

Trial Hearing
WITNESS: CIV-OTP-P-0449

(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 Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing - Courtroom 1
9 Tuesday, 23 May 2017
10 (The hearing starts in open session at 9.05 a.m.)
11 THE COURT USHER: [9:05:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:05:31] Good morning. Good morning to
15 everybody.
16 Good morning, Mr Witness.
17 I see Mr O'Shea already on his feet. This is, I don't know if it's good news or bad news,
18 but it is in any case good news.
19 MR O'SHEA: [9:05:48] Well, it's bad news, but not for your Honours' trial.
20 Your Honours may be aware that last night as these proceedings were drawing to a close,
21 there was a music concert in Manchester in the United Kingdom and 19 young people
22 died including children, so I'd like to request, if I may, a minute silence if it doesn't
23 interrupt with the schedule of the Court.
24 PRESIDING JUDGE TARFUSSER: [9:06:15] No, of course it doesn't interrupt with the
25 schedule of the Court. I think it's -- so let's do this minute of silence to think about these

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1 young people who died.

2 (Pause in proceedings)

3 PRESIDING JUDGE TARFUSSER: [9:07:21] Thank you, and thank you, Mr O'Shea, for
4 this initiative.

5 Now it's hard work to go back to, to duty, to daily duty, but that's what we have to do.

6 And it's for Maître Gbougnon, I think, to continue with the questioning of the witness.

7 Mr Witness, you're fine, you're okay?

8 WITNESS: CIV-OTP-P-0449 (On former oath)

9 (The witness speaks French)

10 THE WITNESS: [9:08:01] (Interpretation) Yes, Mr President.

11 PRESIDING JUDGE TARFUSSER: [9:08:03] Okay.

12 Maître Gbougnon, I give you the floor. What was that?

13 Maître Gbougnon, the floor is yours.

14 MR GBOUGNON: [9:08:28] (Interpretation) Good morning, Mr President. Good
15 morning, ladies and gentlemen of the Court.

16 QUESTIONED BY MR GBOUGNON: (Continuing) (Interpretation)

17 Q. [9:08:35] Good morning, Mr Witness.

18 A. [9:08:39] Good morning, Counsel.

19 Q. [9:08:40] I hope that you spent a restful night. I shall be attempting to be as brief
20 as possible in an attempt to shed light on matters so that you can go back home to our
21 country as soon as possible.

22 A. [9:09:06] I hope so.

23 Q. [9:09:21] Mr Witness, yesterday when we parted company, we were addressing the
24 issue of weapons and, Mr Witness, if at any moment you feel that you need for us to move
25 into private session, please do not hesitate to request this of the Chamber.

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1 A. [9:09:51] I have understood.

2 Q. [9:10:12] Yesterday you mentioned Mr Maguy le Tocard; do you remember that?

3 A. [9:10:17] Yes, Counsel.

4 Q. [9:10:24] You said that he was training at the CP1 square; is that correct?

5 A. [9:10:35] I said that he was at the Sicogi, he wasn't involved in training, he was
6 with the Sicogi.

7 Q. [9:10:45] You also mentioned the fact that he and the people in whose company he
8 was were armed; is that correct?

9 A. [9:10:58] Yes, sir.

10 Q. [9:11:06] Do you know, if you know, do you know where Mr Maguy le Tocard had
11 got those weapons from?

12 A. [9:11:25] According to the information gleaned from the various comrades, it is
13 possible that Maguy le Tocard obtained those weapons from the mosque in Port Bouët II.

14 Q. [9:11:43] And still according to the information you gleaned, late -- or, the late
15 Maguy le Tocard would have allegedly obtained said weapons at what moment in time?

16 A. [9:12:04] After we had set up the roadblocks -- or, rather, after I had set up the
17 roadblocks.

18 Q. [9:12:22] The movements that you belonged to, did they have any link whatsoever
19 with the late Maguy le Tocard?

20 A. [9:12:38] Counsel, Maguy le Tocard could not have been a member of the
21 movements that we belonged to because the movements we belonged to were not
22 supposed to bear any weapons. The only weapon that we were supposed to use was our
23 voice, our hands and our wish to defend our country.

24 Q. [9:13:02] Thank you, Mr Witness.

25 I am going to attempt to hark back to the day of 25 February 2011 and you are going to

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1 attempt, inasmuch as is possible, to remember that day. On 25 February 2011, this is the
2 date at which Mr Charles Blé Goudé allegedly held a meeting at Le Baron bar in which
3 you were in attendance. Questions were put to you on this subject; is this correct?

4 A. [9:14:02] Yes, Counsel.

5 Q. [9:14:03] You -- I apologise. You arrived at that location, the location of the
6 meeting, at what time, if you recall?

7 A. [9:14:15] Nine or 9.30.

8 Q. [9:14:24] According to what you recall, that date of 25 February 2011, you say that
9 the meeting commenced at approximately 11 o'clock. Do you recall any incident
10 whatsoever that may have occurred before the meeting commenced?

11 A. [9:14:51] Yes, I do believe that it was within the blind's institution, the blind
12 people's institution. There was a group of young people who came and told us that a
13 bus had been burnt, had been burnt down. Bus number 85 I believe was burnt outside
14 the blind people's institute, and then those people were driven away and they came to join
15 us at Le Baron bar.

16 Q. [9:15:28] So if I understand you correctly, the meeting at the Baron Bar held by
17 Mr Blé Goudé had not yet commenced at that hour; is that correct?

18 A. [9:15:41] Yes, I believe that is correct.

19 Q. [9:15:46] According to the information that you gleaned at that moment in time, I
20 understand that you were already at the meeting at the Baron Bar when the young people
21 came to inform you of what had happened; namely, that the bus had been set alight. I
22 know that you were not at the location where the bus was set alight but, according to
23 what you were told, who were the alleged perpetrators of said incident?

24 A. [9:16:31] I would not be in a position to tell you who was responsible for that
25 incident. All I know is that the bus was set alight and that the students came to tell us.

1 Q. [9:16:45] Thank you, Mr Witness.

2 And on that day, on 25 February 2011, you say that you were there at *9.30, 10 and the
3 meeting had not yet commenced at that hour. What time was the meeting due to
4 commence?

5 A. [9:17:09] The meeting was due to commence at 10 o'clock, I believe.

6 Q. [9:17:14] I'm putting this question to you on purpose because generally speaking in
7 Côte d'Ivoire, in Africa, when we say a meeting is due to commence at 10 or 11, *it does
8 take place... generally speaking. You said that you attended almost all of Charles Blé
9 Goudé's rallies. Did those rallies generally actually take place at the stated time?

10 A. [9:17:41] Well, on occasion they take place an hour late so that the room can fill up
11 to capacity.

12 Q. [9:18:06] And on that day, when the young students came to tell you that the bus
13 that they were travelling on, bus number 85, had been targeted, what did you glean in
14 terms of information subsequently and what did those young people do?

15 A. [9:18:34] Those young people came to seek reassurance from General
16 Charles Blé Goudé with regard to their conduct. Some people came to seek advice with
17 regard to how they should behave and others, I believe, decided to go home.

18 Q. [9:19:05] And yesterday you said that that meeting finished at approximately 1
19 p.m.; is that correct?

20 A. [9:19:12] Yes, I do believe so.

21 Q. [9:19:17] After that meeting, did you go to the square on that day at -- to the CP1
22 square on that day when the meeting ended at 1 p.m.?

23 A. [9:19:32] No. When the meeting ended, everyone went home. As I was in
24 Niangon, I went via Saint-André in order to take a vehicle.

25 Q. [9:19:50] And so at approximately 1 p.m. or after 1 p.m. you went to Saint-André

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1 and you took your vehicle with a view to going to Niangon; is that correct?

2 A. [9:20:08] Well, when we left, the students attacked the gbaka. The gbakas are
3 those small 18 to 32 seater minibuses, and the students took it out on the driver, saying
4 that they had not been able to go to school, and so they stopped the gbakas from driving
5 around on that day as well.

6 Q. [9:20:45] But you didn't see that with your very own eyes, did you?

7 A. [9:20:48] No.

8 MR MACDONALD: [9:20:52] The question is who, who are they in the facts, who are
9 we talking, these youths who didn't go to school or university that attacked the gbaka?
10 It's not on the record, it's not clear, because before we're talking to a --

11 PRESIDING JUDGE TARFUSSER: [9:21:09] The question is only who are these people
12 who attacked, just to have the subject.

13 MR GBOUGNON: [9:21:38] (Interpretation) Mr President, I'm reading back through
14 the transcript but I do not understand the complaint on the part of the Prosecution. I
15 obtained an answer --

16 PRESIDING JUDGE TARFUSSER: [9:21:46] Can we just ask who are those people,
17 those young people. Instead of making polemics, just ask the witness.

18 Mr Witness, who are you talking about? "When we left, the students attacked the
19 gbakas. Those are small 18- to 30-seater minibuses, and the students took --" which
20 students are you talking about?

21 THE WITNESS: [9:22:25](Interpretation) I was talking about the students whose bus had
22 been set alight.

23 PRESIDING JUDGE TARFUSSER: [9:23:12] Mr Prosecutor.

24 MR MACDONALD: [9:23:17] I think it's clear that we're referring to people that were
25 at the meeting.

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- 1 PRESIDING JUDGE TARFUSSER: [9:23:22] I think so as well, yes.
- 2 MR MACDONALD: [9:23:24] Yes.
- 3 PRESIDING JUDGE TARFUSSER: [9:23:25] Yes.
- 4 MR MACDONALD: [9:23:25] And also I want to clarify another thing, your Honour.
- 5 Maybe that could be clarified because --
- 6 MR GBOUGNON: [9:23:33] Monsieur le Président.
- 7 MR MACDONALD: [9:23:37] No, I'm not finished.
- 8 PRESIDING JUDGE TARFUSSER: [9:23:39] Mr Prosecutor, please.
- 9 MR MACDONALD: [9:23:42] Yes, your Honour. One thing also that should be
- 10 clarified, because my colleague is suggesting certain things and he's not using the words
- 11 of the witness. We understand it's a bus 85 that would have been burnt and not 85
- 12 people that were in that bus, if I read the French transcript correctly.
- 13 PRESIDING JUDGE TARFUSSER: [9:24:00] But we -- the thing is that we should just
- 14 ask the witness and not interpret the transcript. We know that the transcript not always
- 15 is good enough. So we just, we think, should ask the witness to clarify if there is
- 16 something to be clarified.
- 17 Maître Gbougnon.
- 18 MR GBOUGNON: [9:24:29] (Interpretation) Mr President, since yesterday, and I'm
- 19 going to stop there, because this is the second time since yesterday the Prosecution has
- 20 been telling me how I should be leading my examination. I didn't want to react
- 21 yesterday because I thought it was superfluous, but this morning I did lay a foundation in
- 22 terms of context to the witness, and he gave me the context. I put a question to him, and
- 23 I'm following a certain process. If the witness says things that I seek clarification on, I
- 24 can do so, but people can't get to their feet and say, just as the Prosecution has, that the
- 25 young people came from the meeting. He never said that. This is just one page of the

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1 transcript where the Prosecution read -- well, you know, tell me or show me that one page
2 of the transcript where that is written.

3 PRESIDING JUDGE TARFUSSER: [9:25:44] I would ask you to continue the
4 questioning and then would ask the Prosecutor to keep his questions, supplementary
5 questions, for re-questioning if there is clarification needed. I think this is the way we
6 should proceed and not to ask clarification within the questioning of one of the two
7 parties. So please go ahead with your questioning, please.

8 MR GBOUGNON: [9:26:25] (Interpretation) Thank you, Mr President.

9 Q. [9:26:32] Mr Witness, my last question just now was as to whether you were able to
10 see the perpetrators of the attack, those people who allegedly attacked the gbaka, and you
11 said no; is that correct?

12 A. [9:26:51] That is correct.

13 Q. [9:26:57] You didn't see anything because you were still at the meeting; is that
14 correct?

15 A. [9:27:01] Yes, Counsel.

16 Q. [9:27:34] Yesterday, you made mention of the former spokesperson,
17 Mr Babri Gouhourou. *I'm referring to page 96 of the transcript, the spokesperson of the
18 Ivorian army. Do you recall that?

19 A. [9:27:50] Yes, Counsel.

20 Q. [9:27:57] The Prosecution read to you your statement, CIV-OTP-0063-1464, at
21 page 146 -- no 78, 1478, and I'm going to be reading another page from that same
22 statement to you. So I shall be reading page 1478 of the same statement, from
23 lines 506 to 509. Interpreters, it is CIV-OTP-0063-1464 and it's page 1478.

24 "Interviewer 1: Gouhourou who is dead, who is deceased.

25 Interviewee: He was a senior-ranked person from the army who even came to

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1 Locodjoro. It was in the bombing of Locodjoro that he died, it is said, because there were
2 many young people who went there to take up arms."

3 And so, Mr Witness, you allegedly came into the information that Mr Babri Gouhourou
4 allegedly died during the bombings in Locodjoro; is that correct?

5 A. [9:30:48] Yes, Counsel.

6 Q. [9:30:55] I'd like to show a document to you. Mr Witness, now, this is about the
7 document. Now, the people who mentioned this about the weapons, these people who
8 told you that Colonel Babri Gouhourou apparently died at that place; isn't that so?

