

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
5 Goudé - ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Monday, 22 May 2017
10 (The hearing starts in open session at 9.05 a.m.)
11 THE COURT USHER: [9:05:26] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:06:00] Good morning. Good morning to
15 everybody. I -- we have now to start with the new witness, Witness 449, who is here
16 and to whom I say good morning, so as I do to his counsel. Good morning.
17 We have foreseen extended hours and two full days, according to the provisions, so
18 I think that we have more or less two sessions each to cover, so we go to tomorrow
19 evening.
20 Good morning once again, Mr Witness. Just to, to be quick so we can start your
21 testimony, please could you give us your full name, date and place of birth. Thank
22 you.
23 WITNESS: CIV-OTP-P-0449 (The witness speaks French)
24 THE WITNESS: [9:07:25] (Interpretation) My name is Gorehi Ange Franck Tossegba.
25 I was born on 30 November in 1983 in Guessabo in the Zoukougbeu prefecture.

- 1 PRESIDING JUDGE TARFUSSER: [9:07:53] And this place is in Côte d'Ivoire?
- 2 THE WITNESS: [9:08:00] (Interpretation) Yes.
- 3 PRESIDING JUDGE TARFUSSER: [9:08:01] Where, more or less, geographically?
- 4 THE WITNESS: [9:08:11] (Interpretation) Guessabo is situated in the central western
5 part of Côte d'Ivoire between Daloa department and Duékoué department.
- 6 PRESIDING JUDGE TARFUSSER: [9:08:24] Thank you. Could you tell us your
7 faith and your ethnicity, please.
- 8 THE WITNESS: [9:08:40] (Interpretation) I am Catholic, niaboi. I am a niaboi.
- 9 PRESIDING JUDGE TARFUSSER: [9:08:47] And what is your current occupation, at
10 what are you working?
- 11 THE WITNESS: [9:09:00] (Interpretation) I am a municipal drafter.
- 12 PRESIDING JUDGE TARFUSSER: [9:09:05] And what did you work in the time of
13 the crisis in the end 2010, beginning first half of 2011?
- 14 THE WITNESS: [9:09:22] (Interpretation) Student.
- 15 PRESIDING JUDGE TARFUSSER: [9:09:24] Now I will give you some information
16 before we start.
- 17 The first, we will all call you "Mr Witness", this is practice in this Court.
- 18 The second information relates to self-incrimination, to possible self-incrimination, so
19 you have been assigned a lawyer by the Court to provide you with legal advice, with
20 legal advice about possible self-incrimination. Mrs Vanhalle is present with you,
21 and if any concern arises during your testimony she will be able to advise you and to
22 raise all necessary concerns with the Chamber.
- 23 In any case, the Chamber gives you assurance pursuant to Rule 74(3) of the Rules of
24 Procedure and Evidence that your testimony will not be used either directly or
25 indirectly against you in any subsequent proceedings by this Court, except under

1 Article 70 and 71 which are offences against the Court if you do not say the truth.
2 So if any question is asked that could lead to your self-incrimination, we will hear
3 your answer in private session and keep this answer confidential.
4 The questioning party is, in any case, responsible for requesting private sessions prior
5 to asking questions that may lead you to self-incriminate yourself. And of course
6 duty counsel should be alert if she deems it appropriate. So this, as far as it relates to
7 self-incrimination.
8 Then we have a language issue. I am speaking slowly because everything we are
9 doing and saying here is interpreted in the other language, in French, if I speak
10 English into French and vice versa, and also it is written down in both languages. So
11 in order to ensure that we understand each other and that what we say is interpreted
12 and transcribed correctly, we have to speak slowly to give all the necessary time to
13 our interpreters and court reporters. This will be even more important once you will
14 be questioned in French and you are answering in French. So please be aware that
15 everything is also translated in English. I will in any case sometimes, if you go too
16 fast, alert you to slow down.
17 So now we come to your testimony. You are aware that this is -- this Chamber has
18 been established to try the case of The Prosecutor v. Mr Gbagbo and Mr Blé Goudé,
19 and you, as a witness, are called to assist the Chamber in the search of the truth. So
20 you will be asked questions by the lawyers, the Office of the Prosecutor and then
21 the Defence lawyers, the Defence for Mr Gbagbo and the Defence for Mr Blé Goudé,
22 and your only obligation is to say the truth, to answer truthfully to the questions
23 which are put to you.
24 And before we start, you are required by law to this effect also to say the truth, to give
25 a solemn undertaking. Therefore, I ask you to read out the formula which in

1 a minute will be given to you by the court usher.

2 THE WITNESS: [9:14:43] (Interpretation) I solemnly declare that I shall speak the
3 truth, the whole truth and nothing but the truth.

4 PRESIDING JUDGE TARFUSSER: [9:14:53] Thank you very much. The last
5 information I give you is that giving false testimony, not saying the truth, is
6 punishable before this Court. So if you have understood everything.

7 THE WITNESS: [9:15:14] (Interpretation) Yes.

8 PRESIDING JUDGE TARFUSSER: [9:15:16] So I give now the floor to the Office of
9 the Prosecutor. Yours the floor for its questioning. Thank you very much.

10 MR GARCIA: [9:15:32] Good morning, Mr President, your Honours.

11 PRESIDING JUDGE TARFUSSER: [9:15:34] I just see that Maître Altit is not here.
12 Just to have a bit of information about what's going on. Thank you.

13 MR JACOBS: [9:15:50] Maître Altit has had a problem in the traffic and he'll be here
14 shortly. He's got caught up in the traffic, and he does apologise.

15 PRESIDING JUDGE TARFUSSER: [9:16:03] I know, but the only thing is do we
16 continue? Is this okay? Okay. So Mr Jacobs is saying that we may continue, or
17 start, I would say, and therefore I give again the floor to the Office of the Prosecutor.

18 MR GARCIA: [9:16:20] Just one matter, your Honours, related to this part regarding
19 Mr Dov Jacobs' comment. I think that procedurally it would be correct if the accused
20 himself consents or waives to the fact that his lead counsel and co-counsel are not
21 present, just so that -- to avoid any problems in the future in this regard. I
22 understand Mr Dov Jacobs is neither one nor the other.

23 PRESIDING JUDGE TARFUSSER: Yes.

24 MR JACOBS: [9:16:45] I spoke with the agreement of the accused.

25 PRESIDING JUDGE TARFUSSER: [9:16:50] I would have started from the

1 assumption that it is not Mr Jacobs speaking, but he as portavoce of the clients.

2 Please go ahead.

3 MR GARCIA: [9:17:04] Thank you, your Honour.

4 QUESTIONED BY MR GARCIA: (Interpretation)

5 Q. [9:17:16] Good morning, Mr Witness.

6 A. [9:17:18] Good morning.

7 Q. [9:17:25] My name is Lucio Garcia and I am going to be putting questions to you

8 on behalf of the Prosecution today. Just a little instruction before we commence.

9 On occasion I shall put a question to you and if you do not understand it, for any
10 reason whatsoever, do not hesitate to tell me and in such a way I will be able to repeat
11 the question or rephrase it, so that we can understand each other better.

12 A. [9:17:57] I have understood.

13 Q. [9:18:01] Also, in view of the fact that there are interpreters in the courtroom, I'm
14 going to be taking my time whilst putting questions to you, and please wait a few
15 moments before you answer me.

16 So, firstly, Mr Witness, I'm just going to be putting a few questions to you with regard
17 to your schooling, in brief.

18 I understand that in the year 2004 you obtained your baccalaureate in A2 series in
19 Dabou; is that correct?

20 A. [9:18:52] Yes.

21 Q. [9:18:52] In 2007 you got a BST in collective in territorial collectivity; is that
22 correct?

23 A. [9:19:03] It's a BTS, a Superior Technicians Brevet in management of territorial
24 collectivity.

25 THE INTERPRETER: [9:19:13] Message from the interpreter: It's too fast and there is

1 overlapping speakers.

2 PRESIDING JUDGE TARFUSSER: [9:19:18] Too fast and there are overlapping
3 speakers. We start already. Okay, please.

4 MR GARCIA: [9:19:33] I will slow down, your Honour.

5 Q. [9:19:42] (Interpretation) 2008, Mr Witness, I understand that you also got
6 a diploma in general university studies 2 at the University of Abidjan; is that correct?
7 And please take your time to answer me.

8 A. [9:19:59] Yes.

9 Q. [9:20:12] Now, Mr Witness, I'm going to be moving on to a completely different
10 area, namely political movements, and I'd like to know whether you have already
11 been a member of the FESCI?

12 A. [9:20:28] Yes.

13 Q. [9:20:38] In which year did you join the FESCI, become a member thereof?

14 A. [9:20:48] In 2003 whilst I was in high school. At the -- until 2008.

15 THE INTERPRETER: [9:20:59] The interpreter did not catch the name.

16 PRESIDING JUDGE TARFUSSER: [9:21:03] The name. The interpreter did not
17 catch the name.

18 THE WITNESS: [9:21:13] (Interpretation) At the Leboutou *high school, the lycée,
19 Leboutou *in Dabou *till 2008.

20 MR GARCIA: (Interpretation)

21 Q. [9:21:31] When you joined the FESCI in 2003, what was your position or what
22 duties did you have?

23 A. [9:21:44] We were part of a section of the lycée and I was deputy secretary of the
24 organisation.

25 Q. [9:22:03] Did you occupy any other functions in the FESCI subsequently?

1 A. [9:22:11] Yes. At the grand école, at the local group école, our section was
2 called La Poudrière, and I was the deputy secretary to the organisation.

3 Q. [9:22:37] And, in brief, so that we understand your position, when you say you
4 were secretary of the organisation, what exactly what your functions, what does
5 a secretary of this organisation do?

6 A. [9:22:53] The secretary of the organisation within the FESCI, well, this is the
7 second person in charge after the general secretary, it is the organisational secretary,
8 and that person was in charge of organising the union life, if you like, of the section.
9 So it was that this person who organised virtually everything, that person who
10 organises the life of the movement within the section.

11 Q. [9:23:47] Did you occupy any other function within the FESCI subsequently?

12 A. [9:23:54] Yes. Yes. I was in -- I was number one mobilisation secretary.

13 Q. [9:24:03] Do you recall approximately which year you were this number one
14 secretary to mobilisation?

15 A. [9:24:12] Yes. I think it was in 2007/2008.

16 Q. [9:24:28] For this to be in the record, when you were the mobilisation secretary,
17 where did this take place, in which school or in what institution?

18 A. [9:24:47] The lycée Leboutou.

19 Q. [9:24:56] And as secretary for mobilisation, what precisely were your functions?

20 A. [9:25:06] We were in charge of mobilising the various people
21 from -- haranguer -- to bring the various followers to adhere to the union cause.

22 Q. [9:25:34] So between 2008 and 2010 were you still within the FESCI movement?

23 A. [9:25:42] Between 2008 and 2010, no, I do not believe so because we had joined
24 a movement by the name of the COJEP.

25 Q. [9:26:02] Very well, we'll get there in a moment. I just wanted to know what

1 your last position was within the FESCI and where precisely?

2 A. [9:26:16] I was mobilisation secretary or deputy number one mobilisation
3 secretary FLASH at the University of Cocody.

4 THE INTERPRETER: [9:26:33] In a department that the interpreter did not catch.

5 PRESIDING JUDGE TARFUSSER: [9:26:37] Which department?

6 THE WITNESS: [9:26:40] (Interpretation) Histoire.

7 MR GARCIA: [9:26:49] (Interpretation)

8 Q. [9:26:51] In order to clarify, Mr Witness, so for us to understand, is that the
9 applied languages and human sciences faculty that you're referring to?

10 A. [9:27:05] Yes.

11 Q. [9:27:07] So that's what you refer to when you refer to "FLASH", if I understand
12 you correctly?

13 A. [9:27:14] That is correct.

14 Q. [9:27:28] So before going on to the COJEP, I'd just like to put a few questions to
15 you with regard to the FESCI itself.

16 Why did you leave the FESCI?

17 A. [9:27:55] What made us leave the FESCI, first and foremost, was because we
18 were a little longer in the tooth and we felt in a position to be able to apply our
19 competencies to other movements. And also we were not on good terms with the
20 national general secretary in place.

21 Q. [9:28:28] Who was the national general secretary at that moment in time when
22 you left the movement?

23 A. [9:28:36] In 2008 I believe it was comrade Mian Augustin, I believe.

24 Q. [9:28:47] Why were you not on good terms with him?

25 A. [9:29:05] We were not on good terms because we had wanted to join other

1 movements and also because the statements made by certain comrades within the
2 FESCI did not sit well with us anymore. and that was why we decided to leave the
3 FESCI and apply our areas of competence to other movements.

4 Q. [9:29:41] Mr Witness, in brief, for us to be able to understand, what was
5 the -- what was the substance of those statements made? You made mention of
6 statements, what were they?

7 PRESIDING JUDGE TARFUSSER: [9:30:07] Maître Gbougnon.

8 MR GBOUGNON: [9:30:08] (Interpretation) Yes, Mr President. I got to my feet
9 with a view to objecting because, firstly, I do not see the relevance of this line of
10 questioning; and secondly, we are far from the directives that you established here.
11 We are a far cry from the charges. And I do not see the relevance of this line of
12 questioning.

13 PRESIDING JUDGE TARFUSSER: [9:30:38] Well, the line of questioning we will
14 probably see soon. And also we should come soon also to the period of the crimes
15 charged, but please go ahead, but let's go straight to the point, thank you.

16 MR GARCIA: [9:31:01] Your Honour, I just have one question in this regard and
17 obviously I'm going to get to the meat of the witness's testimony very fast.

18 Q. [9:31:12] (Interpretation) And so what was the substance, Mr Witness, of these
19 statements?

20 I see that you're nodding. Did you hear the question?

21 You mentioned some statements that your union brothers were making. What were
22 these statements all about, given the context and given the reasons why you left the
23 FESCI?

24 A. [9:32:08] Could you repeat your question?

25 Q. [9:32:25] Witness, now just to help you get back on track, I was asking you why

1 you left the FESCI and you mention some statements that were made by some of your
2 brothers, your comrades. My question was simple: Now what were these
3 statements, what were they all about? What was the substance of these statements
4 and why did you not agree with them?

5 A. [9:32:52] We were not in agreement with the way that the FESCI was led
6 because, you see, we were holding a lower position within the organisation, and
7 within the FESCI we were in one particular section and the various sections -- well,
8 the statements that were made or sent to us was that a man from the west could never,
9 after, after leading, that period, until the election of 2010 was over, no one from the
10 west could lead the FESCI. That is what they were saying.

11 Q. [9:33:37] Were there other reasons why you left the FESCI?

12 A. [9:33:45] That was one of the most important reasons why.

13 Q. [9:33:52] Now briefly, Mr Witness, could you tell us about the creation of the
14 FESCI.

15 A. [9:34:04] It was set up in 21 February 20 -- 1990, long before my time. And
16 really I could explain the creation. I apologise, but really it was an awful long time
17 ago, far before my time, and I'm really -- I was not there at that time. So 1990,
18 that -- I joined 14 years later in actual fact.

19 THE INTERPRETER: [9:34:36] Interpreter correction: The date mentioned was
20 21 April 1990.

21 MR GARCIA: [9:34:43] (Interpretation)

22 Q. Yes, we realise that, Mr Witness, but what do you know about the establishment
23 of the FESCI?

24 A. [9:34:50] Well, I do know that the FESCI was established on 21 April 1990 by
25 a number of elders. *And their view was put an end to the MECI (phon) which had

1 existed and also to defend the rights and duties of high school and university
2 students. That's it.

3 Q. [9:35:30] You mention that one of the objectives of the FESCI was to protect
4 students' rights. Did it go on in that particular -- along that path, or did FESCI
5 change over the years?

6 A. [9:35:49] Well, we continued and the movement still exists.

7 Q. [9:35:58] Now you touched upon the creation of the FESCI. Did the FESCI
8 support a particular politician or a political party?

9 A. [9:36:15] No, it didn't, sir.

10 Q. [9:36:55] Mr Witness, I would like to refer back to the statement you gave to
11 the Prosecution and this is 0063-1248, page 1274. Now, Mr Witness, you were asked
12 some questions about the FESCI when you were questioned by the OTP investigators.

13 MR GBOUGNON: [9:37:26] (Interpretation) Your Honours, may I?

14 PRESIDING JUDGE TARFUSSER: [9:37:30] Maître Gbougnon.

15 MR GBOUGNON: [9:37:31] (Interpretation) The reference number, your Honour?

16 I'm afraid --

17 MR GARCIA: [9:37:40] (Interpretation) 0063-1248 at page 1274, lines 908 to 910.

18 PRESIDING JUDGE TARFUSSER: [9:38:02] Mr O'Shea.

19 MR O'SHEA: [9:38:02] Morning, your Honours. It's just that at this stage I'm not
20 sure that my learned friend is either confronting a witness with a contradiction or
21 reminding him of testimony when he is unable to give it. This witness so far appears
22 to be reasonably articulate, there seems to be no justification at the moment to refer to
23 the statements and neither has my learned friend asked for leave from this Chamber
24 to do so.

25 PRESIDING JUDGE TARFUSSER: [9:38:34] Yes, the problem is always the same.

1 Are we going to confront him with something which is in contradiction with what he
2 said?

3 MR GARCIA: [9:38:45] Yes.

4 PRESIDING JUDGE TARFUSSER: [9:38:46] Or are we going to refresh the memory
5 because he does not remind?

6 MR GARCIA: [9:38:52] Your Honours, this is a confrontation. It's not a refreshing
7 the memory. I would have stated that from the start. And the fact whether the
8 witness is testifying well or not --

9 PRESIDING JUDGE TARFUSSER: Yeah, but --

10 MR GARCIA: -- is in my opinion something that's (Overlapping speakers).

11 PRESIDING JUDGE TARFUSSER: [9:39:05] No, no. It's okay. We're --

12 MR GARCIA: There's a question that --

13 PRESIDING JUDGE TARFUSSER: -- not going into polemics.

14 MR GARCIA: [9:39:07] No, exactly. I asked a specific question, the witness has
15 answered, now I would like to confront him with his prior declaration to the OTP.
16 Simply that.

17 PRESIDING JUDGE TARFUSSER: [9:39:18] Yes.

18 Mr Gbougnon.

19 MR GBOUGNON: [9:39:19] (Interpretation) Your Honour, if the witness could be
20 asked to leave the courtroom.

21 PRESIDING JUDGE TARFUSSER: [9:39:33] No, we can't -- what for? I mean if
22 there is a confrontation to do, if we start with -- I --

23 MR GBOUGNON: [9:39:42] (Interpretation) Your Honour, I -- well, I'm asking
24 the Chamber if the witness could be escorted out of the courtroom. I can make my
25 observations, but you see, in addition to what my colleague has mentioned, I do need

1 to make a more general remark about this point and about what my learned friend
2 appears to be doing and what he seems to have up his sleeve, so to speak.

3 PRESIDING JUDGE TARFUSSER: [9:40:16] Can we ask the witness to leave the
4 court. Could the court usher please escort the witness out of the courtroom. Thank
5 you.

6 (The witness stands down)

7 PRESIDING JUDGE TARFUSSER: [9:40:48] Maître Gbougnon.

8 MR GBOUGNON: [9:40:50] (Interpretation) Yes, your Honour, the Prosecution is
9 preparing to confront the witness, they say, with part of the statement that he gave
10 and this is in relation to the reply he just provided. And I believe here that the first
11 problem is that the party that is being targeted by the Prosecution may appear to
12 be -- well, this may appear to be in contradiction to what is being said from the
13 witness box. And I think if we go on, we will see an explanation.
14 But, your Honour, I think what is going to be a constant problem with this witness is
15 this particular difficulty because you see the Prosecution will be cherry-picking parts
16 of his earlier statements and then confronting the witness with such cherry-picked
17 items, and I think he will be with us for three days and the Prosecution is going to be
18 trying to bring out these items of information.

19 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

20 MR GBOUGNON: (Interpretation) No, I don't have the actual statement from the
21 investigators before me, but I was saying, your Honour, that in his statement there are
22 a great many things that could appear to be contradictory to the OTP. We are not
23 opposed to the Prosecution confronting the witness with part of his prior interview,
24 but I think to be fair we need to read the entire passage at which the witness provided
25 an explanation.

1 I remind you, your Honour, that last Friday, in actual fact, and I'm referring to, to the
2 transcript, realtime transcript, unfortunately, I was not able to obtain the edited
3 transcript of the *12 May 2017. And my learned friend, page 48, I quote: "I do
4 know" -- line 8, and I quote: "I do know that during the interview there were many
5 passages during which that matter was raised. And I wish to remind my learned
6 colleague opposite that there are other passages from that same interview and that
7 she is being very selective."

8 So I believe that you responded favourably to that remark from the Prosecution and
9 I believe that the Prosecution is doing the same thing once again. To my mind this is
10 not a confrontation really because there are many passages in which we find
11 explanations for remarks made. So I believe the Prosecution really should begin by
12 quoting from the page before, rather than bringing out a so-called contradiction.

13 I thank you, your Honour.

14 PRESIDING JUDGE TARFUSSER: [9:44:16] Mr O'Shea.

15 MR O'SHEA: [9:44:17] Your Honour, this is interrelated to what my learned friend
16 just said, but it relates to the issue of time frame because if one is going to put
17 a contradiction to a witness, one should ensure that one is really dealing with
18 a contradiction of a witness. And the passages which are about to be cited, it's not
19 clear what the time frame is. So the witness must be clearly situated in the time
20 frame in order that it is clear that we are really dealing with a contradiction so that the
21 privilege of going to the previous statements is not abused.

22 PRESIDING JUDGE TARFUSSER: [9:44:59] Office of the Prosecutor.

23 MR GARCIA: [9:45:00] Yes, your Honour, I concentrated on the lines which I feel
24 are the most relevant. Again, I think this is a long-standing objection from
25 the Defence of the Charles Blé Goudé team. One again, if they do desire to canvass

1 other parts of the statement with the witness, they can do. Obviously
2 the Prosecution has the obligation of putting things fairly to the witness and that's
3 what we are doing.
4 If I would follow the suggestion of Maître Gbougnon, then we could be here for more
5 than a couple of days actually, so I'm going straight to the meat. I can read the lines
6 that preceded, 903 to the 910. Maybe that will satisfy the Defence, but those are my
7 comments in that regard.

