

Trial Hearing
WITNESS: CIV-OTP-P-0625

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I - Courtroom 2
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Koudou Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Geoffrey Henderson and
7 Judge Olga Herrera-Carbuccia
8 Trial Hearing
9 Thursday, 10 March 2016
10 (The trial hearing starts in open session at 9.40 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Sorry for the short delay, but we had a small problem
15 to discuss.
16 Good morning.
17 And I give the floor to the Prosecutor.
18 Good morning, Mr Witness as well.
19 WITNESS: CIV-OTP-P-0625 (On former oath)
20 (The witness speaks French)
21 THE WITNESS: (Interpretation) Good morning, Mr President.
22 PRESIDING JUDGE TARFUSSER: I hope you're fine.
23 THE WITNESS: (Interpretation) Yes, I'm very well. Thank you.
24 PRESIDING JUDGE TARFUSSER: So I will see what happens now. I give the floor to
25 the Prosecutor. And, please, you have the floor.

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1 QUESTIONED BY MR MACDONALD: (Continuing)

2 MR MACDONALD: (Interpretation)

3 Q. Good morning, Mr Witness.

4 A. Good morning, Mr Prosecutor.

5 Q. Yesterday during the last session, at the beginning I believe of the afternoon session,
6 I asked you whether you remembered the identity of the other leaders of the Galaxie
7 Patriotique who were present at the hôtel de ville at the town hall in addition to those
8 whom you already had mentioned. And at transcript 27, page 9, from line 1, you said, "I
9 can see the people whom I have not named." And you said that you were thinking about
10 the names. So I would like to ask you this morning, at the outset, whether you recall the
11 identity of other individuals who might have been present, or would you require for your
12 memory to be refreshed if you do not remember, which of course would be or could be
13 entirely normal?

14 A. Mr Prosecutor, if possible, if you could remind me. I might be able to confirm if
15 possible.

16 Q. In your statement of 14 December 2014 under reference 0076-1211, at line 984, you
17 mentioned that Maho Glofiéhi is there?

18 MR O'SHEA: Your Honours, I quite understand that a ruling was made. My
19 understanding of the ruling was that this issue of refreshing memory would be dealt with
20 on a case-by-case basis.

21 I have a difficulty with my friend going into the statements of this witness to pick out
22 names and put them to him. It's the most classic form of leading one can get.

23 PRESIDING JUDGE TARFUSSER: Please go ahead. And make -- do the names and let
24 him say if they were there or not there, please.

25 MR MACDONALD: (Interpretation) That's the only name that I intend to ask about.

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1 Q. So do you remember having mentioned that previously to the Office of the
2 Prosecutor?

3 A. Yes.

4 Q. And now that you remember that, indeed, Mr Maho Glofiéhi was there, do you
5 remember that?

6 A. Yes.

7 Q. And he was the leader of which group?

8 A. He was in the west of Côte d'Ivoire.

9 Q. Do you remember the name of his group?

10 A. Did he have a group? I believe that he was managing in the security situation in
11 the west of the country. I believe that he hailed from Guiglo in the west.

12 Q. Do you know the acronym FLGO?

13 A. No.

14 Q. Do you know the Front de Libération du Grand Ouest?

15 A. Yes, I have heard speak of that name, the liberation front for the great west.

16 Q. And what kind of group was that?

17 A. I believe that you've just provided us with the name.

18 Q. So you believe that the name of this man's group was FLGO?

19 A. Yes, I do believe that to be the case.

20 Q. And to your knowledge, with regard to this group, what were the methods used by
21 this group?

22 A. Well, he was defending his region and he had taken a position with regard to the
23 arrival of the rebellion in his region, so he had a defence group for that region.

24 Q. And was that group armed to your knowledge, yes or no?

25 A. To my knowledge, his group was armed.

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1 Q. I would like to now move on to another subject.

2 Yesterday we presented Mr Blé Goudé's video with a speech, Mr Blé Goudé was giving a
3 speech on 15 December 2010, that was video 0074-0054 and we talked about the presenter
4 and his name. You said his name was Mambo. Do you now recall his last name?

5 A. The name that I know him by is Mambo.

6 Q. And were I to suggest to you Mambo Abbe, does that ring a bell?

7 A. Yes. Yes, of course.

8 Q. So that is one and the same individual?

9 A. Yes, Mr Prosecutor, it is the same person.

10 Q. I shall recall what was mentioned in the video just to provide you with a context
11 because my few questions, next questions are linked to this excerpt. And in order to do
12 so, I would like to use transcript 0087-0327, lines 85 ongoing. We can see him taking off
13 his jacket?

14 A. Are you talking about the minister, Charles?

15 Q. Yes. And then at a given moment in time, line 85 and onwards, "I do not have a
16 rifle. I have no weapons. And here are my hands." End of quote. And we can see
17 him showing him -- his hands. "But I promise Guillaume Soro and Alassane Ouattara
18 that I am capable of dislodging them from the Golf Hotel with my bare hands." End of
19 quote. And then we hear the public's reaction.