9 A. [9:31:39] No, no, no, *they did not talk about the handing out of weapons. I said
10 that some friends went to look for weapons for self defence. They went to ask... it was
11 as if they were forcefully asking. They went to see and they found... they said that they
12 found Mr Babri there. So it's possible that he may have died there

13 Q. [9:32:01] Mr Witness, I'd now like to show you a document, CIV-D25-037-0001,
14 0037-0001.

15 MR MACDONALD: [9:33:41] I would --

16 PRESIDING JUDGE TARFUSSER: [9:33:42] Mr MacDonald.

17 MR MACDONALD: [9:33:43] If we can remove the document, your Honour, before
18 the witness can see it because if it is for a date, there's no problem.

19 PRESIDING JUDGE TARFUSSER: [9:33:50] Yes, but I don't understand. I don't
20 understand; we don't know. We are suggesting something. I don't know what it is about.

21 MR MACDONALD: [9:33:57] Your Honours, look at the document. It is a media
22 article.

23 PRESIDING JUDGE TARFUSSER: [9:34:01] Yes, and then?

24 MR MACDONALD: [9:34:03] Which has no probative value in and of itself.

25 PRESIDING JUDGE TARFUSSER: [9:34:07] But we do know what probative value to

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1 give to the documents.

2 Mr Gbougnon.

3 MR GBOUGNON: [9:34:29] (Interpretation) Now, I don't have the document,
4 your Honour.

5 Q. [9:34:51] Witness, can you see the document?

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

7 Q. [9:34:58] I'll give you a moment or two to read the document.

8 Have you read it?

9 A. [9:36:50] Yes.

10 Q. [9:36:52] I'll read out for the purposes of the case record. Second paragraph, from
11 the -- quote:

12 The police officer did not say whether he -- well, he did not know which part -- correction,
13 the police officer did not say whether the bullet was shot directly into the -- at the person
14 from in front or behind, but the description of the exterior examination of the body, it
15 appears clearly that Colonel Major Gouhourou was hit by a bullet and the bullet was shot
16 into his back.

17 PRESIDING JUDGE TARFUSSER: [9:38:04] Just for the record, we are -- the quotation
18 is from a website from a newspaper, web newspaper, okay, and you're quoting the
19 newspaper, the journalist who has written this piece. Yes, thank you.

20 MR GBOUGNON: [9:38:28] (Interpretation) Thank you, your Honour.

21 Q. [9:38:29] Mr Witness, now, Mr Witness, after or -- well, before or during the crisis,
22 did you hear or did you ever receive any other information about the death of
23 Babri Gouhourou, a former army spokesperson?

24 A. [9:39:09] Could you repeat your question?

25 Q. [9:39:12] Now, you have said that some of your friends apparently told you some

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1 things about the death of Babri Gouhourou. Now, I'm --

2 MR GARCIA: [9:39:29] I'm sorry, your Honour, just so I don't -- I don't want things to
3 be conflated in the end, but I just want it to be clear what transcript, what reference
4 Defence counsel is referring to because we have been going around for this subject for a
5 while and --

6 PRESIDING JUDGE TARFUSSER: Yes.

7 MR GARCIA: -- for my part, things are becoming a bit confusing --

8 PRESIDING JUDGE TARFUSSER: [9:39:43] No, no --

9 MR GARCIA: -- at this point.

10 PRESIDING JUDGE TARFUSSER: That's enough. Give, please, the reference when you
11 say, "You have said that," "some of your friends," et cetera.

12 MR GBOUGNON: [9:40:01] (Interpretation) Your Honour, a few moments ago I read
13 out something from CIV-D25-0063-1463 at page --

14 THE INTERPRETER: [9:40:21] Interpreter correction: Reference was
15 CIV-OTP-0063-1464.

16 PRESIDING JUDGE TARFUSSER: [9:40:27] The reference is at page 11, line 9: "I said
17 that some friends went and they asked," so this probably is the reference, and I refer to the
18 English transcript, real-time transcript.

19 But I would ask also the OTP not to jump up all the time also if it's really not needed.
20 Thank you.

21 Please go ahead, Maître Gbougnon.

22 MR GBOUGNON: [9:41:12] (Interpretation)

23 Q. [9:41:13] Now, Mr Witness, in relation to what you told the investigators -- well,
24 you said that you had learned from your friends, you had learned from your friends, and
25 I just showed you a media report, a media report that says something completely different,

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1 completely different to what your friends told you about the same person. So my
2 question is this: After the crisis or during the crisis, did you receive information, any
3 different information to the information provided to you by your friends?

4 A. [9:42:09] Yes, Counsel.

5 Q. [9:42:12] Thank you, Mr Witness.

6 PRESIDING JUDGE TARFUSSER: [9:42:14] Well, and which is this different
7 information?

8 THE WITNESS: [9:42:27] (Interpretation) The information was different. After, on the
9 5th, we went, some people in Cocody, we were around Blockhaus and other friends said
10 that Mr Gouhourou Babri died, and I do know that it would have been between the 3rd
11 and the 4th; between the 3rd and the 4th, that is when he died. Other people said it was
12 at the residence. Other people said other things, but, indeed, yes, it was -- there was
13 mention made of his death.

14 PRESIDING JUDGE TARFUSSER: [9:43:11] Maître Gbougnon.

15 MR GBOUGNON: [9:43:18] (Interpretation)

16 Q. [9:43:19] Mr Witness, I do have one question that skipped my mind. Now, you
17 said on the 25th, after the gathering at Le Baron bar, you said that after that there weren't
18 any -- *you did not have any other rally at the CP1 square. Correct?

19 A. [9:43:34] The same day we did not have another meeting or gathering at CP1
20 square.

21 Q. [9:43:43] Thank you, Mr Witness.

22 MR GBOUGNON: [9:44:00] (Interpretation) Your Honour, I have concluded my
23 questioning of the witness.

24 PRESIDING JUDGE TARFUSSER: [9:44:04] Thank you very much.

25 Mr Knoops.

- 1 MR KNOOPS: [9:44:08] Mr President, Mr N'Dry has some few additional questions.
- 2 PRESIDING JUDGE TARFUSSER: [9:44:11] Okay.
- 3 Maître N'Dry.
- 4 QUESTIONED BY MR N'DRY:
- 5 Q. [9:44:33] Good morning, Mr Witness.
- 6 A. [9:44:34] Good morning, Counsel.
- 7 Q. [9:44:35] I am Claver N'Dry, co-counsel and a member of the Charles Blé Goudé
- 8 team. I'll be asking you just a few questions just to clear up a few things.
- 9 A. [9:44:50] Very well.
- 10 Q. [9:44:51] Now, yesterday the Prosecution played some video footage for you and
- 11 showed you some screenshots, and I won't really go back to all of that, some images of
- 12 people who were in the company of Mr Blé Goudé. And you mentioned Navigué,
- 13 Augustin, and I just want us to be crystal clear. Now, could you tell us the ethnic origin,
- 14 or at least the regional origin of Mr Konaté Navigué?
- 15 A. [9:45:28] I think that he was from the north. He actually was a candidate in his
- 16 electoral district this year. He ran for election to become a member of parliament.
- 17 Q. [9:45:43] Very well. Could you also specify, please, the regional affiliation of
- 18 Mr Idris Ouattara?
- 19 A. [9:45:57] Idris Ouattara, his movement, I think it was called la Voix du Nord. So
- 20 you see, he comes from the north, from Odienné, I think, Odienné or from the -- well, the
- 21 same region as the current president of Côte d'Ivoire.
- 22 Q. [9:46:16] Very well. You also spoke about Bamba, who also belonged to
- 23 UE-COJEP? UE-COJEP.
- 24 A. [9:46:32] No, Abou Bamba was not part of the UE-COJEP, he was the president of
- 25 the Generation Blé Goudé movement. He is from Bondoukou, I think, north-eastern part

1 of Côte d'Ivoire.

2 Q. [9:46:55] Very well. Mr Witness, now, just -- I just want to elicit specific
3 information from you. And this morning I think you stressed this point when you
4 mentioned the late Maguy le Tocard, you mentioned resistance on the -- and -- resistance
5 barehanded, barehanded resistance. Who was behind that philosophy?

6 A. [9:47:30] General Charles Blé Goudé, he was the one who advocated that philosophy.

7 Q. [9:47:41] Now, to your mind - you were often at these gatherings, these
8 rallies - what did this ideology include? How did -- did it take practical form during the
9 crisis that our country went through?

10 A. [9:48:09] Well, *according to me, this expression meant -- well, it was a reference to
11 dialogue, bringing people together, allowing them to understand that *a man's strength
12 lies in his words and speech -- well, a man derived his strength from his words. President
13 Blé Goudé used his oratory skills as a speaker to convince even the most skeptical people
14 -- even people who were on the outs with him or opposed to him or who did not see or
15 did not share his vision. His message was that *all people who had weapons were not
16 with us. *I mean all those who had firearms, of course. The only weapons that we had to
17 whip up the crowds were our eloquence, our speech and our determination.

18 Q. [9:49:19] Now, in practical terms, did Mr Charles Blé Goudé use this ideology in
19 his dealings with those who were attacking Côte d'Ivoire? I'll be quite practical, I mean
20 the rebels, Mr Wattao and others. Do you remember what Mr Charles Blé Goudé did in
21 relation to approach, the -- this ideology he was advocating when dealing with his
22 brothers on the other side?

23 A. [9:50:04] Thank you very much, Counsel. I would like to say that President
24 Charles Blé Goudé was active at many levels, working through this dialogue. We had the
25 café de Versailles agreement, and after, because of a problem with enlistment, and the

1 audiences foraines. There was a lot of talking, a lot of dialogue with the young people, and
2 Blé Goudé was -- President Blé Goudé was able to convince young people, even young
3 people belonging to the opposition, to engage in dialogue and to end the fighting. What is
4 more, in 2007 we had the peace flame. We went to Bouaké, and there in Bouaké he tried to
5 convince colonel or com-zone Wattao and *the general -- well, I won't name -- the general,
6 *in any event General Soro Guillaume, or rather -- well, the current speaker of the national
7 assembly, Mr Soro Guillaume, to come to his village and take part, along with all the new
8 forces, with a delegation from the new forces, to come to his village to organise a match,
9 and even I think there was talk about him staying the night at Wattao's home, and so on
10 and so forth. So there were multiple attempts to convince people to engage in dialogue.

11 Q. [9:51:42] Very well. Mr Witness, now, you say that you attended various rallies
12 organised by Mr Charles Blé Goudé. Did you ever hear him call upon his audience to
13 attack people from the north of Côte d'Ivoire? Did you ever hear him say such a thing or
14 to attack foreigners?

15 A. [9:52:27] Côte d'Ivoire is a hybrid nation and everyone has a link of some kind
16 with someone from the north. So Mr Charles Blé Goudé had as president in Abou
17 Bamba, president of the generation Blé Goudé, so he could not ask people to attack the
18 people from the north; otherwise, he wouldn't have been with those people. What is
19 more, the idea of attacking, attacking foreigners -- well, you must realise, sir, that in
20 Côte d'Ivoire nearly every family has a foreigner who is part of the family by marriage, so
21 it would be asking people to attack a family member.

22 Q. [9:53:35] Very well. I wanted to conclude with two points. Now, yesterday you
23 mentioned -- I won't really return to the issue because we've seen the footage. You've
24 mentioned the Versailles agreements. I don't think we need to play the footage again,
25 but in any event, could we talk for a few moments about 25 February 2011. On that date,

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1 you said -- well, yesterday you said the people of Abobo fled the neighbourhood; isn't that
2 right, 25 February 2011? Yesterday you mentioned the exodus of people from Abobo; do
3 you remember that?

4 A. [9:54:38] No, Counsel.

5 Q. [9:54:40] No?

6 A. [9:54:41] No.

7 Q. [9:54:48] Very well. Yesterday, you talked about the attack upon the city after the
8 last rally at the Place de la République. We are going to show you something now, sir.
9 CIV-D25-0037-0002. This is item 113 on our list. Transcript CIV -- just a moment,
10 Mr Witness, if you will. We do not need the transcript. I think the Registry seems a bit
11 surprised. In any event, CIV-D25-0037-0002, number 113 on our list. And I see
12 Mr MacDonald is on his feet.

13 MR MACDONALD: [9:56:28] We will have the same --

14 PRESIDING JUDGE TARFUSSER: [9:56:29] Mr MacDonald.

15 MR MACDONALD: [9:56:30] We will have the same objection, your Honour, I can see
16 the document already on our own internal database -- Ringtail, sorry. It will show, and
17 we'd like to have some details on the record to be made clear as to the source, date and so
18 on. It's -- that's -- we object, your Honour.

19 PRESIDING JUDGE TARFUSSER: [9:56:55] You object because it's a newspaper.

20 MR MACDONALD: [9:56:58] I don't know what it is.

21 PRESIDING JUDGE TARFUSSER: [9:56:59] (Overlapping speakers)

22 MR MACDONALD: [9:57:00] We'll see. I don't know where it comes from. I have
23 no idea. On its face, there is nothing.

24 PRESIDING JUDGE TARFUSSER: [9:57:08] We will hear what it is. I think the
25 Defence will enlighten us on this, but I do not see the document yet, so I don't know.

