6 case-by-case basis.

7 MR O'SHEA: [10:21:49] Yes, yes, exactly.

8 PRESIDING JUDGE TARFUSSER: [10:21:50] So please let us start --

9 MR O'SHEA: [10:21:52] Yes.

10 PRESIDING JUDGE TARFUSSER: [10:21:53] -- in order not to lose time.

11 MR O'SHEA: [10:21:55] Yes.

12 PRESIDING JUDGE TARFUSSER: [10:21:55] We will decide on a case-by-case
13 basis.

14 And I would ask the witness to be brought in again. Thank you.

15 In the conduct it is written, "The relevant portion of the statement shall be read out
16 loud verbatim in the record so that it is adequately reflected in the transcript of the
17 witness' testimony. The use of a portion of a statement during the questioning
18 doesn't make the statement submitted."

19 But I just want to be clear that it is not -- that it has to be submitted to the witness in a
20 fair way. So that's it.

21 (The witness enters the courtroom)

22 MR O'SHEA: [10:22:49] Your Honour, yes, I understand and agree.

23 QUESTIONED BY MR O'SHEA:

24 Q. [10:23:18] Good morning, sir.

25 A. [10:23:21] Good morning, Counsel.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Q. [10:23:23] I shall be speaking in English, but the translation will be adequate
2 for you to understand everything I'm saying.

3 My name is Andreas O'Shea and I, together with those who sit with me, represent the
4 interests of Laurent Gbagbo in this trial.

5 Now, I'd like to ask you some preliminary matters. You provided a statement to the
6 Office of the Prosecutor in January of 2012, and this statement was read back to you,
7 was it?

8 A. [10:24:34] No.

9 Q. [10:24:37] So you met with the Office of the Prosecutor, according to our
10 records, on 19 January 2012, 20 January 2012, 21 January 2012 and 23 January 2012.
11 So that would be four times that you met with them in order for them to take a
12 statement from you. Does that accord with your recollection?

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

14 Q. [10:25:28] And in none of those meetings between yourself and the Office of
15 the Prosecutor did the Office of the Prosecutor read back your statement to you; is
16 that right?

17 A. [10:25:51] Yes.

18 Q. [10:25:53] Now, you have indicated in the statement that you made to the
19 Office of the Prosecutor, or at least this is what is recorded, that you were --

20 MR MACDONALD: [10:26:26] Procedure question.

21 MR O'SHEA: [10:26:27] Just bear in mind that the witness is here.

22 PRESIDING JUDGE TARFUSSER: [10:26:30] Yes, yes, yes. Mr MacDonald.

23 MR MACDONALD: [10:26:32] It's just that the way my colleague phrased his
24 question --

25 PRESIDING JUDGE TARFUSSER: [10:26:37] Yes, let me --

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 MR MACDONALD: [10:26:39] -- in light of page 25 of the statement, when you
2 read the first --

3 PRESIDING JUDGE TARFUSSER: [10:26:46] Excuse me, Mr Witness, after you
4 have finished to speak with the investigators of the Office of the Prosecutor in
5 January 2012, just to have a confirmation, you have never read -- did you ever read
6 back your statement, the statement we have here?

7 THE WITNESS: [10:27:16] (Interpretation) Yes.

8 PRESIDING JUDGE TARFUSSER: [10:27:18] Have you or have you not read it?
9 Can you respond with a complete sentence instead of "oui" or "non."

10 THE WITNESS: [10:27:32] (Interpretation) Yes, I read it. I read it twice
11 from 2012 to 2017. Well, it is not easy to remember.

12 PRESIDING JUDGE TARFUSSER: [10:27:47] What do you mean by twice?

13 THE WITNESS: [10:27:56] (Interpretation) I mean I read my statement and I
14 re-read it, that is since 2012, and today we are in 2017.

15 PRESIDING JUDGE TARFUSSER: [10:28:11] So just always to be clear, you read it
16 once in 2012 and once before starting the hearing, I mean these days?

17 THE WITNESS: [10:28:25] (Interpretation) Yes.

18 PRESIDING JUDGE TARFUSSER: [10:28:30] Okay.

19 Maître O'Shea.

20 MR O'SHEA: [10:28:41]

21 Q. [10:28:41] Now, you say that you read yourself your statement in 2012. Was
22 this during one of these four meetings with the Office of the Prosecutor that I've
23 indicated, or was it after those four meetings?

24 A. [10:29:20] I did not understand the question.

25 Q. [10:29:24] You met with the Office of the Prosecutor on four occasions in order

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 to tell them your story. Understood so far? You need to speak into the microphone
2 because everything is transcribed, Witness.

3 A. [10:29:52] Yes.

4 Q. [10:29:54] Now, during one of those four meetings that you had with the
5 Office of the Prosecutor, on the same day that you were telling your story, was what
6 you told the Prosecutors read back to you on one of those four days, or is it that you
7 read your statement later in the year?