8 And as for Maître O'Shea's comments, the question that I put was actually a very
9 large question, witness has responded categorically, I don't believe it's necessary to
10 beat around the bush any more with it. We can put the confrontation or what he
11 stated to the OTP in the past, witness will answer and if he has to give any
12 clarifications, he can do so and we can move on more efficiently. So that's the way I
13 suggest that we go about this.

14 PRESIDING JUDGE TARFUSSER: [9:46:06] I think this matter of -- what I ask, in
15 any case, is if there is a reading from the prior statement, it should be clear, come out
16 if it's a confrontation or if it is a refreshing of the memory, because obviously this has
17 then also an impact in the evaluation of if it was really a contradiction or not, which
18 will then follow. So I cannot but rely on what the party who uses the prior statement
19 is saying if it is contradiction or it is a refreshing of the memory. And the fact that it
20 is or it is not a contradiction is also very often an opinion. So obviously it is
21 responsibility of the party who is using the statement to use it correctly vis-à-vis the
22 witness first and obviously vis-à-vis the other parties.

23 So please go ahead with the questioning as soon as the witness comes back.

24 I would ask the court usher to bring the witness in again. Thank you.

25 (The witness enters the courtroom)

1 PRESIDING JUDGE TARFUSSER: [9:47:58] Office of the Prosecutor.

2 MR GARCIA: [9:48:08]

3 Q. [9:48:08] (Interpretation) Mr Witness, I would just like to read out a few
4 passages from the interview that you had with OTP investigators. And this is about
5 the FESCI. I will start at line 901.

6 This is interviewer number 1: "Okay. And then in the following years, what were
7 the activities of the FESCI?"

8 And you answered this, and I quote: "In the following years, the FESCI activities
9 remained in the same area -- going along the same lines, ensuring the dignity of
10 students, defending the rights of pupils and students, and, also, then the movement
11 branched out into politics."

12 Then the interviewers asked you: "Well, what do you mean?"

13 And you answered, you said: "Well, now we are also protecting the institutions of
14 the state, that is, the new areas of responsibility, the new situation. All members of
15 the FESCI are also supporters of Laurent Gbagbo."

16 MR GBOUGNON: [9:49:41] (Interpretation) Your Honour, I think that the following
17 passage will explain, and are very much in keeping with the earlier remarks, the point
18 where we left off. Please.

19 PRESIDING JUDGE TARFUSSER: [9:49:59] No, I don't understand what you mean
20 by "the following passage will explain." Which following passage?

21 MR GARCIA: [9:50:07] I don't see how that follows or clarifies more. I think that
22 the extracts that I put to the witness are the relevant ones, and I aim to ask questions
23 precisely on those.

24 Q. [9:50:21] (Interpretation) Now, you told the investigators from the OTP; did you
25 say that?

1 A. [9:50:33] Thank you. I said my situation was exceptional, and so the reaction
2 was exceptional. FESCI was a movement to defend the rights of students. In 2002,
3 Côte d'Ivoire was attacked by rebels, and these young people, these students, whose
4 future lay in the hands of the country, had to respond in a proportionate way to the
5 rebel attacks. And so we needed to take up a position; namely, we needed to defend
6 the institutions of Côte d'Ivoire. And when I tell you directly -- but, you see, within
7 the FESCI up until now, it was belonging to FESCI -- but people who were members
8 of other political movements, to say that indeed we were defending the institutions of
9 the state. But the institutions of the state, as the presidency, that were incarnated by
10 Mr Laurent Gbagbo at that very time.

11 Q. [9:52:07] Mr Witness, you also mentioned the EU-COJEP.

12 A. [9:52:11] Yes.

13 Q. [9:52:15] Correction, UE-COJEP. Could you explain briefly to us what that was
14 all about; what was the UE-COJEP?

15 A. [9:52:24] The UE-COJEP was a movement that began in 2008 *as I already said.
16 It stands for the union of students of the Pan-African congress of *youth and patriots.

17 Q. [9:52:59] So the organisation began in 2008. Can you tell us how it came to be
18 that this particular movement emerged? Who set it up?

19 A. [9:53:18] The movement was established by young students, and led by one of
20 our fellow -- President Gballe, Jean Daniel. And the aim of the COJEP was to
21 provide support to the movement of Mr Charles Blé Goudé, to provide support by
22 getting students involved in this cause, the congress, this cause, the Pan-African
23 congress of youth and patriots.

24 Q. [9:54:21] And did you hold a particular position within the UE-COJEP?

25 A. [9:54:28] Yes, I was the national general secretary of that organisation.

1 Q. [9:54:49] And what were your duties as the national secretary?

2 A. [9:54:53] As the national general secretary, my work was to ensure that the
3 movement ran smoothly and to regulate the various activities to coordinate all
4 activities and to ensure that the movement operated smoothly.

5 Q. Could you briefly explain to us, well, you mentioned a link to the COJEP.
6 What did you do on a weekly basis? What was this link between the UE-COJEP and
7 the actual COJEP itself?

8 A. [9:56:09] Well, you see, the COJEP and the UE-COJEP, well, we were responsible
9 for mobilising young people and getting them involved and having them rally to this
10 cause, the Pan-African congress of young people and patriots. So we did all kinds of
11 things to mobilise these young people and to establish various movements -- or
12 establish within the movement to encourage students to -- well, have them
13 understand patriotism. We were trying to have them understand the cause of
14 Pan-Africanism, a cause defended by the COJEP.

15 Q. [9:56:56] How many members did you have, in approximate terms?

16 A. [9:57:09] We were established everywhere throughout Côte d'Ivoire, so the
17 number -- it would be difficult to give you a number, but perhaps 3,000 people.

18 Q. [9:57:27] And now, before we actually move to the COJEP itself, your
19 movement -- did anyone -- the UE-COJEP, did anyone mention the establishment of
20 this particular movement?

21 A. [9:57:46] What led to the establishment, no, but we were inspired by the vision
22 of a person, namely, Mr Charles Blé Goudé.

23 Q. [9:58:01] You mentioned the COJEP as well. Now at that time who led -- who
24 was the president of the COJEP?

25 A. [9:58:13] Mr Charles Blé Goudé.

1 Q. [9:58:20] Could you tell us who actually established the COJEP?

2 A. [9:58:25] Mr Charles Blé Goudé.

3 Q. [9:58:31] Could you tell us something about the organisation of the COJEP?

4 Give a -- was there like an org chart? You mentioned that Mr Charles Blé Goudé
5 was the president. Now, below him, at lower levels, were there -- what sort of
6 positions were there?

7 A. [9:58:58] Well, let me -- our movement was kind of copy and paste, in a way, *of
8 COJEP, and there was a president at the top of the *organisation chart and then there
9 was the national *bureau, the national *bureau made up of 15 members, I believe it
10 was, and then there *were the coordination *units. As you went down *the chart,
11 there were more local sections, and then there were the grassroots.

12 Q. [9:59:44] Could you be a bit more specific? You mention a national executive
13 office with 15 people, and were these people representing different regions? How
14 did it work?

15 A. [9:59:58] Well, coordination was by region. The national office -- it all
16 depended on the abilities and capacities of people and the perceptions and the
17 assessment of the president, and he would appoint whoever he wanted to the
18 national office.

19 Q. [10:00:27] All right. If I understand correctly, it was the coordination that was
20 divided by region; is that correct?

21 A. [10:00:35] That is correct.

22 Q. [10:00:40] So to clarify, that must have been in the towns and communes; is that
23 the division that was in place?

24 A. [10:00:51] Yes.

25 Q. [10:00:57] So you also made mention of the various sections. So we are

1 speaking here of the sections of the -- of the COJEP, of course; what were they?

2 A. [10:01:16] The sections comprise the sub neighbourhoods, the neighbourhoods
3 themselves, the villages. The camps and the various sections that we had needed to
4 use the various bases, so they had to comprise at least a minimum of five bases.

5 Q. [10:02:07] As a response to one of my questions a few moments ago, you gave us
6 an approximation in terms of the number of members in the *UE-COJEP. I'm going
7 to put the same question to you again. To your knowledge -- of course, you are not
8 going to be able to give us a specific number, but I would like for you to give us an
9 approximation in terms of the numbers of members of the COJEP at that time, just
10 before the post-election crisis.

11 A. [10:02:35] I am not in a position to give you a number at the risk of telling a lie.
12 I want to tell the truth.

13 Q. [10:02:44] Was the number greater or smaller than the members of the UE-COJEP?

14 A. [10:02:54] It was larger. It was five, six or seven times larger than ours.

15 Q. [10:03:28] So with the exception of the UE-COJEP, Mr Witness, were you
16 a member of any other political movements?

17 A. [10:03:43] Yes. The UE-COJEP was *subsequently part of a larger group for the
18 elections of 2010, a group called the *Nouveaux Majeurs for the re-election of
19 President Laurent Gbagbo.

20 Q. [10:04:07] Who requested that you set up said movement?

21 A. [10:04:16] It was Mr Charles Blé Goudé who requested that we bring the
22 movements together around him in order to establish a large movement in order to
23 make ready for the re-election of Laurent Gbagbo.

24 Q. [10:04:42] And what was your function or position within that movement?

25 A. [10:04:51] The *Nouveaux Majeurs *was comprised *of three *major movements.

1 There were no positions as such, there were three presidents and the three presidents
2 occupied the position of presidents and there was a scientific committee comprising
3 nine individuals, of which I was one.

4 Q. [10:05:19] So for things to be clear, this nouveau majeur movement comprised
5 three movements, if I understand you correctly, one of which was the UE-COJEP.
6 And what were the two others then?

7 A. [10:05:34] The two others, there was the génération Blé Goudé, the GBG, and
8 there was the JCD, which is an abbreviation for Youth Conscious of Tomorrow.

9 Q. [10:06:13] Now, with regard to the génération Blé Goudé movement, who was
10 the president?

11 A. [10:06:20] Comrade Abou Bamba, A-B-O-U, B-A-M-B-A.

12 Q. [10:06:36] And for the jeunesse consciente de demain, the Youth Conscious of
13 Tomorrow, same question.

14 A. [10:06:44] Comrade Zadji Djédjé, Z-A-D -- D-J --

15 THE INTERPRETER: [10:06:58] Said at speed, Mr President, too fast for the
16 interpreters.

17 PRESIDING JUDGE TARFUSSER: [10:07:01] Too fast for the interpreters.

18 THE INTERPRETER: [10:07:16] A numbered list would be of great help. Thank
19 you.

20 MR GARCIA: [10:07:22] (Interpretation)

21 Q. [10:07:23] Could you please spell out the last name that you just mentioned?

22 A. [10:07:28] I said Zadji Djédjé Quérard, Z-A-D-J-I, D-J-E-D-J-E, Q-U-E-R-A-R-D.

23 Q. [10:08:00] A little question with regard to this individual Zadji Djédjé - sorry
24 about the pronunciation - was this an individual that you knew beforehand?

25 A. [10:08:11] No.

1 Q. [10:08:29] Could you please tell us specifically where that movement was set up,
2 the movement for the re-election of Laurent Gbagbo, where specifically was it set up?

3 A. [10:08:40] The suggestion to create the *Nouveaux Majeurs pour la réélection du
4 Président, the new *majors group for the re-election of the president, was suggested
5 by Charles Blé Goudé *to the Leaders Team at the Deux Plateaux in Aghien.

6 Q. [10:09:15] Now, briefly, Mr Witness, I understand that you were a member of
7 the UE-COJEP, and you mentioned other movements as well. Who financed those
8 movements? That is to say for, you know, current accounts, procurement, buying
9 things such as cars, who paid for that?

10 A. [10:09:35] We didn't have any cars. I would like to make that *clear. We were
11 young people and any movement or association, well, we lived on the basis of selling
12 voters -- or membership cards and also on the basis of donations *and other
13 contributions..

14 Q. [10:10:09] Did you receive any financing from the COJEP itself?

15 A. [10:10:22] No.

16 Q. [10:10:41] Did you receive any financing or any form of financial support or
17 property from anybody in particular?

18 A. [10:10:58] Sir, as I was saying to you at an earlier stage, we were surviving on
19 the basis of selling members' cards, we were surviving from donations, and
20 everything that we did was, you know, on that basis and also on the basis of
21 inheritance.

22 Q. [10:11:21] Now, Mr Witness, I am going to once again bring you back to your
23 statement.

24 Mr President, this is a confrontation. This is 0063-1283, and it is at page 1288.

25 And specifically, Mr Witness, to give you the context, we were asking you questions

1 on the financing of those movements. Now I am going to be reading lines 156 to 168.

2 And at line 156, question on the part of the interviewer, I quote:

3 "Very well. It was just a general question."

4 Your answer, I quote: "Yes."

5 Line 158, interviewer puts a question to you once again, I quote: "How were all of
6 those movements supported, all of those groups, how were they supported?"

7 Answer at line 159: "How they were supported?"

8 Line 160: "Yes."

9 Line 161, and I quote you: "Blé Goudé, well, when we wanted something from
10 Blé Goudé, he would give it to us."

11 Interviewer: "What?"

12 Answer, 164, your answer: "When we asked him, he would give us things as much
13 as he could."

14 165, interviewer, I quote: "That is to say what?"

15 Answer, your answer, line 166 until 168, "He would take care of the leaders, of the
16 various leaders, because we were the, the crowning glory of Ivorian politics. So
17 those people needed to be kept going and those people needed to be financed so that
18 those people would be grateful in the years to come."

19 Is that what you said to the investigators?

20 A. [10:13:51] Yes, it is what I said, but Blé Goudé is also somebody who could give
21 a donation. And I said, and I repeat, we would live on the basis of selling members'
22 cards and we would live from the donations. Now, Mr Blé Goudé would give us
23 donations because we were members of a movement that was close to him. Thank
24 goodness. And those donations were very welcome.

25 Q. [10:14:17] Now, just to specify, Mr Witness, this is the truth what I have just read

1 to you, is it, and it is correct?

2 A. [10:14:25] Yes, it is correct.

3 Q. [10:14:47] Mr Witness, just one moment. I want to come back to the transcript
4 because it would seem that -- I can see my colleague has just been passing a note to
5 me, transcript page 26, page 26, line 11, there should be a correction brought. You
6 said that the suggestion to create the nouveau majeur group for the re-election of
7 Laurent Gbagbo was suggested by Mr Charles Blé Goudé. Did you say "leader's
8 team"; am I right or am I wrong?

9 A. [10:15:29] Leader's team.

10 Q. [10:15:31] Thank you for specifying, Mr Witness.

11 Now, Mr Witness, in one of your responses a few moments ago you talked about the
12 rebellion, I believe, in one of your answers, and you also talked about Mr Charles
13 Blé Goudé. Do you know or to your knowledge was there a -- was a leader
14 designated at any specific moment in time?

15 A. [10:16:38] I don't really grasp your question.

16 Q. [10:16:41] After the crisis in 2002, to your knowledge was there a meeting in
17 order to designate a leader who would then lead the movement, lead the combat, any
18 given individual in particular?

19 A. [10:17:04] Yes, according to the information received, there was a meeting.

20 Q. [10:17:25] Now, I am not going to go into who gave you that information. I
21 will come to that later. But please speak to us of this meeting. When did it occur,
22 approximately in what year?

23 A. [10:17:45] I believe that it was in 2002 at the university campus, the Cocody
24 University campus called the Cité rouge in Cocody.

25 Q. [10:18:12] Who was in attendance on the occasion of that meeting?

1 A. [10:18:31] At the risk of telling you a lie or at the risk of making a mistake,
2 I believe that president -- the President Charles Blé Goudé was there. There was
3 Kakou Brou, there was Mr Damana Pickass, I believe, and there were quite a few
4 other people in attendance.

5 Q. [10:19:05] You mentioned Kakou Brou, who is that individual?

6 A. [10:19:16] Kakou Brou was an influential member of the FESCI.

7 Q. [10:19:43] When you say "influential member", which post did he or had he
8 occupied within the FESCI?

9 A. [10:19:49] I would not be in a position to say, sir.

10 Q. [10:19:53] Could you please talk to us about his influence.

11 A. [10:20:08] In 2002?

12 Q. [10:20:22] Yes.

13 A. [10:20:23] Well, in 2002 I was not part of the FESCI, sir.

14 Q. [10:20:30] We know that, Mr Witness, but I'm just asking you to provide us with
15 what you know on the subject.

16 A. [10:20:49] Mr Kakou Brou, I believe, was one of the people at the forefront of
17 those people who managed the FESCI and who put up a resistance with the FESCI.
18 I believe that that is more or less all the information in my possession and I would not
19 be in a position to tell you anything further, at the risk of running -- at the risk of
20 telling you something that I don't actually know. And as I say, I want to say the
21 whole truth and nothing but the truth.

22 Q. [10:21:29] Was he known by any other names, that is to your knowledge once
23 again?

24 A. [10:21:35] He was known better under the name of Maréchal KB, or Maréchal
25 KB.

1 Q. [10:21:59] Why maréchal? Why marshal? Was he a member of the FDS
2 soldiers?

3 A. [10:22:17] No. In 2002 he was not a member of the Côte d'Ivoire army, but he is
4 currently a colonel within the army. Maréchal, marshal, why was he called that?
5 Maybe it was a nickname he was given. I would not be in a position to justify why
6 he was named as such.

7 Q. [10:22:46] Are you in a position to tell us specifically in which branch of the FDS
8 he is currently?

9 A. [10:22:53] I believe that he is in the maritime police of Côte d'Ivoire?

10 Q. [10:23:37] So what was the aim of said meeting?

11 A. [10:23:49] I believe that it was in order to designate a leader to head up the lutte
12 patriotique, the patriotic fight or combat.

13 Q. [10:24:02] And this was a patriotic struggle or fight against whom or what?

14 A. [10:24:07] Against the rebellion.

15 Q. [10:24:21] And was a leader indeed designated during that meeting?

16 A. [10:24:28] Yes. The president and comrade Charles Blé Goudé was designated
17 to head up that struggle.

18 MR GARCIA: [10:24:49] Your Honours, could we go briefly into private session, just
19 for a couple of questions?

20 PRESIDING JUDGE TARFUSSER: [10:24:55] Let's please go into private session.
21 (Private session at 10.25 a.m.) *Reclassified as open session

22 THE COURT OFFICER: [10:25:09] We are in private session, Mr President.

23 PRESIDING JUDGE TARFUSSER: [10:25:11] Yes, please.

24 MR GARCIA: [10:25:17] (Interpretation)

25 Q. [10:25:18] Mr Witness, who gave you the information with regard to that

1 meeting?

2 A. [10:25:29] The information on the creation of the Galaxie Patriotique is
3 information that is out there and known to everybody, because everyone who was in
4 attendance at that meeting talked about it to the media and it was broadcast through
5 the media and at the various rallies we attended.

6 Q. [10:25:51] For us to be more specific, this information to the -- saying that there
7 was going to be a meeting at that location that you designated, you said that
8 Mr Blé Goudé was designated and you heard this over the television and other
9 sources. Where? You say it was broadcast over the television?

10 A. [10:26:11] I said it was broadcast over the television and at the various rallies
11 organised by those various individuals.

12 Q. [10:26:18] Very well, Mr Witness.

13 MR GARCIA: [10:26:22] Your Honours, we can get out of private session and we
14 can and should reclassify that public. I was just erring on the side of caution. I did
15 not know exactly who he was going to mention in this regard.

16 PRESIDING JUDGE TARFUSSER: [10:26:33] Thank you very much.

17 Can we go into public session.

18 (Open session at 10.26 a.m.)

19 THE COURT OFFICER: [10:26:48] We are back in open session, Mr President.

20 PRESIDING JUDGE TARFUSSER: [10:26:51] Thank you. What was said during the
21 private session is reclassified. I think there is no question on this or no necessity for
22 debate.

23 So please go ahead, Mr Prosecutor.

24 MR GARCIA: [10:27:32] (Interpretation)

25 Q. [10:27:33] Now, Mr Witness, you mentioned in your last response the

1 Galaxie Patriotique, did you not?

2 A. [10:27:41] Yes, that is correct.

3 Q. [10:27:44] Now, for there not to be any confusion, who was the leader of the
4 Galaxie Patriotique?

5 A. [10:27:54] Mr Charles Blé Goudé.

6 PRESIDING JUDGE TARFUSSER: [10:28:00] I hope this is the last time we hear this
7 question.

8 MR GARCIA: [10:28:03] Just to clear the record, your Honour, I understand, I may
9 have mislead the witness, but he did respond Galaxie Patriotique at that point.

10 Q. [10:28:20] (Interpretation) Just before we move away from this line of
11 questioning, Mr Witness, do you have any other people in mind who were in
12 attendance at the meeting when Mr Charles Blé Goudé was appointed as leader?

13 A. [10:28:37] No.

14 Q. [10:29:12] So, Mr Witness, I am just going to refresh your memory with regard
15 to the people who were in attendance, as you stated to the Office of the Prosecutor.

16 So, when you were questioned with regard to the people who were in attendance and
17 I'm referring to 0063-1377, page 1395, I'm referring to line 669 to 672, for the record,
18 that is. And I'm going to quote. The interviewer put the question to you:

19 "Okay. And so in that room who was in attendance?"

20 Your answer, 670: "In that room, apparently comrade Charles Blé Goudé, Dacoury
21 Richard and Dibopieu, Maréchal Kabe, Damana Pickass, Ani Tcheley were present".

22 Were those indeed the people present according to the information provided? Is
23 that what you learned of?

24 A. [10:31:04] Yes.

25 Q. [10:31:41] Briefly, Mr Witness, before we turn to something else, I would like us

1 to look at some video footage together. It shouldn't take too much time and then I'll
2 be asking you some questions about the people that we see in the footage and about
3 the topic of the video itself.

