

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera Carbuccion
8 Trial Hearing - Courtroom 1
9 Thursday, 31 August 2017
10 (The hearing starts in 9.32 a.m.)
11 THE COURT USHER: [9:32:53] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:23] Good morning.
15 Before giving the floor to the Defence for Mr Blé Goudé, and assuming that the
16 Defence for Mr Blé Goudé needs no more than two sessions, like the others did,
17 more or less, we have -- the Chamber is inclined to call Witness 583, which is here,
18 in the afternoon, for the afternoon session. I mean, well, of course, is inclined but
19 is not the case.
20 MR MACDONALD: [9:34:04] No, the witness, your Honour, is on leave.
21 PRESIDING JUDGE TARFUSSER: [9:34:08] Okay.
22 MR MACDONALD: [9:34:09] And actually he's coming back this weekend.
23 PRESIDING JUDGE TARFUSSER: [9:34:15] Okay.
24 MR MACDONALD: [9:34:16] It's an unfortunate situation but we weren't
25 planning or expecting anticipating going so fast.

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1 PRESIDING JUDGE TARFUSSER: [9:34:23] Well, thank you for this. So I give
2 the floor to the Defence for Mr Blé Goudé.

3 MR KNOOPS: [9:34:33] Good morning, Mr President. Mr Gbougnon will
4 conduct the examination, after which I'll have some supplementary questions and
5 our examination will last approximately one session and a half.

6 PRESIDING JUDGE TARFUSSER: [9:34:46] Thank you very much.

7 MR KNOOPS: [9:34:48] Thank you.

8 PRESIDING JUDGE TARFUSSER: [9:34:50] This makes it even more
9 unfortunate that the next witness is not here. Maître Gbougnon.

10 MR GBOUGNON: [9:35:08] (Interpretation) Good morning, your Honours.

11 Good morning to everyone in the Court.

12 WITNESS: CIV-OTP-P-0316 (On former oath)

13 (The witness speaks French)

14 QUESTIONED BY MR GBOUGNON: (Interpretation)

15 Q. [9:35:18] Good morning, Mr Witness.

16 A. [9:35:20] Good morning, sir.

17 Q. [9:35:21] My name is Jean Serge Gbougnon. I'm a member of the
18 Côte D'Ivoire Bar and a member of the Charles Blé Goudé Defence team. Like
19 previous counsel, I'll be putting a few questions to you to elicit additional
20 information as has been the case for the last two days. We'll try to be very specific
21 and, please, listen to my questions carefully, wait for me to finish, and then after
22 that you can reply, and that way we will not be speaking both at once.

23 Mr Witness, now given your various statements, your sick leave was from
24 August 2010 until the arrest of Mr Gbagbo, correct?

25 A. [9:36:30] Yes, that is exactly correct.

26

1 Q. [9:36:37] *During that period of time, from August 2010 to April 2011,
2 would you ever stay at camp Akouédo?

3 A. [9:36:53] I wasn't on duty then. Why would I sleep there or stay there? I
4 had my own house. I stayed there.

5 Q. [9:37:01] Mr Witness, please, answer my question. During that period of
6 time, during your sick leave, would you ever spend nights at the camp?

7 A. [9:37:13] I said I slept at home. I stayed at my home.

8 Q. [9:37:30] You said that you'd gone to the old Akouédo camp during your
9 period of time off work only three times, only three times to dig up some cassava
10 roots. Page 25 line -- correction, transcript -- the transcript of 29 August. Is that
11 correct?

12 A. [9:37:54] No, you've misunderstood. I said during the time of -- well, the
13 difficult period of time, after the election, when there were problems in
14 Côte d'Ivoire, and I had nearly 11 military friends staying with me. You see, we
15 fundamentally ran out of food. There was not enough food for my family, for the
16 others, so we had to go and dig up cassava roots. And so that is when I dug up
17 the cassava roots. I'm not a person who steals cassava. Thank you.

18 Q. [9:38:37] Mr Witness, when you say after the election -- the election ended in
19 November 2010, that is to say, after November 2010. That is when you went to the
20 old Akouédo camp three times?

21 A. [9:39:02] I don't know what you're driving at but I'm being very specific in
22 my replies. I told you that that was during the time when there were difficulties in
23 Côte d'Ivoire because Mr Gbagbo was saying that he had won. Mr Ouattara was
24 saying that he had won. And Côte d'Ivoire went through some very tough times.
25 No one could go out. Everything was very difficult. I'm talking to you about the

1 period of war. That is when the other soldiers came and stayed with me. Don't
2 try to confuse me or put words in my mouth.

3 Q. [9:39:35] Now, that period of war, to your knowledge, when did it begin,
4 January, February, March? I want to know. When did the war start, to your
5 mind? Was it January, February, or March? That's what I'm --

6 A. [9:39:49] You're from Côte d'Ivoire, you know better than me.

7 Q. [9:39:59] Mr Witness, you can say that you don't know, but you should be
8 answering the question. What you refer to as the time of war, when did that start,
9 January, February or March?

10 A. [9:40:24] I don't know what you're trying to elicit from me, but that period of
11 time when the war started, I don't -- I don't know. I can't really -- I don't have it
12 handy in my mind.

13 PRESIDING JUDGE TARFUSSER: [9:40:39] Mr Witness, you said just before,
14 "Côte d'Ivoire went through some very tough times. No one could go out.
15 Everything was very difficult. I'm talking to you about the period of war."
16 The question is: What do you consider the period of war? When did it more or
17 less start? Which was the period of war? This is the question Maître Gbougnon
18 put to you.

19 THE WITNESS: [9:41:25](Interpretation) I believe it was March, until the arrest of
20 Mr Gbagbo.

21 PRESIDING JUDGE TARFUSSER: [9:41:30] Okay. Thank you very much.
22 Maître Gbougnon.

23 MR GBOUGNON: [9:41:33] (Interpretation) Thank you, your Honour.

24 Q. [9:41:42] *Mr Witness, now, other than those times when you went to dig up
25 some cassava roots, during that period of war, March and thereafter, did you go to

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1 Akouédo camp for any other reason?

2 A. [9:42:06] Yes, I did go to the camp for another reason, but that was on
3 the 12th April, in the morning. Yes, I went to the camp. That was after
4 Mr Gbagbo's arrest.

5 Q. [9:42:18] I was talking about before the arrest. Before. Before the arrest.
6 Other than those times you went to dig up cassava roots, did you go to the camp or
7 you didn't?

8 A. [9:42:31] No.

9 Q. [9:42:40] Now, the times that you did go, and I'm talking about the entire
10 period of time, August and during that time when you were on sick leave, those
11 times that you did go, you said that you did not actually spend the night there.
12 Did you ever stay there until late in the evening?

13 A. [9:43:02] Well, that period of time -- I don't think you know how military
14 barracks work. At the camp when it's 1730, everyone goes to assembly, and then
15 after that everyone goes back home. So staying late at night, talking to people, no,
16 I went back home, particularly since I was living in Akouédo village, which is just a
17 few steps away from the camp. So I wouldn't have been staying at the camp,
18 that's impossible.

19 Q. [9:43:34] So if I've understood you correctly, at 1700 hours you would go
20 back home?

21 A. [9:43:41] Yes, of course.

22 Q. [9:44:18] I'd like to read something to you, namely, your statement that you
23 gave here on 29 April 199 -- correction, 27. I'm referring to the transcript 68,
24 line 24. And you were speaking about Mr Atsin, you said this:

25 "At night" -- beginning of the quote:

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1 "At night, in the evening, he would come and he would park between the dining
2 hall and the place where the weapons were stored. *There were two people; there
3 was Kouadio Adjei Blaise and today he is in the special forces itself – Talo (phon.),
4 he is today minister Adjoumani's bodyguard. So those two would regularly get in
5 the vehicle with him. And that was in the evening and then they would go out.
6 And then the next day they would come back."

7 Now, Mr Witness, my question to you is this: If you weren't staying at the
8 Akouédo camp late into the evening -- you said that you would leave after 1700
9 hours -- how could you have seen this incident?

10 A. [9:45:57] Counsel, well, when does night begin? When does -- when it is
11 the evening. It's 1700 hours or 1730. I don't know what you're trying to -- I said,
12 well, at night. So, you see, the evening shift, so to speak, begins at 1600 hours. So
13 from a military point of view, 1700 hours or 1730, that's already night-time. What
14 are you trying to -- what words are you trying to put into my mouth?

15 Q. [9:46:44] *Mr Witness, you're telling me that at that time Mr Atsin, who was seconded to
16 work with Prime Minister Aké N'Gbo, would come and carry out activities at 1700 hours,
17 and you said that was evening, entirely during the evening; is that what you're saying?