20 So my question to you is as follows: What is this thing about bare hands?

21 A. Mr Prosecutor, Mr President, all people present, when he is talking about his bare
22 hands, whenever he gives a speech he talks about bare hands, and he's talking about
23 being able to dislodge them with his bare hands because Blé Goudé, were he to call upon
24 people to attack or dislodge those living at the hôtel du Golf, and if he asked people to go
25 and dislodge them, then it would be done. You know, whenever Blé Goudé called upon

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1 the population to do something, then people would come, people would follow what he
2 said and people would go and dislodge them from the hôtel du Golf. Well, with bare
3 hands, can one control 20,000 or 50,000 people? Whenever he called upon people to do
4 things he talked about these bare hands. And it was possible for people to dislodge in
5 such a manner.

6 THE INTERPRETER: Microphone please, Counsel.

7 PRESIDING JUDGE TARFUSSER: Microphone.

8 MR MACDONALD: (Interpretation)

9 Q. And this call to people to go and dislodge them from the hôtel du Golf, do you recall
10 this? And what happened subsequently after this?

11 A. I believe that this did not occur to my knowledge. Maybe people wanted to go
12 there, but because there were blockades and because the FDS were not letting people pass,
13 then -- well...

14 Q. And do you remember whether -- when he made this call to people to dislodge them
15 from the hôtel du Golf with their bare hands was made on more than one occasion?

16 A. You mean repeated in other rallies?

17 Q. Yes.

18 A. I do believe so. I do believe that it was repeated on several occasions that he called
19 upon people to be at the ready to go and dislodge them, but the call was never followed
20 up on.

21 Q. And this message made during the rally, was it transmitted or broadcast?

22 A. Over the television?

23 Q. Or any other means.

24 A. What is sure is that all the rallies that the minister, Blé Goudé, held were broadcast
25 over the television.

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1 Q. Let's now move on to another subject. Mr Marcel Gossio, who is he?

2 A. He was the director general of the port autonome, in Abidjan, of the sea port in
3 Abidjan.

4 Q. And what was his relation with Mr Blé Goudé?

5 A. Well, Mr Blé Goudé was an important man in Côte d'Ivoire. And in the context of
6 the crisis, all the leading figures of the country, or those people within Laurent Gbagbo's
7 party, had a great deal of esteem for him. And I would say that that would -- applied in
8 general with everybody.

9 Q. Very well. Noted. And to your knowledge, did Mr Marcel Gossio, and
10 Mr Blé Goudé -- well, how long had they known each other for?

11 A. Well, as to how long they had known each other, it -- I don't really know, maybe
12 during the crisis itself.

13 Q. Could you please provide details as to the crisis?

14 A. I believe I've already told you that Mr Blé Goudé was abroad. He was studying
15 when the crisis started. And I think that according to the information I received, because
16 I was not a witness to this, Mr Damana Pickass contacted Mr Blé, Mr Damana Pickass was
17 also one of the leaders of the FPI party, the youth party, but Mr Blé -- he suggested to
18 Mr Blé to come to Côte d'Ivoire in order to provide assistance in defending the republic.
19 And that is how Mr Damana Pickass put Mr Blé Goudé in contact with Mr Gossio and
20 they paid for his transport to come back to Côte d'Ivoire. I don't see any harm in that.

21 Q. Yesterday we talked about the SOTRA, we talked about Abidjan port. And I would
22 like to come back to the financial support that Mr Blé Goudé enjoyed. To your knowledge
23 were there any sources of financial support from Mr Gossio or * via the port of Abidjan?

24 A. Mr Prosecutor, I am a leader. I'm going to explain to you what I mean by that.
25 I'm a leader, which means that I protect my party, my regime and personalities within my

1 country. And it is normal that these individuals or these personalities will then provide
2 me with support. I'm going to put myself in Mr Blé Goudé's position. It's entirely
3 normal. I don't see any harm in that. He supported me.

4 THE INTERPRETER: Correction: We supported him.

5 MR MACDONALD: (Interpretation)

6 Q. It's not whether there is any harm or not, we need to establish the facts because the
7 Chamber will then have to assess the evidence at the end. So my question is as follows:
8 To your knowledge, you can confirm that there was indeed financial support provided to
9 Mr Blé Goudé via Mr Gossio through the port of Abidjan?

10 A. I can't say that there was Mr Gossio's support through the port, or such, but I would
11 say that Mr Gossio on a number of *people in charge of state departments were
12 supporting Mr Blé Goudé in his actions. *Because I am under the impression that you
13 want to know whether it was the autonomous port of Abidjan that was financing Blé, *or
14 the Société de transport ivoirienne de Côte d'Ivoire, but I am telling you that he did
15 receive financial support from his leaders. Whether it was from the port or not, I wasn't
16 working there. But they did support him, yes.