8 A. [10:30:33] Later in the year, no.

9 PRESIDING JUDGE TARFUSSER: [10:30:35] Excuse me, did you read it every day
10 in the -- once finished, the meeting, or did you read it at the end of the four meetings?
11 Did you read it once?

12 THE WITNESS: [10:30:52] (Interpretation) At the end of the four --

13 MR O'SHEA: [10:30:59]

14 Q. Was it on the last day --

15 A. [10:31:02] -- four times.

16 Q. [10:31:10] -- or after the last day?

17 A. The last day when I signed.

18 PRESIDING JUDGE TARFUSSER: Yes.

19 MR O'SHEA:

20 Q. [10:31:12] And on that day, was that one of the days when you were telling
21 your story?

22 A. [10:31:26] No.

23 Q. [10:31:30] And how long after you told your story to the Prosecution did you
24 meet them to read and sign your statement?

25 A. [10:31:59] Just after several meetings with the OTP.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Q. [10:32:12] And is it right that after none of these meetings when you were
2 telling your story was what you told the Prosecutor actually read back to you by the
3 Prosecutor? Did that ever occur?

4 A. [10:32:34] It was at the end.

5 PRESIDING JUDGE TARFUSSER: [10:32:35] Excuse me. Mr Witness, one
6 question, simple: Did you read the report, what you said, before signing? Did you
7 read your statement before you signed it?

8 THE WITNESS: [10:33:02] (Interpretation) Yes, yes, I did read it, your Honour,
9 before I signed it.

10 PRESIDING JUDGE TARFUSSER: [10:33:07] Good.

11 MR MACDONALD: [10:33:13] In light of the last answer and the questions asked
12 by my colleague, I would ask your Honour that since the statement of the witness is
13 not submitted I would nevertheless ask that page 25 which reads, the last ERNs,
14 0013-0132 be submitted on the record exceptionally in light of the questions of my
15 colleague. So the statement, again, the full ERN is 0013-0108, but if you go to the last
16 page 0132, we would ask that this page be submitted, your Honour. Thank you.

17 MR O'SHEA: [10:34:02] Well, I place it on record that the standard attestation that
18 he's read the statement and that he's told the truth is on the last page of the statement,
19 signed by the witness and dated.

20 PRESIDING JUDGE TARFUSSER: [10:34:18] And dated 23 January 2012.

21 MR O'SHEA: [10:34:22] 2012. Now it's on the record, your Honour.

22 Q. [10:34:33] Witness, what is your level of education?

23 A. [10:34:44] *Lower sixth form.

24 Q. [10:34:50] Do you possess any knowledge of English?

25 A. [10:34:59] No.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Q. [10:35:04] Now, your premises were ransacked in May 2011; is that correct?

2 A. [10:35:32] Yes.

3 Q. [10:35:38] And you made a statement about this to the police at the 16th
4 arrondissement?

5 A. [10:35:57] Yes.

6 Q. [10:35:58] Did you provide a copy of that statement to the Office of the
7 Prosecutor?

8 A. [10:36:13] Well, no.

9 Q. [10:36:15] Did the Office of the Prosecutor ask for a copy?

10 A. [10:36:29] No.

11 Q. [10:36:30] Now, when you were giving your statement to the Office of the
12 Prosecutor in 2012, it's stated at paragraph 16 of your statement that:

13 "Last week I made another declaration about the pillage of which I was a victim at the
14 16th commissariat du police."

15 That statement that you made a week before your statement to the Office of the
16 Prosecutor, did you provide a copy of that one to the Office of the Prosecutor?

17 A. [10:37:38] No.

18 Q. [10:37:40] And has the Office of the Prosecutor at any time requested a copy of
19 it?

20 A. [10:37:55] They didn't ask me for it.

21 Q. [10:38:23] You may remember that towards the beginning of your testimony
22 Mr MacDonald, who represents the Office of the Prosecutor, stated that there had
23 been a conversation with you concerning protective measures. First of all, before I
24 go any further, do you remember Mr MacDonald talking about that in court?

25 A. [10:39:18] About the security measures? Yes.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 MR O'SHEA: [10:39:22] Can we briefly go into private session now, your Honour.

2 PRESIDING JUDGE TARFUSSER: [10:39:25] Can we go into private session,

3 please.

4 (Private session at 10.39 a.m.)

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 (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 (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 10.51 a.m.)

24 THE COURT OFFICER: [10:51:16] We are in open session, Mr President.

25 PRESIDING JUDGE TARFUSSER: [10:51:21] Thank you.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Mr O'Shea.

2 MR O'SHEA: [10:51:29]

3 Q. [10:51:31] Now, if you would, sir, please cast your mind back to the time of the
4 elections and cast your mind back to December 2010. At that time, were you
5 watching television?

6 A. [10:52:14] Rarely.

7 Q. [10:52:15] Were you listening to the radio?

8 A. [10:52:22] Rarely as well.

9 Q. [10:52:33] Did you follow what was going on in the country?

10 A. [10:52:43] Yes, on the television.

11 Q. [10:52:45] And apart from the television, did you have other sources of
12 information? And I'm talking about December 2010 now.