18 A. [9:47:08] *Captain Aké Atsin at that time was living in the Akouédo camp.
19 So, indeed, at that time he would come, he would park and the two would get into
20 the vehicle with him, at night -- well, in the evening. Do you want me to say "the
21 night." I said "evening." What don't you understand about that?

22 Q. [9:47:35] And the morning you were there as well when he came back?

23 A. [9:47:39] Yes, but when he came back to the camp at 9 or 10, I would see him,
24 so that would mean that he had already got there.

25 Q. [9:47:49] And when would he go to the prime minister?

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1 A. [9:47:53] I don't know.

2 Q. [9:47:53] Thank you, Mr Witness.

3 Now, do you remember giving a sketch to OTP investigators when you were
4 questioned in Abidjan? Do you remember drawing a sketch of the old Akouédo
5 camp; do you remember that?

6 A. [9:48:51] Well, it was a long time ago. It is possible that I did make a
7 sketch.

8 Q. [9:49:08] Could we show CIV-OTP-0043-0506. This is a confidential
9 document. Could it be displayed to the witness.
10 Can you see the document?

11 A. [9:50:00] Yes, I can.

12 Q. [9:50:04] Now, you said that during the time of war you would go and you
13 would dig up cassava roots; didn't you say that?

14 A. [9:50:16] I said, "Yes."

15 Q. [9:50:21] Now, on this sketch that we see here, when you're in the cassava
16 field you can see the entrance?

17 A. [9:50:44] You can't see it because the cassava field is between the primary
18 school and the village of Akouédo, and the entrance at such is way up here, so you
19 can't see it.

20 Q. [9:51:07] Lieutenant Akapea who, according to you, had taken possession of
21 the camp once Mel Brice had told the men to leave, and when did he take control of
22 this camp, from where, in relation to this sketch?

23 A. [9:51:31] Well, from the 1st BCP, that's where he took control of the camp.

24 Q. [9:51:46] Now, the people -- everything that you've described that happened
25 at the camp, where were they on the sketch that you prepared?

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1 A. [9:52:01] Well, you can see the camp school. I wrote down "school," and
2 then there were others who were in the school. Some others were in the 1st BCP;
3 others were in front of the family quarters, because, you see, the camp was empty,
4 all the families had moved away. They were scattered here and there.

5 Q. [9:52:27] But from the cassava field you couldn't see any of that, could you?

6 A. [9:52:33] I disagree.

7 Q. [9:52:41] Could you answer my question?

8 A. [9:52:44] I've answered your question.

9 PRESIDING JUDGE TARFUSSER: [9:52:45] If he says "I disagree," this is an
10 answer to the question. It's like saying, "no, you're wrong."

11 MR GBOUGNON: [9:53:04] (Interpretation)

12 Q. [9:53:05] *From the cassava field, what did you see exactly? Did you see
13 the school from the camp? Because earlier you said that you couldn't see. You
14 said that you couldn't see the COMTER entrance, the BCP. What did you
15 actually -- what could you actually see from the cassava field where you were?

16 A. [9:53:24] Well, I said that you couldn't see the entrance. No, because there
17 were buildings, but the school you can see because the cassava, it's not like a bush
18 that grows thick. And then besides, there were several people who would come
19 and go from the village and the camp. So the presence of the rebels of the
20 militiaman and the Liberians, that was not a secret; it was no secret. No one was
21 hiding that. You could see that. It was no secret. You don't need a microscope
22 to check that out. It was visual. I don't know where you're trying to take me, but
23 there was no secret. You know full well, just like I do.

24 Q. [9:54:27] Mr Witness, what was the nature of the disease that you suffered
25 from that lead --

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1 A. [9:54:43] That has no importance here. I don't have to talk about that. I
2 did not come here to talk about that.

3 PRESIDING JUDGE TARFUSSER: [9:54:50] And he -- we already know because
4 it is -- he said something about this.

5 MR GBOUGNON: [9:54:59] (Interpretation) Your Honour, I'm putting the
6 question to the witness quite deliberately.

7 PRESIDING JUDGE TARFUSSER: [9:55:08] Yes, I can imagine, but did he or did
8 he not talk about what he suffered from? I don't want to put it in the mouth
9 because I know what is on the record.

10 MR GBOUGNON: [9:55:26] (Interpretation) Very well. I will read what he
11 actually wrote.

12 If I could refer to the reference of 29 August 2017, page 60, line 2 and onwards.

13 And you were asked what the problem was, and you said, quote:

14 "Indeed, in March of the year 2010, my Achilles tendon ruptured in Bouaké."

15 Do you remember saying that?

16 A. [9:56:37] That's what I said, yes. I said that.

17 Q. [9:56:42] I'd like to read something else to you, what you said to the OTP
18 when they questioned you. I'll read from the witness's statement,
19 CIV-OTP-0043-0461, page 0490, paragraph 116.

20 "Mid-January 2011" -- I'm sorry, I'm quoting:

21 "Mid-January 2011, in actual fact, I went to the infirmary and I was able to get a
22 certificate that gave me an exemption because of my problems with my spine."

23 Mr Witness, when the OTP put the same question to you, you were here in the
24 witness stand and you said that you had a problem with the Achilles tendon and
25 then here we see something about the spine.

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1 A. [9:57:59] Well, these are problems that I suffer from. I have documents to
2 attest to these conditions.

3 Q. [9:58:06] Thank you, Mr Witness.

4 So during this time you were off duty, when you were having these problems, that
5 is when you went to the PCDI and you were going along with some of those people
6 providing security?

7 A. [9:59:00] Yes, yes. I did that deliberately. I couldn't even take part in
8 those things when -- well, and, you know, you don't recognise -- that is why I took
9 the sick leave. If that's what you want to hear me say, I'll say it. I did it on
10 purpose because I could no longer take part in those things that were being done
11 and weren't being recognised. And I no longer wanted to be a part of any of that.
12 That is why I did that, on purpose. If that's what you want me to say, if that's
13 what you want to hear, that's what I'll say. Go ahead.

14 Q. [9:59:44] Thank you for specifying those points, Mr Witness.

15 Witness, we're going to move along and I'd like to discuss the various periods of
16 recruitment. You described the recruitment that took place in your day, that is,
17 when you enlisted in the army. I'm referring to the transcript on August 29th of
18 this year, page 26, line 24, page 71, line 11.

19 My first question is as follows: In your day, was it just a recruitment in the army?

20 A. [10:00:56] In my day, every six months, President Houphouët-Boigny would
21 call up young people and the young people would spend 24 months and others
22 would return to civilian life with a certificate of good conduct which would enable
23 them to serve in various different areas. Until 1990, we were still called up, and
24 this was the legal duration, in other words, 24 months of service. And then there
25 was the rebellion in 1990. And that's how we stayed in the army. And President

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1 Houphouët, who knew that the men in the armed services were -- were strong and
2 were strong enough, he stopped recruiting for a certain period of time. That's it.

3 Q. [10:02:03] That was the military service at the --

4 A. [10:02:10] I beg your pardon?

5 Q. [10:02:12] According to your recollection, those who were young men
6 between the age of 18 and 20, a lot of them did not remain in the army; is that
7 correct?

8 A. [10:02:30] Yes, they didn't all remain in the army.

9 PRESIDING JUDGE TARFUSSER: [10:02:34] Excuse me. We have only one
10 court reporter today for the English, so she is really -- must be helped, and therefore
11 I -- please do not overlap and keep the two, three-second rule in mind. Thank
12 you.

13 Ms Pack.

14 MS PACK: [10:02:58] Your Honour, just --

15 PRESIDING JUDGE TARFUSSER: [10:03:00] You're opposing what I'm saying?

16 MS PACK: [10:03:02] No. No, your Honour. It's just -- I've stayed sitting, but
17 the references that my friend has been -- my colleague has been giving, I haven't
18 personally been able to find them, so -- particularly the last one. So I just
19 wondered perhaps if we could just maybe go slower on the references to the
20 transcripts because I'm not finding them; we're not finding them.

21 PRESIDING JUDGE TARFUSSER: [10:03:21] Yes, we go slower, in any case, and
22 try not to overlap; otherwise, I have to intervene again. So now we can restart.

23 MR GBOUGNON: [10:03:36] (Interpretation) Thank you, your Honour. And
24 to my learned friend, I will be careful next time I give a reference. I'll come back to
25 it if I can find it.

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1 Q. [10:04:09] As we were saying, Witness, it wasn't just a recruitment as such
2 but it was -- they were called up for military service.

3 A. [10:04:19] I don't know what difference you're making, what distinction
4 you're making between recruitment and military conscription. As far as I'm
5 concerned --

6 Q. I beg your pardon. Don't worry. We're going to come back to the
7 recruitment. My question is: At that period of time in Côte d'Ivoire were the
8 majority of young men obliged to go into the army?