4 Just a moment. I don't know whether you can see anything, but it's EV -- press the
5 button EVD 2.

6 MR GARCIA: (Interpretation) If someone could help the witness. And if we could
7 be given control over the video footage. Thank you.

8 MR GBOUGNON: [10:32:48] (Interpretation) Your Honour.

9 PRESIDING JUDGE TARFUSSER: Yes.

10 MR GBOUGNON: (Interpretation) We do not have the reference number for this
11 particular item of video, tab 70.

12 PRESIDING JUDGE TARFUSSER: [10:33:03] Oui.

13 MR GARCIA: [10:33:07] (Interpretation) Tab 70, CIV-OTP-0081-0338. Transcript
14 tab 109, CIV-OTP-0094-0072. And as for the timestamps, we'll begin at 25.10 and
15 then we'll end off at 25.44.

16 PRESIDING JUDGE TARFUSSER: [10:33:44] Can we have also a date for this video?

17 MR GARCIA: [10:34:00] The date would be November 2002, your Honour.

18 (Viewing of the video excerpt)

19 MR GARCIA: [10:34:37] (Interpretation) We stopped at timestamp 25.28.02. Now,
20 this person we see on the screen, who is that person? Do you know that person?
21 Can you identify him? Who is it?

22 A. [10:34:54] Yes. That is Dacoury Richard, our comrade.

23 Q. [10:35:04] Very well. We now, we shall continue. Timestamp 25.29.24,
24 screenshot, can you identify this person?

25 A. [10:35:20] Yes. Mr Thierry Legré.

1 (Viewing of the video excerpt)

2 Q. [10:35:41] Screenshot 25.36.14, do you recognise this person, Mr Witness?

3 A. [10:35:49] Yes, Jean-Yves Dibopieu.

4 Q. [10:35:56] We shall now continue. This last person, 25.38.13, can you identify
5 this person?

6 A. [10:36:06] Yes, Serge Kassy, Mr Serge Kassy.

7 Q. [10:36:22] Now I believe that we have just played a few snippets; do you
8 remember this footage?

9 A. [10:36:30] Yes.

10 Q. [10:36:35] Do you remember when the footage was taken, or the --

11 A. [10:36:39] I think it was on 2 November, or -- I know in November 2002, there
12 was a call to young people to turn out in massive numbers for the sursaut
13 national -- the great step forward -- to gather at the main square for the grand sursaut
14 national, the great leap forward.

15 (Viewing of the video excerpt)

16 MR GARCIA: [10:37:39] (Interpretation)

17 Q. [10:37:41] One last screenshot, 25.32.09. Can you identify this person that we
18 see here?

19 A. [10:37:52] Yes, sir. That's *Konaté Navigué, Mr *Konaté Navigué.

20 Q. [10:38:03] You mentioned the sursaut national, the great leap forward; what was
21 that all about?

22 A. [10:38:14] On 19 September 2002, Côte d'Ivoire came under attack, and the call
23 by the patriotic youth was to -- well, it was a call to all young people to come out,
24 empty handed, and to protest any attempts to divide the republic, and we were trying
25 to encourage young people, motivate them, encourage them to overcome obstacles,

1 not to be afraid of death, and to square off against the rebels.

2 Q. [10:39:15] And did people go out?

3 A. [10:39:17] Yes, in massive numbers.

4 Q. [10:39:49] Before we move on to another topic, Mr Witness, I think I would like
5 to ask you to have a look at another screenshot, if that's all right, for identification
6 purposes.

7 (Viewing of the video excerpt)

8 MR GARCIA: [10:40:16] (Interpretation)

9 Q. [10:40:18] Here's a screenshot at timestamp 25.45.02, and I would like to ask you
10 if you can identify the people who are standing with Mr Charles Blé Goudé, to the left,
11 to your left, the person who is wearing a basketball cap and who has a shirt with
12 a white stripe, can you answer?

13 A. [10:40:41] Yes, Jean-Yves Dibopieu.

14 Q. [10:40:47] And then from the left to the right, the person standing behind, can
15 you identify that person?

16 A. [10:40:54] Yes, Tiéhi Joël.

17 Q. [10:41:15] You mention Tiéhi Joël; is that correct?

18 A. [10:41:21] T-I-E-H-I Joël J-O-E -- double dot over the O -- L. *as in August in
19 French. Tiéhi Joël was *a star player from Côte d'Ivoire.

20 Q. [10:41:57] A star football player?

21 A. [10:41:59] Yes, a football player.

22 Q. [10:42:00] Let's continue. And once again, left to right, the person just behind
23 Mr Charles Blé Goudé, who's that?

24 A. [10:42:06] Yes, Richard Dacoury.

25 Q. [10:42:12] And, finally, the last person to your right, to the far right?

1 A. [10:42:19] Thierry Legré.

2 Q. [10:42:29] Mr Witness, we'll now move on to something else. Have you
3 ever -- do you know of a place called the le Baron Bar; does that ring a bell?

4 A. [10:42:47] Yes.

5 Q. [10:42:50] Did you ever attend any rallies at that bar during the post-election
6 crisis?

7 A. [10:43:00] Yes.

8 Q. [10:43:05] Let's talk about that.

9 A. [10:43:14] Well, it's quite a broad area because we regularly organised rallies
10 there.

11 Q. [10:43:22] Was *any rally more significant than another one during the
12 post-election crisis at the le Baron Bar?

13 A. [10:43:32] *All the rallies at the le Baron Bar were significant. I'm sorry, but
14 they were all significant.

15 Q. [10:43:41] To your knowledge, was there rallies at the le Baron Bar at which
16 Charles Blé Goudé gave speeches, to your knowledge?

17 A. [10:43:56] Le Baron Bar was a place where we would organise all our rallies, so
18 Mr Charles Blé Goudé several times organised rallies at that place, at le Baron Bar.

19 Q. [10:44:23] And who used to organise these rallies at le Baron Bar during the
20 post-election crisis?

21 A. [10:44:33] At le Baron Bar, everyone organised rallies, even ourselves. COJEP
22 would organise rallies, the UE-COJEP. The whole Patriotic Galaxy would organise
23 rallies to transmit a particular message to our supporters.

24 Q. [10:44:55] And you yourself personally, how many times did you go attend
25 rallies at the Baron bar when Mr Blé Goudé was present and gave a speech?

1 A. [10:45:14] Normally, I would go to all the rallies. I couldn't give you the total
2 number of rallies organised, but I would go to nearly all the rallies in general terms.

3 THE INTERPRETER: Correction: "all the rallies of the general."

4 Q. [10:45:35] Just So that's quite clear, you said you went to all the general's rallies.
5 When you say that are you talking about Mr Charles Blé Goudé?

6 A. [10:45:45] Yes.

7 Q. [10:46:01] When you used to go to these rallies at the Baron bar at which
8 Mr Charles Blé Goudé gave speeches, what did he say exactly?

9 A. [10:46:17] Each rally had a specific goal. When he would organise a rally, he
10 would tell us what the goal was, and at each rally, there was a specific speech for each
11 rally, and there was a specific goal to be reached for each rally.

12 Q. [10:46:42] Mr Witness, I would now like to play some video footage. And then
13 I will be putting some questions to you about the footage. This is
14 CIV-OTP-0064-0887, tab 49. And the transcript is *CIV-OTP-0063-2998, and 3001 and
15 3002 pages -- correction. Timestamp *13:44 to 15:15 -- correction: Line 49 to 69, tab
16 46 *.

17 We seem to have a technical issue, we don't have sound.

18 THE COURT OFFICER: [10:48:39] It should be fine now.

19 MR GARCIA: [10:49:20] (Interpretation) We now have sound and we shall proceed
20 with the footage.

21 (Viewing of the video excerpt)

22 PRESIDING JUDGE TARFUSSER: [10:51:01] Can we -- the translation was not -- it
23 was not interpreted.

24 THE INTERPRETER: [10:51:09] Message from the interpreters: We have 39
25 different transcripts to juggle and we will try to find the correction transcript, if you

1 will bear with us for a moment.

2 PRESIDING JUDGE TARFUSSER: [10:51:20] Yes.

3 MR MACDONALD: [10:51:21] It is already submitted on record with the transcript,
4 your Honour, but we can obviously replay the extract, if you want, with the transcript
5 again. But it was shown to, if I am not mistaken, the last witness that testified. We
6 are in your hands for that one.

7 PRESIDING JUDGE TARFUSSER: [10:52:04] Yes, if possible, we, we replay it;
8 otherwise, then we have difficulties. If we can. But the interpreters give me a sign
9 that they don't find it. They don't find it.

10 THE INTERPRETER: [10:52:24] Message from the interpreters: If counsel could
11 kindly repeat the reference number and we will try to find it.

12 PRESIDING JUDGE TARFUSSER: [10:52:30] Kindly repeat the reference number.

13 MR MACDONALD: [10:52:32] But just before that, we have given all the references.

14 PRESIDING JUDGE TARFUSSER: [10:52:36] Well, no.

15 MR MACDONALD: [10:52:37] The issue is again that we need to provide, when we
16 can, the order in which videos are presented, print the transcript for the interpreters
17 because it seems that -- and so there is an issue about all of these things and we are
18 trying to sort them out with court management. So we will provide the ERN again
19 of the transcript so that they can find it in the folder that we have provided them.

20 PRESIDING JUDGE TARFUSSER: [10:53:08] Have you sent it now?

21 THE COURT OFFICER: [10:53:10] I sent 0063-2998, is that the correct transcript?
22 Yes, it has been re-sent to the interpreters.

23 THE INTERPRETER: [10:53:29] Message from the interpreters: We have just
24 received the transcript. Many thanks to the court officer.

25 PRESIDING JUDGE TARFUSSER: [10:53:33] Can we proceed? Okay. So

1 let's -- we start, please.

2 (Viewing of the video excerpt)

3 (Interpretation of the video excerpt)

4 THE INTERPRETER: [10:53:46] (Interpretation) "Through an extraordinary
5 assembly of the Young Patriots brought together, they came to a number of
6 conclusions and announced an objective, namely the -- dealing with the insurrection
7 and the people responsible for this insurrection at the Golf Hôtel.

8 Mr Charles Blé Goudé: As of now, the order I am giving you and which must
9 be -- and which holds for all neighbourhoods is that when you go back to your
10 neighbourhoods you must keep the ONUCI personnel from moving about. That's
11 the first thing.

12 Second thing, when you go back to your neighbourhoods you must contact the
13 neighbourhood presidents. You must come together to find out who is coming into
14 your neighbourhoods, who is going out of your neighbourhoods, and you must
15 denounce any foreign person, any stranger who comes to your neighbourhood.

16 MA: During one week the operation will organise for Charles Blé Goudé. This is a
17 delicate matter, in a way of speaking, and it is necessary because it is absolutely
18 necessary to avoid the trap of civil war.

19 Mr Charles Blé Goudé goes on to say: Before one week, before one week, the time
20 that we organise truly in the neighbourhoods, truly, and that our systems are well
21 prepared, that we know in Yopougon behind us there are no clashes and once we
22 know that in Koumassi, behind us there are no clashes and we know that all the
23 groups have been organised and that we know who does what, who must do what
24 before one week. I will call you before the Golf Hotel."

25 MR GARCIA: [10:56:12] (Interpretation)

1 Q. [10:56:14] Mr Witness, you saw the footage. Were you there when the speech
2 was given, when Mr Blé Goudé said those things?

3 A. [10:56:27] Yes.

4 MR GARCIA: [10:56:32] Your Honour, I'd like to ask to adjourn at this point. I
5 would like to embark on a series of questions, obviously, and it -- given the nature of
6 the questions, I don't want to play around with the three minutes that are left.

7 PRESIDING JUDGE TARFUSSER: [10:56:56] Okay. Let's break now. We come
8 back at 11.30 for the second session of two hours, until 1.30. Thank you. The
9 hearing is adjourned.

10 (Recess taken at 10.57 a.m.)

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

12 THE COURT USHER: [11:35:03] All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: [11:35:23] Good morning once again. The floor
15 is back to the Office of the Prosecutor. Mr Garcia, please.

16 MR GARCIA: [11:35:32] Your Honour, sorry for that delay.

17 Q. [11:35:39] (Interpretation) Now, Mr Witness, just, just before the break we
18 viewed some video footage and you said you were present at that rally at the
19 Baron Bar; is that correct?

20 A. [11:36:00] That is correct.

21 Q. [11:36:02] Do you remember who else was there that day amongst the VIPs?

22 A. [11:36:17] I haven't understood your question.

23 Q. [11:36:19] were there other important people, people belonging to political
24 movements also there that day at Le Baron Bar?

25 A. [11:36:34] The entire Galaxie Patriotique was there.

1 Q. [11:36:54] Do you remember when the rally began, approximately?

2 A. [11:37:02] Ten or 11 in the morning, I think.

3 Q. [11:37:09] And how long did it last for?

4 A. [11:37:19] I think till about one in the afternoon. One in the afternoon,
5 approximately.

6 Q. [11:37:29] Just for that to be clear on the Court record, how much time
7 approximately did Mr Charles Blé Goudé speak during that rally, in approximate
8 terms?

9 A. [11:37:43] About 30 minutes. Twenty to 30 minutes.

10 Q. [11:38:03] Can you tell us what he said? What do you remember him saying
11 that day?

12 A. [11:38:16] Well, I do think he asked us to set up roadblocks in the various
13 neighbourhoods to keep the ONUCI personnel who were providing fresh supplies to
14 various points, who were providing fresh supplies to the Golf. And what is more,
15 there was mention made of vehicles belonging to the Forces Nouvelles and they were
16 disguised as UN vehicles and they were going through various neighbourhood. We
17 were being encouraged to be more and more vigilant in our neighbourhoods, to keep
18 a very close eye on traffic, on people entering the neighbourhood and people leaving
19 the neighbourhood.

20 Q. [11:39:46] So you had to be vigilant, keep an eye out, but for whom? What did
21 Mr Charles Blé Goudé say exactly in that regard?

22 A. [11:39:55] He called upon all the people of Côte d'Ivoire to be vigilant. Because
23 Côte d'Ivoire had just come under an attack, a second attack, and *there was war
24 *mongering and attacks of various people, we heard *about that on the radio and
25 on the television that people had been killed and set on fire in Abobo by uniformed

1 men. So *that caught everybody's attention and people were starting to
2 attack.

3 Q. [11:40:52] You told us that Blé Goudé asked for roadblocks to be set up. Were
4 they set up?

5 A. [11:40:59] Yes.

6 Q. [11:41:06] Where?

7 A. [11:41:10] Throughout all the neighbourhoods, all the communes in various
8 towns and cities. At the entrance points to various towns and cities.

9 Q. [11:41:30] And when was that? When were the roadblocks set up in relation to
10 the speech made by Mr Blé Goudé?

11 A. [11:41:37] As soon as the rally was over.

12 Q. [11:41:47] And you, in your neighbourhood, did you set up a roadblock?

13 A. [11:41:52] Yes.

14 Q. [11:41:59] And what's the name of the neighbourhood?

15 A. [11:42:06] Niangon-Sud, to the right, Yopougon.

16 Q. [11:42:17] Now, is there is a particular area within your neighbourhood where
17 the roadblocks were set up?

18 A. [11:42:29] Well, the neighbourhood includes several cités and we had -- there
19 was one road upon which we set up roadblocks.

20 Q. [11:42:44] If I understand, was it Niangon-Sud road, was that the road?

21 A. [11:42:52] Yes, sir.

22 Q. [11:43:16] And this cité that you lived in at the time of the post-election crisis in
23 the neighbourhood of Niangon-Sud, was there a particular name for this area or cité?

24 MR GARCIA: [11:43:45] Your Honour, for this question I see that it has triggered
25 some concern. I will just find out what it is and if not we can reclassify the answer.

1 PRESIDING JUDGE TARFUSSER: [11:43:57] Do you want to go in private?

2 MR GARCIA: [11:44:01] Briefly, your Honour, yes.

3 PRESIDING JUDGE TARFUSSER: [11:44:03] Yes. Let's go into private session,
4 please.

5 (Private session at 11.44 a.m.)

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7 (Redacted)

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Trial Hearing
WITNESS: CIV-OTP-P-0449

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0449

(Private Session)

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Trial Hearing
WITNESS: CIV-OTP-P-0449

(Private Session)

ICC-02/11-01/15

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14 (Open session at 11.54 a.m.)

15 THE COURT OFFICER: [11:54:26] We are back to open session, Mr President.

16 PRESIDING JUDGE TARFUSSER: [11:54:31] Yes, please, Office of the Prosecutor.

17 MR GARCIA: [11:55:05] (Interpretation)

18 Q. [11:55:09] I would like to ask you some questions about roadblocks in other
19 neighbourhoods, not your neighbourhood. How did you know that roadblocks had
20 been set up in other neighbourhoods?

21 A. [11:55:26] Well, we said earlier that we were people with responsibility within
22 movements, and as soon as a roadblock went up our comrades would tell us that they
23 had set up a roadblock at a particular point. Also, we went about looking at these
24 roadblocks and seeing if they were effective so that we could meet the people at the
25 roadblocks so that we could better coordinate our activities at these various

1 roadblocks.

2 Q. [11:56:16] Where else were there roadblocks that you saw yourself with your
3 own eyes in Yopougon?

4 A. [11:56:30] *There were some at the Niangon market intersection, Timhôtel
5 intersection, Niangon, *the traffic lights at Lubafrique, * the Saint André church
6 *Yopougon, between Saint André church and a pharmacy. At the 16th
7 arrondissement police station, there was a roadblock there *and one at the Laurier 14
8 academic centre *as well. There was another roadblock at Niangon *North and close
9 to Discount Stockey (phon), there was another roadblock there. There was
10 a roadblock, a large roadblock, at Koweït, Yopougon, Toit Rouge, between Gandhi
11 Square and Abobo Doumé. There were two large roadblocks there.

12 Q. [11:58:08] You mentioned your comrades and the roadblocks. And these
13 comrades of yours, they belonged to which movement?

14 A. [11:58:32] I'm sorry. We had comrades who belonged to various movements.
15 So, you see, we would refer to one another as comrade because we were members of
16 movements that were related, and so we would go about, and we would visit various
17 comrades at various roadblocks and the various movements. I believe some
18 belonged to the Young Patriots movement.

19 Q. [11:59:26] Do you know whether COJEP had any role to play in these roadblocks?

20 A. [11:59:37] I said everyone was there at those various roadblocks. COJEP by
21 itself could have set up a roadblock, but I am not aware of that. What I know is that
22 even among the youth of the neighbourhood, we also had some uniformed persons
23 among us.

24 Q. [12:00:07] You talked about uniformed men. Who are you referring to?

25 A. [12:00:14] The FDS, the uniformed men of Côte d'Ivoire.

1 Q. [12:00:22] Do you have any names of those men in uniform who were among
2 you?

3 A. [12:00:29] I cannot provide specific names, but these were people who used to
4 live in various neighbourhoods. They would come in to support the various youth
5 groups, to provide better control or checking of the various persons, that's it.

6 Q. [12:00:55] Are you able to tell us, even if you don't know the identity of those
7 people, are you able to tell us which part of the FDS they came from, the gendarmerie,
8 the police or the army?

9 A. [12:01:17] There was a bit of everyone, of gendarmes, of policemen and soldiers.
10 All uniformed units were represented. As long as these people lived in the
11 neighbourhoods, they came to support us.

12 Q. [12:02:05] Can you tell us how, at the various roadblocks in various
13 neighbourhoods, how people communicated between themselves to be able to know
14 what they were doing? You stated that you yourself went about to see the other
15 roadblocks. Were there any other communication facilities or means available?

16 A. [12:02:30] Well, this was a very delicate time and we needed to go about using
17 a number of codes, and if we were to inform -- to be informed about such-and-such
18 a person leaving one roadblock to go to another, that person would need to provide
19 a code so that such a person might travel freely through various roadblocks. And
20 that's how we were able to facilitate things for ourselves in moving about.

21 Q. [12:03:10] You said that you used codes. What do you mean? Can you
22 explain that? What were the codes you used?

23 A. [12:03:29] We used different codes which would change from day to day. We
24 could use V for victory by *raising two fingers, or we could use the thumb, or we
25 could flash our *vehicle headlamps, or we could also wear a certain attire so that we

1 could agree that on a particular day to be able to recognise each other we would wear
2 a white attire. And that's how we were able to identify each other. That's how we
3 used various codes or some shouting or particular gestures that would be agreed to.

4 Q. [12:04:11] Who decided which codes would be used on a particular day at the
5 roadblocks so that people could go through?

6 A. [12:04:21] I didn't say that the codes were used to let people go in or go through.
7 I said that these codes were used by the leaders or those in charge of the roadblocks to
8 facilitate moving about, those people would use those codes for that purpose, and if
9 codes were used it would be from one roadblock to another, you would know that
10 from this roadblock to this other one you would use this code, so if you got to
11 a particular roadblock you would provide a code to be identified whether you belong
12 to a particular roadblock or to the other camp, and the code was determined by prior
13 arrangement.

14 Q. [12:05:25] You talked about the other camp, who are you referring to when you
15 say the other camp?

16 A. [12:05:33] The Forces Nouvelles.

17 Q. [12:05:47] To clarify, besides these other codes, do you have verbal codes or did
18 people say something or you only used signs?

19 A. [12:05:58] I told you that we had codes, sometimes it could be a shout, and
20 sometimes it could be a way of introducing the various people.

21 Q. [12:06:31] Last question on this point, Mr Witness: In relation to the other
22 neighbourhoods where there were roadblocks, were there any persons in charge
23 of -- in charge, were there any persons in charge in those areas?

24 A. [12:06:51] I think that each roadblock was organised. We did not have to check
25 in a state of anarchy, otherwise we could become victims ourselves. That is why

1 there was need to check, and it was also proper for the work to be organised so that
2 the checking could be done properly.