17 Q. And how did you come to learn that? How do you know that piece of information?

18 A. That's what I just told you earlier on. I am not a witness to this, but I -- this is what
19 we all heard. That's what I said to you. And I said that in the statement, that it was
20 those in charge who supported him. And I often received support as well, often my boss
21 would give me petrol to go on my journeys.

22 Q. Very well. Let me come back to something that we talked about yesterday and
23 now we will dwell on it a little longer, the CNRD. To your knowledge, who was the
24 president of the CNRD?

25 A. I believe that I already answered that question yesterday. In order to know who

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1 was the president -- well, I can tell you that I do not know, but we received invitations
2 from Madam Simone Gbagbo to come and attend meetings with her. Whether she was
3 the president or not, I do not know.

4 Q. Do you know the position that she held within the organisation, that is apart from
5 the possibility of her being president?

6 A. To my knowledge, I think she was a member of that group of that organisation.

7 Q. Do you know when that organisation was created?

8 A. No.

9 Q. When did you start taking part in their activities?

10 A. I believe that I started in 2010, that is when I started receiving invitations to attend
11 their meetings.

12 Q. Yesterday you testified that you took part in meetings at the residence.

13 A. Yes, I said that yesterday. I believe I attended meetings at the residence two or
14 three times, that is the residence of the president of the republic. There was an office and
15 there was a, sort of, a meeting room. That was my testimony.

16 Q. If you could, in order to situate us in time, can you talk about the three meetings you
17 attended?

18 A. I said two or three.

19 Q. Two or three. Can you describe that room? Talking about those three meetings,
20 was there any one of those meetings that was -- that had more attendees, which many
21 more people attended than the others?

22 A. Thank you. You want me to tell you where the room is located?

23 Q. We can start with that. Very good.

24 A. At the residence of the president of the republic, there was a building, there were
25 offices belonging to the close protection service of President Laurent Gbagbo, and in that

1 same building there was the room similar to this one, and there was another smaller
2 room.

3 The first meeting brought together only a few leaders of the Galaxie Patriotique. We had
4 a discussion with the first lady and a few other leaders. Then the second meeting we met
5 to discuss developments in the sociopolitical situation and to determine what measures
6 could be taken, then a date was fixed for the next meeting which the CNRD would
7 convene. It was supposed to be a larger meeting and each leader would bring about
8 three or four other people, including members of the civil society associations and so on.
9 Many people were invited.

10 So I believe the second meeting was larger; there were many more people, more than 100,
11 150 people, to my knowledge. I was surprised to see many people there, but we were
12 brought together to exchange ideas. Each person took the floor to ask questions of the
13 leaders who were there; the first lady, the minister of interior, the minister responsible for
14 security, the minister of transport, the deputy director, Mr Issa Malick. There were many
15 personalities present and people gave their points of view regarding the situation
16 prevailing in the country.

17 Q. And did you take the floor yourself during that second meeting?

18 A. Yes, Counsel.

19 Q. Do you recall what you said and the topic that you personally spoke on?

20 A. Yes, Mr Prosecutor, I remember well. When I started speaking I think I was the
21 fourth or fifth person to take the floor, and when I asked for the floor my question related
22 to the seriousness of the political situation in the country, and that is because the United
23 Nations had taken decisions to ban or to institute a no-fly zone for our aircraft and to
24 institute embargoes against Mr Gbagbo's regime.

25 So my question to madame was as follows, when I took the floor, I said the truth must be

1 told because personally I could not understand that Côte d'Ivoire was our country and
2 that military and security decisions had been taken, including the decision to ban our own
3 aircraft from flying. *They were forbidden by the UN resolution, and the decisions that
4 had been taken had really blocked us in several areas.

5 So my question was that they should tell us the truth. If our planes could no longer fly, if
6 our tanks could no longer come out to defend Côte d'Ivoire, that means we had lost
7 because the Licorne force, and the UN, and all the others, their aircraft were flying every
8 day. They had strategies. And since their aircraft could fly, they would be able to
9 determine the positions of the FDS and even find out what our strategies are, but we
10 couldn't do the same.

11 So I found that it meant we had already lost and that's why I said we should take a final
12 decision because we were in -- we were in our own country, but we could not fly our own
13 aircraft, that means we had lost.

14 I asked that question to the minister of transport and the minister of transport said that he
15 was working on the issue. And the minister of the interior and security said the same
16 thing, that they were working on it. And there was nothing I could say to that. That -- I
17 simply accepted the answer. Many people took the floor and asked the same questions.