9 A. [10:05:00] It wasn't an obligation, but it did take up a lot of young people.
10 We weren't forced, we wanted to go into the army.

11 Q. [10:05:13] Well, after you, after the rebellion, that way of recruiting stopped;
12 is that correct?

13 A. [10:05:26] Yes.

14 Q. [10:05:29] In 2002 you were a rank-and file-soldier; is that correct?

15 A. [10:05:52] In 2002 I was a corporal.

16 Q. [10:06:00] Given your position, given your rank, at that point in time, were
17 you familiar with the number of men in the Côte d'Ivoire FDS? When I -- in other
18 words, the various corps, the land forces, the air forces, the active serviceman, the
19 retired serviceman, et cetera? Did you have an idea of the numbers of men in the
20 armed services?

21 A. [10:06:31] Well, I wasn't really interested in that. If I had been interested I
22 would have found out.

23 Q. [10:06:40] In other words, you didn't know.

24 A. [10:06:42] That's correct.

25 Q. [10:06:57] Since you joined the army in '89, I believe it was, up until 2002,

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1 were you involved in any war at all?

2 A. [10:07:16] I had to organise the active boycott in -- of Mr Gbagbo in 1995.

3 Q. [10:07:26] Please answer my question. In 1989, from 1989 to 2002, were you
4 involved in fighting a war?

5 A. [10:07:39] Well, since you added the word "whatsoever," I gave you the
6 answer I just gave you, otherwise, no, I didn't participate, although I did go to the
7 border of Liberia. From '89 to 2002 I was at the border with Liberia.

8 Q. [10:08:02] My question was, did you fight a war? Did you fight a war; in
9 other words, did the Ivorian army that you were part of, did that army fight a war?

10 A. [10:08:20] No.

11 Q. [10:08:22] Thank you very much, Witness.

12 Starting from September of the year 2002, the cities like Odiénne, Bouaké, Man,
13 Séguéla, et cetera, Korhogo, they were occupied by rebel forces; is that correct?

14 A. [10:09:01] Counsel, a moment ago you asked me about a period from '89
15 to 2002, whether I fought a war. Of course it is true that those who were leading
16 Côte d'Ivoire knew how to channel things, they knew how to make certain
17 decisions.

18 Q. Witness --

19 A. Please let me speak.

20 Q. Witness --

21 PRESIDING JUDGE TARFUSSER: [10:09:33] Mr Witness, I would ask you to
22 respond to the questions which are put to you, although you don't like them maybe,
23 but you have to respond to the questions and not to go into a debate with the
24 counsel. You are here to tell us things, to tell us facts, and not to, well, debate on
25 politics, okay? So please respond to the questions and I will also be very attentive

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1 that the questions are correctly posed, okay?

2 Maître Gbougnon.

3 MR GBOUGNON: [10:10:22] (Interpretation) Thank you, your Honour.

4 Q. [10:10:23] Witness, I'm going to repeat my question. I was saying that
5 starting in September 2002, cities like Odiénne, Korhogo, Séguéla, et cetera, were
6 involved in a rebellion; is that correct?

7 A. [10:10:46] Yes, that's correct.

8 Q. [10:10:59] Can I say that this was a novel situation for the Côte d'Ivoire army,
9 that they had never seen before?

10 A. [10:11:07] Yes, because those who were leading the country knew how to
11 analyse the situation.

12 THE INTERPRETER: [10:11:26] Your Honour, could you ask Maître Gbougnon
13 to speak into his microphone. We're having trouble hearing him.

14 PRESIDING JUDGE TARFUSSER: [10:11:33] Maître Gbougnon, I was asked by
15 the interpreters a courtesy to speak into the microphone, otherwise they have
16 difficulties to hear you.

17 MR GBOUGNON: [10:11:52] (Interpretation) Thank you, your Honour.

18 Q. Regarding that period, could we refer to it as an exceptional period?

19 A. [10:12:05] Well, what kind of meaning do you give to the word
20 "exceptional," what do you mean by that?

21 PRESIDING JUDGE TARFUSSER: [10:12:13] I agree with that, what's
22 exceptional? It is very subjective, it is not a fact, it is a judgment.

23 MR GBOUGNON: [10:12:47] (Interpretation)

24 Q. [10:12:48] Witness, I'm going to read something to you, and I will go slowly.
25 This is the edited transcript dated -- or, rather, the realtime of August 30th, 2017

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1 transcript, on page 43, from line 8. And I'm going to read it out to you. This was
2 a question put to you by my learned friend.

3 "Question: You, did you have the right to take weapons that belonged to the State
4 and to take them home with you?"

5 And your answer was: "Yes, indeed, what you're saying would be correct if we
6 were in a normal situation, in a normal military situation."

7 That's what you stated?

8 A. [10:13:50] Yes.

9 Q. [10:13:52] That's why I asked you whether, as you said, whether it was
10 normal times?

11 A. [10:14:14] No, it was not normal times, so to speak.

12 Q. [10:14:17] Thank you very much, Witness.

13 Throughout your testimony here you stated that the troops were undisciplined
14 in 2003.

15 A. [10:14:54] No, that -- you're putting words in my mouth. I said that
16 the 2003 contingent was not very respectful to their elders, but I didn't use the term
17 "undisciplined." You need to repeat exactly what I stated, if you will. Thank
18 you.

19 Q. [10:15:23] Thank you, Witness.

20 I'd like to come back to the 2010 recruitment and I would like to read out a passage
21 from your statement. This is the edited transcript dated August 29, 2017, starting
22 page 75, line 28. I quote.

23 "Okay. In fact, the 2003 recruits and the 2010 recruits were not the same because
24 in 2010 there was a recruitment that was clandestine."

25 A. [10:17:06] Yes.

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1 Q. [10:17:06] Just one moment. I haven't finished -- "because there was a
2 clandestine recruitment where Young Patriots went off to get young people in their
3 various regions and gave them a brief training in Akakro before they were then
4 incorporated."

5 Witness, in Côte d'Ivoire at that time, that time we're referring to, who launched the
6 recruitment within the army?

7 A. [10:17:49] Well, it was the government.

8 PRESIDING JUDGE TARFUSSER: [10:17:50] Sorry, just for the record, "at that
9 time" meaning 2010 or 2003? Because "at that time" is both.

10 MR GBOUGNON: [10:18:07] (Interpretation) I was referring to 2010,
11 your Honour. Thank you.

12 THE WITNESS: [10:18:17](Interpretation) Well, I answered it, I said it was the
13 government that launched any military recruitment.

14 MR GBOUGNON: [10:18:28] (Interpretation)

15 Q. [10:18:28] It's not the chief of staff?

16 A. [10:18:30] No, the chief of staff is under the control of the government. In
17 fact, the general goes to report to the minister. And stands at attention.

18 Q. [10:18:45] I'd like to show you a document. I'd like to display a document,
19 CIV-OTP-0048-0330. Could we have the next page, please.

20 Have you had time to read through it?

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

22 Q. [10:20:41] Are you familiar with this type of document?

23 A. [10:20:48] Well, it's a military message.

24 Q. [10:20:54] "FM: CEMA." CEMA is?

25 A. Chief of staff of the army, army chief of staff.

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1 Q. And, To MINIDEF." What does that mean?

2 A. [10:21:12] Minister of defense.

3 PRESIDING JUDGE TARFUSSER: [10:21:13] We all know what that is.

4 MR GBOUGNON: [10:21:25] (Interpretation) You know, your Honour, that
5 sometimes things that are thought to be self-evident, well.

6 Could we scroll down a bit on the document.

7 Q. Based on this document, can we consider that the chief of staff trained men in
8 Akakro in the period 2010/2011?

9 A. [10:22:24] Counsel, you know, this message has nothing to do with the
10 message that's sent to the young people or the press release that calls them up.
11 This message says they've completed their training and that they're on their way.
12 And then there's a group of individuals who were not able to be present because of
13 sickness. You're showing me a message put out by the chief of staff but, you know,
14 the chief of staff is -- executes the orders of those who are above them. I don't
15 know where you're trying -- what you're trying to get out of me. Thank you.

16 Q. [10:23:26] I'd like to read from the edited transcript T-78, dated
17 September 23rd, 2016. This is the transcript of Colonel Amichia, who was a
18 member of the Republican Guard, second in command. This is page 49, line 20.
19 And I quote, and I'm saying --

20 MS PACK: [10:24:15] (Overlapping speakers) sorry.

21 PRESIDING JUDGE TARFUSSER: [10:24:17] Go ahead.

22 MS PACK: [10:24:19] Your Honour, it's too late now, but I would say that to do
23 as my friend has done, I identify individuals and by reference of their transcript,
24 this isn't, I would say, the appropriate way to proceed. The content of the
25 transcript might have been put, but it is too late now. But I would ask perhaps if

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1 there is an intent to do this again, that the names aren't identified of --

2 PRESIDING JUDGE TARFUSSER: [10:24:43] Well, I would also say the number
3 of the pseudonym. We are always referring to the witnesses with their
4 pseudonyms.