3 Q. [12:07:14] Now I return to my question: Were there people in charge of the
4 roadblocks in each neighbourhood?

5 A. [12:07:22] Yes.

6 Q. [12:07:54] Mr Witness, before the break and during your testimony, and if I
7 understood you properly, please correct me, you said that you had attended all of
8 Mr Charles Blé Goudé's rallies; is that correct?

9 A. [12:08:14] Yes.

10 Q. [12:08:17] Did you attend the appel au drapeau on 19 March 2002
11 in Yopougon -- in 2011, rather?

12 A. [12:08:34] It was not president Blé Goudé who called people to the flag or au
13 drapeau, we, the people, are the ones who went out and told him that we wanted to
14 be called to the flag. It was the youth who did that.

15 Q. [12:08:52] Mr Witness, I'm going to play an excerpt of a video of that call to the
16 flag.

17 For the record, it's CIV-OTP-0015-0476, at tab 23, and we will be playing from the
18 beginning *up to minute 3.32, and then from 5.24 to 6. For the transcript, it is at tab
19 111, CIV-OTP-0097-0180 *at 0181 and up until 0183, from *1 to 85. And we will *now
20 start. And could we take control?

21 THE COURT OFFICER: [12:10:08] (Overlapping speakers)

22 MR GARCIA: [12:10:11] (Interpretation) Yes, it is confidential, thank you.

23 THE COURT OFFICER: We might have to turn to private session.

24 PRESIDING JUDGE TARFUSSER: [12:10:16] Mr Knoops.

25 MR KNOOPS: [12:10:18] Mr President, just for the Court to be aware, the video

1 under tab 23 is a video which is subject of litigation before the Court and the Chamber
2 in transcript 143, page 38, lines 15 till 16. Granted, an objection of the Defence on
3 similar reasons where the Prosecution intended to play this video, under tab 23, and
4 the Chamber, indeed, grant the objection based on the argument that the video in
5 question is subject to litigation. Therefore, we repeat the same objection because
6 the Chamber had already ruled on this issue in transcript 143. Thank you.

7 PRESIDING JUDGE TARFUSSER: [12:11:21] Mr MacDonald.

8 MR MACDONALD: [12:11:23] Should -- should we have this conversation, if need
9 be, outside the presence of the witness? But, the video was filmed by Witnesses 87
10 and 88, who will come and testify. But if -- the witness said that he was present at
11 every single meeting of Mr Blé Goudé, so therefore he can authenticate it or he can -- I
12 know you don't like the word "authenticate".

13 PRESIDING JUDGE TARFUSSER: [12:11:58] No.

14 MR MACDONALD: [12:11:59] He can -- he can say if he was there and, therefore,
15 that's a way of being able to submit it, evidence on the record. It's introducing
16 a video via a witness, even if he didn't film it it's okay, it's legally sound. So you
17 rejected a similar objection last week, if I am not mistaken, when Witness 440 was
18 testifying about le Baron Bar speech. It's the same, it's the same thing.

19 PRESIDING JUDGE TARFUSSER: [12:12:32] Well, let's go ahead and I will, we will
20 find the relevant part. Just go ahead with the questioning, leave this beside and then
21 we come back to it. We will not decide immediately because I have to -- we have to
22 check in order to be consistent. But I think it's not the last question you have.

23 MR MACDONALD: [12:12:53] No, but we were probably finishing before the end of
24 this session, just for your information.

25 PRESIDING JUDGE TARFUSSER: [12:13:00] Yes. Okay.

1 MR GARCIA: [12:13:03] Your Honour, if I just may interject. We are -- I now
2 understand that we did say that we'd take four hours, we're planning on doing this
3 much shorter actually. And I'm going through the steps, we don't have many more
4 lines of questioning for the witness, and if -- obviously that's why we would like
5 a decision on the matter so we can --

6 PRESIDING JUDGE TARFUSSER: [12:13:20] Yes, okay, but just go ahead and then
7 we will have the decision very, very quick.

8 MR GARCIA: [12:13:36] (Interpretation)

9 Q. [12:13:42] Now, Witness, in relation to that call to the flag of 19 March were you
10 present?

11 A. [12:13:56] I told you that on 19 March, I do not know at what time, but I was
12 present. We are the ones who went out to ask President Blé Goudé to inform
13 President Laurent Gbagbo that we wanted to come to defend our nation under the
14 flag.

15 Q. [12:14:29] To be specific, that was at CP1 Yopougon square, is that where
16 Mr Charles Blé Goudé delivered his speech?

17 A. [12:14:44] Before the CP1 square. We first went to his house to tell him. Now
18 at the CP1 square, we reiterated our desire to come under the flag to defend our
19 nation against the rebels.

20 Q. [12:15:16] You said that you went to -- you went to his house. Where was that?
21 Where did you go to specifically?

22 A. [12:15:33] In Yopougon, at the residential quarters.

23 Q. [12:15:42] Which residential quarters?

24 A. [12:15:46] I said Yopougon.

25 Q. [12:15:54] Who did you go to see there?

1 A. [12:16:00] We went to see the Minister Charles Blé Goudé there.

2 Q. [12:16:17] When you say "we", who else was with you?

3 A. [12:16:24] When I say "we", I'm not referring to myself, I'm not talking only
4 about my movement, but about the other movements and all the youth who
5 accompanied us.

6 MR GARCIA: [12:16:51] Mr President, your Honours, at this point, we would like to
7 be able to show two extracts from the video, the ones that I had outlined initially.

8 PRESIDING JUDGE TARFUSSER: [12:17:02] But it's just to, to ask him if he was
9 there?

10 MR GARCIA: [12:17:07] Your Honour, that -- that has already been -- that has
11 already been settled. It's just a question of what would have been stated, it's
12 basically to confront the witness. I'll say no more because the witness is here
13 obviously, but it is to confront the witness.

14 (Trial Chamber confers)

15 MR KNOOPS: [12:17:42] Mr President, can the Prosecution just not ask whether the
16 witness can remember what was being said before showing the video which can
17 influence a witness?

18 PRESIDING JUDGE TARFUSSER: [12:17:54] Yes, but if he was at all the -- all the
19 meetings there, I mean -- but what was said, what was said is clear. It comes out
20 from the video itself. I mean, if we see the video he cannot be asked what was, what
21 was said in the video because we, we hear it, so he couldn't say something different of
22 what we heard. So -- but I don't understand the whole exercise, I must say. But if
23 you introduce the video, that's it, then we know what was said.

24 MR MACDONALD: [12:18:32] Yes, your Honour, can we, can we --

25 PRESIDING JUDGE TARFUSSER: [12:18:33] Should the witness authenticate what

- 1 was said by somebody else in the video? I -- (Overlapping speakers)
- 2 MR MACDONALD: [12:18:38] Your Honours, your Honours.
- 3 PRESIDING JUDGE TARFUSSER: [12:18:39] Yes, please.
- 4 MR MACDONALD: Your Honours.
- 5 PRESIDING JUDGE TARFUSSER: Yes, I'm hearing.
- 6 MR MACDONALD: [12:18:44] Can the witness be -- leave the courtroom very
- 7 shortly because I don't want to influence him.
- 8 PRESIDING JUDGE TARFUSSER: [12:18:53] Maybe it is better. Okay.
- 9 Mr Witness, can you leave the courtroom. Please, Mr Court Usher.
- 10 (The witness stands down)
- 11 PRESIDING JUDGE TARFUSSER: [12:19:27] Yes.
- 12 MR MACDONALD: [12:19:30] Thank you, your Honour. The Prosecution has
- 13 a witness who was within the movements, therefore he is to be considered like an
- 14 insider witness. He has the privileged view of a person from within. He can also
- 15 recognise information beyond the content itself, the words. It's not the words that
- 16 we are interested in per se because of course these can be heard.
- 17 There are two ways of introducing evidence, your Honour, bar table motions, as you
- 18 know, paragraph 43. Right now this whole issue is being debated before another
- 19 Chamber and via witnesses.
- 20 PRESIDING JUDGE TARFUSSER: [12:20:19] What do you mean by "before another
- 21 Chamber"?
- 22 MR MACDONALD: [12:20:21] The appeals.
- 23 PRESIDING JUDGE TARFUSSER: Ah, okay, okay.
- 24 MR MACDONALD: [12:20:22] The appeal, your Honour, the appeal. So right now
- 25 we have a witness who says he was there. We are trying to have this video

1 submitted on the record for its totality: Content, people present, identify some
2 people if need be, but there is more. Now, this witness just said it was
3 a spontaneous action on the part of the youth. Now we will also want to confront
4 him with that by the call, the words, the images, the body language, everything from
5 the accused. That's what we want to do, and I think at this stage it is important to do
6 this live in the courtroom. There is no reason why -- and it is short excerpts and like
7 we have done with any other witnesses.

8 The objection of the Defence on this, we submit respectfully, should be rejected
9 because it is unfounded. Thank you.

10 PRESIDING JUDGE TARFUSSER: [12:21:29] Mr O'Shea.

11 MR O'SHEA: [12:21:30] Your Honours, it is my understanding that the video in
12 question is the subject of a request to admit before the Chamber in a bar table motion
13 in any event.

14 Your Honours rightly observed that you, the Chamber, can observe what happens in
15 the video, what's said in the video. It's hard to see -- I mean, obviously this witness
16 can be asked about events that he has experienced. It is hard to see, beyond asking
17 him his opinion about what he sees in the video, how much further he can be taken
18 with the video. So, in other words, if the video is admitted into evidence anyway
19 through a bar table motion, unless the Prosecution has some specific issues that they
20 want to raise with the witness for which it is necessary to show the video, in my
21 submission it is not necessary to show the video at all.

22 PRESIDING JUDGE TARFUSSER: [12:22:35] Mr Knoops.

23 MR KNOOPS: [12:22:36] Mr President, in addition, I think the argument to reject the
24 request of the Prosecution lies in transcript page 33, line 10, "We want to confront the
25 witness with what -- with that by the call and specifically want to confront the witness

1 with the words, the images and the body language of the accused." The intention of
2 the Prosecution is therefore to elicit an opinion of this witness, and also for that
3 reason this video should not be shown, for that purpose.

4 Thank you.

5 PRESIDING JUDGE TARFUSSER: [12:23:20] I suspend five minutes for consultation
6 with my colleagues.

7 (Recess taken at 12.23 p.m.)

8 (Upon resuming in open session at 12.26 p.m.)

9 THE COURT USHER: [12:26:41] All rise.

10 Please be seated.

11 PRESIDING JUDGE TARFUSSER: [12:27:00] The objections raised by the Defence
12 teams against the showing of this video are rejected. The video can be shown, the
13 first question obviously being "Have you been there?" And then we will see on
14 a question-by-question basis if they are to be admitted. But of course the body
15 language, I would also say that the body language is not really a question which
16 should be put.

17 Let the witness please be brought in again.

18 Thank you. I mean the interpretation of the body language and its meaning and
19 things like this.

20 May I ask why this video is confidential? It should be a public --

21 MR MACDONALD: [12:28:05] Well, I think so, your Honour. It is just that there is
22 someone on the video who is a -- I can't say it right now, we are in public, I am sorry,
23 but someone appears on the video that --

24 PRESIDING JUDGE TARFUSSER: [12:28:23] Well, we don't know. It doesn't
25 matter, nobody knows.

1 MR MACDONALD: [12:28:27] Yes, but it's -- not on this extract. This extract can
2 be played publicly, all right. So two extracts can certainly be played publicly, I have
3 been told. Sorry.

4 PRESIDING JUDGE TARFUSSER: [12:28:35] Yes, okay. Otherwise, we have to
5 make immense changes in the whole set-up of the -- so the video is shown publicly
6 and it can be shown, and please go ahead.

7 (The witness enters the courtroom)

8 THE COURT OFFICER: [12:29:08] The Prosecution has the floor, evidence channel 2.

9 (Viewing of the video excerpt)

10 (Interpretation of the video excerpt)

11 THE INTERPRETER: [12:29:20] Charles Blé Goudé: "You can see that the sound is
12 not *the one you are used to seeing here, so keep calm, be calm, concentrate. If
13 you are silent and there is less noise, you will be able to hear me, so please calm down.
14 I was saying that ever since the announcement of the results by the panel, the panel
15 that came to go about here and which has gone off again. This is the first time that
16 we see one another today. I saw you on all fronts. I saw you attacked in the
17 neighbourhoods, people who take up guns, who steal things in the neighbourhoods,
18 wearing civilian clothing, and who shoot at others. The first action, the first blow
19 that we suffered is the last time, the last time that some of our comrades who were at
20 the barricades were killed by Alassane Ouattara's men. They were in a taxi and they
21 shot at our comrades and they killed them in Abobo. Abobo is now empty, no one is
22 there anymore. All those of you who call out their support of Laurent Gbagbo, each
23 day their throats are slit, each day they are tortured. These are things that we have
24 never seen here in Côte d'Ivoire. But here we, we get worked up, we can protest, but
25 slitting the throats of people in Côte d'Ivoire, that just doesn't happen. The people

1 who did that, when they said that they are not from here and then insulted, but when
2 you slit the throats of people and it is not part of our culture, when you see that
3 you are not from here, you yourself by your actions prove that you are not from here.
4 That is the truth.

5 The people go into the villages, ébrié villages such as Anoukoua-Kouté, into the
6 churches, and they slit people's throats. And that Choi doesn't see that crisis. No
7 UN report speaks about these people who are dying in Abobo. The people whose
8 throats are being slit in Abobo, they are not human beings, but as soon as people are
9 wearing amulets everywhere or gris-gris everywhere and go and attack police
10 stations, and the police officers kill them, yes, these 15 civilians in Abobo are dead.
11 Humanity, we are part of that and inhumanity, we are also in that. Inhumanity, the
12 people of Gbagbo that are being killed there, they are part of that. But the question
13 I am asking today, who is waging war upon us? And I realise that it is not Ouattara
14 who is waging war upon us, it is all of the United Nations -- all of the United Nations
15 waging war on us in Côte d'Ivoire. We are the ones being attacked."

16 MR GARCIA: [12:33:12] (Overlapping speakers) the second extract we will be
17 playing as well.

18 THE INTERPRETER: [12:33:18] Message from the interpreter: Line number,
19 please.

20 MR GARCIA: [12:33:22] For the record 5.24 to 6 minutes.
21 (Viewing of the video excerpt)

22 THE INTERPRETER: [12:33:42] (Interpretation of the video excerpt)

23 "Charles Blé Goudé: I have not yet heard. Young people of Côte d'Ivoire, are you
24 ready to go into the army and serve your country?"

25 Then the crowd chants repeatedly: "Liberate, liberate, liberate.

1 Charles Blé Goudé: Young people of Côte d'Ivoire, are you ready to enter the army
2 to serve our country?"

3 MR GARCIA: [12:34:25] (Interpretation)

4 Q. [12:34:29] Mr Witness, you saw the footage. Were you present, you yourself, at
5 that public rally?

6 A. [12:34:39] Yes.

7 Q. [12:34:57] Witness, I will now show you some other footage from 14 March, tab
8 61.

9 CIV-OTP-0087 -- I beg your pardon.

10 One moment.

11 (Speaks English) I'd ask for a minute, your Honour. We're just verifying something.

12 (Interpretation) Tab 61, CIV-OTP-0069-0371. And the transcript is tab 87, 0087-0724.

13 And we will go from, from timestamp 18.42 to *12.22, and page number *0725 to 0726.

14 If I could have control. 8.42 is the timestamp. Page number 0725 to 0726.

15 (Speaks English) We seem to have a technical issue with the sound once again.

16 (Interpretation) And this is video footage taken on 14 March.

17 PRESIDING JUDGE TARFUSSER: [12:38:53] Can we understand what's going on?

18 MR GARCIA: [12:38:56] We seem to have a technical issue with the sound,
19 your Honour.

20 PRESIDING JUDGE TARFUSSER: [12:39:05] Now it's working.

21 MR GARCIA: [12:39:07] Thank you, yes. We are ready to start.

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [12:39:11] (Interpretation of the video excerpt)

24 "This press conference of the LMP delegation in Addis Ababa will be broadcast as
25 a special show after 'raison d'État'. The people of the Yopougon commune have

1 experienced some incidents this morning. Charles Blé Goudé, president of the
2 Alliance des jeunes patriotes, has called on Ivorians to calm down and to be serene
3 faced with all the acts of urban guerrilla warfare. He has called on them not to react
4 to provocation in order to avoid falling into the trap of civil war. Let's listen to him.
5 Ivorians were expecting a decision from the panel and the security and peace council
6 of the African Union. That decision is known. And as you may guess, there is
7 nothing new in the tropics.

8 The African Union has simply asked Mr Ouattara to come and be sworn in by the
9 constitutional council, the constitutional council which has already sworn in
10 President Laurent Gbagbo. What is new, however, is that finally the peace and
11 security council has recognised the legal value of the constitutional council. From
12 the time of that announcement Côte d'Ivoire has been invaded by rumours and
13 psychosis everywhere. We are here to reassure all Ivorians that from 2002 to this
14 moment no single resolution from any international organisation has been favourable
15 to Laurent Gbagbo's regime. It is the people of Côte d'Ivoire standing as one man
16 who have always saved this country, and that is why I want to tell you that in the face
17 of this statement and these actions and the killings by the rebels who have driven
18 everyone in the north and who continue to drive out people in communes which
19 seem to be favourable to them, we have reason to fight. But please don't push us to
20 make the mistake of engaging in civil war. Mr Ouattara and his camp are pushing
21 us into a mistake and into civil war. Let us not fall into that trap, let us not cede to
22 that error. What matters is that Ivorians are burning, they are burning with a desire
23 to save their country, they are burning with a desire to save their fatherland. We are
24 indeed clearly reacting and in the hours to come we are going to call on you to be
25 prepared because in the hours coming there will be a historic call made out, a last

1 historic call made out to you to free or to liberate Côte d'Ivoire. I want to
2 congratulate you who raised roadblocks in our neighbourhoods to protect our
3 neighbourhoods. Yes, they discouraged the rebels, please continue, but above
4 everything else remain polite. I know that you will not be racketeering, but for
5 purposes of discrediting you, every kind of rumour is being spread. We call on you
6 in the neighbourhoods, the people of Côte d'Ivoire, we are coming to you, to come to
7 you and say the following, but before we do that, we want to prepare a historical call
8 which will be made in due time. Be calm, go back to work. The army of
9 Côte d'Ivoire is working for you. You see, the enemy is also engaging in
10 psychological war. He wants to influence you by that, but he will fail. We started
11 this battle in 2002, we will win, and I want to reassure you that we shall win because
12 we are on the right side. May God bless Côte d'Ivoire."

13 MR GARCIA: (Interpretation)

14 Q. [12:43:04] Now you saw the video? Now you saw this video footage. Did
15 you see this at the time of the events?

16 A. [12:43:27] Yes, I did, sir.

17 Q. [12:43:32] And was this indeed footage -- was this indeed footage that dates to
18 a time before the call to rally to the flag on 14 March?

19 A. [12:43:56] You make mention of a call to rally to the flag. What call are you
20 talking about? I don't get you.

21 Q. [12:44:06] I will rephrase my question: So this video apparently was filmed on
22 14 March and then later mention was made of 19 March and we showed two items of
23 footage to you.

24 MR GBOUGNON: [12:44:24] (Interpretation) Your Honour.

25 PRESIDING JUDGE TARFUSSER: Maître Gbougnon.

1 MR GBOUGNON: (Interpretation) Your Honour, I think there are two questions
2 here, but -- two sentences but no question. Two sentences but no question therein.

3 MR GARCIA: [12:44:41] (Interpretation)

4 Q. [12:44:43] This was footage filmed before *19 March; is that correct?

5 A. [12:44:52] I couldn't tell you, because I might get it wrong.

6 PRESIDING JUDGE TARFUSSER: [12:44:57] Mr Witness, have you been present at
7 both these occasions?

8 THE WITNESS: [12:45:06] (Interpretation) Well, the last video, that wasn't a rally, it
9 was a statement. I don't know when the statement was given, but I was at the rally.

10 PRESIDING JUDGE TARFUSSER: [12:45:18] Okay.

11 MR GARCIA: [12:45:21] (Interpretation)

12 Q. [12:45:24] So that statement was *made well before the rally?

13 *A. You are the one informing me of that.

14 MR GBOUGNON: [12:45:33] (Overlapping speakers)

15 PRESIDING JUDGE TARFUSSER: [12:45:34] The question: Do you know when
16 this statement was *made? Before or after the rally?

17 THE WITNESS: [12:45:45] (Interpretation) Thank you, your Honour. I was saying
18 earlier that I said that I would tell the truth, the whole truth and nothing but the truth. And
19 I am not able to determine exactly when the statement was made, so I couldn't tell you
20 whether it was before or after. But I said that I did go to the rally, but not to the statement.

21 PRESIDING JUDGE TARFUSSER: [12:46:11] Very well.

22 MR GARCIA: [12:46:16] (Interpretation)

23 Q. [12:46:18] Now we have all heard the video footage. And at one specific point,
24 line -- page 66, lines 27 to 28, Mr Blé Goudé said: "Believe me you, in a few hours we
25 will be launching an urgent appeal. Get ready because in the next few hours you

1 will have to respond. You will have to respond to a historic call to free, to liberate
2 Côte d'Ivoire."

3 Did this call actually occur afterwards?

4 A. [12:46:59] I think after we had another one of the rallies and that was at the Place
5 de la République and I think that's where the call was issued.

6 Q. [12:47:14] Very well. Let us go back to the two items of footage and they date
7 back to the 19th.

8 MR GBOUGNON: [12:47:23] (Interpretation) Your Honour.

9 PRESIDING JUDGE TARFUSSER: [12:47:24] Maître Gbougnon.

10 MR GBOUGNON: [12:47:25] (Interpretation) There's a serious problem here with
11 the terminology in the questions being put by the OTP. He may not be in agreement
12 with the witness regarding some words. But the witness has been saying that this
13 was not a call. But he continues to claim that there was this call upon people. But
14 the witness has been saying for an hour now that he has been going to rallies. That
15 is not the same as -- I beg -- he keeps talking about this call, a call to do something.
16 The witness said something and if he doesn't agree, confront -- he should confront the
17 witness with something else, but he's constantly repeating the same thing and I really
18 think that we need to be saying what the witness has said.