13 A. [10:52:59] Yes, France 24 network.

14 Q. [10:53:07] At that time do you remember a news story about police having
15 been burnt, police officers having been killed and burnt? Does that jog your
16 memory at all?

17 A. [10:53:39] No.

18 Q. [10:53:54] Did you take an interest in what was going on in Abidjan generally
19 when watching the TV?

20 A. [10:54:18] We were all worried. I was worried.

21 Q. [10:54:24] And at that time what gave rise to worries for you?

22 A. [10:54:49] It was about the politicians.

23 Q. [10:55:03] Did you follow what was happening in terms of the advance of the
24 rebels towards Abidjan? Was that something which you followed?

25 A. [10:55:30] The advance of the rebels? Well, no.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 Q. [10:55:42] Was that not something which worried you?

2 A. [10:55:56] Who were the rebels?

3 Q. [10:56:01] So if I use the word "rebels" in the context of events in Ivory Coast in
4 December 2010, you don't know what I'm talking about; is that right?

5 A. [10:56:27] I think that my predecessors who came here before me, the generals
6 and others, have made it clear who the rebels were in actual fact.

7 PRESIDING JUDGE TARFUSSER: [10:56:42] But it is not about who came before
8 you. It is about you. You are the witness now and you are asked who are the
9 rebels, what do you -- what do you understand under the word "rebels" in end 2010,
10 beginning 2011?

11 THE WITNESS: [10:57:18] (Interpretation) The rebels, I think that, to my mind,
12 the rebels were ourselves.

13 PRESIDING JUDGE TARFUSSER: [10:57:31] But what do you mean by "ourselves"?
14 Who "ourselves"? You?

15 THE WITNESS: [10:57:39] (Interpretation) Not me personally, but the brothers
16 who were alongside the president, Mr Laurent Gbagbo, his army, within his army.

17 PRESIDING JUDGE TARFUSSER: [10:57:57] So the rebels were the army, the
18 Ivorian army; is this what you are saying?

19 THE WITNESS: [10:58:10] (Interpretation) Yes.

20 MR O'SHEA: [10:58:13]

21 Q. [10:58:14] And why do you say that?

22 PRESIDING JUDGE TARFUSSER: [10:58:15] No, I think we -- we should stop here,
23 have a break, have the break now, half an hour, also because I want to ask the parties
24 if they have comments to make on the long request we received yesterday evening at
25 20.21 via email by the Defence for Mr Gbagbo before breaking.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 We have the break now. For you, you have the break now, half an hour, and we
2 come back at -- soon after 11.30.

3 Please can the witness be brought out.

4 (The witness stands down)

5 PRESIDING JUDGE TARFUSSER: [10:59:13] Just before closing, I would ask the
6 other parties if they have comments to make, to make them now so that we can
7 decide on that extensive request received yesterday by the Defence for Mr Gbagbo. I
8 would give the floor first to Mr Blé Goudé if they intend to comment on it.

9 MR N'DRY: [10:59:45] (Interpretation) No, we have no comments, your Honour.

10 PRESIDING JUDGE TARFUSSER: [10:59:47] Thank you very much.

11 The Office of the Prosecutor.

12 MR MACDONALD: [10:59:56] Just to give you an update, your Honour. First of
13 all, there's 17 further applications that we finalise with the legal reps that will be
14 disclosed on a CD, courtesy copy at the break.

15 Second, if it may help the Chamber decide on the request, we can also provide,
16 because I don't think you have access, or maybe you do have access, actually, by
17 filings, on the unredacted versions of these applications so that you can
18 appreciate -- so you should have access to them in the record, but we need to identify
19 them so that the Chamber can see which one out of these, I don't know, 600 or so in
20 total that we have. So in total to look at -- I think there's a bit less than 170
21 applications that are -- but I'm also under the control of my colleague Ms Massidda on
22 this issue.

23 PRESIDING JUDGE TARFUSSER: [11:01:07] Okay, thank you very much. So we
24 will decide on this after half an hour when we come back.

25 Thank you very much. The hearing is adjourned to 11.30.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Open Session)

ICC-02/11-01/15

1 THE COURT USHER: [11:01:19] All rise.

2 (Recess taken at 11.01 a.m.)

3 (Upon resuming in open session at 11.35 a.m.)

4 THE COURT USHER: [11:35:36] All rise.

5 PRESIDING JUDGE TARFUSSER: [11:35:57] Just two minutes before giving the
6 floor back to Mr O'Shea, I want to read out the decision on the email which we
7 received yesterday at eight, I repeat, at 8.11 yesterday evening by the Defence for
8 Mr Gbagbo. And first it is to be noted that in light of the content of the message, a
9 motion would have been a more appropriate format rather than an extremely long
10 email, which is very cumbersome to read. There is a formal procedure applicable for
11 disputes in relation to redactions requiring a written application, and I'm referring to
12 ICC, to decisions 737 Annex A.