5 MR GBOUGNON: [10:25:22] (Interpretation) Line 20, page 49. Quote.

6 "And I said those recruits were trained in the training centre in Akakro, and
7 following that training I myself was in charge of the training and the results. They
8 received a registration number and they all joined the Republican Guard."

9 Page 51, line 24 to 25, quote, starting line 24, "I said, since 2004 there hadn't been
10 any recruiting into the Republican Guard. The only recruiting was in December
11 of 2010; that was the only time."

12 Question, page 56, starting line 9, regarding this document, the one I just showed
13 you, it shows that the chief of staff confirm that this training had indeed taken place
14 in Akakro.

15 PRESIDING JUDGE TARFUSSER: [10:26:57] I do not understand where the
16 contradiction is between what the witness said here and what you are reading out
17 from other statements.

18 MR GBOUGNON: [10:27:14] (Interpretation) Your Honour, the witness is here.
19 I don't know if we should have this discussion in his presence. Should we have
20 this discussion with the witness in the courtroom?

21 PRESIDING JUDGE TARFUSSER: [10:27:30] Go ahead, but I would like to, at
22 the end, to understand where you're driving to, or some times, if not at the end,
23 some times while you are questioning. Please, go ahead.

24 MR GBOUGNON: [10:27:48] (Interpretation)

25 Q. [10:27:50] Witness, other than the recruitment method that you followed

1 in '88, '89, which you said was stopped afterwards, you mentioned that young men
2 were called up and then that stopped. Based on what I've just read out to you and
3 these statements that I read out from, can we really refer to clandestine recruiting?

4 A. [10:28:35] Well, Counsel, I have the feeling that you and I are not talking
5 about the same recruitment. What I'm talking about took place after this. For
6 example, at the 1st BCP and the 1st battalion, they were demobilised; they were
7 sent home. They were no longer in the army. So that's it. So maybe those in the
8 Republican Guard stayed, but the one -- the ones I'm talking about, when the new
9 command took over, they were demobilised. Thank you.

10 Q. [10:29:14] Thank you, Witness.

11 You referred to an incident involving your nephew with Mr Zambi. My first
12 question is as follows -- we're talking about that day in December. Where did your
13 nephew bump into you?

14 A. [10:30:02] I don't know if you were in the courtroom when I talked about it.
15 I said I was at home. My nephew lived with him, he lived with me in Yopougon,
16 and we moved to Akouédo together. And at a given point in time, I wanted him
17 to work as a mechanic, but he refused to do that. But since his father had
18 died -- he had a cocoa plantation -- I said to this young man, "Well, go home and
19 take care of your father's plantation." And that's how his uncle Zambi took him to
20 Abidjan to be incorporated into the armed forces.

21 And near the Akouédo camp, there's two guard posts in Zerbo (phon). There's the
22 Akouédo intersection. And after barrage, that's where they stopped them. They
23 stopped them and they looked in their vehicle and they had weapons and -- and
24 ammunition. And since he had my number, he called me and I went there.
25 That's what I talked about.

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1 Q. [10:31:20] Thank you, Witness.

2 You've just said that they stayed overnight and it was the next day that your
3 nephew called you up?

4 A. [10:32:05] That's correct.

5 Q. [10:32:06] I'm going to read out the statement that you made here. It's
6 edited transcript 29 August 2017, as of line 2. "The young" -- and I quote:
7 "The Young Patriots went off to look for young people in their region so that they
8 could follow training in Akakro and then be incorporated. I got that information
9 because the -- there was a young person from where I was who went by the name
10 of Zambi who came along with eight young people from my village, including my
11 nephew. So they arrived in Akouédo in the night and he left them there, he
12 abandoned them. So my nephew brought them to my home. My nephew is
13 called Kpado and my nephew brought them to my home. There you have it."
14 Witness?

15 A. [10:33:23] Yes. I don't know what it is you don't understand. I don't
16 know what you don't understand in what was said there. Because they didn't
17 know me, those young people, the young people he was with. When Zambi came,
18 well, he sorted out his problem of munitions and weapons and off he went. So
19 those people stayed at my home. I discouraged them. I wanted to discourage
20 them, all of them. But two of them didn't agree to go back to the village. So,
21 that's what I said. I don't know what it is you don't understand, why you're
22 reading it out again.

23 Q. [10:34:17] So that same night your nephew was not in detention with
24 Zambi?

25 A. [10:34:23] Counsel, I never said that they were in detention. They were

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1 taken to be sent to the camp. They were not put in a cell. They were in the camp
2 where they stayed until early morning. And that's when my nephew called. It is
3 not overnight that I went there. That's what I said. In fact, I don't know what it is
4 you're looking for. Put the right questions to me. Put the questions. I'm here to
5 answer them. Yes.

6 Q. [10:34:59] Thank you, Witness.

7 MR GBOUGNON: [10:35:09] (Interpretation) Your Honour, I'm going to hand
8 over to my colleague, Mr Knoops, for the next questions.

9 PRESIDING JUDGE TARFUSSER: [10:35:18] Thank you very much,
10 Maître Gbougnon.

11 Mr Knoops, the floor is yours.

12 QUESTIONED BY MR KNOOPS:

13 Q. [10:35:58] Good morning, Mr Witness. My name is Alexander Knoops.
14 I'm a member of the bar of the Kingdom of The Netherlands and I'm counsel for
15 Mr Blé Goudé. I have some supplementary questions in addition to my friend's
16 questions of Mr Gbougnon.

17 Mr Witness, my first question relates to the following. You explained to us that
18 the training in 2010, the recruits underwent, was, you mentioned, brief, brief
19 training. That's transcript page 85 of the transcript of 30 August. And you also
20 mentioned that they received a little bit of training. That's transcript page 87 of
21 yesterday's transcripts.

22 You mention that in December 2010 people were recruited. And on transcript
23 page number 6 of the transcript of 30 August, lines 6 to 7, you refer to a person,
24 Mr Akoubé, who, in your opinion, deserted, whose son we learnt later came, and
25 he's still a soldier, he's still a soldier today, and he was recruited during that period

1 of December 2010.

2 So my question to you is, Mr Witness, is it correct that despite this brief training
3 you say happened in December 2010, this person, this son of Mr Akoubé, is at
4 present still a soldier; is that correct?

5 A. [10:39:03] Yes, he's a member of the Garde Républicaine.

6 Q. [10:39:08] So to be clear, it means that under the new regime, after
7 April 2011, this young man, despite your assertion that he received just a brief
8 training, became a member of the army under the current president; is that correct?

9 A. [10:39:38] Yes, that's correct. We, those who were at the 1st BCP, the 1st
10 battalion, we denounced them, and that's why they were demobilised. But on the
11 Republican Guard side, I don't think they denounced them; they stayed there. We
12 denounced those who were with us. So they were demobilised.

13 Q. [10:39:58] Thank you, that's clear. My point is, this boy, this young man,
14 received, in your estimation, the same training in December 2010 that the other
15 ones which training you qualified as a little bit of training, he was a member of the
16 same recruitment group; that is correct?

17 A. [10:40:29] Well, I can't say exactly where because at that time in 2010 a lot of
18 things were happening, a lot of things were going on. So, yes, things did start
19 when Mr Gbagbo saw that the election results were not in his favour. It is the
20 soldiers who went to secure what was going on around the elections in the north.
21 So --

22 Q. [10:40:58] I'm going to stop you.

23 A. [10:41:00] Okay.

24 Q. [10:41:00] Sorry, no disrespect.

25 A. [10:41:02] Okay, okay.

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1 Q. [10:41:03] I am a military officer myself, so I have respect for you. Please
2 answer my questions. My question is simply, Mr Witness, was this boy, this son
3 of Mr Akoubé who is at present still a member of the army of Côte d'Ivoire, was he
4 a member of the same recruitment of December 2010, because you say he was
5 recruited in 2010?

6 A. [10:41:40] Yes.

7 Q. [10:41:40] My second question, Mr Witness, relates to your testimony
8 yesterday. You remember, that's for the Court transcript page 31 till 35. It's the
9 whole exposé with the witness, that at some point in time, Mr Witness, young
10 people came to your house in March 2011. You said they were, amongst these
11 young men, were even individuals from the so-called Blé Goudé contingent. On
12 two occasions in the transcript, transcript page 32 and 34 of the British transcript,
13 you refer to them as soldiers, but on transcript page 34, you said they were not
14 dressed like soldiers; some had civilian clothes, some had some parts of military
15 clothes.