19 PRESIDING JUDGE TARFUSSER: [12:48:24] I think also the witness talked about
20 the call which came a few days later. But in anyhow -- anyhow, I think that
21 Maître Gbougnon is correct, we should use the same wording for the same thing --

22 MR GARCIA: I can --

23 PRESIDING JUDGE TARFUSSER: -- so we are always on the -- all on the same page.

24 MR GARCIA: [12:48:40] And I can assure Defence counsel that the way I am
25 labelling, whether it be an appeal or not, that's not the objective of the question, I just

1 want to situate the witness so I can (Overlapping speakers) --

2 PRESIDING JUDGE TARFUSSER: [12:48:49] If it's -- if it's objective of the question
3 or not, it doesn't matter, but we should use the same language for the same thing as
4 the --

5 MR GARCIA: Yes.

6 PRESIDING JUDGE TARFUSSER: -- witness does. Thank you.

7 MR GARCIA: [12:49:04] (Interpretation)

8 Q. [12:49:06] Mr Witness, after the rally of the 18th -- 19 March, did you see
9 anything in your neighbourhood or in the other neighbourhoods?

10 A. [12:49:27] We went off again because, you see, the roadblocks were already up,
11 so we were waiting for the call that was going to be issued. That's all.

12 Q. [12:49:49] Mr Witness, do you know anything at all about training, the training
13 of young people in the neighbourhoods?

14 A. [12:50:06] Yes.

15 Q. [12:50:11] Let's begin with your neighbourhood, that is Niangon-Sud
16 neighbourhood. Do you have any information to provide us with about the training
17 of young people in your neighbourhood?

18 A. [12:50:26] As I said earlier, we went to see General Charles Blé Goudé to be
19 brought and to negotiate with President Gbagbo to determine how we could get
20 people to enlist. And this was in the hopes that later on these young people would
21 remain, would stay in shape, thanks to this training, and thus they would be in
22 a position to respond to the call from the Republic if ever we needed to call upon
23 them.

24 Q. [12:51:08] More specifically, in your neighbourhood, Niangon South, was any
25 training going on, were these young people being trained to prepare themselves?

- 1 A. [12:51:21] Yes.
- 2 Q. [12:51:28] And who was giving the training?
- 3 A. [12:51:31] It was a former soldier.
- 4 Q. [12:51:35] Can you give us the name of this former soldier?
- 5 A. [12:51:47] The former soldier's name was Zagbayou, Z-A-G-B-A-Y-O-U.
- 6 Q. [12:52:12] And did you already know that person?
- 7 A. [12:52:15] No.
- 8 Q. [12:52:31] And where was the training done, this training given by
- 9 Mr Zagbayou?
- 10 A. [12:52:41] The training was held between Timhôtel and the church, the
- 11 Assemblies of God Church in Yopougon.
- 12 Q. [12:53:06] And this training, what did it consist of exactly? What did they do?
- 13 A. [12:53:17] It was athletic training, sports. They would do push-ups, move
- 14 about, that's all.
- 15 Q. [12:53:50] Mr Witness, I'd like to show you some video footage, and then we'll
- 16 look at some passages and I'll be asking you some very specific question.
- 17 This is CIV-OTP-0062-1007, tab 44, and we are going to go from the very beginning to
- 18 timestamp 27.14. And the transcript is CIV-OTP-0093-0220, 0221, lines 1 to 14.
- 19 (Viewing of the video excerpt)
- 20 MR GARCIA: [12:55:22] (Interpretation)
- 21 Q. [12:55:24] *Mr Witness, we're going to show you a screenshot from the same
- 22 passage, *0098-0410, tab 116.
- 23 So, if the Registry could kindly put the screenshot up on the screen. Thank you.
- 24 THE COURT OFFICER: [12:56:33] It is presented on evidence channel 1.
- 25 PRESIDING JUDGE TARFUSSER: [12:57:13] Mr Witness, who is this person, so?

Trial Hearing
WITNESS: CIV-OTP-P-0449

(Open Session)

ICC-02/11-01/15

- 1 THE WITNESS: [12:57:25] (Interpretation) That's Mr Zagbayou, your Honour.
- 2 PRESIDING JUDGE TARFUSSER: [12:57:30] Thank you very much.
- 3 MR GARCIA: [12:57:35] (Interpretation)
- 4 Q. [12:57:39] We're going to show you some other footage, *CIV-OTP-0064-0113,
- 5 tab 57, timestamp *46.26 to 46.34.
- 6 THE INTERPRETER: [12:58:09] Message from the interpreter: If counsel could
- 7 kindly repeat the tab number.
- 8 PRESIDING JUDGE TARFUSSER: [12:58:16] Tab number?
- 9 MR GARCIA: [12:58:19] *Sorry, the transcript is CIV-OTP-0086-1028 at 1030 and it is
- 10 in tab 77 and the video itself is at tab 57.
- 11 PRESIDING JUDGE TARFUSSER: [12:58:33] Maître Gbougnon.
- 12 MR GBOUGNON: [12:58:35] (Interpretation) Your Honour, I would like to point out
- 13 to the Chamber that we do not have the tabs of all the video footage that's being
- 14 played. There is nothing reference -- no reference about the dates of the footage in
- 15 question.
- 16 PRESIDING JUDGE TARFUSSER: [12:58:56] We will ask. Mr MacDonald.
- 17 MR MACDONALD: [12:58:57] Yes, there is, there is a date. If my colleague
- 18 remembers, I think it is his friend, Mr N'Dry, that a session last week, asked for the
- 19 reference and I sent it by email. It's the same thing. It's the same reference.
- 20 PRESIDING JUDGE TARFUSSER: [12:59:14] Yes.
- 21 MR MACDONALD: [12:59:15] So it's played --
- 22 PRESIDING JUDGE TARFUSSER: So we cannot say --
- 23 MR MACDONALD: -- beginning of February, beginning -- it was shown on France
- 24 24, the exact date is first week of February.
- 25 PRESIDING JUDGE TARFUSSER: Okay.

1 MR MACDONALD: And in that video you will see images of Champroux and so on.

2 So it's the prior weeks, everything was filmed prior to that.

3 PRESIDING JUDGE TARFUSSER: Okay.

4 MR GARCIA: (No interpretation)

5 (Viewing of the video excerpt)

6 MR GARCIA: [13:00:19] (Interpretation)

7 Q. We are going to take a screenshot now *at timestamp 46:28:08. Can you see the
8 screenshot, Mr Witness? Can you identify the person to the far left on the image?

9 A. [13:00:34] Yes, that's Mr Zagbayou.

10 Q. [13:00:43] Mr Witness, we shall continue on this question of training. Do you
11 know whether anyone else was providing training for youth in other
12 neighbourhoods?

13 A. [13:00:56] No.

14 Q. [13:01:08] In Yopougon, at CP1 square, was there training by anyone else?

15 A. [13:01:17] As far as I know I said no.

16 Q. [13:01:48] Witness, let me take you back to your statement in which a statement
17 was put -- a question, rather, was put to you regarding this training. CIV-OTP-

18 THE INTERPRETER: [13:02:06] And the numbers were read out too fast for the
19 interpreters.

20 PRESIDING JUDGE TARFUSSER: [13:02:09] Can you read out the numbers again
21 because it's too fast for the interpreters. Thank you.

22 MR GARCIA: [13:02:21] (Interpretation) CIV-OTP-0063-1332, page -- the page I am
23 referring to is page 1355, and I'm looking at line 813 to 821. Well, I will start at line
24 811. The interviewer number 1 put the following question to you:

25 "Very well, but do you know whether there were any other areas where training was

1 provided in Abidjan?"

2 Line 813, your answer, I quote: "Yes, there were others, other locations because it
3 was a call to join the army, so everyone had to come together to ensure that the most
4 number of militants were integrated. Those militants were supporters who for some
5 had no diplomas, while others had lower-ranking certificates, the idea being to bring
6 them into a professional programme so that they could ultimately or subsequently get
7 a job or a trade."

8 Interviewer: "Very well."

9 Your answer, 820 to 821: "Yes, there were many of them, many of them. Comrade
10 Zadji Djédjé was one of the leaders of those in Koumassi."

11 At line 822: "Very well."

12 Line 824, and this is you speaking: "Who was the leader of those in Koumassi."

13 Interviewer 1: "Where was that in Koumassi?"

14 Your answer was: "In Koumassi, at the Inch'Allah Square."

15 Now, Mr Witness, that is what you told the investigators of the OTP, isn't it?

16 A. [13:04:49] Yes, but you asked me a question in relation to Yopougon CP1 square
17 and that's why I said no.

18 Q. [13:05:02] Now, when it comes to Mr Zadji Djédjé, is it correct to say that he
19 actually provided training for people in Koumassi at the Inch'Allah Square or Place
20 Inch'Allah?

21 A. [13:05:20] Zadji Djédjé was not a trainer. He was there training with others, but
22 he himself was not a trainer.

23 Q. [13:05:25] The raison *why I said "lead" to you is because at *lines 820 and 821
24 at *page 1355, you said there was Comrade Zadji Djédjé who was a leader of those
25 in Koumassi. When you say he was leading those in Koumassi, what did you

1 mean?

2 A. [13:05:50] Zadjé Djédjé was the person in charge or responsible for Abidjan -- is
3 it north? Abidjan South, rather. He was the one in charge of coordinating the
4 roadblocks and other activities in that zone. That is it.

5 Q. [13:06:15] Who provided training, as such, in Koumassi?

6 A. [13:06:18] I mentioned his name because I knew that he was the one in charge in
7 that area.

8 Q. [13:06:26] So you don't know the name of instructor or the person who provided
9 training?

10 A. [13:06:31] No, sir.

11 Q. [13:06:38] You referred to the CP1 area. As far as you know, were you trained
12 at that place?

13 A. [13:06:49] I said that to the best of my knowledge I did not know.

14 Q. [13:07:00] Mr Witness, let me take you again back to your statement, 0063-1332,
15 at page 1359. And I'm looking at lines 972 to 977 at which you say, quote:

16 "Zagbayou, yes, there were other soldiers, that's what I have been telling you."

17 Interviewer 1, quote, "Very well."

18 You yourself, quote, "There were other soldiers."

19 Interviewer 1: "Yes."

20 Your answer at 976, 977, quote: "Ah, well, in Sicogi, in that area there was an area
21 there known as CP1 square. Some soldiers provided training for youth at that
22 place."

23 Interviewer 1: "Um, mm-hm."

24 And at line 979, you, quote: "I don't have a full mastery of their names."

25 981, interviewer, quote: "Yes, yes."

1 991, quote: "I cannot say that it was such-and-such a person, but I know that Maguy
2 Le Tocard's group."

3 Line 994: "Mm-hm, mm-hm."

4 Line 994: "Some training was provided there."

5 And at line 996, you say, "At CP1 square."

6 Mr Witness, is that what you told the investigators of the OTP?

7 A. [13:09:00] I told the OTP that there were people at CP1 square and that Maguy
8 Le Tocard was their leader *the late Maguy Le Tocard in Yopougon at the CP1 square
9 and that those people were armed. Now, to say that they were trained, well, I told
10 them that there were armed persons at the CP1 square. This is what I said.

11 Q. [13:09:35] Just to be clear for the record, is this something that you saw with
12 your own eyes?

13 A. [13:09:40] Yes.

14 Q. [13:09:47] What type of weapons were they bearing?

15 A. [13:09:58] I don't really understand much about weapons but I know that they
16 had firearms. I am not able to provide you with the various names of the weapons
17 because I don't know them.

18 Q. [13:10:18] Maybe I put this question to you before. Now, about Zagbayou,
19 when it comes to the training in your area, was that something that you saw with
20 your own eyes as well?

21 A. [13:10:29] Yes.

22 Q. [13:10:36] As far as you know, was training provided anywhere else? At
23 Port Bouët?

24 A. [13:10:51] Yes.

25 Q. [13:10:53] Can you tell us the person who was in charge of training at

1 Port Bouët?

2 A. [13:11:01] I told you a short while ago that Derrière *l'eau (phon), the person in
3 charge was Zadji and that in Port Bouët it was Comrade Blacky *who was in charge.

4 Q. [13:11:31] For the record, B-L-A-C-K-Y, is that the spelling of Blacky?

5 A. [13:11:39] Yes.

6 Q. [13:11:42] How do you know that this area was put under Blacky's authority?

7 A. [13:11:54] I told you that -- a short while ago that we used to belong to various
8 movements and the various leaders communicated between themselves to facilitate
9 movement from area to area.

10 Q. [13:12:10] Who told you about this? Who narrated this to you?

11 A. [13:12:19] I have told you, sir, that we were responsible, or leaders of our movement.
12 So when somebody is a leader and a member of your movement calls you, say there is
13 someone who is in charge here, you are called up and you are given that number and you -- it
14 becomes relevant when and if you want to pass through that area.

15 Q. [13:13:00] Mr Witness, were you present at the *eve of battle wake at the Place
16 de la République on 26 March 2011?

17 A. [13:13:13] Yes, sir.

18 Q. [13:13:16] Can you tell us what, what such a wake was about? Can you tell us
19 in your own words?

20 PRESIDING JUDGE TARFUSSER: [13:13:27] Maître Gbougnon.

21 MR GBOUGNON: [13:13:28] (Interpretation) Mr President, the word used, veillée
22 d'armes, veillée d'armes is an expression used by the Prosecutor twice. I don't know
23 where that's coming from. Interpreters used the word "wake." Now, I didn't hear
24 the witness talk about a veillée d'armes. I haven't seen it in the written material as
25 well.

1 MR GARCIA: [13:13:51] I can reformulate, your Honour. It's just --

2 PRESIDING JUDGE TARFUSSER: [13:13:52] How do you call what happened on
3 the -- on this day, on the -- when was it? How do you call it?

4 MR MACDONALD: [13:14:07] It is 26 March, your Honour, at the Place de la
5 République.

6 PRESIDING JUDGE TARFUSSER: [13:14:11] How do you call this, what happened
7 on 26 March, la Place de la République?

8 THE WITNESS: [13:14:27] (Interpretation) It was a rally.

9 PRESIDING JUDGE TARFUSSER: [13:14:29] A rally. Let's call it a rally or let's use
10 the name given by the -- so at least we know, everybody knows what we are talking
11 about. Although I don't see much difference, so just to say.

12 MR GARCIA: [13:14:51] (Interpretation)

13 Q. [13:14:54] Mr Witness, can you explain to us briefly what that rally was about,
14 the rally of 26 March 2011?

15 A. [13:15:14] Well, what I know is that at the rally of 26 March, first of all, we spent
16 the night there in order to, to call on all the organisations, all international
17 organisations, to become aware of the fact that Ivorians were being killed openly, for
18 all to see, but that all international organisations were mute and silent about this and
19 that Côte d'Ivoire was under attack and so the youth of Côte d'Ivoire wanted to call
20 on the president to tell him that they were tired of waiting. Because we were already
21 on 26 March and there was an increasing number of attacks. People began to, to
22 enter into the cities, and others were fleeing other towns to come to Abidjan. So the
23 message was for the president. The general wanted to give this message to the
24 national and international communities whereby he would pass this message.
25 I think that's what it was all about.

1 Q. [13:16:50] Well, you said that you kept wake that night. Can you explain what
2 happened?

3 A. [13:17:01] Yes, we kept wake till morning. We spent the night all the way until
4 the morning.

5 Q. [13:17:07] Mr Witness, I am now going to show you a video at tab 31,
6 CIV-OTP-0041-0474.

7 PRESIDING JUDGE TARFUSSER: [13:17:21] May I ask a question before, just for
8 clarification. When you said -- you said, answering a question just before, "So the
9 message was for the president. The general wanted to give this message to the
10 national and international communities." Who is the president and who is the
11 general in this case?

12 THE WITNESS: [13:17:56] (Interpretation) The general is Mr Charles Blé Goudé.
13 The president is Mr Laurent Gbagbo.

14 PRESIDING JUDGE TARFUSSER: [13:18:05] Thank you very much.

15 MR GARCIA: [13:18:08] (Interpretation)

16 Q. [13:18:13] We will play 21 seconds to 2.58 and the transcript is at tab 34,
17 CIV-OTP-0044-2485, from 2486 to 2489, lines 4 to *27.

18 (Viewing of the video excerpt)

19 THE INTERPRETER: [13:19:26] (Interpretation of the video excerpt)

20 "Thank you, thank you comrades, you are wonderful. Dear friends, from 2002 to
21 this moment that I am talking to you, many have asked us where we get our energy
22 from, many have asked us where we get the force to mobilise. People say that even
23 though the Patriots are discouraged, but when they come out, they are strong.

24 Behind the Patriots there is a force, in front of the Patriots there is a force, above the
25 Patriots there is a force, that is the force of the law of the armies and I want you to

1 clap for that. Please clap for the Lord, please make a lot of noise. Dear friends, I
2 thank you. I congratulate you. You are in front so you don't see what is behind
3 you, but you have been fully mobilised. I don't have much to say this evening. I
4 have been through all the neighbourhoods with my friends of the alliance and my
5 leader comrades. Today we are having a spiritual rally and what I would like to tell
6 you, dear friends, is that the enemy of Côte d'Ivoire has failed. They may frighten
7 you in the neighbourhoods. People are leaving Abidjan. People are leaving
8 Abidjan, let them leave Abidjan. Who is leaving Abidjan? It is those who are
9 closing their stores, who have left Abidjan who have shut down their stores and have
10 left Abidjan. Yes, let them go, but by the time they come back they will find Ivorians
11 in those shops. They will find Ivorians in those shops. They want to create fear in
12 your spirit and mind. Are you afraid?"

13 MR GARCIA: [13:21:36] (Interpretation)

14 Q. Mr Witness, you have watched the video. Is that the rally you attended on
15 26 March at the Place de la République?

16 A. [13:21:48] Yes.

17 Q. [13:21:53] Did you go to that rally by yourself or were you in the company of
18 anyone?

19 A. [13:22:07] I went in the company of some people.

20 Q. [13:22:08] Who was in your company?

21 A. [13:22:11] Members of my movement.

22 Q. [13:22:23] When you say your movement, which movement are you referring to?

23 *Is it EU-COJEP?

24 A. [13:22:29] Yes, sir.

25 Q. [13:22:34] Let us proceed chronologically. Please tell me if I have understood

1 you properly. Were you at this wake event yourself along with the members of your
2 group? Did you spend the night at the Place de la République?

3 A. [13:22:54] Yes, sir.

4 Q. [13:22:57] What did you do thereafter?

5 A. [13:23:00] After the, the night, the wake?

6 Q. [13:23:05] Let me be more specific. After the wake, what did you do,
7 specifically?

8 A. [13:23:11] After the wake we, we, we went back to our various neighbourhoods.

9 Q. [13:23:32] Did you go through other neighbourhoods before getting back to your
10 own neighbourhood, Niangon-Sud proper?

11 A. [13:23:51] No, I don't think so.

12 Q. [13:24:24] Do you know Paul Dokui, do you know that name?

13 A. [13:24:39] Yes, sir.

14 Q. [13:24:43] Who is he?

15 A. [13:24:44] I believe that he was a radio broadcaster, in addition to being the
16 director of a radio station or something like that, I think.

17 Q. [13:25:08] Have you ever been to his place?

18 A. [13:25:14] To go to his place in person? No. But I -- his place was pointed out
19 to me while I was in a vehicle.

20 Q. [13:25:29] Explain that to us. You said that his place was pointed out to you
21 while you were in a vehicle, in a vehicle. Under what circumstances and when did
22 this happen?

23 A. [13:25:44] I think it must have been during the crisis *that I went, rather we had
24 gone to see various comrades at Derrière *l'eau (phon), *namely Zadji, Blacky and the
25 others. And that's when they told us that we should go to Mr Paul Dokui's place.

1 And that's how they went, but I remained in the car.

2 Q. [13:27:07] You said "they went", what did they go to do?

3 A. [13:27:21] I am not able to say, because I could be mistaken, but if you have any,
4 any written material, it might help jog my memory.

5 Q. [13:27:34] Mr Witness -- confrontation, your Honour.

6 Let me refer to 0063-1464 at page 1481, reference line 613 to 625. On that page.

7 At page 1481, line 613, you state the following, and I quote you: "Paul Dokui,
8 Dokui."

9 Interviewer: "who is that?"

10 Answer: "he was the former DG of the radio."

11 Interviewer at line 616 to 617, I quote you: "Yes, he was the former general director
12 of the radio ... I do not know whether it was Frequency 2 or Radio Côte d'Ivoire, one
13 of those stations. That's where he was."

14 619, Interviewer 1, quote: "Very well. What did he do in relation to ..."

15 620, and I quote you: "We used to hold meetings at his place."

16 Interviewer number 1: "OK."

17 622, I quote you: "It was at his place ... how is it again? I think, is it Marcory, no?

18 Marcory ... Koumassi. Yes, it was at night. I know that he lived on the border
19 between Marcory Koumassi. So they had a meeting and weapons were delivered to
20 my comrade, Zadjé Djédjé, so that he could continue the fight in Koumassi."

21 Now I have read out to you what you said to the investigators of the OTP. Is that
22 what you said and does that jog your memory?

23 A. [13:30:15] I told them that I was told by comrade Zadjé Djédjé of the following,
24 and I think you mentioned that in your excerpt, so this is something that I was told
25 and that's what I told you and that's what appears in the statement. That's it.