13 Second, the Chamber regrets that the Defence for Mr Gbagbo waited until the last
14 minute before Witness 433 takes the stand when it appears that the problem has been
15 existing for several days and the scheduling for the appearance of Witness 433 has
16 also been known for some time. This is an example of those false urgencies the
17 Chamber said it would not entertain at the beginning of the trial.

18 Furthermore, precisely in light of the fact that Witnesses 433 and 436 will appear
19 within days, if not hours, the lifting of redactions will have no tangible impact on the
20 Defence ability to question, since it does not appear feasible for the Defence to
21 investigate in this time. In light of this, the Chamber thinks that no decision on the
22 email is required at this stage and particularly for the Defence -- for the Witnesses 433
23 and 436 and invites the Defence for Mr Gbagbo to follow the proper procedure for the
24 other witnesses.

25 So this said, I give the floor back to the Defence for Mr Gbagbo and, therefore, to

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 Mr O'Shea.

2 MR O'SHEA: [11:38:48] Thank you, your Honour.

3 Q. [11:38:56] Sir, in the month of December 2010, on the basis of your knowledge
4 that you had at the time, in terms of zones which were occupied by the rebels, how
5 close were they to Abidjan?

6 A. [11:39:48] Your Honour, I would like to go into closed session now so that I
7 can really answer the question from Mr Gbagbo's Defence.

8 MR O'SHEA: [11:40:07] (Overlapping speakers) It's a request, but I have no
9 objection, so we can see how this develops.

10 PRESIDING JUDGE TARFUSSER: [11:40:12] Yes, well, please, let's go into private
11 session please.

12 (Private session at 11.40 a.m.)

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

(Open Session)

ICC-02/11-01/15

1 (Open session at 11.54 a.m.)

2 THE COURT OFFICER: [11:54:27] We are in open session, Mr President.

3 PRESIDING JUDGE TARFUSSER: [11:54:38] Thank you.

4 Mr Witness, we are again in open session, just for you to know.

5 Mr O'Shea, please.

6 MR O'SHEA: [11:54:48]

7 Q. [11:54:51] Now, these matters that we've been discussing in private session,
8 you have been able to speak about these things because of your links within your
9 local community; is that your source of information?

10 A. [11:55:23] Well, we were able to gather that information through the -- our
11 young people who were in the field.

12 Q. [11:56:42] Now, if I speak to you about the killing of Bola, is that something
13 which you can speak about in open session, or would you feel more able to speak in
14 closed, in private session?

15 A. [11:57:10] No, there's no problem.

16 Q. [11:57:13] Now, was Bola killed by the Commando Invisible?

17 A. [11:57:41] Well, the fighting was between Kenya Pharmacy and Wassakara
18 and that is where he was killed.

19 Q. [11:57:57] And were you informed that the Commando Invisible was involved
20 in that, was that information conveyed to you?

21 A. [11:58:17] The Invisible Commando, that was in Abobo. That was in Abobo.

22 MR O'SHEA: [11:59:02] If I could just go into private session for one moment,
23 your Honour.

24 PRESIDING JUDGE TARFUSSER: [11:59:07] Let's go back briefly into private
25 session.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

- 1 (Private session at 11.59 a.m.)
- 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 (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 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Open session at 12.07 p.m.)
- 14 THE COURT OFFICER: [12:07:21] We are in open session.
- 15 PRESIDING JUDGE TARFUSSER: [12:07:28] Thank you.
- 16 Mr O'Shea.
- 17 MR O'SHEA: [12.07.33]
- 18 Q. [12:07:33] Right, I want to come, if I may, to the visit of Alassane Ouattara
- 19 which you spoke about in evidence with the Prosecution. Who organised that visit?
- 20 A. [12:08:14] There was a committee of officials of the RDR. It was by that
- 21 committee.
- 22 Q. [12:08:50] Was anybody in that committee of responsables pour du RDR a
- 23 chief?
- 24 A. [12:09:17] No.
- 25 Q. [12:09:23] So at paragraph 19 of the statement given to the Office of the

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 Prosecutor, when you say or when it's recorded that you say at line 2, and I quote in
2 French (Interpretation) "The chieftdom had properly organised and planned that visit
3 which was a public visit."

4 (Speaks English) When it says there that the chefferie arranged and planned the visit,
5 that's wrong, is it?

6 A. [12:10:11] That is incorrect.

7 Q. [12:10:36] Did you perhaps tell the Office of the Prosecutor that the chefferie or
8 chiefs assisted with that process or do you think the investigators have got it
9 completely wrong?

10 A. [12:10:54] Well, I'm afraid they got it wrong.

11 Q. [12:11:20] At paragraph 21 of your statement you say there that, and I quote in
12 French (Interpretation) "Those youth were not armed."

13 (Speaks English) Do you agree with that statement?

14 PRESIDING JUDGE TARFUSSER: [12:11:42] Well, this is a bit -- this is a bit, really
15 not enough in this case, I would say. It's a bit out of context.

16 MR O'SHEA: [12:12:00] Well, I'm dealing specifically, your Honour, with the issue
17 of whether they were armed or not.