16 Now, my question to you is, Mr Witness, do you know whether, amongst these
17 young men who in your testimony regularly tried to visit you during the night in
18 March 2011, and some of those individuals or all of them still in the army, were
19 they still in the army in March 2011, so when they came to your house during the
20 night?

21 Because you say you recognised them, you knew, what you said, they were from
22 the Blé Goudé contingent of 2003. So my question is, were amongst these
23 individuals, persons who were at that time, March 2011, a member of the army?

24 A. [10:44:17] Counsel and colleague, I think you've got everything mixed up
25 here because what I said was that there were militiamen and some young people

1 from the Blé Goudé contingent who would pass in front of my house. They looted
2 all of the shops in Akouédo. They were trying to loot the shop that was opposite
3 my house. But each time they went past, they found us standing in front of the
4 door and we were bearing arms. I didn't say they came to visit my house at night.
5 I said at night-time they went behind the building to fire their guns. That's what I
6 said.

7 Q. [10:44:56] I understand, that's correct what you say. My only question,
8 Mr Witness, you recognised these persons, you say, "I recognise some of them of
9 being part of the Blé Goudé contingent of 2003." You agree with me, you said so?
10 Some of them you recognised?

11 A. [10:45:19] Yes, of course, because I worked with them.

12 Q. [10:45:24] My only question to you is at that time in March 2011 when you
13 saw these guys, were some of them still official soldiers? Were they a member of
14 the army at that very moment you saw them?

15 A. [10:45:50] Yes, of course they were soldiers; they were in the army.

16 Q. [10:46:01] You can recall which units?

17 A. [10:46:16] What I'm talking about, those that I knew, they were in
18 the 1st BCP. They were mixed up with the militiamen. That's what I said.

19 Q. [10:46:26] Did any of them have any military rank at that time, March 2011?

20 A. [10:46:38] March 2011, if they had any rank, they would have been first-class
21 privates or corporals.

22 Q. [10:46:50] So they entered the army in 2003, and in March 2011 they started a
23 second class, the lowest general rank, as you explained us yesterday, so in 2011
24 March they were first class or corporal; is that correct?

25 A. [10:47:13] Yes.

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1 Q. [10:47:15] So it took them almost eight years to start as a second-class soldier
2 in 2003 as being part of a so-called Blé Goudé contingent, and in March 2011 when
3 you saw them at your very house at night, some of them were first-class soldiers,
4 that's as a second junior rank or corporal. So it took them eight years to get a
5 promotion from second class to first class to corporal. Do you think that's a
6 normal way to proceed in a military career, Mr Witness, take you eight years to
7 become from second-class soldier, first-class soldier or even corporal? Do you
8 agree with me, is that the normal way of being integrated in the army after
9 receiving a not-proper training, as you said, in March 2000 -- sorry, in 2003?

10 A. [10:48:39] Colleague and counsel, I don't know exactly what you're driving
11 at here but the ranks in the army, I'm not the one who issues them, and each person
12 is responsible for what they're doing. Those young people -- well, for instance, I
13 joined the army in '89, but in 2017 I'm now a staff sergeant because I was punished
14 frequently throughout my military career. But maybe they had similar problems.
15 How am I supposed to know? I'm sorry.

16 Q. [10:49:08] Okay, Mr Witness, that's fair. We're here to establish facts. So
17 you can't say to this Court, that's your evidence, that some of the persons you saw
18 at your house or in the environment of your house, in March 2011, were from the
19 Blé Goudé contingent of 2003 when they were recruited, then received in your
20 estimation a proper training but they were still, some of them, in the army in
21 March 2011, either as first class or soldier, corporal, whatever rank they had; correct?
22 We can agree?

23 A. [10:49:58] Yes.

24 Q. [10:50:00] Thank you. My next question, Mr Witness, is in relation to the
25 training, the training itself. My first question to you is, Mr Witness: Did you

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1 see -- we know your opinion on the level of training of 2003, we know, and we
2 know your opinion on the level of training in 2010. That's -- that evidence is clear
3 you gave to us. My question is, because what I understand from your evidence,
4 you base -- you base your opinion on the time they received in the army for training
5 because normally it is six months. This was a very swift training, okay? So this is
6 the foundation of your opinion that it was not a proper training; you can agree with
7 me?

8 A. [10:51:19] Yes, the training was brief.

9 Q. [10:51:23] Accepted. Now, in relation to your answer, my question is:
10 Did you see, yourself, how the training was conducted by your colleagues,
11 Mr Désiré or Mr Koudou? You told us yesterday that they were in charge of the
12 basic training in the camp. That's transcript page 27 of the English transcripts,
13 where you introduced Mr Désiré and Mr Koudou as being in charge of the basic
14 training. My question to you is, Mr Witness, were you present during the
15 trainings, apart from your opinion about the time, present during the trainings in
16 either 2003 or 2010? Were you part of the training programme?

17 PRESIDING JUDGE TARFUSSER: [10:52:22] Have you seen how they were
18 trained? This is the question.

19 THE WITNESS: [10:52:36](Interpretation) I was not involved in the training
20 programme, but in military training we know what it's made up of. When you
21 know what it's made up of, you can easily appreciate that the -- whether the
22 training is correct or not, because we know what it's made up of.

23 MR KNOOPS: [10:52:59]

24 Q. [10:53:00] My question is, Mr Witness, I agree, did you see in those times,
25 in 2003 or 2010, what the specific training programmes were for these groups of

1 recruits who, in your opinion, underwent a brief training? Did Mr Désiré or
2 Mr Koudou or any of your colleagues say to you, "Here is the training programme
3 for these guys." We are shortening this training period for this or that reason, but
4 here is the programme." Did you see, yourself, the training programmes which
5 were there or not there, we don't know. That's the question to you, for these
6 specific groups of recruits 2003 or December 2010?

7 A. [10:54:00] No, I didn't have the training programme. I didn't have it.

8 Q. [10:54:03] Thank you.

9 Now, you mentioned yesterday on transcript page 27 of the British transcripts that
10 Mr Désiré and Mr Koudou were in charge of the basic training; correct?

11 A. [10:54:23] You know you're mixing everything up. You're mixing
12 everything up. I gave the name of my colleague, Koudou. Let me explain
13 because you're getting things mixed up here.
14 It is when Mr Akapea occupied the camp and when the young people arrived, it's
15 those young people that Koudou trained, but I didn't say that he trained the people
16 in Akakro, no. You're getting everything mixed up. I really would ask that we
17 focus and get things in the right place.

18 Q. [10:55:02] That's fair, Mr Witness.

19 Now, let me then specify the question. The person that's Désiré, Mr Désiré, or
20 Désiré, and Koudou, you said on transcript page 27 of yesterday's transcript,
21 English version, lines 15 till 17, that when these young people came into the camp
22 some training was given by them to -- by Désiré and Koudou. They were taking
23 care of that kind of basic training.

24 My first question: What were the ranks of Mr Désiré and Koudou and their
25 functions in the army? Who were they?

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1 A. [10:56:00] At the time he was a staff sergeant. He's a warrant officer now.

2 Q. [10:56:09] Mr Désiré --

3 A. [10:56:12] Yes.

4 Q. [10:56:12] -- and Mr Koudou --

5 A. [10:56:20] The two had the same rank. Both of them at the time were staff
6 sergeant at the time in 2010.

7 Q. [10:56:32] Was it belonging to their duties, obligations, at that time,
8 Mr Witness, to provide basic training to recruits?

9 A. [10:56:53] You know what the situation is. The person who was in charge
10 of the camp was a former civilian, so he used to be a soldier. He deserted. So he
11 was a civilian and he'd taken over the camp. So that's already the bad situation we
12 were in.

13 And if he's the one who is to give the orders to the staff sergeant as regards the
14 training, no, that's not how it's done. I mean, that's not acceptable and that's why I
15 denounce it.

16 So I don't really know what it is that you're after here, but that's what I would
17 denounce, the person who occupied the camp instead of Akapea Fulgence -- or it
18 was Akapea Fulgence --

19 THE INTERPRETER: Correction.

20 THE WITNESS: (Interpretation) -- was not entitled to do that. Mel Brice was the
21 commander of the camp and he told the soldiers to stay at home. So Akapea
22 turned up and he was the one who started then issuing orders to people like
23 Koudou Désiré to carry out the training for the newcomers. That's not normal.
24 That's not acceptable. That's what I denounce. I don't know whether we're
25 talking about the same thing here.