- 1 MR GARCIA: [13:30:35] Your Honour, I see the time.
- 2 PRESIDING JUDGE TARFUSSER: [13:30:43] Me too.
- 3 MR GARCIA: [13:30:44] I am on -- I can already assure the Chamber that I am on my
- 4 last topic.
- 5 PRESIDING JUDGE TARFUSSER: [13:30:51] Which means in terms of time?
- 6 MR GARCIA: [13:30:54] I would say 20 minutes maximum in the next session.
- 7 I think we will be well below our estimated time.
- 8 PRESIDING JUDGE TARFUSSER: [13:31:02] Okay. So we start with the Office of
- 9 the Prosecutor until the end and then we continue with one of the two Defence teams.
- 10 Is there an agreement? Is there? Question: Is there an agreement on who --
- 11 MR O'SHEA: Yes.
- 12 PRESIDING JUDGE TARFUSSER: -- is starting first?
- 13 MR O'SHEA: [13:31:28] Yes, your Honours. It's the team for Blé Goudé who is
- 14 starting.
- 15 PRESIDING JUDGE TARFUSSER: [13:31:32] Okay. Okay. Thank you very much.
- 16 So after -- thank you. After 20 minutes we will -- about, we will give the floor to
- 17 the Defence for Mr Blé Goudé.
- 18 Now we adjourn for lunch, so you will have lunch until 3 o'clock and we come back
- 19 at 3 o'clock for continuing of your questioning.
- 20 Thank you very much. The hearing is adjourned.
- 21 THE COURT USHER: [13:32:02] All rise.
- 22 (Recess taken at 1.32 p.m.)
- 23 (Upon resuming in open session at 3.03 p.m.)
- 24 THE COURT USHER: [15:03:38] All rise.
- 25 Please be seated.

- 1 PRESIDING JUDGE TARFUSSER: [15:03:47] Good afternoon.
- 2 MR O'SHEA: [15:03:49] Good afternoon, your Honours.
- 3 PRESIDING JUDGE TARFUSSER: [15:03:51] Good afternoon, your Honours.
- 4 MR O'SHEA: [15:03:53] I am the one who's designated to start this witness. I
- 5 don't expect to have to start with this witness today, but I must inform the Chamber
- 6 that, due to personal difficulties, I need to step out at 10 past 4:00.
- 7 PRESIDING JUDGE TARFUSSER: [15:04:04] I heard that.
- 8 MR O'SHEA: [15:04:05] Thank you.
- 9 PRESIDING JUDGE TARFUSSER: [15:04:06] I heard that. Thank you.
- 10 Good afternoon, Mr Witness. I give the floor for the last rush to the Office of the
- 11 Prosecutor, and then immediately we will be followed by the Defence for
- 12 Mr Blé Goudé.
- 13 Mr Garcia, please.
- 14 MR GARCIA: [15:04:29] Thank you, your Honour.
- 15 Q. [15:04:35] (Interpretation) Mr Witness, just before the break, I asked you
- 16 questions, and one of my last questions was to find out from you whether you had
- 17 gone to Mr Paul Dokui's place. I read an excerpt of your statement to the
- 18 investigators of the OTP to you, and now I want to read out another excerpt of that
- 19 statement, CIV-OTP-0063-1464, at page 1483, from lines 674 to 700, line 674, and I
- 20 quote you:
- 21 "Of everyone, eh, yeah, because there were a number of -- firstly, I only attended one
- 22 meeting at his place, and at that time I was with Comrade Zadji Djédjé, and we went
- 23 to his place to confirm that we were going to receive weapons.
- 24 Interviewer: Very well.
- 25 You: We were to be delivered.

1 Interviewer: Very well.

2 And you: Then after?

3 Interviewer: So what did he -- who said that you were going to have weapons?"

4 And I quote you at line 682: "Who said that? He's here. Paul Dokui and Kakou
5 Brou is here.

6 Interviewer: Very well."

7 Now, I quote you at line 684: "Kakou Brou is here, Paul Dokui is here. That was
8 after the results were announced, and I believe that it was the meeting that were held
9 when people began to attack. Now they left. The people at the Golf said they were
10 getting ready to re-mobilise the troops and all of that, so it is in the midst of all of it
11 that we had to -- went to have our meeting.

12 Interviewer 1: Therefore, it was -- can you situate that during the time of the
13 post-electoral crisis?"

14 And then I quote you at line 691: "I think it was just after December, around January,
15 before 15 January, before 15 January because I know the people at the Golf said they
16 were going to prepare, so we went to get prepared. And it was said that in February,
17 March or thereabouts, we would need weapons. That's it, that's it. It was on 27
18 March when we finished the last meeting at the Place de la République. We went to
19 his place. That's it, on 27 March. It was the day after the meeting that we went to
20 Paul Dokui. I do remember that clearly.

21 Interviewer: Why was it the day after the major meeting or rally?"

22 And then I quote you: "Because they had already taken.

23 Interviewer: Of 26 March."

24 Mr Witness, that was your statement to the investigators of the OTP; correct?

25 A. [15:08:09] Yes.

1 Q. [15:08:16] Is it correct that you were present at the meeting at Paul Dokui's in
2 the presence of Mr Kakou Brou, Mr Witness?

3 A. [15:08:34] In my statement, I told the investigators that I was told, and I insist
4 on that. Now, when you say "to be present," no, I was informed because this didn't
5 happen in my zone.

6 Q. [15:08:54] For clarity of the record, you yourself did not attend and this was
7 only narrated to you; is that correct?

8 A. [15:09:05] I said that I was seated in the vehicle, and my friends went in.
9 They are the ones who came back with the information. And this is the information
10 which I received; namely, that arms were to be provided by Mr Paul Dokui and
11 Mr Kakou Brou. That is the information that I provided to the investigators.

12 Q. [15:09:34] Who told you what transpired at the meeting between Paul Dokui
13 and Mr Kakou Brou? Who told you? Which person?

14 A. [15:09:43] I told you earlier That comrade Zadji Djédjé and Comrade Blacky
15 were there. They were in Mr Zadji Djédjé's vehicle.

16 Q. [15:10:01] So to come back to my question, are they the ones who told you
17 what happened at the rally or the meeting?

18 A. [15:10:11] I can confirm that.

19 Q. [15:10:24] We're talking about Mr Paul Dokui. Do you know which region he
20 hails from?

21 A. [15:10:32] I think he comes from the west of Côte d'Ivoire.

22 Q. [15:10:44] Where exactly?

23 A. [15:10:48] I cannot be specific as to his village or department, but I know that
24 he comes from the west of Côte d'Ivoire.

25 Q. [15:11:05] Just before the break, I read out another excerpt of your statement to

1 the investigator to you and you confirmed that you had told the investigators -- and
2 I'm referring here to 0063-1464 at page 1481, lines 622 to *625. This is the excerpt we
3 looked at before the break. And I read again from line 624:

4 "And they delivered weapons to my comrade Zadji Djédjé so that he could continue
5 the fight in Koumassi."

6 Is that information correct?

7 A. [15:11:55] They had promised that weapons would be delivered, *but there
8 was no delivery. What followed is what you read.

9 Q. [15:12:06] Who made the promise?

10 A. [15:12:12] Mr Paul Dokui and Mr Kakou Brou.

11 Q. [15:12:18] To be very specific, when you say Mr Kakou Brou, are you referring
12 to the same person we talked about this morning who was involved in the
13 nomination of Mr Charles Blé Goudé as a leader?

14 A. [15:12:32] Yes, sir.

15 PRESIDING JUDGE TARFUSSER: [15:12:38] Maréchal KB.

16 MR GARCIA: [15:12:43] (Interpretation)

17 Q. [15:12:44] Maréchal KB, correct?

18 A. [15:12:48] Yes, sir.

19 Q. Now, for Mr Kakou Brou, Maréchal KB, now, do you have any information as to
20 whether he was providing other people, other youth, with weapons and, if yes, for
21 which regions?

22 PRESIDING JUDGE TARFUSSER: [15:13:13] Can you rephrase.

23 MR GARCIA: [15:13:21] (Interpretation)

24 Q. [15:13:21] Mr Witness, I'll rephrase. Do you have any other information
25 relating to Mr Kakou Brou in this general context?

1 A. [15:13:31] No, sir.

2 Q. [15:13:50] Mr Witness, let me take you back to your statement, 0036-1464, at
3 page 1482, and I'd like to read an excerpt from line 626 to line 651.

4 626: "Interviewer: Very well. You have provided many details in trying to
5 specify some of these details. Let's do that. But that's good. Now, first of all, you
6 said, well, that Commander Kakou Brou, you said that he provided weapons to the
7 youth; he supplied weapons to the youth."

8 And your answer, I quote: "Yes."

9 630: "Interviewer 1: Where was that? And how many times, as far as you know?"

10 631: Your answer: "No, just once."

11 632: Interviewer's question: "Where was that?"

12 633 to 634, your answer, I quote:

13 "He took care of all those who were ... now, what is that called again? Abidjan ...

14 Abidjan south. Abidjan south, all those who are behind the bridge."

15 Interviewer 1: "Very well."

16 And then you say following that: "Koumassi, Treichville, Marcory, Port Bouët."

17 Interviewer number 1: "Very well."

18 And then you go on at line 638, and I quote:

19 "Therefore, he is the one who was in charge of supplying them. He was a former
20 FESCI, a former FESCI leader, as I told you a short while ago before he became ...
21 Well, he was of the marine, he was already a civil servant, but at the same time he
22 continued to serve as the leader of FESCI openly, and this was known to all the
23 authorities of Côte d'Ivoire."

24 Interviewer number 1: "Very well."

25 And then I quote you again at line 644 and following: "Therefore, Mr Kakou Brou

1 was in charge of supplying everything. He supplied those who were what can I say,
2 Blacky, he had a mastery of it. The cité university at Port Bouët, as you were saying,
3 Port Bouët 1, the naval base, he supplied to all those who were there. He provided
4 supplies to Black -- he provided weapons to Blacky and to Zadji Djédjé and to all
5 those who were behind him in any event."

6 Now, Mr Witness, those are your words, the same things that you said to the
7 investigators; is that correct?

8 PRESIDING JUDGE TARFUSSER: [15:16:44] Mr O'Shea.

9 MR O'SHEA: [15:16:45] Your Honour, I'm doubtful whether we're in the realm of
10 memory refreshing here.

11 PRESIDING JUDGE TARFUSSER: [15:16:49] No, we are in the realm of
12 confronting because he said, no, he does not --

13 MR O'SHEA: [15:16:56] Yeah.

14 PRESIDING JUDGE TARFUSSER: [15:16:56] Now, it's a bit long, but I can say
15 that --

16 MR GARCIA: [15:17:01] It's a confrontation, your Honour.

17 PRESIDING JUDGE TARFUSSER: [15:17:03] It's a confrontation, yes.

18 MR GARCIA: [15:17:05] That was self-evident from the response --

19 PRESIDING JUDGE TARFUSSER: [15:17:09] I'm talking. Who made this promise.
20 The certain point I said: "Do you have any other information related to
21 Mr Kakou Brou in this general context of arms," which we were talking about, "No,
22 sir." And then started the confrontation.

23 MR O'SHEA: [15:17:34] Yes. Your Honour hit the nail on the head when you said
24 it is a bit long, so.

25 PRESIDING JUDGE TARFUSSER: [15:17:41] But we must be clear on one side. If

1 it's too small you -- well, not you, but there is -- you raise on the feet and say it's
2 too -- it's not fair towards the witness because we should start much earlier and go
3 much further. Now that it's long it is too long. I say --

4 MR O'SHEA: [15:17:56] I appreciate, I appreciate that. It's not really a question of
5 whether it's too short or too long. It's a question of what's being done is in fact a
6 confrontation, and that's where I have some difficulty.

7 PRESIDING JUDGE TARFUSSER: [15:18:09] Well, yes. But it is, because if one
8 says no --

9 MR O'SHEA: [15:18:11] Yes.

10 PRESIDING JUDGE TARFUSSER: [15:18:11] -- and in the statement he said
11 something different to what he said before, then it is a confrontation I would say.
12 Then we have to --

13 MR O'SHEA: [15:18:19] Yes.

14 PRESIDING JUDGE TARFUSSER: [15:18:19] This has to be assessed obviously
15 furthermore.

16 MR O'SHEA: [15:18:23] Very well, your Honour.

17 PRESIDING JUDGE TARFUSSER: [15:18:25] I think it is a confrontation.
18 Please go ahead, thank you.

19 Have you understood, Mr Witness, what it is about? It is about that you said
20 something here which somehow contradicts what you said during the investigation to
21 the investigators, and now the Office of the Prosecutor is asking, well, which one is
22 the truth out of these two declaration, or maybe you have a third truth, but it's up to
23 you to say what the reality is truthfully.

24 Thank you.

25 MR GARCIA: [15:19:15] (Interpretation)

1 Q. [15:19:15] Mr Witness, is this what you told the investigators of the OTP and is
2 it the truth?

3 A. [15:19:25] Well, sir, I want to tell you that I did not provide two answers. I
4 told you a short while ago that comrade Zadji was in charge of the entire Abidjan
5 south area, which includes Marcory, Treichville, Koumassi, and all the way to
6 Port Bouët. That is Abidjan-Sud for you.

7 Now, it's the same person and it is those two persons who were in the vehicle who
8 updated me on this matter. So there's nothing else to say about the supplies. It was
9 those two people who were managing the entire zone. So if we had gone to another
10 zone I would have told you that there were other people involved, but these are the
11 two people who provided the -- who were supplied in those zones, so I could not
12 have said yes and then later said no. So I said no once and for all.

13 Q. [15:20:19] So for the clarity of the record, what I have read out to you a short
14 while ago in which you said that it is Mr Kakou Brou who provided supplies to
15 Blacky, Djédjé and Kakou (sic); is that correct?

16 A. [15:20:36] Yes, that is correct.

17 Q. [15:21:13] Do you know where Mr Kakou Brou got the weapons from before
18 supplying them?

19 A. [15:21:30] I'm not able to tell you, sir.

20 Q. [15:21:38] Is it because you no longer remember or just that you don't know at
21 all?

22 A. [15:21:51] I simply don't know.

23 Q. [15:21:55] Witness, let me then take you back to your statement again,
24 0063-1464, page 482, line 649 to 653.

25 Interviewer puts the question to you: "Okay. And where did he make those

1 supplies?"

2 650 to 651: "The supplies? ... I learnt were at the CRS 2 barracks in Marcory."

3 652: "Yes." And then you at the following lines:

4 "The barracks CRS 2 in Marcory, that is in zone 3."

5 Is that what you said to the investigators?

6 A. [15:22:44] Yes, sir.

7 Q. [15:22:50] Is that information correct or it's something you were told?

8 MR O'SHEA: [15:22:55] Can I just intervene, Mr Witness.

9 This is one of those instances where, and I know your Honour is going to look at
10 surprise with me, but this is one of these instances where my learned friend really
11 needs to read on, otherwise it does create a false impression to the witness.

12 PRESIDING JUDGE TARFUSSER: [15:23:11] Okay.

13 MR GARCIA: [15:23:13] Your Honour.

14 PRESIDING JUDGE TARFUSSER: [15:23:13] I'm prophetic nearly.

15 So read on. I don't know what is to read on, but.

16 MR GARCIA: [15:23:22] Your Honour, I believe that Defence counsel can read on
17 if they choose to do so in their cross.

18 PRESIDING JUDGE TARFUSSER: [15:23:28] Yes, but please read on. So we do it
19 now.

20 MR GARCIA: [15:23:31] I can read on, if -- I don't know how many lines,
21 your Honour, but --

22 PRESIDING JUDGE TARFUSSER: [15:23:34] I don't know.

23 How many lines do you (Overlapping speakers)

24 MR O'SHEA: [15:23:35] To the end of the page so that the witness is not misled
25 into thinking that he had said something which he hadn't actually portrayed. Let me

1 put it that way.

2 PRESIDING JUDGE TARFUSSER: [15:23:46] Maître Gbougnon.

3 Maître Gbougnon. Yes, please speak. Okay, sorry.

4 MR GBOUGNON: [15:24:08] (Interpretation) Mr President, I was waiting for the
5 interpretation to be completed.

6 Now, I rose, Mr President, to my feet and I know that this might be untimely, but I
7 think that the comment by the OTP is quite uncalled for, especially coming from
8 them. And very untimely because they know that if they read a statement only in
9 part and stop at a certain point you cannot subsequently claim that there will be
10 opportunity for us to put questions. That's why this morning I told you that last
11 time, last week when there are parts that I attempted to read I was asked to read
12 something else. And this was from the OTP. So we cannot be told here that we
13 should wait and put our questions at a subsequent time.

14 PRESIDING JUDGE TARFUSSER: [15:25:02] Please, go, go further in the reading
15 until the end of the page and then we'll see.

16 MR GARCIA: [15:25:14] (Interpretation)

17 Q. [15:25:17] For the record, line 650 and onward:

18 Person being interviewed: "Those supplies? ... It would appear that the CRS 2
19 barracks is at Marcory."

20 Interviewer 1: "Yes." And from 653, 654: "Yes. The CRS 2 barracks is" --

21 PRESIDING JUDGE TARFUSSER: [15:25:36] If you avoid to say with the line -- if
22 you say from line to line, because otherwise reading it, it really will become very
23 difficult.

24 MR GARCIA: [15:25:46] Thank you, your Honour. So I'll just, I'll read on.

25 (Interpretation) So I quote you: "The CRS2 barracks is in Marcory, Marcory zone 3."

1 Interviewer: "Mm-mm."

2 Then you: "Zone 3, on the other side ... on the -- right next to Solibra ..."

3 Interviewer 1: "Yes."

4 Person being interviewed: "... is at the CRS 2 barracks."

5 Interviewer 1: "Yes."

6 And then you, quote:

7 "Policeman had deserted and they -- they had gone to break. And even the vehicle of
8 comrade Zadji Djédjé was broken into and the gate so they could get in. He's still
9 there and he's still alive."

10 Now, Mr Witness, do you have any information relating to this issue of weapons
11 distribution in other areas such as Locodjoro?

12 A. [15:27:05] In Locodjoro, it was one of my coordinators who called me from the
13 naval base in Locodjoro to tell me that they were there, that they had gone there to
14 fetch weapons in order to defend themselves. He didn't talk about being supplied
15 with weapons.

16 Q. [15:27:27] Was there someone there distributing the weapons?

17 A. I wasn't there myself, but they are the ones who provided me the information
18 on the phone. I was called up and informed.

19 Q. [15:27:48] Now let me take you back to your statement, 0063-1464, at page 1477,
20 line 472 to 480.

21 PRESIDING JUDGE TARFUSSER: [15:28:08] Maître Gbounon.

22 MR GBOUGNON: [15:28:12] (Interpretation) What my learned colleague is
23 getting ready to do is not a confrontation. He could have gone on to put questions
24 before reading or doing what he wants to do, but I think he is going too fast.

25 PRESIDING JUDGE TARFUSSER: [15:28:33] He could have gone. Yes, he could

1 have gone, he did not. It's the turn of the Office of the Prosecutor and your turn will
2 come very soon. And -- no -- and will come very soon.

3 And I ask the Office of the Prosecutor to go ahead. Please.

4 MR GARCIA: [15:28:51] (Interpretation)

5 Q. [15:28:52] Witness, I quote you, from line 472:

6 "People who helped? Well, you know that some people had close affinities with the
7 leaders of the time. Those people there. And then, there were others who held high
8 positions and were close to those persons, therefore, those persons could activate
9 something. Well, I know that people, my friends, informed me that Mr Gohourou,
10 who is even there -- who even died in Locodjoro, that he took some and was
11 distributing weapons. I know things because they provided nicknames. There was
12 'Côte d'Ivoire' who was a marine, 'Côte d'Ivoire' who was a marine, he came
13 frequently in his car to the zone. And there was Le Molare who was a gendarme."
14 Is that what you said?

15 A. [15:29:53] Yes, that is what I said. And if you look further on I said that he
16 was called up by a member of -- that I was called by a member of my group called
17 Sebi, who told me that they were going to Locodjoro to collect weapons from
18 someone. I provided the name and the means by which I received the information.

19 MR GARCIA: [15:30:15] (Overlapping speakers) go to closed session -- private
20 session for just a couple of questions.

21 PRESIDING JUDGE TARFUSSER: [15:30:18] Let's please go into private session.

22 (Private session at 3.30 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0449

(Private Session)

ICC-02/11-01/15

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1 (Redacted)

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5 (Open session at 3.33 p.m.)

6 THE COURT OFFICER: [15:33:54] We are in open session, Mr President.

7 PRESIDING JUDGE TARFUSSER: [15:34:01] Thank you.

8 Mr Prosecutor.

9 MR GARCIA: [15:34:11] (Interpretation)

10 Q. [15:34:11] Now, Mr Witness, a few moments ago you mentioned Gohourou.

11 Who was that individual?

12 A. [15:34:25] I know that he was the spokesperson for the Ivorian army.

13 Q. [15:34:36] Thank you, Mr Witness.

14 MR GARCIA: (Interpretation) I would request a moment, please, Mr President.

15 (Counsel confers)

16 MR GARCIA: [15:35:02] (Interpretation)

17 Q. [15:35:02] Now, Mr Witness, just to wrap up with my line of questions, I'm

18 going to be showing a video to you. It is the video 0043-0269, and it is to be found at

19 tab number 32. So there are two screenshots -- no, we're going to stop at 32.49 and at

20 32.54.

21 So we have the screenshot at 32.49.20 that's coming up on your screen now. Are you

22 in a position to identify this individual, the individual in green?

23 A. [15:36:15] No.

24 Q. [15:36:28] There's another screenshot at 32.54.08. Are you in a position to

25 identify the individual to the left wearing a white shirt?

1 A. [15:36:43] No.

2 Q. [15:36:49] And one moment. The person seated to the right in the checked
3 shirt?

4 A. [15:37:01] Mr Thierry Legré.

5 Q. [15:37:20] Thank you, Mr Witness. I have no further questions for you.

6 MR GARCIA: (Interpretation) Thank you, Mr President.

7 PRESIDING JUDGE TARFUSSER: [15:37:25] Thank you very much to the Office of
8 the Prosecutor.

9 I will now immediately give the floor to the Defence for Mr Blé Goudé. Mr Knoops.

10 MR KNOOPS: [15:37:35] Mr Gbougnon will conduct the examination. Thank
11 you.

12 PRESIDING JUDGE TARFUSSER: [15:37:38] Thank you very much.

13 Maître Gbougnon.

14 QUESTIONED BY MR GBOUGNON: (Interpretation)

15 Q. [15:38:44] Good afternoon, Mr Witness. My name is Maître

16 Jean Serge Gbougnon, and I am from the Abidjan Bar, member of the Defence team

17 for Mr Charles Blé Goudé. I shall be putting questions to you on behalf of my team

18 subsequent to the questions put to you by the Prosecution. We are going to be

19 conducting the same exercise, you're going to be waiting when I finish speaking, and

20 then take the floor in order for us not to overlap each other.