18 PRESIDING JUDGE TARFUSSER: [12:12:05] Yes, but when and in which time
19 frame, what day? I know we are talking about a certain day but I think we should
20 also remind it to the witness.

21 MR O'SHEA: [12:12:21]

22 Q. [12:12:21] All right, Witness, I thought I was clear, but maybe I wasn't. We're
23 talking about the day when Alassane Ouattara visited your area and you told us that
24 he stepped out of the vehicle, shook your hand and then stepped back in the vehicle
25 for his security. I'm talking about that specific scenario. And when you spoke to

1 the Office of the Prosecutor about that specific scenario, you stated at paragraph 21 of
2 your statement, and I quote in French (Interpretation) "Those youth were not armed."
3 (Speaks English) So the young people who were present, do you agree that they were
4 not armed, as you said in your statement?

5 A. [12:13:31] They were not armed.

6 Q. [12:13:47] Now, when my learned friend who represented Mr Blé Goudé
7 asked you about this same event, you disagreed that there was any question of you
8 receiving an envelope or not receiving an envelope with money in it to reimburse for
9 chairs, et cetera; do you remember giving that answer?

10 A. [12:14:26] No.

11 Q. [12:14:26] You don't? Well --

12 A. [12:14:33] (No interpretation)

13 Q. [12:14:33] Oh, you do?

14 A. [12:14:34] Yes, I do. Yes, I do remember. Yes, I do.

15 Q. [12:14:37] So I'm going to ask you a slightly different question on this same
16 aspect. Was it in Ivory Coast a convention or a tradition that if there was a visitor of
17 that nature that they would give such an envelope to reimburse expenses? Did that
18 convention exist?

19 A. [12:15:19] Yes, indeed, it does exist in other circumstances.

20 Q. [12:15:33] Would you like to explain what you mean by "in other
21 circumstances"?

22 A. [12:15:47] Well, a personality could visit and upon arrival, before leaving
23 actually, that personality could offer a gift.

24 Q. [12:16:19] And would the purpose of this gift be to assist with the expenses
25 which were incurred with the visit?

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 A. [12:16:53] Yes.

2 Q. [12:16:53] Did you say anything to the Prosecution investigators about this
3 convention of giving envelopes to cover expenses?

4 A. [12:17:14] No, since we were not the organisers therefore.

5 Q. [12:17:21] So this statement at paragraph 20 of your statement, and I quote in
6 French (Interpretation) "Therefore, we did not receive any envelope on that day as is
7 usually the customary practice in election campaigns."

8 (Speaks English) You have no idea where that came from, why the investigators
9 wrote that?

10 PRESIDING JUDGE TARFUSSER: [12:17:51] The question is: Did you say this or
11 not? Not do you have no idea where it came from. Did you say this to the
12 investigators?

13 THE WITNESS: [12:18:03] (Interpretation) Yes, I did, I said that to the
14 investigators.

15 MR O'SHEA: [12:18:24]

16 Q. [12:18:24] How long was Alassane Ouattara out of the car for?

17 A. [12:18:38] One to two minutes.

18 Q. [12:18:43] Then when he got back into the car, did he stay in the car and
19 continue driving slowly greeting people or did he just depart?

20 A. [12:19:09] When he got back into his vehicle he spent about three to five
21 minutes in his car and he spoke using a megaphone.

22 Q. [12:19:38] And while he was there, while he was still in the vicinity, did you
23 stay around or did you leave?

24 A. [12:19:50] We were still there.

25 Q. [12:19:55] So you were there until he left your area?

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 A. [12:20:03] Yes.

2 Q. [12:20:10] So apart from a lot of noise, did the event continue peacefully?

3 A. [12:20:45] Yes, peacefully.

4 Q. [12:21:05] And in terms of the people who were present, as between those who
5 supported the RHDP and those who supported Gbagbo's party, what would you say
6 was the percentage distribution in terms of numbers of people present? What
7 proportion were Gbagbo supporters and what proportion were Ouattara supporters,
8 approximately of course?

9 PRESIDING JUDGE TARFUSSER: [12:21:43] In terms of majority and minority
10 more than percentage because ...

11 THE WITNESS: [12:21:57] (Interpretation) Balanced.

12 MR O'SHEA: [12:22:36]

13 Q. [12:22:36] Now, let's talk about the parlement. Would you agree that the
14 parlement were basically places where young people could gather and talk about
15 politics? Would that be a fair description of what they were?

16 A. [12:23:17] Yes. The parlement existed to conduct political discussions.

17 Q. [12:23:35] And these venues were open for anyone to come and listen; would
18 that be right?

19 A. [12:23:49] Yes, to everyone.

20 Q. [12:23:54] What, during this period of time, what -- when I say "during this
21 period of time" I mean the post-electoral period. What was the population of
22 Yao Séhi?

23 A. [12:24:28] Well, the population of Yao Séhi was 100 percent pro-Gbagbo.

24 Q. [12:24:35] What I meant by that question was what was the size of the
25 population at that time in Yao Séhi?

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 A. [12:24:49] Around, around 16,000.