1 MR KNOOPS:

2 Q. [10:58:02] These two staff sergeants, Mr Désiré and Koudou, are they still a
3 member of the army at present?

4 A. [10:58:16] Yes, they are.

5 Q. [10:58:20] In this regard, Mr Witness, you mentioned yesterday on transcript
6 page 10, the English version, line 20, where you described the man who was with
7 Mr Kipré as new recruits that they were second class, the most junior of ranks,
8 upon immediate entry to the army. You say, yes, it is the rank that you have when
9 you just finish the basic training.

10 Now, we're not going to speak about the requirements to the chief, this junior rank
11 of second-class soldier, but my question to you is, really, were you able to check at
12 that time whether these new recruits who apparently achieved at that time the rank
13 of second-class soldier passed all the tests of that basic training, did you yourself
14 see the test results or any evidence that they indeed passed some military tests?

15 A. [11:00:00] Officer, Counsel, I think you've not understood what I was talking
16 about when I referred to the presence of second-class privates. I said that they
17 came to vote. I didn't challenge their status as soldiers or anything. That's not
18 what I was getting at. I was denouncing the fact that they'd come to vote at that
19 polling station in the former camp, at the primary school there, in the former camp,
20 the old camp of Akouédo, and the fact that they'd refused to put their fingers in the
21 ink. That's what I was talking about.

22 Maybe somebody might ask me how do I know that they're soldiers, and I said they
23 were second-class privates because I saw the military stripes and their purple beret,
24 but other than that, I can't say anything as to whether they're well-trained or not,
25 whether they've got any sort of certificate. That is not at all what I was getting at.

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1 Thank you.

2 Q. [11:01:02] So we agree you are not denouncing that they might have passed
3 those tests. Thank you.

4 I have two last questions for you, Mr Witness. The first question relates to your
5 evidence yesterday on the implicit or explicit authorisation, permission, to have as
6 of 2002 weapons, military weapons, at home without delivering them to the storage
7 room before you leave the base.

8 You told us yesterday, and it is transcript page 49 of the English version. I will
9 quote from that transcript.

10 Mr President, I notice it is after 11, but I just have two questions if the Court allows
11 me to finish. Thank you.

12 Mr Witness, I will quote from -- you say on page 49 of the English version, line 10
13 till 11 -- I start from 8 to accommodate Ms Pack about the context.

14 "But, indeed, you're right" -- and this was the questions of Mr Altit. Indeed, you're
15 right that in theory a soldier is supposed to return the weapon at the end of his
16 duty period and to return it to the weapon's storeroom. But that was the rule that
17 applied from 1989 up to 2002. That was the rule indeed."

18 My first question is, was it a rule in writing, was it part of the military protocol that
19 soldiers couldn't take their weapons after leaving the base to their homes? Was it a
20 written order? Was it a protocol? Was it a law? Because you speak about a rule,
21 it was a rule that applied.

22 A. [11:03:51] Well, I never studied law. I studied regulations. I can tell you
23 that when I joined the armed forces on 4 January 1989, and in June '89 I was
24 assigned to the first company of the second battalion. When I got there, when the
25 time came to go on duty, I was given a weapon. And so weapons were indeed

1 given to everyone as one went off on duty, and then when you went back you
2 would hand the weapon back, and that was what was done up until the year 2000.
3 But in the year 2000, well, even after the coup d'état, the weapons were always
4 taken back to the storage area, but after 2002, when the authorities declared war,
5 indeed, each soldier kept his weapon for himself. Even the youngest patriots had
6 one. I don't know why. I don't know exactly what you're trying to get at. And
7 even the civilians, the Young Patriots, they had weapons and that was legal. I am,
8 well -- thank you.

9 Q. [11:05:20] Thank you, Mr Witness. My question is simply, if you do not
10 know whether it was a rule in terms of law, and you say, "I'm not a lawyer, but I
11 know something about regulations" as a military officer, commissioned officer, do
12 you know whether there was a regulation in writing for everyone in the army to
13 leave their weapons at the storage room? Did you see at that time any document
14 saying I, soldier X, before I leave the caserne I have to deliver my weapon to the
15 corporal or the staff sergeant of the storage room? Did you see any document at
16 that time saying this rule? Or was it maybe something else? Was the custom?

17 A. [11:06:31] I am not aware of a particular regulation, but when I joined the
18 army those were the orders I was given: Go to the weapons depot, get your
19 weapon, go off on duty, and then when you come back from duty hand your
20 weapon back in.

21 Q. [11:06:48] Now after having established this fact which you gave to us in
22 evidence, my question is, do you know why this rule or order was abandoned
23 in 2002? Why did it change? Why was it suddenly allowed? While there was a
24 military order? Why was it allowed in 2002 to take the weapons at home? What
25 was the reason?

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1 A. [11:07:29] No. Can you refresh my memory? I don't know.

2 PRESIDING JUDGE TARFUSSER: [11:07:37] I don't think he ever said it was
3 allowed after a certain point in time. If you have another question --

4 MR KNOOPS: [11:07:43] Yes. No, I just quoted, Mr President.

5 Q. [11:07:47] Mr Witness, you said, I quote again. I repeat again. You say,
6 "Indeed, a soldier is supposed to return his weapon at the end of his duty period to
7 the weapons storeroom. This was the rule" -- you said yesterday -- "from 1989
8 to 2002. That was the rule, indeed."

9 So my question is, why didn't this rule apply anymore in 2002? What was the
10 reason that you didn't have to deliver your weapon anymore before you went
11 home, to your colleagues of the storage room? You know? You can tell us why?

12 A. [11:08:46] This is what I've told you. Could you please refresh my memory
13 because I don't know. That's what I told you. That was my answer.

14 Q. [11:08:55] Was it because -- you told us many things: This was not normal
15 times; it was not a military; no military context; was it to defend yourself? You
16 said everyone needed to provide for their own safety. You said many things
17 yesterday. Was it because it was not a normal time? Second, it was not a normal
18 military context? Thirdly, people were afraid? Fourth, everyone needed to
19 provide for their own safety? What was the concrete reason that all the military
20 servicemen at that time could bring their weapons at home in 2000? There must
21 have been a reason. And you are a military officer, you should know then why
22 this rule, this order --

23 PRESIDING JUDGE TARFUSSER: [11:09:48] But he never said that everybody
24 could take his weapon back home. I have no recollection about that.

25 MR KNOOPS: [11:09:54] He said so.

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- 1 MS PACK: [11:09:56] Well, I don't think that's the case.
- 2 PRESIDING JUDGE TARFUSSER: [11:09:59] No, no.
- 3 MS PACK: [11:10:00] Your Honour, I can do --
- 4 MR KNOOPS: [11:10:01] Here, in the English transcripts, "Everybody was taking
5 their weapons home with them. I'm not the only one."
- 6 PRESIDING JUDGE TARFUSSER: [11:10:07] Yes, but that they did it, but not
7 that they could do it. This is different. One is the regulation; one is a violation of
8 the regulation.
- 9 MR KNOOPS: [11:10:14] Then I will ask the witness why did everybody take
10 their weapons as of 2002 at home either or not in violation with an order?
11 Why did your colleagues and you take those weapons as of 2002 at home?
- 12 PRESIDING JUDGE TARFUSSER: [11:10:37] Why did you take your weapon
13 with you home? This is the question.
- 14 THE WITNESS: [11:10:47](Interpretation) Well, that question was already put to
15 me. This is the nth time.
- 16 PRESIDING JUDGE TARFUSSER: [11:10:54] I put it again, please. Answer this
17 question: Why did you take your weapon home with you?
- 18 THE WITNESS: [11:11:06](Interpretation) Okay. Each person kept his weapon at
19 home because the authorities of the day thought that since -- well, there was a
20 situation, an attack. If there was an attack or anything, you would have to go and
21 line up in front of the weapon's storeroom. And you see, not -- it was not possible
22 for everyone to go in all at once and receive a weapon because, you see, it would
23 take time for the person in charge of the storage to hand out a weapon individually.
24 So, you see, there was possibility of an alert. So the first objective was -- so
25 ultimately, it was decided that each person would keep his weapon in his own

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1 possession.

2 MR KNOOPS: [11:12:02]

3 Q. [11:12:03] Thank you, Mr Witness. Thank you very much.

4 My last question to you relates to the evidence you gave us also yesterday about
5 the 10 till 20 soldiers -- you said fewer than 20 soldiers -- who came to the polling
6 station in the primary school. And I refer to transcript pages 78 -- 77, 78 of the
7 English transcripts of yesterday, where we find this discussion with the witness in
8 the context of the examination by Mr Altit.

9 You already made it clear that you were not inside the polling station. I'm not
10 going to repeat that discussion; that's on the transcript. I just have one additional
11 question to you on this topic.