18 Q. Do you remember whether you made a reference to the Bible?

19 A. What reference?

20 Q. Did you refer to the Bible?

21 A. Yes.

22 Q. Tell us.

23 A. I said that in the name of God, in the name of Abraham, the father of Ephron (phon).
24 That is what I said.

25 Q. So you remember referring to the God of Abraham?

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1 A. Yes.

2 Q. Very well. Do you remember the leaders of the Galaxie who were present during
3 that second meeting? I don't want you to tell us all the names because you cannot know
4 but, regarding the leaders of the Galaxie Patriotique, do you remember some of the
5 names?

6 A. Yes, Mr Prosecutor. I was present, myself; there was Anoï Castro; Youssouf Fofana
7 of the voix du nord; there was Zeguen Touré; there was a friend Koné Largaton, who was
8 also a member of the Galaxie Patriotique, who was also referred to as le grand cheval.
9 Many associations were there too.

10 Q. Before your meeting of the CNRD in this room, do you know whether there had
11 been another meeting of the presidential majority before that?

12 A. A meeting or rally?

13 Q. Rally. Let me rephrase. Now, in this room you have said that there was a CNRD
14 meeting involving many people. My question is this: Before the CNRD meeting, do
15 you know whether there was a meeting in the same room of the representatives of the
16 presidential majority on that same day?

17 A. On that same day?

18 Q. Yes.

19 A. Maybe. Maybe, I do not know, before our arrival, I'm not sure.

20 MR MACDONALD: Now I draw the attention of the Chamber and of the witness to an
21 exhibit, which we have the original. And I'm showing -- now, the -- I'm going to take out
22 the exhibit out of the envelope. And now, the envelope is 0034-0011. Copies of this -- I
23 will ask the court usher to show it to the -- the Chamber.
24 Now, the exhibit is -- was disclosed in 2012, 0018-0810. And this document, this agenda
25 was seized in the residence, presidential residence, in a bedroom, the bedroom of

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1 Madame Gbagbo.

2 I will now draw the attention of the Chamber to a specific date in the agenda. One can
3 notice that it's being served more as a diary type, not following the dates, but in the
4 document itself, at the top of the pages you will notice dates, handwritten.

5 And if you go to September 2nd, 2010 - September 2nd - top-left corner you see a date
6 27 December 2010, and if you flip the pages --

7 PRESIDING JUDGE TARFUSSER: Should we -- excuse me. If you then pose the
8 question, should we let the witness with the headphones? I don't know how you want to
9 use it, but --

10 MR MACDONALD: Yes, can we remove then the headphones, please.

11 PRESIDING JUDGE TARFUSSER: Yes. Yes. And I don't know how you want to use
12 it, but if you use it then to put questions, I think it would even be better if the witness goes
13 out because a little bit maybe of English he could also understand. I don't know.

14 MR MACDONALD: Maybe -- maybe --

15 PRESIDING JUDGE TARFUSSER: It's up to you, but --

16 MR MACDONALD: At this stage I don't think the witness needs to leave, I just want the
17 Chamber to go to --

18 PRESIDING JUDGE TARFUSSER: Because if we -- if you just want to indicate us, you
19 have not to mention what you have to indicate because we are able to read.

20 MR MACDONALD: That's right.

21 PRESIDING JUDGE TARFUSSER: Right.

22 MR MACDONALD: So if you go to 30 September --

23 PRESIDING JUDGE TARFUSSER: Yes.

24 MR MACDONALD: -- there's a "2" on the left-hand side. And this is page for the --

25 PRESIDING JUDGE TARFUSSER: Yes.

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1 MR MACDONALD: -- transcript on the disclosed copy, because the original doesn't
2 have ERN, right, on the pages on the -- for the purposes of the transcript, I'm drawing the
3 attention to 00 -- 0018, and it's the same -- 0810 is the main page, and then specific page it's
4 at page 0851, that is what the Chamber's looking at.

5 And now I will ask a question.

6 PRESIDING JUDGE TARFUSSER: Please.

7 MR MACDONALD: (Interpretation)

8 Q. Mr Witness, do you remember the date on which that meeting took place?

9 A. With madame?

10 Q. Yes. The meeting during which you referred to the God of Abraham and that
11 Mr Zeguen Touré was there, Anoï Castro and so on and so forth.

12 A. Yes, Mr Prosecutor. It would be difficult for me to give you the precise date. I
13 really don't remember.

14 Q. According to the information that we have that meeting took place on
15 27 December 2010 - 27 December - that is two days before Christmas -- or rather, two days
16 after Christmas. Does that refresh your memory?

17 A. That is what I told you. I admit that that meeting took place in December, but
18 regarding the date before or after Christmas, well, I'm not quite sure, but I know that that
19 meeting took place in December and towards the end of December.

20 Q. Very well. We will now show you a video. And that video bears the reference
21 0064-0078, from time stamp 1.41.05 to 1.43.30. And the transcript is CIV-OTP-0089-1027.