1 Now, okay.

2 MR N'DRY: Mr. Witness --

3 PRESIDING JUDGE TARFUSSER: [9:57:48] Maître N'Dry, can you please tell us what
4 this is?

5 MR N'DRY: [9:57:54] (Interpretation) Your Honour, your Honour, the witness spoke
6 about an attack of the rebel forces, the pro-Ouattara forces, just after the rally of
7 Mr Charles Blé Goudé, and the witness put a date to that yesterday, 26 and 27 March 2011.
8 Here we see a newspaper article that does mention the pro-Ouattara offensive exactly the
9 following day, the day right after that rally. What I want to show the witness is -- well,
10 not only to read the article and confirm or not confirm the -- or, deny the rally, but also to
11 tell us about the content of this article.

12 PRESIDING JUDGE TARFUSSER: [9:58:57] Yes, I would just like to know what article
13 is it, what newspaper, because I can't see anything except the title and the -- I don't know
14 what this -- what newspaper is it? I mean, this could have been written by anybody.
15 Yes, but I can't see it. *Okay. Le Parisien.

16 MR N'DRY: [9:59:27] (Interpretation) *Yes.

17 PRESIDING JUDGE TARFUSSER: [9:59:29] *Yes. Now I can see it.

18 MR GARCIA: [9:59:32] We need to know, actually, your Honour, the reference. I
19 understand that Maître N'Dry is probably paraphrasing the witness, and I'm looking at
20 yesterday's transcript, and it is just the way that it is phrased in the question by Maître
21 N'Dry. I'm just wondering exactly where this information comes from. I'm reading the
22 transcript and that's not exactly what the witness stated. I'll leave it up to Maître N'Dry.
23 And that's at page 80, I believe, where the witness is speaking about it, lines 18 and
24 following. So I'm not sure in response to what exactly we're showing this newspaper
25 article to the witness. And at the end, your Honour, it is a bit argumentative if the

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1 witness has given information already and then you're putting a document to try to
2 get -- (Overlapping speakers)

3 PRESIDING JUDGE TARFUSSER: [10:00:14] No, it is not a document, it is a
4 newspaper.

5 MR GARCIA: [10:00:16] Or a newspaper, your Honour. It is argumentative if you're
6 trying to have the witness change his testimony.

7 PRESIDING JUDGE TARFUSSER: [10:00:23] Now, it is not trying to have -- it is
8 confronting him with another version of it and whatever is the uses of this exercise.
9 Please go ahead.

10 MR N'DRY: (Interpretation) Mr President, it is precisely what you have just said.
11 That is what I'm attempting to obtain from the witness.

12 Q. [10:00:48] Mr Witness, when you speak of an offensive just after the last rally at the
13 Place de la République held by Mr Charles Blé Goudé, the rally occurred on the 26th and
14 you stayed there until the 27th. Here, we have an article talking about the pro-Ouattara
15 offensive set off from the date of the 28th. Does this article have anything to do with
16 what you claimed before this very Chamber, the attacks that you mentioned?

17 A. [10:01:21] That is correct.

18 Q. [10:01:35] Mr Witness, were you part of the population at the time?

19 A. [10:01:44] Yes.

20 Q. [10:01:45] *Those attacks, did you read -- well, you've read the article, haven't you?
21 We're talking here about attacks from Duékoué, Daloa and *in the East front.

22 *Since you were in Côte d'Ivoire, what can you tell this court about the effects on yourself
23 principally and also mainly on the environment that you lived in?

24 We don't want to be speculative here; I want things in concrete terms.

25 How did the Ivorian population react, mainly in Abidjan? I'm talking about you and the

1 environment in which you lived.

2 How did this manifest itself, in concrete terms?

3 A. [10:02:51] Well, in Abidjan there was a psychosis. Everyone was coming to
4 Abidjan, everyone from *within the country came to Abidjan. And, well, with regards to
5 Duékoué, I told you that my village was located between Daloa and Duékoué. So when
6 Duékoué was taken, when you go Daloa, you go via Guessabo, which is my village. So I
7 *say to you my village came under attack. It was looted and burnt down, and the *scars
8 are still there, people are still there. In San-Pedro, my father, my family, resides there.
9 My father was obliged to flee and go back to Liberia, just simply because his son belonged
10 to a movement, because his son belonged to a movement, a pro-Gbagbo movement. So it
11 really was a situation of panic and psychosis everywhere in Abidjan. Everybody was
12 seeking a way of protecting themselves, like these people who came there were doing.
13 We were constantly getting new information.

14 Q. [10:04:18] Just to be clear, when you talk about looting, you talk about these
15 pro-Ouattara forces who were going to Abidjan; is that right, your village was looted?

16 A. [10:04:28] Yes, sir.

17 Q. [10:04:29] Mr Witness, I'd like to thank you.

18 And I believe that with the leave of lead counsel of the Defence team for

19 Mr Charles Blé Goudé, I believe we have finished our questioning of the witness.

20 PRESIDING JUDGE TARFUSSER: [10:04:44] Thank you to the Defence team of

21 Mr Blé Goudé, and now I go over to the Defence team of Mr Gbagbo. And Mr Altit.

22 MR ALTIT: [10:04:59] Thank you, Mr President. Mr President, ladies and gentleman
23 of the Court, Mr O'Shea will be leading the examination of this witness on the part or on
24 behalf of the Defence team for Mr Gbagbo.

25 PRESIDING JUDGE TARFUSSER: [10:05:11] Thank you, Mr Altit.

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1 Mr O'Shea.

2 MR O'SHEA: [10:05:18] Your Honours, thank you.

3 QUESTIONED BY MR O'SHEA:

4 Q. Mr Gorehi, I'm Andreas O'Shea and I represent Laurent Gbagbo. Now, before you
5 had your recorded interviews with the Office of the Prosecutor, did you have any
6 preliminary meetings with the Office of the Prosecutor prior to that?

7 A. [10:06:09] No.

8 Q. [10:06:13] And how were you put in contact with the Prosecution of the
9 International Criminal Court?

10 A. [10:06:32] If you see my transcript, I even asked how things unfolded. One day I was at
11 home, I was in service, and a gentleman called me saying that he was – (Redacted)(Redacted)
12 He wanted to me meet me, and as I had nothing to fear, I went to see him. He introduced
13 himself as an investigator from the ICC. And I asked him who gave him my number. He
14 said -- well, he wouldn't give me that information. He would not give me the name of his
15 informants. It's even contained in the transcript. So I said, all right, I'll listen to what you
16 have to say, and that is how on that very same day he started putting questions to me. And I
17 said to him, and I really want to say this here once again, that *my friends do not believe you,
18 and by you I mean the International Criminal Court. That my friends did not believe in you,
19 but I played the innocent naïve person -- I believe in justice and fairness in justice. For that
20 reason, I am going to submit myself to your questioning for justice to be done. Thank you.

21 Q. [10:07:56] Did the investigator or other investigators indicate to you that you might
22 be suspected of committing crimes yourself?

23 A. [10:08:26] No.

24 Q. [10:08:29] Were you given any kind of assurances before you gave your story to
25 the investigators?

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1 A. [10:09:05] Thank you, Counsel. I believe that he quite simply said to me that my
2 statement would be confidential and that I should just say what I had experienced, and
3 they would transcribe it. That's what I did. In the month of February last, I was
4 contacted by the same individuals, the investigators, and they once again came and -- via
5 the duty counsel here. I was told that if ever there was something compromising for me,
6 she would be here to defend me, and if ever there was an issue of self-incrimination, she
7 would apply the procedure. And that is what happened.

8 Q. [10:10:17] Apart from the investigators, once you'd met with the investigators, or
9 before you met with the investigators, did anyone else other than those working for the
10 International Criminal Court come and talk to you about your testimony before the Court
11 or before the investigators?

12 A. [10:11:05] No.

13 Q. [10:11:06] And were you at any stage given any assurances that you would not be
14 prosecuted?

15 A. [10:11:34] Yes.

16 Q. [10:11:34] Who gave you that assurance?

17 A. [10:11:48] The investigator.

18 Q. [10:12:10] Did you by any chance ask the investigator to put that into writing?

19 A. [10:12:30] No, Counsel.

20 PRESIDING JUDGE TARFUSSER: [10:12:41] Yes, Mister --

21 MR O'SHEA: [10:12:43] Consider whether you should be in private session because I
22 don't know what my learned friend is going to say.

23 MR MACDONALD: [10:12:49] Your Honour.

24 PRESIDING JUDGE TARFUSSER: [10:12:49] Yes.

25 MR MACDONALD: [10:12:50] Again, I understand -- I think we're -- this is not the

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1 first time Mr O'Shea proceeds -- uses this procedure, which is fine, you can ask. But
2 there's a transcript. I mean, I don't know why we're playing hide and seek with the
3 witness. It's like -- it's recorded.

4 PRESIDING JUDGE TARFUSSER: [10:13:09] Yes.

5 MR MACDONALD: [10:13:12] And I think we're wasting time, just put the questions.
6 I mean --

7 PRESIDING JUDGE TARFUSSER: [10:13:16] Yes, I have, all the -- every time I have a
8 hard time to understand this line of questioning, but it's okay, please go ahead.

9 MR O'SHEA: [10:13:28] Your Honour, thank you. Could I please go into private
10 session for one moment.

11 PRESIDING JUDGE TARFUSSER: [10:13:34] Can we go into private session, please.

12 (Private session at 10.13 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).

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1 (Open session at 10.15 a.m.)

2 THE COURT OFFICER: [10:15:28] We are in open session, Mr President.

3 PRESIDING JUDGE TARFUSSER: [10:15:32] Thank you.

4 Mr O'Shea.

5 MR O'SHEA: [10:15:36]

6 Q. [10:15:44] Now, you met with Human Rights Watch and you met a gentleman by
7 the name of Mr Wells; is that correct?

8 A. [10:16:02] Yes, but it was in 2012.

9 Q. [10:16:14] And who put you in contact with Human Rights Watch?

10 A. [10:16:32] A friend, Mr Loukou from search for common ground. Mr Loukou
11 Léon put me in touch.

12 Q. [10:16:54] And did Mr Wells ask you to introduce him to other individuals and
13 victims in Ivory Coast?

14 A. [10:17:21] Yes, Counsel.

15 Q. [10:17:26] And how did you go about that process?

16 Your microphone is on, your Honour. Sorry.

17 A. [10:17:44] As we were in the year 2012, all sides were wary, so I called the victim
18 and we met in a church, and I introduced him to Matthew Wells and I left both of them
19 there.

20 Q. [10:18:18] You said that everyone was cautious during this period. Did Mr Wells
21 invite you to offer any incentives to these victims in order to meet with him?

22 A. [10:18:52] I don't really understand the question, but I believe that Mr Wells asked
23 me to set the framework. I facilitated the meeting with the witness; that's all.

24 Q. [10:19:12] And how many individuals did you personally organise in this way?

25 A. [10:19:36] I believe it is just one individual only.

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1 Q. [10:19:44] Did that person ask you whether you -- whether he would receive any
2 financial or other benefit if he spoke to Human Rights Watch?

3 A. [10:20:24] No, Counsel.

4 Q. [10:20:28] To your knowledge, were there other people, other than yourself, who
5 were used as intermediaries to locate and arrange meetings with witnesses?

6 A. [10:21:00] To my knowledge, no.

7 Q. [10:21:38] When you met with Mr Wells to convey your story, how many people
8 were present?

9 A. [10:21:57] There were two of us.

10 Q. [10:21:59] And were notes taken during those meetings?

11 A. [10:22:12] Yes.

12 Q. [10:22:15] Do you know if any recording was taken of the meetings? I mean
13 audio recording when I say that.

14 A. [10:22:33] I do not recall.

15 Q. [10:22:47] And did Mr Wells give you a copy of your interview with him?

16 A. [10:22:58] No.

17 PRESIDING JUDGE TARFUSSER: [10:23:07] Is this an investigation against Human
18 Rights Watch or -- that's my question.

19 MR O'SHEA: [10:23:19] Sorry, I was just checking if Mr Wells' testimony was in public.
20 Yes, he was a witness in this case, your Honour. What's being explored at the moment is
21 the manner in which this case is being investigated and the extent to which --

22 PRESIDING JUDGE TARFUSSER: [10:23:58] Yes, yes, I do understand.

23 MR O'SHEA: [10:24:00] Yes.

24 PRESIDING JUDGE TARFUSSER: [10:24:00] -- but this is -- but, I mean, I leave you, but
25 at some point I think we should come to the trial.

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1 MR O'SHEA: [10:24:10] This is part of the trial, as your Honours will see at the end of
2 the case. This is not the time for submissions, but --

3 PRESIDING JUDGE TARFUSSER: [10:24:17] But you --

4 MR O'SHEA: [10:24:19] Yes.

5 PRESIDING JUDGE TARFUSSER: [10:24:19] -- you may believe that we have
6 understood a lot of things, and not -- we don't have to wait until the end of the case to
7 understand.

8 MR O'SHEA: [10:24:28] No, but we have to create a record on the transcript.

9 PRESIDING JUDGE TARFUSSER: [10:24:32] Yes.

10 MR O'SHEA: [10:24:32] So that when we make our submissions, we have something to
11 refer to.

12 PRESIDING JUDGE TARFUSSER: [10:24:39] Yes.

13 MR O'SHEA: [10:24:40] Thank you, your Honour.

14 Q. [10:24:42] Now, when you met with the Office of the Prosecutor, did the Office of
15 the Prosecutor request you for any statements that you had made before to NGOs?

16 A. [10:25:09] No.

17 Q. [10:25:14] And did the Office of the Prosecutor request you for your consent to
18 obtain any prior statements which you had made to NGOs or to others?