12 You told us yesterday, Mr Witness, that one of the representatives who was inside
13 the room where the voting took place told you later that these individuals, fewer
14 than 20 soldiers, were refusing to put their fingers in ink; right? Now, my question
15 to you is --

16 A. [11:13:49] Okay. I said that -- well, I didn't say that the representative came
17 to tell me in particular, no. But he came out of the polling station to say that those
18 people who were going there, they voted and they did not dip their finger in the
19 ink. And everyone heard him say that. It is not as if he drew me aside and spoke
20 to me privately and told me what had happened. He said something quite loud
21 and clear. Everyone heard. That is what I said.

22 Q. [11:14:26] Clear. My question to you is, did you yourself at that point in
23 time, check or see any of those fingers of those soldiers, either of the 15 till 20
24 individuals who were, as you say, arriving in an 18-seater?

25 A. [11:15:02] Counsel, that day, first of all, I was wearing civilian clothing to go

1 and vote. I was wearing civilian clothing to go and vote. They were wearing
2 military attire. First of all, out of respect to my unit, I couldn't even go up to them
3 and say, "You," particularly since they were being led by a commander, a
4 higher-ranking officer. I was not authorised to go up and -- up to them and say,
5 "Hey, I want to have a look at your fingers." You wouldn't have done such a thing
6 if you were in my shoes.

7 Q. [11:15:44] I don't know, but it is not my testimony. So your answer is no,
8 you didn't see any of the fingers of those soldiers; correct?

9 A. [11:15:52] No, I didn't. I didn't.

10 Q. [11:15:57] Why then, Mr Witness, did you say yesterday before this Court
11 that you saw that with your own eyes? Transcript page 8, line 19 of the English
12 transcript. And I will, out of fairness, quote you the full portion. It starts at
13 line 14 of the transcript of yesterday. You said:

14 "So they came in. We were watching. They came in. They voted. What really
15 struck us was that the other parties at the polling station said no, they refused to
16 put their fingers in the ink, which goes to show that it was so that they could go
17 and vote somewhere else. And I saw that with my own eyes. I was a witness.
18 Yes."

19 So yesterday, Mr Witness, you suggested at the least before this Chamber that you
20 were a witness with your own eyes and now you say no.

21 A. [11:17:20] No, I beg your pardon. Perhaps you're saying the contrary.
22 What I said and I repeat. And I will say it once again. I say this, the schoolyard.
23 I can give you an example. The space we're in here right now. There's a
24 schoolyard, there's a building here, a building over there, and then there's space in
25 the middle, the yard in the middle. We were in the schoolyard, and the

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1 representative of one candidate came out and said, he said, "They voted and they
2 didn't dip their fingers in the ink." Didn't I see --

3 Q. [11:17:57] So you should have said --

4 A. [11:18:01] I don't know what you mean.

5 MS PACK: [11:18:02] Your Honour.

6 PRESIDING JUDGE TARFUSSER: [11:18:03] Madam Pack.

7 MS PACK: [11:18:05] Any more questions arguing what or what the witness
8 meant to say or what it means by what he said yesterday is argumentative in my
9 submission and inappropriate.

10 MR KNOOPS: [11:18:16] No, Mr President, it is a clear contradiction with what
11 he said today.

12 PRESIDING JUDGE TARFUSSER: [11:18:21] Yes, but now the witness said again
13 what he had to say and that's it.

14 MR KNOOPS: [11:18:27] Yes.

15 Q. [11:18:30] So you're actually saying now that you heard it with your own
16 eyes -- with your own ears instead of your own eyes, correct? That should have
17 been your evidence yesterday.

18 PRESIDING JUDGE TARFUSSER: [11:18:45] What should have been or has not
19 been, I mean, we have it on the record what he said.

20 MR KNOOPS: [11:18:48] Thank you. These were our questions, Mr President,
21 on behalf of Mr Blé Goudé and we conclude here with our cross-examination.

22 PRESIDING JUDGE TARFUSSER: [11:18:55] Thank you very much. Thank
23 you very much. Mr Altit.

24 MR ALTIT: [11:18:58] Yes, your Honour. Thank you, your Honour.

25 Your Honour, I'm quite aware of the time, but just very briefly, this morning we

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1 received some documents from the Prosecution. And these documents, if we had
2 had them yesterday, I would have asked some questions in a different fashion on a
3 number of points. These are important documents, and I think it really is quite a
4 shame. And for the record, I must say that since we did not receive the documents
5 on time -- we received them only after the fact, after my questioning. In light of
6 the circumstances, I think it would be a good thing and quite useful if I could be
7 allowed to put a number of questions to the witness, as I would have done if I had
8 had those documents before re-questioning by the Prosecution. But I think it is
9 absolutely necessary, to my mind, for me to have this opportunity to put questions
10 to the witness because if I had had the documents I would have --

11 PRESIDING JUDGE TARFUSSER: [11:20:06] I have understood, yes.

12 MS PACK: [11:20:09] Your Honour.

13 PRESIDING JUDGE TARFUSSER: [11:20:10] Madam Pack.

14 MS PACK: [11:20:11] It is so inappropriate to suggest that these documents were
15 not in the Defence possession before yesterday because they were disclosed over a
16 year ago, in March 2016. So it is not for us to draft the list of material that the
17 Defence choose to use in questioning witnesses. In an effort to ensure that
18 everything was before the Chamber, of course, the email was sent appropriately
19 this morning, but there it is. So I regret, we regret, your Honour, that that
20 comment should have been made by my friend. These documents were disclosed.
21 Thank you.

22 MR MACDONALD: [11:20:42] And, your Honour, I hope Mr Altit will
23 apologise for once.

24 PRESIDING JUDGE TARFUSSER: [11:20:47] No, this is absolutely not
25 appropriate.

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1 MR MACDONALD: [11:20:49] No, it is necessary.

2 PRESIDING JUDGE TARFUSSER: [11:20:50] No, it is not necessary. Please, it
3 is not necessary.

4 MR MACDONALD: [11:20:53] It is not the first time.

5 PRESIDING JUDGE TARFUSSER: [11:20:56] This comment is not necessary.
6 Thank you.

7 And this comment is not necessary as well. Now we stop here and we come back
8 with the re-questioning of the Office of the Prosecutor at 12 o'clock, okay.

9 Thank you very much, and then we decide also on the request of Maître Altit.

10 THE COURT USHER: [11:21:20] All rise.

11 (Recess taken at 11.21 a.m.)

12 (Upon resuming in open session at 12.02 p.m.)

13 THE COURT USHER: [12:02:26] All rise.

14 Please be seated.

15 PRESIDING JUDGE TARFUSSER: [12:02:33] Good morning. Good morning,
16 Mr Witness, once again.

17 In relation to Mr Altit's request to allow him supplementary examination before the
18 re-examination requested by the Prosecutor, the Presiding Judge notes that the
19 document to which his supplementary examination would relate have been in the
20 possession of the Defence since 4 March 2016.

21 The Defence was in a position to include them in their list of materials for this
22 witness, and there is, therefore, no reason to amend the order of a re-examination.

23 In any case, the Defence will have, as always, and as per law, an opportunity to
24 pose additional questions after the Prosecutor's re-examination.

25 And as far as the document itself or themselves relates, the Presiding Judge notes

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1 that they were not on the Prosecutor's list of materials, but the importance came up
2 in the course of the questioning by the non-calling party and, therefore, allows their
3 use in the interest of the finding of the truth.

4 The floor goes to the Office of the Prosecutor for re-examination.

5 Maître Altit, I see you on the floor, although I don't think you represent the Office
6 of the Prosecutor.

7 MR ALTIT: [12:04:14] (Interpretation) Thank you, your Honour. No. And I
8 apologise to my learned friend, we did check and you are indeed quite right, those
9 documents were communicated under Rule 77 more than a year ago. It was a
10 misunderstanding due to a problem in manipulating the documents. So I think
11 we've dispelled that misunderstanding. Indeed, we had the documents under
12 Rule 77.

13 PRESIDING JUDGE TARFUSSER: [12:04:47] Thank you. Thank you very
14 much, Maître Altit. Now this also goes to Mr MacDonald's request for an apology.
15 Now the floor is to Madam Pack.

16 MS PACK: [12:04:59] Indeed. Thank you very much, Mr President. And my
17 thanks to my colleague, Mr Altit.

18 QUESTIONED BY MS PACK:

19 Q. [12:05:06] Mr Witness, I have a few more questions for you on behalf of the
20 Prosecution, so bear with me please.

21 Now, I'm going to refer you back to your testimony yesterday when you were
22 questioned by Mr Altit on behalf of Mr Gbagbo. It's at page 120 of the English
23 transcript, realtime, lines 6 to 10. I'm going to read it out for you in English.

24 "For instance, did you sign any agreement promising that you would not be
25 prosecuted if you cooperated with the Prosecutor?"