22 MR O'SHEA: Sorry, Mr MacDonald. May I just ask the Chamber if it'd be possible for
23 me to see the original of this agenda while this is going on if you're not examining it at the
24 moment?

25 MR MACDONALD: The court usher will --

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1 PRESIDING JUDGE TARFUSSER: If you give it back to me then. So because I --

2 MR O'SHEA: Yes. Okay. I won't put it through my shredder which is underneath my
3 feet.

4 MR MACDONALD: And, indeed, if it can be shown to colleagues because they may not
5 have seen the original.

6 PRESIDING JUDGE TARFUSSER: No, no, of course. Yes, no problem.

7 MR MACDONALD: So we'll have to be on evidence 2, if I'm not mistaken.

8 Q. (Interpretation) Mr Witness, I will ask you to watch this video.

9 And for the benefit of the Chamber, I will stop at one point, and then we will continue,
10 after which I will ask you some questions.

11 (Viewing of the video excerpt)

12 MR MACDONALD: Sorry, it's hard to stop on an image which lasts a second. So we'll
13 do it again.

14 (Viewing of the video excerpt)

15 MR MACDONALD: I draw the attention of the Chamber for, the purposes of the
16 transcript, that we're at minute 01.41 -- and I don't see well with the --

17 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

18 MR MACDONALD: Where we see -- yes. 41.21 where we see Madame Gbagbo with
19 her written document.

20 Q. (Interpretation) Mr Witness.

21 A. Yes, Counsel.

22 Q. A short while ago we referred to a room in which the meeting in question took place.
23 Are you able to confirm that this was the room?

24 A. Yes, that is indeed the room.

25 Q. We showed you a very short footage. Does that remind you of anything, or do you

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1 prefer us to continue?

2 A. I think we should play some more.

3 (Viewing of the video excerpt)

4 MR MACDONALD: (Interpretation)

5 Q. Having seen --

6 PRESIDING JUDGE TARFUSSER: Excuse me. Excuse me. Can you give also the
7 reference of the end of the footage always for the record.

8 MR MACDONALD: I gave it when I first introduced it, your Honour.

9 PRESIDING JUDGE TARFUSSER: Sorry.

10 MR MACDONALD: But sometimes indeed we forget --

11 PRESIDING JUDGE TARFUSSER: Yes, yes.

12 MR MACDONALD: -- which is a fair point.

13 Q. (Interpretation) Now, Mr Witness, does that refresh your memory having seen the
14 footage that has just been played?

15 A. Yes, Counsel. What aspect of that video do you want me to talk about?

16 Q. What have we just seen?

17 A. This is an important meeting, a large meeting convened by the first lady during
18 which she called on the mobilisation of the republic. It was an appeal made to everyone
19 to mobilise themselves. And at the same time she gave the reasons for the struggle.

20 Q. Were you present during that meeting?

21 A. I have said that I was not present.

22 Q. To your knowledge, it was in that room that the CNRD meeting took place?

23 A. Yes.

24 Q. How was the layout of the room during your meeting with the first lady?

25 A. The first meeting or the larger one?

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1 Q. The larger one. Are you capable of identifying some of the people who were
2 present?

3 A. May be two or three.

4 Q. Who are they?

5 A. Those sitting behind madame they work in her office, and then there was her close
6 protection. The other ones I really do not know, those who took the floor.

7 Q. Very well. And to your knowledge, what was the rally that was due to take place
8 at the Place de la République on 29 December?

9 A. This is the same information that she provided. And the aim of this rally was
10 resistance.

11 Q. And so this large-scale CNRD rally, according to you, that was the second of its
12 type?

13 A. Yes, Mr Prosecutor.

14 Q. And were there any others subsequently with the first lady with the CNRD?

15 A. To my knowledge, no. I do not believe so sincerely.

16 Q. And did you take part with the first lady in any large-scale rallies in the month of
17 January?

18 A. Yes.

19 Q. In which location?

20 A. I do not remember the date very well, but it was at the palais de la culture, in
21 Treichville.

22 Q. I do apologise.

23 MR MACDONALD: I'm sorry, I was going a bit fast then. I was telling myself to slow
24 down.

25 Q. (Interpretation) So do you remember the date of the gathering at the palais de la

1 culture, in Treichville, in January?

2 A. I do know that there was a large-scale rally organised by the first lady where I was
3 present. And virtually all the members of the Galaxie Patriotique were there and their
4 associations, and the population, but as to the date in the month of January I do not know.
5 I do know that it was in January however.

6 Q. And was there any form of preparation for this meeting or rally? Was it
7 announced? Was it publicised? Was it organised?