19 A. [10:25:40] No, Counsel.

20 Q. [10:25:44] Now, tell us what you know about the attacks by the rebels at Duékoué.

21 A. [10:26:32] The rebel attack in Duékoué, is that what you're talking about, Counsel?

22 Q. [10:26:53] Indeed.

23 A. In Duékoué, according to the information received, the rebels, the Forces Nouvelles,
24 on their way down to Abidjan, at the level of Duékoué, attacked, raped and killed
25 members of the population in Duékoué.

1 Q. [10:27:20] Do you remember the information that you received in relation to the
2 numbers who were killed?

3 A. [10:27:45] I have no recollection thereof but I know that approximately 100 people
4 were killed.

5 Q. [10:28:10] And was this one attack or a series of attacks?

6 A. [10:28:24] In Duékoué, when it was taken, there was an attack, and then
7 subsequently the Nahibly camp was attacked, this is a village at the entrance to Duékoué.

8 MR MACDONALD: [10:28:39] Your Honours.

9 MR O'SHEA: [10:28:40] Really?

10 MR MACDONALD: [10:28:42] Yes, really.

11 The question here, your Honour, is I understand these events are happening in Duékoué
12 and we're not -- we're concentrating on events in Abidjan, and the witness in any event is
13 in Abidjan at the time, he's not even in that area, so it's based on, I understand, hearsay
14 which sources he's not revealing or not being asked, so --

15 PRESIDING JUDGE TARFUSSER: [10:29:08] We will ask the sources, but I think
16 he -- again, it's the questioning by the Defence and the question -- what they want to
17 question, and they receive the answer, and if the witness does not know, he's able to say,
18 "I don't know" or "I was not there" or "I heard it" or "I heard it from this or that."

19 Please, Mr O'Shea.

20 MR O'SHEA: [10:29:35] Yes, your Honour is quite right. Mr MacDonald, exercise a
21 little patience; he may hear other questions and then he can obviously ask questions
22 himself.

23 Q. [10:29:52] So when did this attack on Duékoué take place?

24 A. [10:30:07] The first attack was when Duékoué was taken, that is to say between the
25 29th, 29 March and 5 March -- no, rather, between 29 March and 5 April 2011. And then

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1 there was the attack upon the Nahibly refugee camp and that was in 2012, 2012 or 2013, I
2 do believe.

3 Q. [10:31:04] What did that second attack that you mentioned involve, as far as you
4 know?

5 A. [10:31:22] The second attack, it was an attack upon the people who had fled the
6 crisis and who had taken refuge in a camp, a camp that was under the protection of
7 ONUCI. And some people who saw that people had been supporting Gbagbo, and they
8 didn't look upon this favourably and so they went and looted the camp, torched, torched
9 it, burnt it down.

10 PRESIDING JUDGE TARFUSSER: [10:32:22] Who are "they"? You said they went,
11 torched it down. Who are "they"? Who are you referring to?

12 THE WITNESS: [10:32:34] (Interpretation) I do think it was the forces -- the New Forces
13 were there.

14 PRESIDING JUDGE TARFUSSER: [10:32:43] This is in 2012, 2013?

15 THE WITNESS: [10:32:53] (Interpretation) 2012, 2013. They were there.

16 PRESIDING JUDGE TARFUSSER: [10:32:57] And how do you know?

17 THE WITNESS: [10:33:07] (Interpretation) Well, first of all, I was in Côte d'Ivoire, and I
18 have told you earlier that my village was not far from Duékoué and Guessabo. It is
19 barely 30 kilometres distance. So people fled. And, you see, the information came out
20 gradually. I have relatives in Duékoué, and when you go past Guessabo, you go to a
21 village called Dibobli, and Dibobli is 10 to 15 kilometres from Duékoué, so the information
22 would emerge and the relatives would pass it on.

23 PRESIDING JUDGE TARFUSSER: [10:33:49] So you know it not directly but through
24 other people who directly or indirectly witnessed this event?

25 THE WITNESS: [10:34:02] (Interpretation) That's correct, your Honour.

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1 PRESIDING JUDGE TARFUSSER: [10:34:03] Mr O'Shea.

2 MR O'SHEA: [10:34:05] Thank you, your Honour.

3 Q. [10:34:06] Did you -- you say that you were living close and you had people in that
4 area. Did you have any relatives who died or were victims of these attacks?

5 A. [10:34:33] Yes, Counsel.

6 Q. [10:34:39] Would you mind saying what relationship these people were to you?

7 A. [10:34:54] My paternal uncle.

8 Q. [10:35:05] And this attack when Duékoué was taken between 29 March and 5 April,
9 did you receive information as to who the commanders were in that attack?

10 A. [10:35:35] I do believe that the commander was Fofana Losséni or something like
11 that. That's what I think.

12 Q. [10:36:05] Now, this attack on Duékoué, did it invoke any reaction on the part of
13 the youth in Ivory Coast?

14 A. [10:36:27] Yes, the Nahibly attack, in Abidjan, it led to indignation on the part of
15 the Young Patriots. As of 2010, 2011, when President Gbagbo was arrested, all the
16 pro-Gbagbo people were being hunted down, it was like a manhunt and all those who
17 belonged to Gbagbo's movement and Blé Goudé's movement, we went into hiding. We
18 had to go into hiding. And thanks to our comrade and -- for example, Djédjé, we were
19 able to go back to Abidjan and negotiate our return with Minister Ahmed Bakayoko.
20 He's the current minister of the interior, and thus, it was possible for us to come back to
21 our homes and our neighbourhoods. We went and consulted him and turned towards
22 him and the ONUCI and the various movements in 2012, 2013, and we invited a number
23 of international organisations. And we made a statement about the massacre that
24 occurred in Nahibly, at le Baron.

25 Q. [10:38:09] And coming back to Duékoué, just for the record, when you say 29

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1 March to 5 April, you're talking about 2011, aren't you?

2 A. [10:38:34] Yes, that is correct.

3 Q. [10:38:35] And you heard the Prosecutor's comment about Duékoué not being in
4 Abidjan. When these events took place in Duékoué on 29 March, was there a reaction of
5 the youth in Abidjan?

6 A. [10:39:13] I haven't understood your question.

7 Q. [10:39:15] Let me break it down. When Duékoué was attacked and taken, starting
8 on 29 March, did that news reach Abidjan?

9 A. [10:39:41] Yes, there was the television still and all of that, so the news did get to
10 Abidjan, yes.

11 Q. [10:39:45] And what, if any, was the reaction of the youth who were located in
12 Abidjan?

13 A. [10:40:04] The reaction of people in Abidjan? People were afraid. Since when
14 they took that town, they knew what had happened, if they got to Abidjan what would
15 happen. So people were concerned, worried. So the young people were trying to find
16 ways to protect themselves.

17 Q. [10:40:44] So was it in the days and weeks following 29 March that the youth,
18 through this fear, started placing obstacles to the entry to the quartiers of Abidjan?

19 MR GARCIA: [10:41:08] I'm going to object to that. That clearly calls for speculation
20 on the part of the witness.

21 PRESIDING JUDGE TARFUSSER: [10:41:13] No.

22 MR GARCIA: [10:41:15] Speculation as to what the youth might have thought or what
23 the reasons for which they put up roadblocks, your Honour. So if we read that question,
24 that's what it calls for. The witness has to be placed into what all the other youth were
25 thinking.

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- 1 PRESIDING JUDGE TARFUSSER: [10:41:25] Yes.
- 2 MR GARCIA: [10:41:26] The reason why they did certain things.
- 3 PRESIDING JUDGE TARFUSSER: [10:41:30] I have understood but I do not agree
- 4 because it is just a temporal --
- 5 MR O'SHEA: [10:41:36] It is placing it in a temporal framework.
- 6 PRESIDING JUDGE TARFUSSER: [10:41:40] A fact is placed in a temporal framework.
- 7 So was it in that time that this happened; it is not a speculation.
- 8 MR O'SHEA: [10:41:48] And of course this witness was involved in that exercise.
- 9 PRESIDING JUDGE TARFUSSER: [10:41:51] Of course, otherwise.
- 10 MR GARCIA: [10:41:53] Your Honour, if the question is --
- 11 PRESIDING JUDGE TARFUSSER: [10:41:54] No, that's it. That's it.
- 12 Please go ahead.
- 13 MR O'SHEA: [10:42:03]
- 14 Q. [10:42:03] So do you want me to repeat the question, sir?
- 15 A. [10:42:10] Yes.
- 16 Q. [10:42:11] You've explained how in Duékoué there was this -- these large numbers
- 17 of killings and pillage and burning of houses; you've explained that this news reached
- 18 Abidjan and you've explained that there was a reaction of fear. So my question to you is
- 19 that was it in the days and weeks following this event on 29 March that youth organised
- 20 themselves to block the entry into their quartier?
- 21 PRESIDING JUDGE TARFUSSER: [10:43:04] Or was it before or after?
- 22 THE WITNESS: [10:43:17] (Interpretation) First of all, as of 25 February, the young
- 23 people had already set up the various roadblocks in the various neighbourhoods in order
- 24 to protect themselves. Then, after the various towns were overrun, surtout à Duékoué,
- 25 for example, the insanity became even worse and people were more and more -- the

1 young people -- well, there were more -- *some people found that there was better -- since
2 there were more police stations, more policemen, more gendarmes, and more soldiers in
3 Abidjan, so those young people thought they had to protect themselves, and they were
4 driven by a survival instinct. Thus they went and looked for weapons in various camps,
5 police stations and gendarmerie posts. They took up arms.

6 MR O'SHEA: [10:44:28]

7 Q. [10:44:28] So can we say that this activity of blocking the entrances to the quarters
8 and surveying who was coming into the quarters intensified after 29 March? Would
9 that be a fair assessment?

10 A. [10:45:01] I entirely agree.

11 Q. [10:45:04] And in terms of these -- the nature of these obstacles to free movement,
12 were these placed at the entrances to the quarters?

13 PRESIDING JUDGE TARFUSSER: [10:45:26] Well, obstacles to free movements, roadblocks?

14 MR O'SHEA: [10:45:30] Well, I'm not going to use that word.

15 PRESIDING JUDGE TARFUSSER: [10:45:33] Yes, but --

16 MR O'SHEA: [10:45:33] Because if your Honour bears with me, I'm going to come to
17 what these actually are.

18 PRESIDING JUDGE TARFUSSER: [10:45:38] Yes, but we have to -- as we say, we try to
19 use the same words, otherwise obstacles to free movements is --

20 MR O'SHEA: [10:45:45] Well, you see there is a translation from English to French.

21 PRESIDING JUDGE TARFUSSER: [10:45:48] Yes, I do know.

22 MR O'SHEA: [10:45:50] And the word in French has a slightly stronger meaning than
23 the word in English and --

24 PRESIDING JUDGE TARFUSSER: [10:45:55] I just asked if you mean "if by."

25 MR O'SHEA: [10:45:58] Yes.

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- 1 PRESIDING JUDGE TARFUSSER: [10:45:59] "If by this you mean roadblocks."
- 2 MR O'SHEA: [10:46:01] Yes.
- 3 PRESIDING JUDGE TARFUSSER: [10:46:02] To my understanding, yes.
- 4 MR O'SHEA: [10:46:03] That's the Prosecution's terminology, but yes.
- 5 PRESIDING JUDGE TARFUSSER: [10:46:05] Yes, yes, yes.
- 6 MS VANHALLE: [10:46:08] (Interpretation) Your Honour.
- 7 PRESIDING JUDGE TARFUSSER: [10:45:59] Yes, please.
- 8 MS VANHALLE: [10:46:08] (Interpretation) The witness requires a very short break,
- 9 two minutes. I beg your pardon.
- 10 PRESIDING JUDGE TARFUSSER: [10:46:22] Let's go have the break, a little bit longer.
- 11 We go to 11.30. So we break now and we come back at 11.30 for the next session.
- 12 Thank you very much.
- 13 THE COURT USHER: [10:46:40] All rise.
- 14 (Recess taken at 10.46 a.m.)
- 15 (Upon resuming in open session at 11.32 a.m.)
- 16 THE COURT USHER: [11:32:08] All rise.
- 17 Please be seated.
- 18 PRESIDING JUDGE TARFUSSER: [11:32:33] Good morning. Good morning, once
- 19 again. The floor is immediately to Mr O'Shea, who will --
- 20 MR O'SHEA: [11:32:44] Your Honours, thank you.
- 21 PRESIDING JUDGE TARFUSSER: [11:32:45] -- more or less tell us what the outlook is in
- 22 terms of time.
- 23 MR O'SHEA: [11:32:52] The outlook, I think, is this session.
- 24 PRESIDING JUDGE TARFUSSER: [11:32:54] Okay.
- 25 MR O'SHEA: [11:32:56] Yes.

1 PRESIDING JUDGE TARFUSSER: [11:32:57] Thank you very much.

2 MR O'SHEA: [11:32:58] Okay.

3 Q. [11:33:16] So, Witness, coming back to what we were dealing with before the break,
4 resulting from the fears of the local population, attempts were made to block access into
5 the quarters. These obstacles were placed, were they, at the entrances to the various
6 quarters in Abidjan, in Yopougon?

7 A. [11:34:31] Yes, Counsel.

8 Q. [11:34:32] And the idea behind this was to prevent the infiltration of rebels into
9 these quarters?

10 A. [11:35:01] Also it was to keep or slow down their entrance into the various
11 neighbourhoods.

12 Q. [11:35:19] And you mentioned, in answering questions to the Office of the
13 Prosecutor, that individuals in uniform came to assist at one or more of these locations.
14 These individuals, these military individuals, were they local residents of the respective
15 quarters?