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1 Answer: "They said yes I would have a guarantee of safety if it -- if I were to risk
2 any problems, yes."

3 I wanted to ask you a question to -- in relation to your answer there. This
4 guarantee of safety to which you refer there, did that relate to the Court's duty so
5 far as you recall to protect you and your family in the event of a safety or security
6 related issue?

7 A. [12:06:47] Well, the gentleman who was dealing with me said that there was
8 no risk in the case in the event that myself or my family had a problem, the ICC
9 would help me, would protect me, that I had nothing to fear, that I could come and
10 testify. That's what I was referring to. In other words, I could come and testify
11 without any fear for my life, that the purpose was to discover the truth. And that's
12 why I agreed.

13 MS PACK: [12:07:24] Your Honour, I wonder if we could go into private session
14 briefly.

15 PRESIDING JUDGE TARFUSSER: [12:07:28] Could we go into private session,
16 please.

17 (Private session at 12.07 p.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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22 (Redacted)

23 (Open session at 12.14 p.m.)

24 MS PACK: [12:14:37] One moment. Before going in public, my colleague,

25 Mr MacDonald.

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1 THE COURT OFFICER: [12:14:40] We're in public session now.

2 MR MACDONALD: [12:14:43] Can we go back in private just a second because
3 there's an issue with the transcript that I need to raise immediately so that you
4 know the request we'll be sending. The transcript has not captured it.

5 PRESIDING JUDGE TARFUSSER: [12:14:57] Let's go back into private session.

6 (Private session at 12.15 p.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 12.16 p.m.)

24 THE COURT OFFICER: [12:16:02] We're back in open session, Mr President.

25 PRESIDING JUDGE TARFUSSER: [12:16:13] Ms Pack.

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1 MS PACK: [12:16:15] Thank you, Mr President.

2 Just one issue for your Honours, I wanted, and I would ask that the report at

3 CIV-OTP-0088-1352, confidential, be not shown to the witness now, but

4 nevertheless be submitted on to the record. It's the report that accompanies the

5 document that I've just shown to the witness.

6 Thank you, Mr President.

7 And, your Honours, I had no further questions for the witness.

8 Q. [12:17:07] Thank you, Mr Witness. No more questions from me.

9 There was one further issue that I did want to clarify though, and this is just for the
10 sake of clarity on the record. There was a reference made to the testimony of

11 P-0437 earlier. And your Honours, just so that you have for the record a complete

12 picture of the evidence related to Akakro that came from this witness, I wanted to

13 make sure that the full references just from a simple search under that search term

14 were on the record now. So I give those references. It is, for the English

15 transcripts, T-77, pages 14 to 16 and page 31. And T-78, pages 50 to 51, and

16 pages 56 to 57. And that's the English edited transcripts. So that's all. No

17 questions on that, but that was simply to put that on the record. Thank you,

18 Mr President.

19 PRESIDING JUDGE TARFUSSER: [12:18:13] Okay, thank you.

20 Now it's time for the re-questioning by the Defence teams.

21 Maître Altit.

22 MR ALTIT: [12:18:22] (Interpretation) I have no further questions,

23 your Honour.

24 PRESIDING JUDGE TARFUSSER: [12:18:25] Thank you very much.

25 Maître Gbougnon, I see you going, standing up.

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1 MR GBOUGNON: [12:18:32] (Interpretation) Your Honour, I'm not quite sure I
2 understood the references given to the edited English version of the transcript.
3 She gave a reference not only of the passage I referred to, but also a portion I didn't
4 refer to and the portion I read out.

5 PRESIDING JUDGE TARFUSSER: [12:18:59] We do know, but it's in any case
6 our material, so we have to read it all, so there is no particular problem on this.
7 It's not something which is outside of the case record.
8 But did I understand well that you have no further questions on the side of the
9 Defence for Mr Blé Goudé?

10 MR KNOOPS: [12:19:25] Mr President, we have one additional question on the
11 document which was just provided. It was provided, but which was reintroduced
12 in re-examination. And in light of the Prosecution, it might be addressed in
13 private session.

14 PRESIDING JUDGE TARFUSSER: [12:19:40] Yes.

15 MR KNOOPS: [12:19:41] I have no problem with discussing it in open session,
16 but Prosecution --

17 PRESIDING JUDGE TARFUSSER: [12:19:46] Let's go back -- do you mean the
18 document submitted and not shown to the --

19 MR KNOOPS: [12:19:50] Yes, yes, and also the first, the first document.

20 PRESIDING JUDGE TARFUSSER: [12:19:55] Okay. Let's go into private
21 session, please.

22 (Private session at 12.20 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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5 (Open session at 12.25 p.m.)

6 THE COURT OFFICER: [12:25:45] We are back in open session, Mr President.

7 PRESIDING JUDGE TARFUSSER: [12:25:55] Thank you very much.

8 Mr Witness, I can tell you that now your testimony is over. You have finished.

9 It's finished, so I thank you for having being here before the International Criminal
10 Court. I thank you to have answered all the questions which were put to you by
11 the parties and I wish you a safe trip back home. You can leave the courtroom
12 accompanied by the court usher. Thank you very much. Yes, you may, but no
13 political statements. Okay.

14 THE WITNESS: [12:26:41](Interpretation) No, it's not a political statement. What
15 I'd like to say, I'd like to say it to young Africans in general and young Ivorians in
16 particular. The only being for which one must feel zeal is God and Jesus Christ.
17 Thank you very much.

18 PRESIDING JUDGE TARFUSSER: [12:27:05] Thank you very much. And
19 goodbye, with a safe trip. I wish you a safe trip home.

20 (The witness is excused)

21 PRESIDING JUDGE TARFUSSER: [12:27:21] Maître Gbougnon.

22 MR GBOUGNON: [12:27:28] (Interpretation) Your Honour, I'd like to make a
23 point. Earlier when I tried to confront the witness with another witness testimony
24 and I mentioned the name of a witness, the OTP criticised me for having mentioned
25 the name of the witness. So I wanted to refer to the oral decision that you handed

1 down on May 2nd, 2017. It is a decision -- a decision that I would like to quote

2 from if you will allow me, T-149. And I quote:

3 "As a principle, in the future, any evidence may be referred to if it has been given in
4 open court, including the statement and the name of the witness inasmuch as of
5 course the witness is not protected.

6 In particular, the witness's whose name I mentioned was not a protected witness,
7 your Honour.

8 PRESIDING JUDGE TARFUSSER: [12:28:44] Well, that's okay, but I just said this

9 before out of caution because I didn't know to which witness you referred and

10 which number it had, so for me it was more a question of clarity because I did not

11 really know to whom or which date you referred to, but it's okay. I mean, if it's

12 not a protected witness, I think we can mention the name of course because the

13 name is public, but we should also give the number because normally we are more

14 familiar with the numbers, unfortunately, in this courtroom. But so, it's okay.

15 Now, the only thing I have to do and I'm obliged to, I have no other choice is to

16 adjourn the hearing to Monday, at 9.30 for Witness 483 -- 583. And this, I say

17 unfortunately, because I refer now also to an email which is dated 2 June 2017,

18 at 12.39, and went to all counsel on account of Trial Chamber I communications,

19 where it is said:

20 "The Presiding Judge also confirms that as requested by the Prosecutor, Witness 626

21 will appear after Witness P-83. As to the specific date for Witness P-83's

22 appearance, the Presiding Judge notes that the circumstances of Witness 583, a staff

23 member of the Office of the Prosecutor, makes it possible for his appearance to be

24 ordered at short notice. Whilst the Presiding Judge expects the parties to be

25 prepared to hear the testimony at short notice, after the completion of the summer

1 recess, should this become necessary with a view to avoiding gaps in the schedule
2 of the time experienced. "

3 And now we have a gap of at least one and a half sessions which would have
4 covered the time requested by the Office of the Prosecutor. And this is, I must say,
5 this was one reason why I asked for at least persons who are here to be on standby.
6 Okay.

7 MR MACDONALD: [12:31:21] Very briefly, your Honour. We're very
8 conscious of that and we're -- we had noted the order, also it was indicated in
9 footnotes to your orders. The only thing I can say, your Honour, is the staff
10 member in question because of family obligations at this time of the year could not
11 be present, and we didn't expect either that the two witnesses would be completed
12 with a session and a half left. That said, we should have sent and informed the
13 Chamber ahead of time to let them know of this and we're sorry for this
14 misunderstanding, your Honour.

15 PRESIDING JUDGE TARFUSSER: [12:32:15] Okay. Thank you.

16 The hearing is adjourned to Monday at 9.30.

17 THE COURT USHER: [12:32:23] All rise.

18 (The hearing ends in open session at 12.32 p.m.)