2 Q. [12:24:58] And again at that time during the post-electoral period, what
3 proportion of the population was unemployed in the sense of not having a job?

4 A. [12:25:27] I'm not in a position to know.

5 Q. [12:25:30] Well then let's move to the more general. Were there a lot of
6 unemployed in the area?

7 A. [12:25:44] Yes, many.

8 Q. [12:25:48] And was one of the activities that the unemployed used to enjoy
9 engaging in going to talk about politics at the parlement?

10 A. [12:26:07] Yes.

11 Q. [12:26:32] You spoke about an event where you were on the side of the road
12 and you saw that President Gbagbo was moving in the direction of one of the
13 parlements. Is that the only time that you saw President Gbagbo moving towards
14 one of the parlements?

15 A. [12:27:21] It was the first time.

16 Q. [12:27:31] Have you or did you hear about or know about le grins during the
17 post-electoral period?

18 A. [12:27:54] Um, no.

19 Q. [12:28:08] Let me just spell it to you, Witness, just to be absolute sure that it is
20 not my accent or anything like that. The word I'm referring to is spelt as follows:

21 G-R-I-N-S. Is that a term which is familiar to you?

22 A. [12:28:41] Oh, you mean grins?

23 PRESIDING JUDGE TARFUSSER: [12:28:46] Yes, yes.

24 THE WITNESS: [12:28:49] (Interpretation) No, no.

25 MR O'SHEA: [12:28:57]

1 Q. [12:28:58] The way you said that, Witness, it sounded as if it was familiar to
2 you.

3 Have you ever heard of the grins?

4 A. [12:29:12] Well, I heard about them, but I don't know what it is and I don't
5 know what they were doing there.

6 Q. [12:29:18] So you've heard of it, and you know that it is a place, it refers to a
7 location?

8 A. [12:29:26] Yes, it is a place, the grins.

9 Q. [12:29:41] So now we've got this situation in Ivory Coast where you've got
10 these two camps, two political camps. You've got large population, many are
11 unemployed that need something to do, and you've got on the one side Ouattara
12 supporters, on the other side Gbagbo supporters. Where did the Ouattara
13 supporters like to go and discuss politics?

14 A. [12:30:31] Most of President Ouattara's supporters were in Abobo.

15 Q. [12:30:40] So the ones who supported Ouattara but lived outside of Abobo,
16 would they go to Abobo to have these discussions, or were there places outside of
17 Abobo where they would go and have such discussions?

18 A. [12:31:02] I'm afraid I don't know. I think Abobo.

19 Q. [12:31:08] So you don't know of such places in Yopougon?

20 A. [12:31:14] Yes.

21 Q. [12:31:16] "Oui" meaning --

22 A. [12:31:19] Yes. No, there were not.

23 Q. [12:32:49] Est-ce que -- sorry, I was looking at a French document. Do you
24 know who the president of the national federation of Agoras and Parliaments was?

25 A. [12:33:22] I'm afraid I don't know.

1 Q. [12:33:31] If one were to suggest the name Idriss Ouattara, would that mean
2 anything to you?

3 A. [12:33:46] I'm afraid that doesn't mean anything to me.

4 Q. [12:33:49] You've never heard of this gentleman? You're sure?

5 A. [12:33:56] Yes.

6 Q. [12:34:03] And what about Gaoussou Yahiri Paul, and I'm going to spell it to
7 you: G-A-O-U-S-S-O-U, new word Y-A-H-I-R-I, new word Paul, P-A-U-L. Do you
8 know that name?

9 A. [12:34:47] No.

10 Q. [12:34:50] Have you heard of le congrès d'Abobo?

11 A. [12:35:05] No.

12 Q. [12:35:10] Have you heard of the Fédération Nationale des Agoras et
13 Parlements?

14 A. [12:35:22] Yes, I have heard of that.

15 Q. [12:35:26] And do you know who the president of that federation was?

16 A. [12:35:41] I have to say no.

17 Q. [12:35:42] What about the vice president? What about the vice president?

18 A. [12:36:05] I don't know about all that.

19 Q. [12:36:46] Now, when you were acting as chief, were you -- did you observe
20 that members of your population had concerns about the level of influence which
21 France had in the politics of Ivory Coast? Was that one of the complaints as it were
22 which was being spoken about on the ground?

23 A. [12:37:43] Yes.

24 Q. [12:37:46] Now, the rebels which were coming from the north, those rebels,
25 did they constitute a mix of Ivorians and individuals from neighbouring countries?

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

1 A. [12:38:42] Your Honour, I would like all of these questions -- I would like us to
2 go into closed session.

3 MR O'SHEA: No objection to that, your Honour.

4 PRESIDING JUDGE TARFUSSER: [12:38:54] I hardly understand, I must say,
5 because we are talking about something which is quite -- of common knowledge
6 nearly of what we heard many times in this courtroom.