16 A. [11:36:10] Counsel, I did not say people wearing uniforms. I said corps habillés.
17 They were amongst the people who were at the roadblocks. When I said that, we knew
18 these people.

19 Q. [11:36:25] So these were people that you knew who lived in the locality?

20 A. [11:36:36] That is correct.

21 Q. [11:36:38] And these individuals were motivated in the same way you were; in
22 other words, they were acting of their own individual initiative to assist you?

23 MR GARCIA: [11:36:54] I object, your Honour. Once again, if we look at the question,
24 we're asking the witness to speculate as to what other individuals were motivated by.

25 PRESIDING JUDGE TARFUSSER: [11:37:05] Do you know if they were -- this is the

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1 way the question should be formulated: Do you know if these individuals were
2 motivated and acting on their own initiative, or were they commanded by somebody?
3 This is the question.

4 THE WITNESS: [11:37:41](Interpretation) There were no commanders. They came to
5 help us and help take part in the searching, the frisking. And it was on a voluntary basis,
6 of course.

7 MR O'SHEA: [11:38:03]

8 Q. [11:38:03] So if I understand you correctly, and tell me if I'm wrong, these
9 individuals, because they live there and they know you, they're acting on their own
10 individual initiative?

11 MR GARCIA: [11:38:15] Again, your Honour.

12 PRESIDING JUDGE TARFUSSER: [11:38:16] Yes, but.

13 MR GARCIA: [11:38:17] Once again it calls for speculation.

14 PRESIDING JUDGE TARFUSSER: [11:38:21] It was not the question. It was to
15 confirm what was already clear.

16 MR O'SHEA: [11:38:31] Very well.

17 PRESIDING JUDGE TARFUSSER: [11:38:33] Yeah.

18 MR O'SHEA: [11:39:08]

19 Q. [11:39:09] Now, although the rebels were only openly present in Abidjan from a
20 certain date, were there infiltrations of rebels within Abidjan before they actually arrived
21 as a group of troops, as it were?

22 A. [11:39:46] Yes, I do think so.

23 PRESIDING JUDGE TARFUSSER: [11:39:52] Why do you think so? Is it your thought,
24 or have you some other source of information which gives you this idea that it was like
25 this?

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1 THE WITNESS: [11:40:16](Interpretation) First of all, in Abobo there was the Invisible
2 Commando, so already that was one kind of infiltration within Abidjan. Also in the
3 neighbourhoods, when they came, they didn't know the neighbourhoods. When the
4 Forces Nouvelles arrived, they did not know the various neighbourhoods, so they needed
5 local people, people from the neighbourhoods, to tell them where the roadblocks were
6 and who -- and which people were manning these various roadblocks.

7 MR O'SHEA: [11:41:10]

8 Q. [11:41:10] And you and the others who were stationed at these checkpoints, at the
9 time did you receive information that there had been such infiltrations?

10 A. [11:41:43] As for these infiltrations, we set up the roadblocks to reduce the number
11 of people infiltrating our ranks as much as possible.

12 Q. [11:41:58] And was that the result of information which you and others had
13 received that such infiltrations had actually occurred?

14 A. [11:42:14] Yes, Counsel.

15 Q. [11:42:41] And is it the position that by the end of March 2011 the police had
16 already left?

17 A. [11:43:02] Towards the end of March, well, the police left the place end of March
18 up until June, July, after the swearing-in of President Alassane Ouattara. So I think it
19 was two or three months later, that is when things returned to normal.

20 Q. [11:43:26] So generally speaking, the police started leaving at the beginning of
21 March?

22 A. [11:43:40] Yes, I do think so, Counsel.

23 Q. [11:43:48] And by the end of March, in Yopougon, had they all left?

24 A. [11:44:00] That is correct.

25 Q. [11:44:15] You mentioned a moment ago that at Abobo there were the Commando

1 Invisible. Was there evidence or what did you hear of instances where members of that
2 Commando Invisible infiltrated into other quarters before the arrival of the Forces
3 Nouvelles?

4 A. [11:45:03] The Invisible Commando had already, by March, had control over
5 nearly the entire commune of Abobo, and so our various comrades were in that commune,
6 and they were converging towards Yopougon and other communes. And in the
7 commune where I was in Yopougon, yes, we did receive information that -- to the effect
8 that people had infiltrated, some people had been detained.

9 Q. [11:46:01] Based on the information which you heard, were these Commando
10 Invisible based at Abobo well organised?

11 A. [11:46:26] Yes, the Invisible Commando was well organised.

12 Q. [11:46:35] And by those who were operating in Yopougon, was it generally
13 understood that they were well armed as well?

14 A. [11:46:57] Well armed? There were firearms. No, people were not well armed.
15 *There were some policemen, some gendarmes who came voluntarily to provide assistance
16 to the young people at the various roadblocks, who were armed. *Some people attempted
17 to go to some armories in certain barracks and police stations to try to get some weapons,
18 but those attempts were in vain. *Others had some old weapons and came and stayed at a
19 number of roadblocks to see. But to say they were well armed, no, that's not possible.

20 Q. [11:47:42] Thank you for that, but my question was slightly different. My question
21 was about the state of knowledge of you and others in Yopougon with respect to the
22 Commando Invisible at the time in 2011. So in February, March, April 2011, you knew
23 the Commando Invisible were there in Abobo; they were well organised. Did you and
24 your colleagues at that time in March and April 2011 have knowledge or information
25 which made you believe at the time that they were also well armed in Abobo?

1 A. [11:48:45] They were well armed because they attacked. The people wearing
2 uniforms, the CCDO battalion at the MACA, at the prison, they came under attack, and
3 many of the uniformed men died there. The army made attempts to free the commune
4 of Abobo, but in vain. You see, they were very well armed and very well equipped.

5 Q. [11:49:20] And were these facts, facts that you heard at the time of the events as
6 opposed to after?

7 A. [11:49:38] I'm sorry, the transcript said CCDO. It was not that, it was CECOS,
8 CECOS. And now the transcript says CCDO. In 2011 it was CECOS, so I think that
9 needs to be corrected. And what is more, we learned that not just from the inhabitants
10 leaving Abobo, but also from the uniformed men who were in the theatre of operations.

11 Q. [11:50:38] So when did you first see the Forces Nouvelles, the rebels of the Forces
12 Nouvelles, arrive in Yopougon?

13 A. [11:51:01] They arrived in Yopougon, in Yopougon and Niangon. And I think it
14 was 21 April when I saw them, 21 April.

15 Q. [11:51:28] And what do you personally remember about that?

16 A. [11:51:46] From the 21st to 25 April, we went through hell when it came to
17 Niangon. They headed off towards -- well, after attacking Niangon, they decimated all
18 the roadblocks, they killed some of the comrades who put up resistance to them taking
19 over control of the roadblocks. They went to Timhotel and they tried to bring about
20 reconciliation with the group of Mr Zagbayou that was located there at Timhotel. And
21 they wanted to have a merger as well with Mr Maguy le Tocard's group
22 under -- with -- with the negotiations led by Eugène Djué. They got to Timhotel square
23 with the Invisible Commando, and that was IB, his physical presence.

24 Q. [11:53:11] Did you know at the time of the events that IB was the Commando
25 Invisible commander?

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1 A. [11:53:24] When we got there, when he got there, namely the Timhotel, that is how
2 he was introduced.

3 Q. [11:53:54] And these Forces Nouvelles that came into Yopougon, what kind of
4 soldiers did they consist of? Did you, for example, see Dozo?

5 THE INTERPRETER: [11:54:37] Message from the interpreters: If Mr O'Shea could
6 kindly repeat the end of his sentence.

7 MR O'SHEA: [11:54:45]

8 Q. [11:54:45] I'll repeat the question. Who were these Forces Nouvelles? From your
9 perception, from what you saw, where were these soldiers from, how were they organised?
10 What did you see?

11 A. [11:55:17] The Forces Nouvelles were very well organised. They came from the
12 CNO area, the centre north-west part of the country. They were well organised. They
13 had carved up Yopougon into sub-sections. And where I was, there were commanders.
14 Each time there was a problem, we would be told to go see Commander Ben Laden. I
15 can't remember his name, but his nickname, that was -- Commander Ben Laden, that was
16 his nickname. In Niangon and in Niangon-Ananiéré (phon), we were told to go see
17 Commander Vetcho. At the entrance to Yopougon, Gesco to Truc, it was Commander
18 Djah Gao, and so on and so forth.

19 Q. [11:56:25] Did you notice any Dozo among these forces?

20 A. [11:56:39] The Dozos were part of the Forces Nouvelles.

21 Q. [11:56:48] And were these soldiers Ivorians or did they also come from other
22 countries?

23 A. [11:57:01] I do think that the Forces Nouvelles, when they were supposed to attack
24 and take over Côte d'Ivoire, were supported by the forces of the ECOMOG, so I couldn't
25 tell you whether those Dozos were -- because they didn't have the ability to go check

1 identity cards, but I do know that they were supported by the forces of ECOMOG.

2 Q. [11:57:36] What were the nationality of the ECOMOG forces?

3 A. [11:57:50] The ECOMOG forces, those were the forces from Western Africa, so
4 Nigeria was a volunteer, very involved actually; there was Burkina Faso; Senegal; and I do
5 think it's those three countries. That's what I remember.

6 Q. [11:58:27] Before these Forces Nouvelles were actually seen in Yopougon in large
7 numbers, before that, was there, on the part of you and your friends, already knowledge
8 of the assistance of foreign fighters?

9 A. [11:59:06] In the various statements on television it was expected that the
10 ECOMOG would come and provide support to the Forces Nouvelles in order to take all of
11 Côte d'Ivoire. That is the information that we had.

12 Q. [11:59:40] Do you know if the Forces Nouvelles committed crimes against the local
13 population in your area or other areas?

14 A. [12:00:05] Many crimes were committed in my area and in other zones, to my
15 knowledge.

16 Q. [12:00:17] What were the nature of these crimes?

17 A. [12:00:30] Abduction, sequestration, murder or assassination.

18 Q. [12:00:54] Does the expression "Lubafrique" mean anything to you?

19 A. [12:01:06] Yes. Lubafrique was a station in Niangon-Nord, around the
20 intersection between Niangon-Nord and the carrefour Académie, Maroc and Lièvre
21 Rouge. The station is right at the middle of all that.

22 Q. [12:01:33] If I can perhaps show you -- if I could perhaps show you an image, the
23 reference is CIV-D15-0001-0782, and it's public. If we could go to page 0800, please.

24 PRESIDING JUDGE TARFUSSER: [12:03:22] Can we once again put the source, what is
25 this document about, just for the record.

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1 MR O'SHEA: [12:03:50] I understand there was some discussion about these photos at
2 the end of the session yesterday. The source of the -- the immediate source of the photos
3 is --

4 MR MACDONALD: At the end of testimony of 440, your Honour. I think that's a
5 mistake of my colleague.

6 PRESIDING JUDGE TARFUSSER: [12:04:18] I think so as well.

7 MR MACDONALD: Yes.

8 PRESIDING JUDGE TARFUSSER: It was not this witness, it was the witness before.

9 MR O'SHEA: [12:04:21] Right. So it's the -- it's a series of photos -- so we have one
10 photograph that appears to be from Corbis and we think that it is part of the same series
11 of photographs. So there's an ongoing investigation as to the source at the moment and
12 it may be that this witness may be able to assist.

13 Q. [12:05:29] Witness, can you help us at all as to the location in these photos that -- I
14 don't know if it's possible to expand them, is it?

15 PRESIDING JUDGE TARFUSSER: [12:05:49] Have you ever seen this photo or the
16 location where this photo was taken?

17 THE WITNESS: [12:06:04] (Interpretation) I have never seen that photograph, but I know
18 that I cannot identify the exact space or the exact location, given that this was in an
19 interview.

20 MR O'SHEA: [12:06:22] Okay, I will move to another photograph, and the ref -- so this
21 one can be removed. CIV-D15-0001-0628, and it's public. Does that help you at all in
22 identifying the location or not?

23 PRESIDING JUDGE TARFUSSER: [12:07:43] We should take away what is written
24 below, I would say, otherwise --

25 MR GARCIA: Yes. Exactly, your Honours. This is just the same picture but now with

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1 an indication as to what it is, so.

2 PRESIDING JUDGE TARFUSSER: [12:08:03] If you had not seen what was written
3 underneath, so put it this way --

4 MR O'SHEA: [12:08:09] Yes, sorry about that.

5 PRESIDING JUDGE TARFUSSER: [12:08:10] -- would you have recognised the location?

6 THE WITNESS: [12:08:19](Interpretation) No.

7 PRESIDING JUDGE TARFUSSER: [12:08:23] But now that you have read where it is,
8 have you -- can you say, well, now having seen it, it could be that location? Have you
9 ever been there?

10 THE WITNESS: [12:08:56](Interpretation) No. But it could correspond to the location.

11 MR O'SHEA: [12:09:04]

12 Q. One last question on the photo before I remove it, if it could be expanded a bit. Do
13 you recognise anyone in the photo?

14 PRESIDING JUDGE TARFUSSER: [12:09:28] Well, one of the three because all of the
15 others -- three could be recognised.