21 Mr Witness, you said that you belonged to the FESCI, did you not?

22 A. [15:39:50] Yes.

23 Q. [15:39:59] Well, if you, you know, nod your head, I won't -- people won't be
24 able to interpret and what you're indicating won't be transcribed.

25 At the FESCI how do you -- how did you used to refer to your general secretaries?

- 1 A. [15:40:18] At the FESCI they were called the generals, so in the singular a general.
- 2 Q. [15:40:28] So if I said to you General Ahipeaud; is that correct?
- 3 A. [15:40:36] Yes, sir.
- 4 Q. [15:40:37] If I said General Soro Guillaume; is that correct?
- 5 A. [15:40:43] Yes, sir.
- 6 Q. [15:40:47] General Blé Goudé; is that correct?
- 7 A. [15:40:48] Yes, sir.
- 8 Q. [15:40:53] General Dibopieu; is that correct?
- 9 A. [15:41:01] Yes, sir.
- 10 Q. [15:41:01] And then General Mian Augustin; is that correct?
- 11 A. [15:41:11] Yes, sir.
- 12 Q. [15:41:17] In 2002 when the crisis became reality in Côte d'Ivoire, what was
13 referred to earlier as the rebellion, what class were you in at the time please?
- 14 A. [15:41:32] I was in the second grade.
- 15 Q. [15:41:38] You were already in the FESCI at the time, were you not?
- 16 A. [15:41:41] No, I wasn't at the FESCI yet.
- 17 Q. [15:41:49] So in 2002 you were not in the FESCI. Were you in a particular
18 movement?
- 19 A. [15:42:04] No.
- 20 Q. [15:42:05] So would it be true to say that at that time you were far removed
21 from these things in guillemets? "Far removed from these things", in inverted
22 commas, correction.
- 23 A. [15:42:24] Yes.
- 24 Q. [15:42:37] In 2002 during the crisis, are you in a position to name or were you
25 aware at the time of any movements that were set up at that moment in time, that is

1 to say movements that were said to be patriotic and set up at that time?

2 A. [15:43:13] There were a few movements.

3 Q. [15:43:26] Do you know the *AJSN?

4 A. [15:43:34] No.

5 Q. [15:43:35] If I say Alliance des jeunes pour le sursaut national, that is the
6 alliance for youth members for the national leap forward, does that ring a bell?

7 A. [15:43:48] Yes, the AJSN.

8 Q. [15:43:52] And it was set up in 2002, was it not?

9 A. [15:43:55] I do believe so.

10 Q. [15:44:03] You know, there are some things that are a long time ago, so do not
11 hesitate in saying that you do not know and that you do not remember.

12 So at that moment in time, do you know who headed up the AJSN?

13 A. [15:44:23] No.

14 Q. [15:44:32] Were I to put it to you that it were Mr Charles Blé Goudé, does that
15 ring a bell?

16 A. [15:44:38] Yes.

17 Q. [15:44:39] When I say "does it ring a bell", I'm talking about the AJSN, do you
18 remember that now?

19 A. [15:44:47] Yes.

20 Q. [15:44:55] At that moment in time, or, I do not think it is necessary to play the
21 footage that the Prosecution showed you. Let's see if you've got any memory.

22 Earlier on, the Prosecution played you a video where Mr Blé Goudé appeared at the
23 beginning of the crisis in 2002. Did you hear the term "Galaxie Patriotique" uttered?

24 A. [15:45:29] No.

25 Q. [15:45:39] To your knowledge, I know that you've already said that you were

1 far removed from those movements at the time. You were still very young. To
2 your knowledge, at that time, did people already talk of the Galaxie Patriotique?

3 A. [15:45:55] I do not believe so.

4 Q. [15:46:22] Mr Witness, with the Prosecutor you talked about roadblocks, and a
5 video was shown to you in which Mr Charles Blé Goudé was calling upon people to set
6 up roadblocks, requesting that people stop and -- if I'm using the wrong terms, do correct
7 me -- and to stop the ONUCI vehicles from moving around; do you recall that?

8 A. [15:47:13] Yes, sir.

9 Q. [15:47:15] Is that indeed what he said; namely, stopping the UNOCI vehicles
10 from moving around?

11 A. [15:47:23] Yes, sir.

12 Q. [15:47:30] At that moment in time, if you try and remember, at that moment in
13 time, what was the ONUCI doing out in the field at the time? What was the
14 information in this regard broadcast over the waves, if you are aware of that, of course?

15 A. [15:48:02] At that moment in time, the ONUCI was supplying food to all of
16 those people who were at the Golf, according to the information broadcast over
17 Ivorian television.

18 Q. [15:48:29] At that moment in time, what was, or what should have been, the
19 role of ONUCI? Is that the role that was assigned to them at the time, the role you've
20 just described?

21 A. [15:48:48] To my knowledge, no.

22 Q. [15:48:54] What should the role have been?

23 A. [15:49:02] The role of the ONUCI mission, to my knowledge, was, firstly, well,
24 that -- that of making the Ivorian political and social scene, improve that scene during
25 the elections, and stop conflicts from re-emerging. And manage, in an impartial

1 manner, the issues associated with -- or manage in an impartial manner the various
2 armies, and stop any fighting from occurring again in Côte d'Ivoire. Make sure that
3 social cohesion exists and that there -- and make sure that there be true reconciliation
4 amongst the Ivorians.

5 Q. [15:50:10] Thank you, Mr Witness. I'm going to be showing a video to you,
6 CIV-OTP-0074-0083. I believe it's line number 68, from minute 15.30 to minute 16.30.
7 And the transcript is CIV-OTP-0097-0213, page 0215, line 59, at page 0216, line 84.

8 THE INTERPRETER: [15:51:01] Message from the English booth: The interpreter
9 would request that the transcript be brought up on the screen. Thank you.

10 PRESIDING JUDGE TARFUSSER: [15:51:32] The transcript, is it, with the interpreters?

11 MR GBOUGNON: [15:51:45] (No interpretation)

12 PRESIDING JUDGE TARFUSSER: [15:51:47] They have it. They have it, okay.
13 (Viewing of the video excerpt)

14 THE INTERPRETER: [15:52:04] (Interpretation of the video excerpt)

15 Friday, at the Riviera 2 junction.

16 *"Unidentified speaker [INI]: Its death ... only that ...

17 INI: What are you doing yourself ... [incomprehensible, 00:15:31] ...

18 INI: But you must transmit ... no, you must film all that.

19 INI: Film what? The [incomprehensible, 00:15:36] ?

20 INI: No. The ...

21 INI: The ONUCI attacking us, is it not good to film that?

22 INI: No, I am asking."

23 MR GBOUGNON: [15:52:25] (Interpretation) Mr President, we have paused at
24 minute 15.42 just because I wanted to put a question to the witness. He spoke in quite
25 an Ivorian way. I think he says "ont tenguê." What does "ont tenguê" mean, please?

- 1 A. [15:52:45] "Têguê" means "to kill."
- 2 Q. [15:52:47] Thank you. We can carry on playing the video.
- 3 (Viewing of the video excerpt)
- 4 THE INTERPRETER: [15:52:53] (Interpretation of the video excerpt)
- 5 *"INI : Do not film. Do not record.
- 6 INI : He should shoot. He should shoot.
- 7 INI : Do you hear that?
- 8 INI : There are two of them there.
- 9 INI : We have the second one, stop
- 10 INI : Who are those ones? Who are they?
- 11 INI : Yes. They have passed.
- 12 INI : Who are those ones?
- 13 INI : Non on attend.
- 14 INI : Let's wait ...
- 15 INI : We are waiting ...
- 16 INI : We are waiting ...
- 17 INI : They have gone back to whatever ...
- 18 INI : Did you record it [incomprehensible, 00:16:24] No?
- 19 INI : I recorded it, I have everything on film.
- 20 INI : So you recorded it on film?
- 21 INI : Yes. I recorded everything."
- 22 MR GBOUGNON: [15:53:52] (Interpretation)
- 23 Q. [15:53:52] Mr Witness, *you -- it is true, is it not, that you -- I know that it's a
- 24 bit dark, but did you manage to recognise the location?
- 25 A. [15:54:02] I believe that it must have been at the Riviera 2 intersection.

1 Q. [15:54:34] You said that you were living in Yopougon, Niangon, on the
2 right-hand side, not far from the Azito centre; is that correct?

3 MR GARCIA: [15:54:53] Your Honour, just on this last video, I understand
4 that -- I -- Defence counsel has finished with it, but we would need a date for the
5 record. I understand that the -- an extract of it has been shown to the witness, but
6 perhaps we could have the date, the main date, of that video on the record as well so
7 we know exactly what the witness was speaking about.

8 MR GBOUGNON: [15:55:20] (Interpretation) Mr President, firstly, this is a
9 Prosecution video, and secondly, I believe that the video -- that the video dates back
10 to 26 February 2011, if my memory is correct, if I'm not mistaken. 26 February 2011,
11 Mr President.

12 PRESIDING JUDGE TARFUSSER: [15:55:48] Thank you. Can I also just remind
13 you not to make rhetorical questions: "You said that you lived; is this correct?" Of
14 course it is. If he said so, it must be correct. You are asking question: "You said
15 that you lived in Yopougon on the right side; is this right? Yes." If he said so, is it
16 right. Just put the question. Thank you.

17 MR GBOUGNON: [15:56:20] (Interpretation) Yes, Mr President, I know that you
18 don't like that kind of question, but sometimes it enables us to lay the foundation for
19 what we are seeking to ask the witness.

20 Q. You said that it was not far along away from the Azito centre. What is that centre?

21 A. [15:56:47] It is a thermal power plant that provides electricity to the entirety of
22 Côte d'Ivoire.

23 Q. [15:57:04] During the post-election crisis, do you remember an incident
24 involving the ONUCI forces in that location?

25 A. [15:57:24] Yes.

1 Q. [15:57:26] Could you tell the Chamber what happened?

2 A. [15:57:42] I know that the ONUCI personnel, the Bangladeshis, were in three
3 or four cargo lorries * going to the Azito *thermal power plant, *but they got lost.
4 They *instead came towards my roadblock. So rather than going straight ahead,
5 they *instead went towards académie *whereas the bridge was cut off. So once they
6 got to the bridge, they asked, and the youth came out in order to stop them from
7 moving on. They asked a youngster where the Azito power plant was. The other
8 youngster came out and set up a roadblock. And there were two or three vehicles
9 that came at -- to the intersection, and they were stopped at the intersection. They
10 had the intention of opening fire, but in view of the fact that there was a whole crowd
11 of people there, they preferred not to open fire.

12 Q. [15:58:55] And you, on that day, where were you, and what did you do?

13 MS VANHALLE: [15:59:07] (Interpretation) Mr President, could we please move
14 into private session, please.

15 PRESIDING JUDGE TARFUSSER: [15:59:20] Let's go into private session briefly
16 for this answer to this question.

17 (Private session at 3.59 p.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Open session at 4.02 p.m.)
17 THE COURT OFFICER: [16:02:46] We are back in open session.
18 PRESIDING JUDGE TARFUSSER: [16:02:51] Thank you very much.
19 Maître Gbougnon.
20 MR GBOUGNON: [16:03:01] (Interpretation)
21 Q. [16:03:02] Mr Witness, a short while ago you talked about roadblocks with the
22 Prosecutor, but unfortunately you were not asked to provide dates and time frames.
23 You talked about roadblocks in your neighbourhood and so on and so forth, but no
24 questions were put to you about the time frames. Now, when did this happen, at
25 what time, at what moment?

1 A. [16:03:39] Roadblocks came up, I believe, between February and March.

2 They were set up at that time.

3 Q. [16:03:57] In your neighbourhood you mentioned a number of roadblocks at
4 which you were present and participated; you mentioned your neighbourhood and
5 your cité. Now, at the time you were setting up those roadblocks, were there any
6 police forces present in Abidjan at that time?

7 A. [16:04:28] No, sir.

8 Q. [16:04:40] Therefore, at that time in your neighbourhood, when you and your
9 friends and your neighbours decided to set up roadblocks, there were no longer any
10 police forces, nor any Republican Forces in that area as such; is that correct?

11 A. [16:05:01] Yes, that is correct, Counsel.

12 Q. [16:05:07] At that time are you able to briefly describe to the Court what was
13 happening, first of all, in your area to begin with and then what you heard in relation
14 to what was happening in other neighbourhoods in Abidjan?

15 A. [16:05:50] What used to happen in the various neighbourhoods in our zone is
16 that the police stations were no longer functional. Even hospitals had only a few
17 doctors who would be present, but it could be said that everybody had deserted their
18 place of work, so things had become quite difficult. When it came to matters of
19 security, our various comrades and I learnt that those comrades who had set up a
20 roadblock at *SOCOCE in *Deux Plateau had been *machine gunned by Senegalese of
21 the ONUCI. Same thing for la Rivière 2. So people had been infiltrated to
22 Port Bouët II where there were a number of attacks.

23 Q. [16:07:04] I'm sorry to interrupt. When you say Port Bouët II, can you specify
24 to the Court what area you're talking about because we know about Port Bouët and
25 Port Bouët deux or Port Bouët II. Can you please clarify that for the Court because

1 they might not necessarily know where Port Bouët II is located.

2 A. [16:07:26] Port Bouët II is located in Yopougon commune. If you go by the
3 third bridge as you enter Yopougon through the new BAE, it will be in that area.

4 Now, Port Bouët II, friends and comrades were attacked in that area. And in Kimi
5 one person died following an attack on the roadblock by a vehicle, which knocked
6 down a young man at the roadblock and dragged him all the way to Kimi Hotel. So
7 the situation had become extremely tense and everybody was wary of the other.

8 And in order to subsist, we needed to put up some resistance and put up our own
9 security. And that's how we reinforced the roadblocks by using bricks and pieces of
10 timber, in order to stop vehicles from coming in. And then we also conducted
11 searches or checking.

12 Q. [16:08:51] So, Mr Witness, if I understand you properly, at that time you set up
13 roadblocks because of some kind of psychosis that had gripped the entire town of
14 Abidjan; is that correct?

15 A. [16:09:05] Yes, that is correct.

16 Q. [16:09:08] I'll be very direct: Those roadblocks, were they set up against a
17 specific targeted population? Now, what I'm saying is when setting up those
18 roadblocks, were you systematically targeting a certain category of people?

19 MS VANHALLE: [16:09:38] (Interpretation) Could we go into private session
20 again, please.

21 PRESIDING JUDGE TARFUSSER: [16:09:46] Yes, let's go into private session
22 again.

23 (Private session at 4.09 p.m.)* Reclassified as open session

24 THE COURT OFFICER: [16:09:52] We are in private session, Mr President.

25 PRESIDING JUDGE TARFUSSER: [16:10:02] Yes, please. We are now in private

1 session, you can answer.

2 THE WITNESS: [16:10:18] (Interpretation) No, no one was systematically targeted.

3 MR GBOUGNON: [16:10:24] (Interpretation) Mr President, maybe we could go
4 back to open session and I would ask that this answer be reclassified, the witness's
5 answer be reclassified as public.

6 PRESIDING JUDGE TARFUSSER: [16:10:36] Well, I also did not understand, in
7 light of the answer, the request for going into private session, but it's okay. Is it -- do
8 you agree with the reclassification as public? Yes.

9 Thank you, let's go into open session again.

10 (Open session at 4.11 p.m.)

11 THE COURT OFFICER: [16:11:04] We are back in open session, Mr President.

12 PRESIDING JUDGE TARFUSSER: [16:11:13] Thank you.

13 Now the answer given in closed session is reclassified. I think there is no question
14 about this, as I see. Okay.

15 Let's go. You can continue, Maître Gbougnon, the floor is yours.

16 MR GBOUGNON: [16:11:30] (Interpretation)

17 Q. [16:11:35] Mr Witness, at that time, therefore, the only goal you had in mind
18 was to secure yourself and your neighbours and the cité in which you lived to keep
19 that area safe; is that correct?

20 A. [16:11:53] Yes, that is correct.

21 Q. [16:11:58] This morning you also said that, generally speaking, at those
22 roadblocks you would have young people who lived in the cité manning those
23 roadblocks; is that correct?

24 A. [16:12:12] Yes, that is correct.

25 Q. [16:12:19] Would it, therefore, be correct to say at those roadblocks where you

1 had your neighbours that people from all ethnic groups in Côte d'Ivoire were present
2 at the roadblocks; would that be correct?

3 A. [16:12:37] Yes, because in our neighbourhoods all ethnic groups were
4 represented.

5 Q. [16:12:43] It might be obvious, it might appear to be obvious, but these details
6 are quite useful.

7 The roadblocks, as you have described them, their purpose and the manner in which
8 they were set up, were they spontaneously set up by all those people, all those people
9 you have described?

10 MR MACDONALD: [16:13:31] I'm standing up, your Honours, because --

11 PRESIDING JUDGE TARFUSSER: [16:13:33] Mr MacDonald.

12 MR MACDONALD: [16:13:42] -- I'm -- I -- while I understand my colleague is doing
13 an examination from the Defence's perspective, and in theory we are not supposed to
14 ask leading questions --

15 PRESIDING JUDGE TARFUSSER: [16:13:56] They're all too leading, much too
16 leading, I would say.

17 MR MACDONALD: [16:14:00] But --

18 PRESIDING JUDGE TARFUSSER: [16:14:01] To my understanding, all these
19 questions are much too leading.

20 MR MACDONALD: [16:14:04] And I know we'll suffer from that when we will be
21 in our own examination of Defence witnesses one day, but the point is, is that this
22 topic of spontaneity is obviously disputed by the parties, I would put it this way. So
23 I think we have to be careful when asking questions in the manner my colleague is
24 asking his questions.

25 PRESIDING JUDGE TARFUSSER: [16:14:37] No, Maître Gbougnon, I think the last

1 two, three, four questions are really very much too leading, two words, a "yes" or a
2 "no." You're putting the response into the mouth of the witness, so I would ask you
3 to make a more open question where the witness can answer, instead of you
4 answering defacto.

5 MR GBOUGNON: (Interpretation) I'm sorry, Mr President, we don't have much
6 time, so I was trying to go quickly, but otherwise I can (overlapping speakers) --

7 PRESIDING JUDGE TARFUSSER: [16:15:35] You always say you don't have much
8 time. You have all the time you want. I mean don't put me in the light of the one
9 who is pushing. I didn't say anything, so.

10 MR GBOUGNON: [16:15:58] (Interpretation) Thank you, Mr President. That
11 really was not my intention.

12 Q. [16:16:12] Mr Witness, the roadblocks, were they set up spontaneously or not?

13 A. [16:16:28] The roadblocks came up spontaneously, but we were talking about
14 the follow-up and survival, so everybody was doing anything to ensure their
15 own -- was doing everything to ensure their own survival.

16 Q. [16:17:04] Throughout your examination by the OTP this morning, you talked
17 about coordination several times. I will come back to that, but, you see, words have
18 and do take on their full meaning and weight here. Now, spontaneously set up
19 roadblocks, was there a coordination -- you know, in French when you use the word
20 "coordination" you know what I mean, was there a coordination in the etymological
21 meaning of the word?

22 A. [16:17:59] No, but we had to create it ourselves because there was no
23 coordination between the various roadblocks. The idea was simply to get our
24 comrades to move about after they had set up their roadblocks. So each person set
25 up a roadblock and the idea was to enable the comrades to move about to circulate

1 and to communicate with each other as to how things were going to unfold.

2 MR GBOUGNON: [16:19:08] (Interpretation) Mr President, can I have one
3 moment, please?

4 (Counsel confers)

5 MR GBOUGNON: [16:19:55] (Interpretation)

6 Q. [16:19:56] Mr Witness, this morning you talked about the rally at the Place de
7 la République where you spent the night, if I'm not mistaken. Do you remember the
8 date on which that rally took place?

9 A. [16:20:28] I believe it was on 26 March 2011, if I'm not mistaken.

10 Q. [16:20:39] This morning allusion was made to that meeting and -- well, let's
11 put it this way, a more direct question for you, that meeting and what
12 Mr Charles Blé Goudé said at it, which we saw on the video, is there any link
13 whatsoever between that rally and the young people who allegedly went to get
14 weapons?

15 PRESIDING JUDGE TARFUSSER: [16:21:27] Well, this is very much an opinion.

16 MR MACDONALD: [16:21:31] That's right.

17 PRESIDING JUDGE TARFUSSER: [16:21:31] You're eliciting an opinion what he
18 thinks about other people.

19 MR MACDONALD: [16:21:40] Your Honours, we strongly object, as you note that
20 this is an opinion. It's for the Chamber. We can ask the facts.

21 PRESIDING JUDGE TARFUSSER: [16:21:48] Yeah.

22 MR MACDONALD: [16:21:49] We can ask facts.

23 PRESIDING JUDGE TARFUSSER: [16:21:50] That's what I said. It is an opinion.
24 It could be like this, it could not be. It's an opinion.

25 MR GBOUGNON: [16:22:20] (Interpretation) Mr President, maybe we didn't

1 understand each other. I wasn't looking for an opinion. My line of questioning, the
2 line of questioning -- Mr President, if any remarks are to be made it should be in the
3 absence of the witness, I would prefer, so that --

4 PRESIDING JUDGE TARFUSSER: [16:22:41] I do not admit a question which
5 elicits opinion from the witness.

6 MR GBOUGNON: [16:23:02] (Interpretation)

7 Q. [16:23:04] Mr Witness, this morning you testified that you went to see
8 Mr Blé Goudé at leaders team, you went to see him at leaders team; is that correct?