7 MR O'SHEA: [12:39:12] If we go into private session I can assist your Honour on
8 this.

9 PRESIDING JUDGE TARFUSSER: [12:39:19] Well, let's go into private session.

10 (Private session at 12.39 p.m.)

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 (Open session at 12.41 p.m.)

25 THE COURT OFFICER: [12:41:18] We are back to open session, Mr President.

Trial Hearing
WITNESS: CIV-OTP-P-0108

(Private Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [12:41:25] Mr O'Shea.
- 2 THE WITNESS: [12:41:29] (Interpretation) Your Honour.
- 3 PRESIDING JUDGE TARFUSSER: [12:41:31] Yes, Mr Witness.
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 PRESIDING JUDGE TARFUSSER: [12:42:22] Excuse me. Now let's go in private
- 13 session again.
- 14 (Private session at 12.42 p.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

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 (Redacted)

2 (Open session at 12.46 p.m.)

3 THE COURT OFFICER: [12:46:06] We're in open session, Mr President.

4 PRESIDING JUDGE TARFUSSER: [12:46:14] Thank you very much.

5 This open session is just to communicate that due to a small problem we had just now

6 we go into -- we have the break now, the lunch break, and we come back at 2.15, if I'm

7 not mistaken, but I should be right. 2.15, right?

8 Okay, thank you very much. The hearing is adjourned.

9 THE COURT OFFICER: [12:46:42] All rise.

10 (Recess taken at 12.46 p.m.)

11 (Upon resuming in open session at 2.20 p.m.)

12 THE COURT USHER: [14:20:44] All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: [14:21:18] Good afternoon. Good afternoon to

15 everybody.

16 Good afternoon, Mr Witness.

17 I would ask to go into private session and then we'll see how to continue.

18 (Private session at 2.21 p.m.)

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
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted – Private session

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 (Open session at 2.31 p.m.)

3 THE COURT OFFICER: [14:31:44] We are in open session, Mr President.

4 PRESIDING JUDGE TARFUSSER: [14:31:51] Thank you very much.

5 We are now in open session just to tell to the public that we will continue and end this
6 testimony in private session, and therefore because of reasons we know. But in any
7 case, it's just a communication, and therefore I ask to go again into private session and
8 then we remain there until the end of the testimony.

9 (Private session at 2.32 p.m.)

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
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted – Private session

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
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted – Private session

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
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted – Private session

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
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted – Private session

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
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted – Private session

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
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted – Private session

Trial Hearing

(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

- 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 (Upon resuming in open session at 4.02 p.m.)
- 19 THE COURT USHER: [16:02:09] All rise.
- 20 Please be seated.
- 21 PRESIDING JUDGE TARFUSSER: [16:02:14] Good morning -- good morning?
- 22 Good afternoon, Mr Witness. Bonsoir, Monsieur le témoin.
- 23 WITNESS: CIV-OTP-P-0433
- 24 (The witness speaks French)
- 25 THE WITNESS: [16:02:37] (Interpretation) Thank you.

Trial Hearing
WITNESS: CIV-OTP-P-0433

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [16:02:47] Bonsoir.

2 THE WITNESS: [16:02:49] (Interpretation) Good afternoon, Mr President.

3 PRESIDING JUDGE TARFUSSER: [16:02:52] Today we have only 15 minutes left
4 and, therefore, we will deal with these 15 minutes only by me identifying you and
5 giving you all the informations, preliminary informations you need in order for us
6 tomorrow morning to start immediately with the questioning, okay.

7 So the first thing to do is to identify you completely. So please, can you give me
8 your complete name, the date and the day of birth.

9 THE WITNESS: [16:03:43] (Interpretation) My name is Okou Traoré. I was born
10 in 1947, 1st January 1947, in Lafonkaha Katiola.

11 PRESIDING JUDGE TARFUSSER: [16:04:09] And you're Ivorian citizen, is that
12 right?

13 THE WITNESS: [16:04:13] (Interpretation) Yes, I'm Ivorian.

14 PRESIDING JUDGE TARFUSSER: [16:04:15] Can you give us also your ethnicity
15 and your faith.

16 THE WITNESS: [16:04:19] (Interpretation) I am Tagbana, Tagbana is in Katiola at
17 the centre of Côte d'Ivoire, some 45 kilometres from Bouaké.

18 PRESIDING JUDGE TARFUSSER: [16:04:38] And you are a Muslim; is that right?

19 THE WITNESS: [16:04:41] (Interpretation) I am Muslim.

20 PRESIDING JUDGE TARFUSSER: [16:04:47] Thank you. We will call you all here
21 "Mr Witness," not with your name, but just we will call you "Mr Witness," because
22 this is how we are used to do in this courtroom.

23 THE WITNESS: [16:05:04] (Interpretation) Very well, Mr President.

24 PRESIDING JUDGE TARFUSSER: [16:05:08] We know that you have requested and
25 you will obviously receive all the assistance you may require during your testimony,

Trial Hearing
WITNESS: CIV-OTP-P-0433

(Open Session)

ICC-02/11-01/15

1 breaks when you need to read something, and in any case if at any point in time you
2 have any problem or any concern, you just ask me, you tell me and we will address
3 your concerns.