16 THE WITNESS: [12:09:45](Interpretation) The photographs are not clear. I can't see
17 clearly.

18 MR O'SHEA: [12:10:08] The photo can be removed from the screen.

19 Q. [12:10:19] Did you hear about civilians being held against their will at Lubafrique?

20 A. [12:10:37] Yes, Counsel.

21 PRESIDING JUDGE TARFUSSER: [12:10:39] When? After the crisis or during the
22 crisis? Or when it was ongoing?

23 THE WITNESS: [12:10:56](Interpretation) After the president, that is, from the 11th to
24 the 25th. That is that period from 11 to 25 April 2009.

25 MR O'SHEA: [12:11:15]

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1 Q. [12:11:16] Did you know anyone who was caught up in that situation?

2 A. [12:11:34] Yes, I know some youth who were caught up in those conditions.

3 THE INTERPRETER: [12:11:41] Correction, the in the previous answer the witness
4 referred to 2011 and not 2009.

5 MR O'SHEA: [12:11:50]

6 Q. And what were their names, the ones that you knew?

7 A. [12:12:01] Fidèle Atiso, Yopougon Niangon 27, Goore Ange Anicet, Niangon
8 former terminus 39, Bléhoué Stéphane, Dido Venas. Those are the names that I can
9 remember now.

10 Q. [12:13:17] So for the record, just to give a phonetic spelling, Fidèle Atiso,

11 A-T-T-I-S-O?

12 PRESIDING JUDGE TARFUSSER: [12:13:36] One, one T.

13 MR O'SHEA: [12:13:38] Very well, your Honour, one T. Anicet, A-N-I-S-E.

14 Stéphane, S-T-E-P-H-A-N. Venas V-E-N-A-S. Those are phonetic spellings just for the
15 record.

16 A. [12:14:17] Please, Goore is D-O-G-O-R-E.

17 Q. [12:14:32] So what do you know about their situation, those individuals?

18 A. [12:14:52] These people were picked up and their images displayed on TV as being
19 pro-Gbagbo rebels. Bléhoué, for example, was put into a container and sent all the way
20 to Bouaké, and it is while there that the parents found out that he had been taken to
21 Bouaké. He is the one whom I put in contact with Matthew Wells in relation to giving
22 his testimony.

23 Q. [12:16:20] If I can bring you to these youth organisations that you spoke about,
24 Guillaume Soro was part of the FESCI, right?

25 A. [12:16:51] Yes, he was part of the FESCI and his name was Bogota.

1 Q. [12:16:58] Bogota. And during which years was Soro connected to the FESCI?

2 A. [12:17:34] I believe he was the leader of FESCI, if I'm not mistaken, from '94 to '97, I
3 believe.

4 Q. [12:18:08] And what about KB?

5 A. [12:18:26] Maréchal KB, I believe, as his name indicates, was a member of FESCI,
6 he was an adviser.

7 Q. [12:18:45] What --

8 A. [12:18:47] And this was during the period -- the period for KB ran up to the time of
9 the mandate of General Blé Goudé, which is '98 to 2000, or thereabouts.

10 Q. [12:19:13] What does -- according to your knowledge, what became of KB? What
11 is his situation today?

12 A. [12:19:33] I believe that he's a colonel in the navy of Côte d'Ivoire.

13 Q. [12:19:50] And do you know if during the events he was a supporter of Ouattara?

14 A. [12:20:04] I do not think so. He was President Laurent Gbagbo's supporter, I
15 believe.

16 Q. [12:20:13] And what about Bamba?

17 A. [12:20:30] Abou Bamba had a movement known as Génération Blé Goudé. It was
18 created, I believe, in 2004 or 2005.

19 Q. [12:20:56] What is his situation today?

20 A. [12:21:10] He's a communications engineer.

21 Q. [12:21:13] Who does he work for?

22 A. [12:21:23] I do not know.

23 Q. [12:21:29] And Idriss Ouattara?

24 A. [12:21:42] Idriss Ouattara had his movement and I believe that it was known as
25 Agora et Parlement, I think so.

1 Q. [12:22:18] Was he a member of the FESCI?

2 A. [12:22:29] I don't think so.

3 Q. [12:22:32] What is his situation today?

4 A. [12:22:41] I don't have any news about him, Counsel.

5 Q. [12:22:49] And within the FESCI when the FESCI was formed and in the early
6 years, did it consist of youth supporting different political parties?

7 A. [12:23:21] FESCI was created to defend the rights of students and university
8 students, and so it could not support a candidate or a political party.

9 Q. [12:23:49] Were there groups within the FESCI that had differences of opinion,
10 differences of approach between them?

11 A. [12:24:14] As I was saying a short while ago, the purpose of the FESCI was to
12 defend the well-being of college and university students, and it brought together people
13 from all political leanings.
14 And even during the 2010 electoral campaigns candidates came to the various campuses
15 to present their platforms, their government programmes, and they came in to campaign
16 with the support of students within the campuses.

17 Now, what I'm saying is that FESCI brought together all types of people.

18 Q. [12:25:04] What was the GBG?

19 A. [12:25:18] The Génération Blé Goudé movement is a movement that supported the
20 ideals and *the ideal person of President Charles Blé Goudé, and it brought people
21 together within the age bracket of 18 to 30 years. So the Génération Blé Goudé brought
22 together people within that age bracket to press upon them the spirit and the ideals of
23 President Charles Blé Goudé.

24 Q. [12:26:24] In the years leading up to the events, it appears that there were a variety
25 of different youth groups in existence. Would that be fair to say?

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1 A. [12:26:46] Yes. That is correct.

2 Q. [12:26:50] And these different groups were created on the initiative of different
3 people?

4 A. [12:27:13] That's correct, Counsel.

5 Q. [12:27:17] On 22 May, at page 90 -- sorry, page 10, you spoke about disagreements
6 between leaders. Can you tell us some more about that?

7 The different groups of youth, they had their own distinct agendas, did they? Can you
8 say that?

9 A. [12:28:50] Counsel, I don't understand your question.

10 PRESIDING JUDGE TARFUSSER: [12:28:53] Well, it's difficult to understand
11 because --

12 MR O'SHEA: [12:28:57] Very well, yeah. Very well.

13 Q. [12:29:02] You've spoken about disagreements between leaders of groups.

14 MR GARCIA: [12:29:08] Could we have the reference for that, please. I've looked at
15 page 10 and I don't see reference to what -- the essence of your question there.

16 MR O'SHEA: [12:29:36] Lines 18 to 25.

17 PRESIDING JUDGE TARFUSSER: [12:29:39] If you quote, maybe he can understand
18 better. If you quote those lines, so maybe the witness can understand better what you
19 mean.

20 MR O'SHEA: [12:29:48] Very well.

21 PRESIDING JUDGE TARFUSSER: [12:29:49] But I think it's normal that among people
22 there are discussions and not all think the same way. I think it's so self-evident that -- so,
23 please, if you quote him --

24 MR O'SHEA: [12:30:03] It is of course self-evident and if one explores it, it helps to
25 understand exactly what was going on.

1 PRESIDING JUDGE TARFUSSER: [12:30:14] Yes.

2 MR O'SHEA: [12:30:35] So I'll read from line 17 in the French transcript, and I quote:
3 (Interpretation)

4 "Well, there were reasons for leaving FESCI. We were a bit older and we felt that we
5 were in a position to lend our skills to other movements, and then we were not on good
6 terms with the national general secretary who was there."

7 Question: "Who was the general national secretary at that time when you left?

8 In 2008 I think it was Comrade Mian Augustin. That's what I think."

9 (Speaks English) Closed quotes.

10 Q. [12:31:53] So were there fundamental differences of opinion within the other youth
11 organisations as far as you know?

12 A. [12:32:16] Yes, there were fundamental differences, particularly differences of
13 opinion.

14 Q. [12:32:38] So can we say that the Galaxie Patriotique was not so much a united
15 movement as a collective term for a number of groups with some common objectives but
16 also differences?

17 A. [12:33:09] Within the Galaxie Patriotique each person had his own particular
18 movement and each person led his own movement as best he could. And when there
19 was a major organisation, that organisation had to be organised and the struggle had to be
20 organised, that is why President Comrade Charles Blé Goudé was in charge or responsible
21 for that Galaxy while at the same time having his own movement which was the COJEP.

22 Q. [12:33:59] And can we say that the Galaxie Patriotique also incorporated all those
23 individuals who were patriots but were not necessarily part of any formal structure?

24 A. [12:34:38] The Galaxie Patriotique *was part -- was a mould, so to speak, that all
25 the patriotic movements could be placed into. It was a forum, if you will.

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1 Q. [12:35:03] Now you have spoken about attending meetings where Blé Goudé spoke.

2 At such meetings were you part of the general audience?

3 A. [12:35:24] Yes, I was part of the public.

4 Q. [12:35:27] And there were other leaders, as it were, on the stage?

5 A. [12:35:41] Well, when one speaks of the Galaxy, we were -- well, *siblings -- we
6 couldn't have been on the stage because the people on the stage were the members of the
7 Galaxy. *As for us, we were in the background.

8 Q. [12:36:14] And you spoke about donations for these youth activities. Such
9 donations could come from any source, would that be right, of individuals or groups who
10 supported the same ideals?

11 A. [12:36:41] That is correct, Counsel.

12 Q. [12:37:06] And would it be right to say that there were groups, youth groups that sprung
13 up on a regional level which would have their own independence on that regional level?

14 A. [12:37:36] Yes, Counsel.

15 Q. [12:37:50] So there was not always coordination of the activities across the various
16 regions?

17 A. [12:38:09] I was saying earlier that each movement had its own leader, or official,
18 so that person would organise his movement as he wished, as he could, so that each
19 movement could grow and continue to be part of that Galaxy.

20 Q. [12:38:54] Now, to bring you to something else, the Prosecution asked you about
21 training of youth, now this training that you'd -- you were describing, these physical
22 activities that you were describing, the individuals which were involved in that would
23 they wear sports clothes?

24 A. [12:39:38] Those people wore sports clothing, some of them, others wore
25 clothing -- well, other kinds of clothing. It was sports clothing.

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1 Q. [12:40:02] And the youth that were involved in these physical activities, were they
2 for the greater part unemployed?

3 A. [12:40:18] For the most part, the vast majority of them.

4 PRESIDING JUDGE TARFUSSER: [12:40:22] How do you know this? How do you
5 know this? I mean, did you speak to all of these youth and did you know them all?

6 THE WITNESS: [12:40:43] I said the vast majority because there were some
7 acquaintances amongst these young people. What is more, they would train nearly
8 every day.

9 MR O'SHEA: [12:41:13]

10 Q. [12:41:13] The individuals who were involved in the actual coordination of these
11 activities, these physical activities, did they participate of their own initiative,
12 spontaneously?

13 MR GARCIA: [12:41:37] Your Honour, if the question could be -- I can understand if
14 the question is maybe posed to his knowledge. But once again, there's questions that
15 we're putting to the witness to speculate as to what other people were doing or not.

16 PRESIDING JUDGE TARFUSSER: [12:41:50] Yes, it's the same. It's the same as before.
17 I mean, it's very general to speak about what the other people thought or did, if they did it
18 spontaneously or not. I mean, we are trying to elicit facts from this witness and not
19 opinion of if the -- all the youth did it spontaneously or not.

20 MR O'SHEA: [12:42:33]

21 Q. [12:42:33] Let me read you something that you said during your interviews. It's
22 track 2 -- no, CIV-OTP-0063-1332_R02, and page 1358, paragraphs 923 to 931. And I
23 quote in French: (Interpretation)

24 "Who appointed the trainers? Well, I think that the trainers came spontaneously. You
25 see, it depended on what feelings you had for President Gbagbo. I said to you earlier

1 that the trainers came because they said to themselves 'Here is a chance to get a reputation
2 and to move up the ranks within the regular army of Côte d'Ivoire.' This is how it came
3 to be that those people joined. And perhaps they were trainers, perhaps -- well, it was
4 their neighbourhood, it was their neighbourhood, so you had to take these young people
5 and the word would get out, one person would say to another, 'There's a training centre
6 there, there's training, activity.' So that was the way it was. And people who were
7 already leaders would be part of that, would join in."

8 (Speaks English) Do you agree with what you said there to the Office of the Prosecutor?

9 A. [12:45:15] That is correct and I stand by it.

10 Q. [12:45:17] And how do you know that these trainers came spontaneously?

11 A. [12:45:32] It wasn't a training centre, it was a place where young people would
12 come and do exercises, work out, deliberately each weekend, *and I think that it so
13 happened that the people who were there, they felt they could provide their knowledge to
14 those young people.

15 I was saying earlier that those young people there, there were many, there were *some
16 comrades that would take part in those sports activities, *and no one had to spend a dime
17 as payment for that sports instructor.

18 *So that's how people voluntarily and deliberately would go and take part in that training.

19 Q. [12:46:43] I'd like to come back to the dynamics in 2011 in Yopougon. Do you
20 have a strong knowledge of what was going on between the youth of Yao Séhi and of
21 Doukouré?

22 A. [12:47:31] Doukouré, Yao Séhi are two neighbourhoods within the commune of
23 Yopougon that are opposite one another. Doukouré, to the left, on the side where the
24 16th arrondissement police station is, and then Yao Séhi opposite the 16th arrondissement,
25 to the right. And I do remember distinctly that the day after the rally of candidate

1 Laurent Gbagbo at the Place de la République, second round of voting, and when we got
2 back -- first of all, before the rally, there was a debate on television, and during the debate
3 the president, Laurent Gbagbo, announced a curfew that would allow the various
4 uniformed people to do their work. And that was not very much appreciated by
5 supporters opposite because the next day, on our way to the rally, our friends came and
6 they had been injured, from Boribana, and when we got back, when we got back, people
7 were shouting insults on each side, until we got to Yao Séhi. And there, in Yao Séhi and
8 Doukouré, we went back home and Yao Séhi is the neighbourhood that faces Doukouré
9 and there is a mosque there.