8 A. Yes, Mr Prosecutor. I can give you some details. As I already said a few days ago,
9 when a member or a leader wants to organise a large-scale rally, it is up to him or her.
10 And of course there is preparation. You can't just convene a large rally like this to have
11 five or 10,000 people attend without organising it properly, but I was not contributing, I
12 was invited as a leader of the Galaxie Patriotique who supported the actions of his
13 excellency, the president, Gbagbo.

14 Q. And do you recall how people communicated? You received communication, how
15 did people communicate with you or your organisation for you to go to this rally?

16 A. I received an invitation and at the same time I received a message that we were due
17 to attend that rally.

18 Q. And do you remember the content of said message?

19 A. Yes, I do believe I remember that it was an invitation to attend at the palais de la
20 culture to attend that rally before the first lady.

21 Q. And do you remember having shown this message or, rather, do you remember
22 having talked about this message with the Office of the Prosecution on the occasion of
23 your first meeting in October?

24 A. Yes, I do remember that we talked about the methods of messaging and how things
25 were organised.

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1 Q. Do you remember logistically how things -- how you showed this to the OTP?

2 A. Yes, I do believe that I showed them my mobile phone.

3 Q. So could you please explain. You say that you showed your mobile phone. What
4 did you show precisely?

5 A. Well, I showed the messages that I received.

6 Q. And this meeting occurred in October 2011?

7 A. Yes, I do believe so.

8 Q. The meeting with the Office of the Prosecutor. And you still had messages in your
9 text messaging folder?

10 A. Yes, I do believe so.

11 MR MACDONALD: I would now like to read the information that was on the phone
12 which was noted down orally on tape.

13 PRESIDING JUDGE TARFUSSER: Can you first ask him if he recalls what the content of
14 this was.

15 MR MACDONALD: (Interpretation)

16 Q. Do you remember the details of the contents of said messages? I understand that
17 you have said generally speaking what it was about, but do you remember in detail?

18 A. I do not remember.

19 PRESIDING JUDGE TARFUSSER: Please go ahead.

20 MR MACDONALD: (Interpretation) So the message came from (Redacted) and can
21 be read as follows, open quote:

22 "The pickup points, pr meeting Samedi Cocody: Hotel Communal Cocody. Marcory/74
23 INJS, Abobo : Doukouri, SODECI, Doukouri, Attecoubé : Bus SOTRA, Abobo Doume :
24 Eglise Haris, YP: FICAYO, Adjamé/Mirador" --

25 THE INTERPRETER: Message from the English interpreter: Impossible to interpret

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1 such detailed information at such speed.

2 PRESIDING JUDGE TARFUSSER: Slower. Slower.

3 MR MACDONALD: (Interpretation) We will be able to provide the text with the
4 approval of my learned colleagues. This might make things easier.

5 MR O'SHEA: No objection.

6 PRESIDING JUDGE TARFUSSER: Also without the approval of the colleagues, but with
7 the approval of the Court as well.

8 MR MACDONALD: I would like that --

9 PRESIDING JUDGE TARFUSSER: Okay.

10 MR MACDONALD: -- with the approval of the Chamber, of course --

11 PRESIDING JUDGE TARFUSSER: Of course, yes.

12 MR MACDONALD: -- but I first ask the colleagues.

13 PRESIDING JUDGE TARFUSSER: Yes, okay.

14 MR MACDONALD: (Interpretation) So I shall go on. I was at:

15 "... Port BT: Centre Pilote , Kmsi: Inchala. From 7 o'clock." And the message was sent
16 on 13 January 2011, at 1800 hours 2 minutes and 46 seconds.

17 And I quote from the transcript CIV-OTP-0014-0742, 0742, at page -- commencing at
18 page 0748, line 196 to line -- 0750.

19 Q. Does this refresh your memory?

20 A. Yes, Mr Prosecutor.

21 PRESIDING JUDGE TARFUSSER: I'm just going to make a request, just for clarity. I
22 would like that this piece of, which you now dictated on the transcript, should be put in
23 the transcript without this separately, I mean as a whole from the beginning to the end,
24 otherwise with this -- with us talking in the middle we do not understand well. Just so
25 it -- so that it is more understandable when you read it, when we read it. Thank you.

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1 MR MACDONALD: A proposal, under the control of the Chamber and my colleagues,
2 we can extract it, put it on a piece of paper, give it, register it, give it an ERN and it will be
3 on the record. If that simplifies things.

4 PRESIDING JUDGE TARFUSSER: Does that simplify things. It clarifies things and
5 simplifies things, I would say.

6 MR O'SHEA: That's fine, your Honours, or alternatively my friend can just read it again
7 so it's on the transcript in full, then you don't have to go to a separate document later.

8 MR MACDONALD: The problem --

9 PRESIDING JUDGE TARFUSSER: Yeah, that's what I said to reput it as a whole into the
10 transcript again.

11 MR O'SHEA: There's nothing wrong with my learned friend just reading through it on
12 the transcript now without interruptions.