9 A. [16:23:29] Yes, sir.

10 Q. [16:23:36] Why? What for?

11 A. [16:23:40] That was before the elections. It was the pre-campaign period.
12 We went to see him with a view to setting up an organisation.

13 Q. [16:23:56] You also said that you were present virtually at all
14 Mr Charles Blé Goudé's rallies; is that correct?

15 A. [16:24:09] Yes, that is correct.

16 Q. [16:24:13] Did he, at any time whatsoever, at any time whatsoever, during
17 those various meetings and rallies, did he ever tell you to take up arms?

18 A. [16:24:40] No, sir.

19 Q. [16:24:55] Did you even once have a meeting with Mr Charles Blé Goudé at
20 which he may have encouraged you to take up arms?

21 A. [16:26:02] No, sir.

22 Q. [16:26:07] Thank you, Mr Witness.

23 MR MACDONALD: [16:26:12] Now, your Honour, I want to raise an issue since
24 we're in the cross-examination by the Blé Goudé Defence team about the Baron Bar
25 speech and the decision you rendered in relation to that speech where you requested

1 the Defence to produce the excerpt.

2 Now, since we're on the topic of a witness who has been to all these meetings, now is

3 the time, we submit, for the Defence in the cross -- in their question, sorry,

4 examination, to use that video at one point, that excerpt that they have. And if you

5 allow me, your Honour, just 30 seconds more. Because we feel, and it is the normal

6 practice that if you have evidence on which you want to show a witness or confront a

7 witness with, you need to do it when the witness is in the witness stand and when

8 you have that evidence. In other words, I'll use an image, you cannot play cards

9 holding your cards on your chest and never show your cards and only wait in the

10 Defence, in the Defence case to come out with this evidence.

11 Now even more so when you just made a request last week. Because it's very logical,

12 it's not honest with the parties, the Chamber and certainly the witness where

13 witnesses can express and comment on these evidence and we don't give them the

14 chance to do so.

15 In other words, if the Prosecution cannot split its case, the Defence cannot either not

16 show its evidence to witnesses because then it means, and it is very logical, we would

17 lose time because the Prosecution then in those cases would be allowed to call these

18 witnesses back.

19 And there's a number of decisions of this Court to that effect. So, in other words,

20 when you have evidence in your possession to your knowledge, and you know you

21 have it, you can't hold it back until the Defence case to use it to challenge witnesses.

22 So we're raising this at this stage. And what prompted us to do it, actually we

23 wanted to make a filing about it, but when you came with the last decision on that

24 piece of video, the Baron Bar speech, well, then you ordered it yourself,

25 your Honour -- well, you requested it, which we feel is an order, although you didn't

1 give any time frame, but this is the time. You have a witness that is present at
2 that -- at that meeting, so he should be shown that piece of evidence as you have
3 requested the Defence. Thank you.

4 PRESIDING JUDGE TARFUSSER: [16:29:20] The floor is to the Defence.

5 MR KNOOPS: [16:29:23] Mr President, first of all, I think it is not appropriate that
6 the Prosecution is interfering with the cross-examination of Mr Gbougnon. This
7 point could have been raised at another moment in time. This is totally
8 inappropriate that my learned friend, Mr Gbougnon, he's in the middle of an
9 examination, is now being interrupted by an issue which has absolutely nothing to do
10 with the questioning by the Defence. That's not the way the Prosecution should ask
11 what it intends to ask.

12 Secondly, the Chamber asked the Defence to respond to an order, which we will. At
13 no point in time the Chamber has foreseen or ordered the Defence to produce that
14 video or comment on the Defence video to the Chamber before this examination.
15 Therefore, I really don't see why the Defence should be obligated to produce an
16 excerpt for which it's not even sure that it will produce this excerpt during this
17 examination by the Defence.

18 And Mr N'Dry would like to add an observation to it.

19 PRESIDING JUDGE TARFUSSER: [16:30:43] Maître N'Dry.

20 MR N'DRY: [16:30:54] (Interpretation) Mr President, I am really taken aback by the
21 observations made by Mr MacDonald, and I shall tell you why I am very surprised.
22 In the order in which the witnesses have appeared, if the Prosecution really wanted
23 for the Chamber to be in the know as to what happened at the Baron Bar, with regard
24 to the order of appearance of witnesses, initially after this witness Witness 118 was
25 due to appear, Witness 118. If the Prosecution really wanted to shed light on the

1 matter for the Chamber in one fell swoop, then I wonder why it is that the
2 Prosecution has put off having this Witness 118 come to testify. He is an eyewitness of
3 the Baron Bar meeting and this person could even better than any video which the
4 Prosecution produced to your Chamber, which as he claims was a video that
5 according to him reflected the speech made by Mr Charles Blé Goudé at the Baron Bar.
6 Witness 118, if the Prosecution really wanted to shed light on the matter for the
7 Chamber, then he would have done that. That's why I wanted to intervene.
8 You've already done this with regard to the intervention and I believe that we were in
9 closed session. I'd like us to come back into closed session for me to go a little bit
10 further into this, because the point that I want to raise now was broached in closed
11 session. Please, for us to go into closed session, Mr President.

12 PRESIDING JUDGE TARFUSSER: [16:33:02] But then we ask the witness to leave
13 the courtroom, I think? Okay. Can --

14 MR N'DRY: [16:33:13] (Interpretation) Yes, Mr President.

15 PRESIDING JUDGE TARFUSSER: [16:33:17] -- the witness be brought out. Thank
16 you.

17 (The witness stands down)

18 MR GBOUGNON: [16:33:20] (Interpretation) Mr President, are we going to
19 adjourn to tomorrow?

20 PRESIDING JUDGE TARFUSSER: [16:33:35] Why? Now? It's 5 o'clock. Who
21 is speaking about the adjournment?

22 MR GBOUGNON: [16:33:50] (No interpretation)

23 PRESIDING JUDGE TARFUSSER: [16:33:51] No, there was a -- I heard that
24 somebody is speaking about an adjournment to tomorrow?

25 MR N'DRY: No, no.

1 PRESIDING JUDGE TARFUSSER: Okay, Maître N'Dry.

2 MR N'DRY: [16:34:02] (Interpretation) Mr President, you did this for the military
3 witnesses. I think we are in closed session now. Are we not yet in closed session?

4 PRESIDING JUDGE TARFUSSER: [16:34:12] No, no, sorry. We have to go into
5 private session. Thank you. Sorry.

6 (Private session at 4.34 p.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0449

(Open Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Open session at 4.37 p.m.)

17 THE COURT OFFICER: [16:37:23] We are back in open session, Mr President.

18 PRESIDING JUDGE TARFUSSER: [16:37:27] Thank you.

19 Maître Altit.

20 MR ALTIT: [16:37:33] (Interpretation) Thank you, Mr President. Mr President,
21 your Honours, just a few words in keeping with what Mr Knoops said. It is our
22 position that the Defence does what it deems should be done when questioning the
23 witness. In other words, that there is no obligation of disclosure on the part of the
24 Defence for a very simple reason that the onus is not upon the Defence. So it's quite
25 a different manoeuvre from that of the Prosecution. It is one thing to have to prove

1 something and one thing -- another thing to merely have to discuss it.

2 PRESIDING JUDGE TARFUSSER: [16:38:21] I don't think that you should be
3 allowed to talk now, again because you said --

4 MR MACDONALD: [16:38:27] I know.

5 PRESIDING JUDGE TARFUSSER: [16:38:28] -- the --

6 MR MACDONALD: [16:38:29] I know. The only thing I want to -- that I want
7 to --

8 PRESIDING JUDGE TARFUSSER: [16:38:32] Yes, but --

9 MR MACDONALD: [16:38:34] It's the deflection of the N'Dry -- Mr N'Dry --

10 PRESIDING JUDGE TARFUSSER: [16:38:37] Yes.

11 MR MACDONALD: [16:38:38] -- who was changing the legal point that is being
12 discussed to a totally different issue that is not related whatsoever.

13 PRESIDING JUDGE TARFUSSER: [16:38:45] Okay. Thank you very much. But
14 in any case I think that the Defence is using their, in examining the non-calling party
15 in this case, is using -- is doing their job and they cannot be obliged to confront the
16 witness with something they have.

17 As far as the Baron Bar speech is concerned, we issued a decision last week and then
18 we'll see what it is about.

19 And as far as the re-questioning, the possible recalling of the witness concerns -- I
20 think paragraph 14 of the directive is quite clear that the recalling of witness shall be
21 only very -- allowed in exceptional cases. So if this occasion is not called, that's a
22 decision, tactical, or a decision by the Defence and I think they are allowed to do their
23 defence case or the defence part of the Prosecution case as the Defence wishes to do.
24 So please, I would -- therefore, I do reject what the -- the request of the Prosecution
25 which is aimed to have the Defence confronting this witness with something they

1 don't want to confront with. If they wish to do so they can, otherwise they don't.

2 MR MACDONALD: [16:40:31] That is exactly what we meant, your Honour.

3 They can choose not to do it, but then they will have a problem doing it in their own
4 defence.

5 PRESIDING JUDGE TARFUSSER: [16:40:39] Well, that's --

6 MR MACDONALD: [16:40:40] It's a tactical choice, like you said. A tactical
7 choice.

8 PRESIDING JUDGE TARFUSSER: [16:40:44] I don't know. We will see when it
9 comes to that point.

10 Let's please bring the witness in again for the last 20 minutes.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE TARFUSSER: [16:41:36] Maître Gbougnon.

13 MR GBOUGNON: [16:41:50] (Interpretation) Mr President, I fear that this
14 interruption might have been prejudicial to me. I'm going to make a suggestion to
15 the Chamber and you will assess it on its merits.

16 Mr President, I would like to make a request to the Chamber to start tomorrow
17 morning and take maximum half an hour to three quarters of an hour.

18 PRESIDING JUDGE TARFUSSER: [16:42:19] So I was not completely -- I heard
19 well what was, what you said before, so there is a request for adjournment. So with
20 this, with this promise that you will not take more than 30, 45 minutes I think we can
21 adjourn, can we?

22 (Trial Chamber confers)

23 PRESIDING JUDGE TARFUSSER: [16:42:51] Okay.

24 MR MACDONALD: [16:42:53] Can then we free the witness and can we discuss
25 household matters, your Honour.

1 PRESIDING JUDGE TARFUSSER: [16:42:58] Yes, I know what you're referring to.
2 Yeah, but everybody is jumping up. Let's first of all free the witness. Okay, let's
3 free the witness.

4 Mr Witness, for today we have finished. We will see each other tomorrow morning
5 at 9 o'clock again, 9 o'clock. Thank you very much.

6 (The witness stands down)

7 PRESIDING JUDGE TARFUSSER: [16:43:29] Counsel can stay because you never
8 know if there is something also for you for tomorrow morning and you never know.
9 So, Mr Prosecutor, is it about the --

10 MR MACDONALD: [16:43:44] Two things.

11 PRESIDING JUDGE TARFUSSER: [16:43:45] -- the witnesses?

12 MR MACDONALD: [16:43:47] The -- and I don't want to keep Mr Gbougnon, I
13 mean his team is well represented if he -- because he -- he looked at us with surprise
14 that we're -- want to discuss household matters.

15 There's two things, the email I sent this morning about the order of appearance of
16 witnesses. That's number one. And the second is I think the Chamber was to
17 inform us today of the schedule for after the recess in which we're very much
18 interested in knowing when we start.

19 PRESIDING JUDGE TARFUSSER: [16:44:22] This we --

20 MR MACDONALD: [16:44:23] So those are the two matters, your Honour.

21 PRESIDING JUDGE TARFUSSER: [16:44:25] Well, the second matter will be said
22 at the end of Wednesday, at the end of the hearing before we adjourn to Monday. So
23 by Wednesday we will know that.

24 The first thing is the -- issue is this, yeah, well, the next witnesses, when the next
25 witness is coming according to your email this morning.

1 MR MACDONALD: [16:44:51] And, again, I want to reassure everybody here it's
2 not a -- it's not a game we're playing. These are serious matters. And before, we
3 had scheduling issues between the three upcoming experts. Now, after further
4 revisiting and meeting with the witness number 626, the sound expert -- sorry, I'll
5 name it that way -- it came obvious that it would be better to have the drafter of the
6 report, witness 583, to come later -- who's coming later, to have these following each
7 other. So this is why now we're --

8 PRESIDING JUDGE TARFUSSER: [16:45:46] May I make a comment?

9 MR MACDONALD: [16:45:48] We should have had this before.

10 PRESIDING JUDGE TARFUSSER: [16:45:49] You're right, but this could have been
11 known a little bit before as well, yeah.

12 MR MACDONALD: [16:45:55] You're totally right, your Honour, and like I said, it
13 is our mistake on this one. We should have been faster to inform everyone of this.
14 But we're under constraints, everyone, time constraints, and, yes, we do have the
15 onus beyond a reasonable doubt, so there are certain things that we can do at a time.
16 But the alternative, which was always in plan, your Honour, is to start next week with
17 an expert. Now, instead of being the sound expert, it would be the DNA expert, and
18 then followed by the video expert, and then go back to witness 607, 156 and so on.
19 But the good thing is, because of the pace at which the Chamber is now sticking to the
20 hours and the length of the cross-examinations that are less, on this side of the
21 summer, those two days, we'll make sure that Witness 47 will be started and done this
22 side of the summer and not starting after the summer recess. So that is the
23 advantage. And then after the summer recess, we would continue with the order
24 following witness 47. I'm not going to give numbers, everybody knows. So this is
25 why at this moment, while it is true we should have informed earlier, it has one

1 beneficial impact, is to at least do this side of the summer witness 47, which would
2 have been tight with the current schedule.

3 PRESIDING JUDGE TARFUSSER: [16:47:34] Well --

4 MR MACDONALD: [16:47:35] I don't know if the Chamber has any questions
5 before handing over to the Defence.

6 PRESIDING JUDGE TARFUSSER: [16:47:39] No. The Chamber has some
7 thoughts, not so much questions because we understand, but I think I give to the
8 Defence teams. Maître Altit.

9 MR ALTIT: [16:47:56] (Interpretation) Thank you, Mr President, your Honours.
10 We received the very same email that you did this morning. And I would like to
11 note that the reports, the expert reports, have been in the possession of the
12 Prosecution for a year and a half now, and we have been warned just a few days
13 ahead of time. It is a real problem. And as Mr MacDonald says, we're not here
14 having fun. Using the words he used. We're here to do a serious job and prepare
15 seriously, and that requires time and organisation. And if every -- all the time we
16 are confronted with a change of the order of witnesses, we can't organise ourselves,
17 especially with the means that we have at hand. That is a true issue. We can
18 understand that there are things that happened, unexpected things. We are, of
19 course, used to this -- these types of proceedings, and the unexpected can happen, but
20 we need to reduce these to the minimum.

21 Now, Mr President, with your leave, I would like us to attempt to understand, and
22 we might reach some harmonious decision under your direction. I think we are
23 going to be having P-114 tomorrow, as planned, and that's not at all a problem -- but
24 that's the day after tomorrow, yes, of course. But if what Mr MacDonald -- if I follow
25 what Mr MacDonald just said, I deduce that after P-114, we have no further witnesses

1 this week, and the first witness to testify afterwards would be the DNA expert on the
2 next Monday. So that means that we have a bit of a gap of two days, possibly.
3 Well, we've got that gap going on anyway. I was wrong about that. I was thinking
4 about next week, in fact. So the first DNA expert on next Monday and then expert
5 606, and then 607, and that would bring us to -- and then 164, but 164 would not
6 testify before.

7 PRESIDING JUDGE TARFUSSER: [16:50:28] (Microphone not activated)

8 MR ALTIT: [16:50:30] (Interpretation) But, Mr President, what I mean by this, is
9 that it seems to me that this change will leave a little bit of time at the beginning but
10 will reduce the time that we have subsequently within that block. So what seems to
11 be a bit of a balance within that block will be reduced to the detriment, I believe, of
12 the Defence. I'm not saying that I'm opposed to this; I'm attempting to understand
13 what's going to happen. And if we accept that two witnesses be inverted, you know,
14 that they -- one takes the place of the other, that's possible. But if there is a change in
15 everything, then that puts our organisation in jeopardy because everybody has been
16 organising themselves. We've all been working specifically and precisely. We can't
17 change things at the last minute. Is it possible to find a medium-term solution?
18 Allow me a moment, please.

19 (Counsel confers)

20 MR MACDONALD: [16:51:40] Maybe the Defence and Prosecution can sit down
21 and make a proposal to the Chamber.

22 PRESIDING JUDGE TARFUSSER: [16:51:45] No, I think it is the Chamber that at
23 the end who has to decide on how things will proceed. And I was making a plan on
24 how we proceed. But what I would like to know, which I think is the issue, is if we
25 anticipate 47 to -- before the summer recess or not. This is, I think, because this is the,

1 to my understanding, the bigger issue because to prepare 47 is probably a major
2 problem, I would suggest.

3 MR MACDONALD: [16:52:29] For -- just to let you know, your Honour, when you
4 instructed the parties to follow very closely the time, then it became a real -- for us,
5 that 47 was being called this side of the summer because we are finishing the -- for the
6 summer Chamber's recess on 14 July. And according to the prior three witnesses
7 before 47, initially, we thought, okay, we finish the summer with them. But now, in
8 light of the Chamber's instruction and also our more targeted examinations-in-chief, I
9 would say, with some witnesses like this one, we're able to really stick to the time.

10 What we've noticed also is that, oddly enough, sometimes insider witnesses are not
11 cross-examined the length of the Prosecution's examinations, but crime-based
12 witnesses are cross-examined longer than the Prosecution is questioning them.

13 So, with that in mind, and now the next witnesses are insider witnesses, it is clear that
14 we can do 47. It was already planned independent of removing, adding these two
15 days that we would try to fit 47 in. So if the Defence wants time for it to question 47,
16 that's another issue, then we start, I would recommend, at the end of August, and we
17 make it clear. But that means we will have free days, your Honour. It will mean
18 that we will finish earlier, most likely.

19 PRESIDING JUDGE TARFUSSER: [16:54:02] That would mean, to my
20 understanding, that witnesses, say -- excuse me, smaller witnesses, will be anticipated
21 before 47 and 9. So this is what I thought.

22 MR MACDONALD: [16:54:17] We can try that, but again, it is a question of
23 papers --

24 PRESIDING JUDGE TARFUSSER: [16:54:20] Yeah, yeah, of course.

25 MR MACDONALD: [16:54:22] -- passports, visas, the whole thing, and discussing

1 this with VWU. And even, you know, re-accommodating the whole schedule in
2 light of your latest instructions for 47 and 9 it had an impact -- it still has an impact on
3 the VWU right now.

4 PRESIDING JUDGE TARFUSSER: [16:54:40] Yeah. Okay.

5 Maître Altit.

6 MR ALTIT: [16:54:45] (Interpretation) Thank you, Mr President. With regard to
7 the suggestion made by Mr MacDonald, we'll accept that. It is complicated to have
8 witnesses come, that is true, but of course for bigger witnesses it is problematic. If
9 we could find a solution that would enable us to prepare ourselves sufficiently, that is
10 to say, the Prosecution and the Defence teams, I think that would be a good thing.
11 Let's talk about it. Let's see what comes of it. Probably good things. Probably,
12 we'll come to some satisfactory solution for the parties.

13 So with regard to the suggestion, yes, especially with respect to larger witnesses, that
14 we come to some kind of agreement on the *modus operandi* that is as efficient and
15 good for all the parties involved. That's number one.

16 Secondly, and in a more prosaic or more immediate fashion, if you like, we have an
17 issue with the email sent by the Prosecution today, that is the DNA expert, who
18 requires a particular form of preparation. This is problematic to us because we had a
19 logical sequence in terms of preparation for the various testimonies to come. And
20 the DNA expert is coming to testify on Monday. It is problematic for us, to be quite
21 clear. There we are, Mr President.

22 PRESIDING JUDGE TARFUSSER: [16:56:14] Mr Knoops.

23 MR KNOOPS: [16:56:15] Mr President, we leave the order of experts in the hands
24 of the Court. We would, though, request the Chamber to consider having P-47 after
25 the summer recess in order to be properly prepared. We have no problems with the

1 order before the recess, of course, subjected to the remarks of Mr Altit. But what
2 your Honours refer to the preparation time for P-47 most likely requires us to have
3 more time. So if possible, we would suggest to push P-47 back to August, and the
4 rest of the witnesses we have no problem with any change in the order, subject to the
5 arguments of the team of Mr Altit. I'm not sure what the problem might be with
6 P-601, but that's for the Court to decide. Thank you.

7 PRESIDING JUDGE TARFUSSER: [16:57:18] Yes, thank you very much. I think
8 we take this into consideration all what was said, and we will come with a proposal,
9 and I will make a very large proposal in order to try to bring in more or less all the
10 Prosecution witnesses and then --

11 MR MACDONALD: [16:57:42] Just one matter to consider, your Honour. 607
12 and 156 do not have their final travel document as we speak.

13 PRESIDING JUDGE TARFUSSER: [16:57:52] I will --

14 MR MACDONALD: [16:57:53] We're trying to solve it.

15 PRESIDING JUDGE TARFUSSER: [16:57:54] I'll take everything into consideration
16 because I speak with VWU.

17 MR MACDONALD: [16:57:59] Perfect. Thank you very much.

18 PRESIDING JUDGE TARFUSSER: [16:58:01] So it will not grow on only just my
19 thoughts but together with VWU.

20 Thank you very much. The hearing is adjourned to tomorrow 9 o'clock.

21 THE COURT USHER: [16:58:09] All rise.

22 (The hearing ends in open session at 4.58 p.m.)

23 RECLASSIFICATION REPORT

24 Pursuant to Trial Chamber I's instruction dated 22nd May 2017, the private sessions
25 page 26 line 21 - page 27 line 18 and page 99 line 7- page 99 line 19 have been

Trial Hearing
WITNESS: CIV-OTP-P-0449

(Open Session)

ICC-02/11-01/15

- 1 reclassified into public session.