4 The next thing I have to tell you is --

5 THE WITNESS: [16:05:50] (Interpretation) Very well, Mr President.

6 PRESIDING JUDGE TARFUSSER: [16:05:53] The next thing I have to tell you is
7 related to the language. You will speak in French. This trial is bilingual, English
8 and French. I'm speaking English. And therefore we need interpretation, we need
9 correct interpretation and we need also that what we are saying is correctly
10 transcribed in the record and therefore we have persons who interpret and persons
11 who write down in realtime what we are saying. Therefore, I would ask you to
12 speak slowly, like I'm speaking slowly, okay, to give the possibility of a correct
13 interpretation and writing down correctly what we are saying.

14 This will be even more important when you will be asked by some lawyer in here in
15 French language, so please speak slowly and clearly.

16 As far as your testimony is concerned, you are obviously aware that this Chamber has
17 been established to try the case of the Prosecutor against Mr Gbagbo and
18 Mr Blé Goudé and that you as a witness are called here to assist us, to assist the
19 Chamber in the search of the truth, and therefore you will be asked questions by the
20 Office of the Prosecutor, by the Legal Representative of Victims and by the two
21 different Defence teams of Mr Gbagbo and Mr Blé Goudé.

22 Your only duty is to say the truth. You are a witness of the Court, not a witness to
23 one or the other or to a third party. Is that clear?

24 THE WITNESS: [16:08:33] (Interpretation) Very clear.

25 PRESIDING JUDGE TARFUSSER: [16:08:39] So according to the law, you have to,

Trial Hearing
WITNESS: CIV-OTP-P-0433

(Open Session)

ICC-02/11-01/15

1 and as a witness to these proceedings, you have to make a solemn undertaking to the
2 effect that you will say the truth, and therefore I ask you to repeat with me the
3 following words: I solemnly declare that I will speak the truth.

4 THE WITNESS: [16:09:10] (Interpretation) I solemnly declare that I will speak the
5 truth.

6 PRESIDING JUDGE TARFUSSER: [16:09:14] The whole truth and nothing but the
7 truth.

8 THE WITNESS: [16:09:18] (Interpretation) The whole truth and nothing but the
9 truth.

10 PRESIDING JUDGE TARFUSSER: [16:09:26] I have also to inform you that giving
11 false testimony, not saying the truth, is an offence before the Court and as such can be
12 punished. Is this clear?

13 THE WITNESS: [16:09:44] (Interpretation) Very clear, Mr President.

14 PRESIDING JUDGE TARFUSSER: [16:09:47] So the recommendation in order to
15 make our lives easier and to accelerate your testimony is to respond clear and briefly
16 but completely to the questions, and I think we can go through it very well.

17 So this would conclude, it concludes the hearing of today, I think. There is nothing
18 else to discuss any more. Tomorrow morning, 9 o'clock, I will immediately give the
19 floor to the Office of the Prosecutor in order to start with the questions.

20 THE WITNESS: [16:10:49] (Interpretation) Very well, Mr President.

21 PRESIDING JUDGE TARFUSSER: [16:10:51] Thank you very much. Please now --

22 THE WITNESS: [16:10:55] (Interpretation) Thank you.

23 PRESIDING JUDGE TARFUSSER: [16:10:57] -- the witness can be brought out.

24 (The witness stands down)

25 PRESIDING JUDGE TARFUSSER: [16:11:19] I have seen Maître Altit wanting to say

Trial Hearing
WITNESS: CIV-OTP-P-0433

(Private Session)

ICC-02/11-01/15

1 something, and he has the floor.

2 MR ALTIT: [16:11:28] (Interpretation) Thank you, Mr President. Very briefly,
3 Madam Naouri will be examining this witness on behalf of the Defence team for
4 Laurent Gbagbo, but she would like to address the Chamber very, very briefly on the
5 manner in which she intends to conduct the examination in order to gain time,
6 particularly in relation to the issue of closed sessions.

7 PRESIDING JUDGE TARFUSSER: [16:11:54] I was going to say but she's not here,
8 but she is. Okay.

9 MS NAOURI: [16:11:59] (Interpretation) Good afternoon, Mr President.

10 PRESIDING JUDGE TARFUSSER: [16:12:04] She appears after having worked hard
11 in the back stage, as I can realise by looking at the filings and the emails. You have
12 the floor.

13 MS NAOURI: [16:12:15] (Interpretation) Thank you, Mr President. What we
14 would like to deal with briefly is something that should be addressed in private
15 session. Can we therefore move into private session, Mr President. Private session.

16 PRESIDING JUDGE TARFUSSER: [16:12:36] We can move into private session.
17 Please, let's go into private session.

18 (Private session at 4.12 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0433

(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 (Redacted)
- 24 (Redacted)
- 25 (The hearing ends in private session at 4.15 p.m.)