13 PRESIDING JUDGE TARFUSSER: Yes. So can we do that, yes, but without -- and
14 without translation.

15 MR MACDONALD: I cannot.

16 PRESIDING JUDGE TARFUSSER: You cannot.

17 MR MACDONALD: The reason why, there's abbreviations. When I'm saying, for
18 instance "YP," --

19 PRESIDING JUDGE TARFUSSER: Yes, yes. Well --

20 MR MACDONALD: -- it's Yopougou.

21 PRESIDING JUDGE TARFUSSER: Yes.

22 MR MACDONALD: When I'm saying --

23 PRESIDING JUDGE TARFUSSER: Of course. Okay, okay. I would say that we do it
24 the way you proposed with a separate document and I think that that's fine.

25 MR MACDONALD: We'll extract it right now, send it by email so everybody has it

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1 immediately --

2 PRESIDING JUDGE TARFUSSER: Okay.

3 MR MACDONALD: -- in full. We can do that right now. The beauty of having
4 eCourt.

5 PRESIDING JUDGE TARFUSSER: Okay, we do so.

6 MR MACDONALD: And from there we can deal with the ERNs --

7 PRESIDING JUDGE TARFUSSER: Okay.

8 MR MACDONALD: -- and how to consider it submitted.

9 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

10 MR MACDONALD: (Interpretation)

11 Q. I would like to seek some clarification because there are some acronyms in this
12 message or references that only somebody on the inside would be aware of.

13 "Marcory/74", what is that?

14 A. This is the Marcory commune that is in Abidjan district.

15 Q. And when we subsequently see slash 74 and the acronym *INSG?

16 A. That's still in Marcory. INJS is a school or a training centre because there's a bus
17 stop there. So that is a meeting point.

18 Q. And when we refer to "YP," I understand that's Yopougon?

19 A. Yes, Mr Prosecutor.

20 Q. And when we refer to "Port BT," what does that mean?

21 A. Port Bouët.

22 Q. And Port Bouët there was the pilot centre?

23 A. Yes, that was the pilot centre, that means to say that was the hôtel de ville, that was
24 the town hall, or the pilot centre, that is the meeting point.

25 Q. And "Kmsi" is the acronym for? KMSI?

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1 A. Koumassi.

2 *Q. "Inchallah"

3 A. Well, that is an area called Inchala within Koumassi commune.

4 Q. Very well. So you remember having received this message?

5 A. Yes, because I was the one who presented the message. Because the OTP asked me
6 many questions on this and I answered them.

7 Q. Very well. So I'd like now to take you to two days later. So two days later is
8 Saturday, 15th, two days after receiving the message on the 13th, you went to the meeting
9 in Treichville?

10 A. Yes, I did, Mr Prosecutor.

11 Q. Très bien.

12 MR MACDONALD: Your Honours, we have -- and this is more for the following of this
13 trial and your guidance. The full video of that meeting we have is 45 minutes and we
14 want it in full, but I'm not -- I don't want to show 45 minutes of video, obviously, so what
15 I would propose is to show maybe some excerpts at different times, short ones, but there's
16 definitely a part that I want to show in more -- more at length which is close to a bit less
17 than 10 minutes, but that's in a separate extract; so in other words, from that meeting, we
18 have different footage, but we have the full footage. So I'm under the -- also my
19 colleagues, let's try to find a solution together at this, but I would first show the video to
20 the witness to see if he recognizes it, and so on, and take it from there, but I would like to
21 simplify the process of the submission.

22 MR O'SHEA: I would need some time to consult with the rest of the team with -- since
23 my friend is talking about the whole video, and come back to your Honours after the
24 break on that, if that's okay, on that specific point about the whole video and, in the
25 meantime, my learned friend can continue with the bits he wants to.

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1 PRESIDING JUDGE TARFUSSER: Well, that's okay. That's okay. I think he didn't
2 want to submit it now, that is something, I suggest, he wanted to submit further on, but
3 now to show pieces of that video, right?

4 MR MACDONALD: If you allow me one second. I don't -- well, first of all, the
5 suggestion -- I don't know, maybe I misunderstood. The suggestion of the witness
6 looking at this during the break is not maybe ideal because the purpose of a break is for
7 the witness to take a break.

8 PRESIDING JUDGE TARFUSSER: No, no, no, no. It's for the -- no, no, you've
9 misunderstood.

10 MR MACDONALD: Sorry.

11 PRESIDING JUDGE TARFUSSER: The break is for the team to consult among
12 themselves --

13 MR MACDONALD: Okay, okay.

14 PRESIDING JUDGE TARFUSSER: -- on how to respond to this.

15 MR MACDONALD: Sorry. Okay. Sorry. If you allow me then -- because that's why,
16 I was being distracted or asked a question. Just a second.