10 Q. [12:49:40] So if I could just pause you there. If we focalise our attention to
11 February 2011, around that time is it right that the -- some of the youth from Yao Séhi and
12 some of the youth from the Doukouré would throw stones against each other on the
13 Grand Boulevard?

14 A. [12:50:25] That is correct.

15 Q. [12:50:25] And the youth that were coming from the side of Doukouré, were they
16 strong in numbers?

17 A. [12:50:48] The two neighbourhoods -- I do think that the two neighbourhoods are
18 quite high -- very populated, so there are many people on each side.

19 Q. [12:50:59] And the ones that threw stones from the side of Doukouré, were they
20 strong, were they in a strong position insofar as their confrontation with the youth from
21 the other side?

22 A. [12:51:29] I really couldn't determine what the size -- or, rather, the strength of each
23 side was, even one person.

24 Q. [12:52:03] What was the role of El Hadj Papa Diouf, to come to another issue?

25 A. [12:52:22] To my knowledge he didn't live in Doukouré or Yao Séhi, that person,

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1 the leader of the CÉDÉAO community lived in Yopougon and I do think that he lived in
2 Yopougon Sogefiha.

3 Q. [12:52:49] Yes. And what was his role?

4 A. [12:53:04] *El Hadj Papa Diouf, I met him in 2015, practically 2014-2015, and according
5 to his organisation he was in charge of ECOWAS nationals. That is what I was told.

6 THE INTERPRETER: [12:53:26] Inaudible.

7 MR O'SHEA: [12:54:33]

8 Q. [12:54:33] Do you know someone called Koné Gnangadjomon?

9 A. [12:55:04] I don't -- I don't see, Counsel.

10 Q. We were talking earlier about Lubafrique and you mentioned certain individuals
11 that you knew to have been caught up in that situation. Do you know if any of those
12 individuals at Lubafrique were torched or killed?

13 A. [12:56:15] Tortured, yes. Killed, no. Tortured, I mentioned earlier Stéphane
14 Bléhoué, who was tortured, he was put in a container and taken all the way to Bouaké.

15 Q. [12:57:02] You say put into containers. Was this a practice at the time or is this
16 just the story of this one individual?

17 PRESIDING JUDGE TARFUSSER: [12:57:25] Do you know if it was practised or do
18 you know only about this individual?

19 THE WITNESS: [12:57:37](Interpretation) I am familiar with this specific case.
20 (Counsel confers)

21 MR O'SHEA: [12:58:01]

22 Q. [12:58:01] Witness, thank you very much for your cooperation.
23 Your Honours, those are all my questions.

24 PRESIDING JUDGE TARFUSSER: [12:58:07] Thank you very much.

25 Maître Altit.

1 MR ALTIT: [12:58:12] (Interpretation) Thank you, your Honour. Your Honour, this
2 concludes the questioning of the witness by the Gbagbo Defence team.

3 PRESIDING JUDGE TARFUSSER: [12:58:23] Thank you very much.
4 Now I revert to the Office of the Prosecutor, asking if they have the request of
5 re-questioning.

6 MR GARCIA: [12:58:31] No further questions from the Prosecution, your Honour.

7 PRESIDING JUDGE TARFUSSER: [12:58:34] Thank you very much.

8 Mr Witness, this concludes your testimony here before the International Criminal Court.

9 I thank you very much for having been here and for having answered all the questions.

10 And I wish you a good trip back and all the best for your future life. Thank you very
11 much.

12 (The witness is excused)

13 PRESIDING JUDGE TARFUSSER: [12:59:02] Thank you also to the counsel for
14 assisting the witness.

15 So before adjourning now to the afternoon, with the next witness, I have an oral decision
16 related to the next witness, of course, and I think it is better to go into private session for
17 this oral decision granting protective measures, that's why.

18 (Private session at 1.00 p.m.)

19 (Redacted)

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- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Recess taken at 1.03 p.m.)
- 24 (Upon resuming in open session at 3.11 p.m.)
- 25 THE COURT USHER: [15:11:46] All rise.

1 Please be seated.

2 PRESIDING JUDGE TARFUSSER: [15:12:15] Good afternoon. Before bringing in and
3 dealing with the next witness, I think we have to look what will be next week and how we
4 will deal with the witnesses which will come in next week. According to yesterday's
5 order after the email sent by the OTP and the discussion of yesterday, it should be as
6 follows: 601, 606, 607, and 156, if I'm not mistaken. Is this right? Is this right, the right
7 sequence?

8 MR MACDONALD: [15:13:14] Currently the right sequence, your Honour?

9 PRESIDING JUDGE TARFUSSER: [15:13:17] Yes.

10 MR MACDONALD: [15:13:18] So for next week that would implicate 601 and 606. All
11 right. Now, 607 and 156 we're being told that we will know more. We are meeting with
12 the Victims and Witnesses unit at 4 p.m. There is a visa issue.

13 PRESIDING JUDGE TARFUSSER: [15:13:41] And a passport issue?

14 MR MACDONALD: [15:13:42] The passport, I don't think that's an issue.

15 PRESIDING JUDGE TARFUSSER: [15:13:47] And a passport issue, I can tell you.

16 MR MACDONALD: [15:13:51] Well, maybe that is information I'm missing, because it
17 now takes 10 working days to obtain visas.

18 PRESIDING JUDGE TARFUSSER: [15:13:58] I don't know.

19 MR MACDONALD: [15:14:01] This Thursday or Thursday next week, there is a holiday
20 in Holland; I don't know when. So what we're looking into as a possibility, I am giving
21 this as a notice, giving this as a notice, your Honour, that we're looking at the feasibility of
22 doing video link for three crime-base related to the testimony of the next witness. We're
23 in public, I am not saying.

24 PRESIDING JUDGE TARFUSSER: [15:14:44] I think therefore we have numbers.

25 MR MACDONALD: [15:14:47] Yes, I don't know these numbers by heart, but it would

1 be three crime-base witnesses, your Honour. My colleagues can send them to me. I
2 know there is -- just a second. If you allow me just a second.
3 So it would be, I think, 184, but I need to confirm this, but certainly the first one would be
4 184 and then two others. We can't confirm that yet because we haven't spoken to them,
5 but this is a proposal. So I can send an email with the numbers we are thinking about,
6 the witnesses we are thinking about, and see if it can be confirmed because we are trying
7 to reach them.

8 PRESIDING JUDGE TARFUSSER: [15:15:47] You mean next week?

9 MR MACDONALD: [15:15:49] The week of 5 June.

10 PRESIDING JUDGE TARFUSSER: [15:15:50] Can we say that there is a major
11 disorganisation ongoing, may I say this?

12 MR MACDONALD: [15:16:00] We're having issues, your Honour. Certainly.
13 Disorganisation, I don't know. We're not -- we're trying our best. We're dealing with
14 witnesses that have to travel from certain locations in order. They need to be ordered to
15 come to certain locations, then they need to meet with the Victims and Witnesses Unit.
16 They need to obtain visas; usually they have their passports and so on. Yes, we are
17 having an issue in scheduling at the moment, which I think for a year and a half we have
18 been actually pretty good so far. But, yes, we are doing our best. Like I said, the expert
19 witnesses, it is because they have their own issues in terms of how busy their schedule is
20 and so on. So what we are looking into is 184, 172 and 237 and maybe 581. But we're
21 looking into calling these people to see if they would be available for 5 June and also if the
22 court management is in a position to organise a 5 June video link. And of course this is
23 under the powers of the Chamber to decide such. But that's where we are right now.
24 Also, another thing to take into consideration, the current situation in Côte d'Ivoire.
25 There has been some unrest, some roads to some cities being blocked, and this also has

1 a certain impact and has to be, to be discussed, and has had an impact also on organising
2 travel arrangements and appearance of witnesses.

3 PRESIDING JUDGE TARFUSSER: [15:18:00] Well, therefore -- I mean, on the -- next
4 week we have 601 and 606.

5 MR MACDONALD: [15:18:08] For certain.

6 PRESIDING JUDGE TARFUSSER: [15:18:09] And that's all.

7 MR MACDONALD: [15:18:10] Right now, that would be all.

8 PRESIDING JUDGE TARFUSSER: [15:18:17] Maître Altit.

9 MR ALTIT: [15:18:20] (Interpretation) Thank you, Mr President. Mr President, we have
10 some bad news. We have just received some bad news, which makes this up -- which
11 modifies and completely turns our organisation of work upside down and I want to recall
12 you that -- to recall to you that we have very limited means, we have very limited means
13 of work. So, Mr President, I think it would be a good thing to try and clear up these
14 problems, the first of them being what I referred to yesterday, that is Witness P-601, the
15 DNA expert, whom the Prosecutor wishes to call next week. We have a problem, an
16 organisational problem with that to the extent that we had expected to begin to prepare
17 for this witness for Wednesday, knowing that Monday and Tuesday we would be hearing
18 two other experts. Now, so we have a problem within the team in terms of organising,
19 because the person in charge of questioning this DNA expert will not be there, as that
20 person is assigned to other duties.

21 That's the first problem, which may I say could easily be resolved if we were to start off
22 with -- with the audiovisual expert, the other expert which the Prosecution wishes to call,
23 and that is 606. Yes. Yes, 606. And if we did that, and we want to point out that 601 is
24 an important witness and we want to prepare for him adequately.

25 Now, if we take 606 first, that might reduce some of the organisational problems even for

1 the Prosecution and also enable us to solve part of our problems. Now, that's for next
2 week.

3 I have also understood that 607 is scheduled to be called or who was more or less
4 scheduled at about the same time. We don't have too much difficulty with that. He
5 may arrive, he may come in a little earlier, but it is not much a problem because we should
6 be ready. That's for next week.

7 Now, however, Mr President, your Honours, we now have a more serious problem,
8 a more serious problem that has been raised. I think it is not only a problem for us as
9 Defence but it is also a problem for the Chamber, a problem that has been brought up on
10 us by the Prosecution, referring to the three, or should I say four, witnesses. We have
11 suddenly been told that they will be called and that they hope that this will be done by
12 video link.

13 First of all, to call the witnesses in itself is actually a serious problem because these are
14 very important witnesses. We need to have time to prepare for them as best we can.
15 And we cannot be put before a fait accompli by asking us to prepare for three to four
16 witnesses overnight. Now, this is something that disorganises us, and if there is
17 disorganisation on the Prosecution side, it also impacts us in that same manner. That's
18 the first problem.

19 Second problem is that of the video link. Mr President, your Honours, I am not going to
20 revisit that issue because we have already talked about it often, and isn't it true that as far
21 as we are concerned the only genuine testimony that you can have is when the witness is
22 here in the box and is heard by the Judge and the parties and the dynamics is real? The
23 video link should only be an exceptional measure and should not become the rule. So,
24 regarding the video link, we are opposed to the use of the video link, and we can do that
25 in writing as well. We can make a written submission because of the importance of the

1 matter, given that these are also witnesses we need to prepare for adequately, given that
2 they are important witnesses.

3 Now, apart from the video link, the other question is, are we going to question or examine
4 the witnesses from one week to the next? Because now we have been given notice to
5 organise ourselves because of the disorganisation of the others. We understand that
6 there might be unforeseeables, but I think all these unforeseeables must be limited. This
7 is our duty, this is what we must do, and therefore regarding these three/four witnesses
8 who have been thrown at us at the very last moment, we oppose this change. I think we
9 can talk about it together and I think, Mr President, yesterday you suggested that we can
10 have a discussion and work things out amongst ourselves. We are open to that, we are
11 open to everything but please, please, please, don't put us in such an impossible position
12 where we will be expected to prepare at the last minute in extremely difficult
13 circumstances.

14 Mr President, we are not too many of us on our team, we don't have the gift of ubiquity,
15 and we are not the OTP.

16 So I think, and I am speaking here to the Prosecution, please respect the work that we are
17 doing.

18 PRESIDING JUDGE TARFUSSER: [15:24:06] Mr Knoops.

19 MR KNOOPS: [15:24:07] Mr President, the calling order of the Chamber with the time
20 frame serves the rationale that the Defence has proper opportunity to prepare its case.
21 We are flexible, but there is I think limit to flexibility. I can say that our team has
22 prepared the experts in the last couple of weeks to be ready for the examination, including
23 also the witnesses 607 and 156, and for us it is quite a difficult situation if the calling order
24 is now suddenly changed. We have no problem if the order of 601 and 606 is changed, in
25 that we start with 606 and after that 601. In this regard we are willing to accommodate

1 also the problems the other team faces. For us, that is not a problem. But we have with
2 the other team a problem with a fundamental change of the calling order in that 607
3 and 156 are to be replaced by three other witnesses. If the logistical problems are such
4 that 607 and 156 cannot be called in the week of 5 June, that that is regrettable, but it
5 would not be fair for the Defence to then prepare suddenly for three totally new witnesses.
6 In other words, we have no problem with the change of the calling order of the first two
7 experts next week, but we have objections to change of the calling order for the week of 5
8 June.

9 Thank you.

10 PRESIDING JUDGE TARFUSSER: [15:26:14] Legal representatives.

11 MS MASSIDDA: [15:26:16] Thank you, your Honour. Concerning the next week we
12 have no problem, even including with the suggestion of Maître Altit to eventually call first
13 606 and then 601. And of course also for the other order.

14 We even do not have any problem with the video link, we consider that the witnesses 172,
15 237, 581 and 184 could appear by video link. However, we also have a problem, we
16 might have a problem with the change in the witness schedule starting 5 June.

17 Three of the four witnesses mentioned by the Office of the Prosecutor are dual status,
18 represented by myself in these proceedings, 172, 237 and 581, and in this respect I may
19 inform your Honours that I will be also following the Ongwen proceedings starting
20 29 May. I fully understand that this is not the main consideration for the Chamber, but I
21 need to attend also in the trial because I am also assisting dual status Rule 74 in that
22 proceedings. So the 5 and 6 June will represent for me an issue at this point in time,
23 thank you very much, in changing the witness order.

24 PRESIDING JUDGE TARFUSSER: [15:27:48] Thank you very much. I now suspend
25 five minutes also to speak with the colleagues and then we come back in five minutes

1 with the decision.

2 THE COURT USHER: [15:27:57] All rise.

3 (Recess taken at 3.27 p.m.)

4 (Upon resuming in open session at 3.44 p.m.)

5 THE COURT USHER: [15:44:22] All rise.

6 Please be seated.

7 PRESIDING JUDGE TARFUSSER: [15:44:50] After having discussed on how to proceed
8 on Monday, we decided that on Monday morning 9.30 we start with Witness 601, which
9 probably will take two days and not more, and then we continue immediately after with
10 606.

11 Then we will suspend and on -- and before we suspend and probably already on Monday,
12 we will communicate how we proceed further in the week of the fifth and following and
13 giving all the calendar until the end of the year. So let's bring now Witness 114 in. And
14 I would say that we start with Witness 114, we do only the part concerning the Office of
15 the Prosecutor, and then we adjourn to tomorrow for the Defence teams to question this
16 witness.

17 (The witness enters the courtroom)

18 MR MACDONALD: [15:46:39] Are we going to go into closed session?

19 PRESIDING JUDGE TARFUSSER: [15:46:42] We will, don't worry.

20 For this witness has been granted in court -- so called in-court protective measures. That
21 means that the identity is not revealed to the outside world, it means also that the face is
22 pixelated and the voice is distorted. And therefore, for his identification, which has to be
23 done for the court record, we go into private session and then we come back into the open
24 session.

25 Can you please call the private session.

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1 (Private session at 3.47 p.m.)

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25 (Open session at 3.52 p.m.)

1 PRESIDING JUDGE TARFUSSER: [15:52:19] I think we have to revert into closed session
2 because the witness wants to say something in closed session before we, before we go into
3 open again. Is it right, Mr Witness, okay?

4 THE WITNESS: [15:52:37] (Interpretation) Yes.

5 (Private session at 3.52 p.m.)

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22 (Open session at 4.07 p.m.)

23 THE COURT OFFICER: [16:07:34] We are in open session, Mr President.

24 PRESIDING JUDGE TARFUSSER: [16:07:45] Now, it was not easy, an easy task to speak
25 to you and to convince you, but now we are in open session and I will give you all the

1 information you need to protect yourself. You are protected by us, but you have
2 also -- you must also try to protect yourself, and I will tell you how.
3 So as I said to you before, this Chamber has granted to you protective -- in-court
4 protective measures and these protective measures apply during your whole testimony.
5 And I will now explain you how it works, okay? You must be collaborative in order for
6 these protective measures to be effective.
7 So you have heard the -- we have identified you already with your name in private
8 session, so nobody will call you by name and we will all call you "Mr Witness," okay? So
9 you will be called by all parties "Mr Witness." And therefore you have also, also in our
10 papers you don't have the names but a pseudonym.
11 Nobody, neither the public sitting above you in the public gallery, not anybody else
12 outside this courtroom, will be able to see you and to recognise your voice because your
13 face is distorted and your voice is also distorted.
14 But, as I said, to make sure that these protective measures are effective, listen to me and
15 don't look around, Mr Witness. Mr Witness, listen to me, it's important for you.
16 So in order for these, these measures which are technical measures, to be effective, you
17 have to give your -- to contribute. And there I ask you not to say anything which could
18 lead to your identification, and if you have to say something which you think could lead
19 to your identification, tell me. We will go into closed session for these parts. Okay?
20 Tell me if you have understood because it is important that you understand.
21 THE WITNESS: [16:11:07] (Interpretation) Yes.
22 PRESIDING JUDGE TARFUSSER: [16:11:13] In any case, you can rest assured that you
23 will receive any assistance you may need during your testimony. If you are tired, if you
24 need a break, just tell me and we will address your needs, okay?
25 Another important thing to say is that you will speak in French and I speak in English.

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1 In order for us to understand each other, we have interpreters, and court reporters who
2 write down everything we are saying. So please speak slowly --

3 THE WITNESS: [16:12:03] Okay.

4 PRESIDING JUDGE TARFUSSER: [16:12:04] -- and clearly. Especially when, later, you
5 will be asked in French where you tend to normally do -- speak immediately ahead
6 because you don't have in your ears the translation.

7 So now I want to come to your testimony. So, this Court, this Chamber, has been
8 established to try the case of the Prosecutor against Mr Gbagbo and Mr Blé Goudé. And
9 you are a witness to this case and your obligation as a witness, and I repeat, an obligation
10 as a witness, is to say the truth, and the truth is nothing else -- it is not that you are taking
11 one part or the other. You have just to say the truth, to respond truthfully to the
12 questions which will be put to you.

13 You will be asked questions by the Office of the Prosecutor and you will be asked
14 questions by the Defence teams, and I repeat because I think it's important, just tell the
15 truth and you will be fine. And to this effect I would ask you to read, because the law
16 requires so, to read the formula you have in front of you, which is the solemn
17 undertaking.

18 You are able to read? Otherwise repeat with me, repeat with me the following words: I
19 solemnly declare that I will speak the truth.

20 THE WITNESS: [16:14:30] (Interpretation) I solemnly declare that I will speak the truth.

21 PRESIDING JUDGE TARFUSSER: [16:14:36] The whole truth and nothing but the truth.

22 THE WITNESS: [16:14:41] (Interpretation) The whole truth and nothing but the truth.

23 PRESIDING JUDGE TARFUSSER: [16:14:44] Thank you.

24 THE WITNESS: [16:14:46] Okay.

25 PRESIDING JUDGE TARFUSSER: [16:14:46] I have to inform you also that giving false

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1 testimony is also -- not to testify and to give false testimony is an offence against the Court
2 and as such punishable. You do understand this?

3 THE WITNESS: [16:15:08] (Interpretation) Yes.

4 PRESIDING JUDGE TARFUSSER: [16:15:13] Now, the last thing before then we suspend
5 and go to tomorrow, starting your testimony, is the following: The Chamber has before
6 it your written statement, the statement you gave to the Office of the Prosecutor in
7 February, 17 February 2015. You remember having given a statement to the
8 investigators of the Office of the Prosecutor?

9 THE WITNESS: [16:15:51] (Interpretation) I don't remember the dates, but I know that I
10 gave some details.

11 PRESIDING JUDGE TARFUSSER: [16:16:00] Yes, and --

12 THE WITNESS: [16:16:02] (Interpretation) I don't remember the dates, but I know that I
13 collaborated with them.

14 PRESIDING JUDGE TARFUSSER: [16:16:09] Fair enough. With the Office of the
15 Prosecutor.

16 The statement is registered here under the following numbers, CIV-OTP-0076-0951, with
17 the annex CIV-OTP-0076-0966. These documents should be also before you and you
18 have already confirmed that you gave, without remembering the date, but you gave this
19 statement to the Office of the Prosecutor, right?

20 THE WITNESS: [16:17:11] (Interpretation) I don't know the difference between
21 the Prosecutors. All I know is that I was contacted by people from the Court. We had
22 a discussion and I showed them a few things. And I signed.

23 PRESIDING JUDGE TARFUSSER: [16:17:33] And you signed a statement. Now you
24 can't see it. But can we bring this -- you have it in front of you. You have your
25 statement.

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1 Can you show it to him?

2 THE WITNESS: [16:18:01] Yes. Yes. Yes, these are the members of the Court with
3 whom I did it.

4 PRESIDING JUDGE TARFUSSER: [16:18:21] Okay. This document, this statement you
5 gave to the Office of the Prosecutor which you have now in front, have you had the
6 opportunity to reread it or was it read to you the last days by people from the Court?

7 THE WITNESS: [16:18:45] (Interpretation) Yes. Yes.

8 PRESIDING JUDGE TARFUSSER: [16:18:47] It refreshed your memory on what you said
9 two years ago?

10 THE WITNESS: [16:18:55] (Interpretation) Okay. Yes.

11 PRESIDING JUDGE TARFUSSER: [16:18:58] The Chamber has decided, this Chamber
12 has decided on 12 May 2017, it is T-158 page 87, that your written statement is suitable for
13 introduction under Rule 68(3) of the Rules of Procedure and Evidence. This means, in
14 other words, that rather than you having to give the entirety of what you said two years
15 ago to the Prosecutor against orally here in the Court, the Chamber can use your written
16 statement. You will in any case be asked questions, some questions by the Office of the
17 Prosecutor and by the Defence.

18 The law says that the Chamber can allow the introduction of this statement if you do not,
19 if the person who gave this statement, if you do not object, and if the Prosecutor and
20 the Defence have in any case the opportunity to put questions to you. And obviously, as
21 I said, if you do not object. So I ask you, do you agree that this statement is introduced
22 into the record of the case?

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE TARFUSSER: [16:21:06] Yes, but here the problem is, your

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1 statement -- the problem is we can introduce the statement and then the statement as such
2 is in and you don't have to repeat everything which you already said to the Office of the
3 Prosecutor, if you agree. If you do not agree, if you do not agree, you have to repeat all
4 what you said to the Office of the Prosecutor two years ago. So my question is: Do you
5 agree that the statement goes into the record of the case?

6 THE WITNESS: [16:21:50] (Interpretation) Yes.

7 PRESIDING JUDGE TARFUSSER: [16:21:55] Okay. So all the requirements of Rule 68(3)
8 are met. The introduction of the written statement of the witness is allowed. And I'm
9 referring to the written statement in annex with the numbers I just have read out. For
10 clarity, also note that of course the statement discusses video CIV-OTP-0003-0716, which
11 is as such not annex to the statement but which also is considered to be submitted in line
12 with the Chamber's decision.

13 So now all, all what I have to say to you, I have said everything I have to say to you, but
14 now we will -- we could -- we could start with the questioning by the Office of the
15 Prosecutor will put you some questions, but we will not, we will start tomorrow morning.
16 So you can rest over it, you can digest this first approach with the courtroom, you have
17 seen nothing dangerous happening here, you are protected, and tomorrow we start with
18 your testimony, okay?

19 THE WITNESS: [16:23:38] (Interpretation) I haven't quite understood.

20 PRESIDING JUDGE TARFUSSER: [16:23:43] The only thing I say is that today we finish
21 here. I have said everything I had to say to you to assure you that you are protected,
22 your identity is protected, that you are obliged to respond. It's not a matter of choice.
23 And that tomorrow morning we will start fresh after you have digested this first day in
24 court. Okay?

25 THE WITNESS: [16:24:34] (Interpretation) The problem is the following: I had many

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1 concerns, and I went through three psychologists.

2 THE WITNESS: So I might have forgotten something. I might have forgotten
3 something but I can never forget the day on which they killed the women. I might
4 provide details on the days of the demonstration but, you know, there are things I have
5 forgotten over time.

6 PRESIDING JUDGE TARFUSSER: [16:25:13] Well, don't worry. We will, if you have
7 forgotten, if there is a problem, things can be forgotten, but if we can help you to recall,
8 we will help you to recall. Don't worry. We will meet again tomorrow morning, okay,
9 at 9.30, in this courtroom.

10 So now you can go back, have a rest and see you tomorrow. Thank you very much.

11 Can we call somebody from the VWU? Yes, but they should be here somewhere. I
12 mean --

13 MR MACDONALD: [16:26:17] Can I propose that we go in closed session, your Honour,
14 because the Prosecution -- outside the witness, so that we can address just one little issue?
15 (Pause in proceedings)

16 PRESIDING JUDGE TARFUSSER: [16:28:40] Well, we could go into private session, and
17 as the witness has no earphones, he doesn't hear us. So let's go into private session for
18 the request of the Prosecutor or whatever he wants to say, I don't know.

19 (Private session at 4.29 p.m.)

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16 (Open session at 4.36 p.m.)

17 THE COURT OFFICER: [16:36:21] We are in open session, Mr President.

18 PRESIDING JUDGE TARFUSSER: [16:36:36] Thank you very much.

19 The open session only to announce that we break now, that we come back tomorrow at
20 9 o'clock with extended hours as much as possible, or needed, but we start at 9 so we have
21 the whole day for this witness.

22 I obviously request all the parties to adapt their mode of questioning to the witness, which
23 is obviously not a very strong witness.

24 And the Legal Representative of Victims which have requested to put questions can
25 obviously put questions to this witness.

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- 1 The hearing is adjourned, tomorrow 9 o'clock.
- 2 THE COURT USHER: [16:37:28] All rise.
- 3 (The hearing ends in open session at 4.38 p.m.)