17 MR KNOOPS: Mr President, why don't the Prosecutor first ask the witness what is his
18 recollection about the meeting.

19 PRESIDING JUDGE TARFUSSER: Yes, but -- he will do that. He will do that.

20 MR MACDONALD: We'll play a short excerpt. It will lead us to the break, or just
21 about, with the questions I have and then, indeed, my colleagues can look at the fuller
22 version. So with your indulgence, your Honour, it's --

23 MR O'SHEA: Yes, I agree with Mr Knoops. He was coming in too fast there, but my
24 learned friend needs to lay the foundation with this witness of the video that he's about to
25 show.

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- 1 PRESIDING JUDGE TARFUSSER: He shows him a video and then he asks questions. I
2 don't think there is a -- any problem in showing him the video and then asking him
3 questions on the video. The first would be: Do you know, do you recognize, do you
4 know anything about it? And if he says no, it's finished, and otherwise he continues.
- 5 MR O'SHEA: Can -- just give me one second, please, your Honour.
- 6 PRESIDING JUDGE TARFUSSER: Yes, please.
- 7 MR MACDONALD: The witness just mentioned that he was there.
- 8 MR KNOOPS: I think the question then should first be can the witness --
- 9 MR MACDONALD: I'll do it, your Honour.
- 10 PRESIDING JUDGE TARFUSSER: The question -- now it's for the Prosecutor to put the
11 questions and I don't think we should suggest how the Prosecutor should and what he
12 should ask, but --
- 13 MR O'SHEA: Well, your Honours, quite, but we just don't want to be taken by surprise.
14 At the moment we don't know, we're trying to work out what excerpt this is. If it's
15 controversial, then the issue of foundation could come up because then --
- 16 MR MACDONALD: I'll give the ERN to -- it's true --
- 17 PRESIDING JUDGE TARFUSSER: Yes, please. Of course. Please.
- 18 MR MACDONALD: -- it's much easier, sorry.
- 19 Now, the excerpt of the long -- of the full speech, but the excerpt I'm talking about
20 0012-0003, and it's from the beginning, and not until exactly the end, but, you know. So
21 from the beginning. A good seven, eight minutes. And it's related to previous
22 testimony, your Honour, in the -- from day one actually.
- 23 MR O'SHEA: Just one moment please. We're locating it.
- 24 PRESIDING JUDGE TARFUSSER: And obviously it was disclosed and I don't see it
25 about -- among the controversial documents which were identified --

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- 1 MR MACDONALD: It's not a controversial document, your Honour.
- 2 PRESIDING JUDGE TARFUSSER: -- via email.
- 3 MR O'SHEA: That's all right. We just don't want to be taken by surprise. That's okay.
- 4 PRESIDING JUDGE TARFUSSER: Nobody wants to take anybody by surprise. Okay.
- 5 So please, Mr Prosecutor, go ahead.
- 6 MR MACDONALD: There's also a transcript, since we have one, of this excerpt. And
- 7 the transcript can be found at CIV-OTP-0019-0018. Okay?
- 8 PRESIDING JUDGE TARFUSSER: Please, Mr Prosecutor, go ahead.
- 9 MR MACDONALD: Thank you. Evidence 2.
- 10 (Viewing of the video excerpt)
- 11 PRESIDING JUDGE TARFUSSER: You desperately tried to arrive to the break.
- 12 MR MACDONALD: No, I had not noticed.
- 13 PRESIDING JUDGE TARFUSSER: Okay, okay.
- 14 MR MACDONALD: I was -- maybe with --
- 15 PRESIDING JUDGE TARFUSSER: Okay.
- 16 MR MACDONALD: Just -- it's still good music.
- 17 PRESIDING JUDGE TARFUSSER: Well --
- 18 MR MACDONALD: Now, maybe --
- 19 PRESIDING JUDGE TARFUSSER: Because we have another (Microphone not activated)
- 20 THE INTERPRETER: Microphone, Mr President, please.
- 21 MR MACDONALD: Perfect.
- 22 PRESIDING JUDGE TARFUSSER: But we have another six, seven minutes because we
- 23 were late.
- 24 MR MACDONALD: That's right.
- 25 Q. (Interpretation) Mr Witness.

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- 1 A. Yes.
- 2 Q. Do you remember that rally?
- 3 A. Yes.
- 4 Q. What we have seen in this footage, is that what you saw?
- 5 A. Yes, Mr Prosecutor.
- 6 Q. Madam Gbagbo made a speech?
- 7 A. Yes.
- 8 Q. Where were you seated?
- 9 A. I was somewhere behind.
- 10 Q. Behind madame?
- 11 A. I was seated behind, to her left.
- 12 Q. The person with the white boubou behind madam who is he?
- 13 A. President Dona-Fologo.
- 14 Q. Was he linked to the CNRD.
- 15 A. Yes.
- 16 Q. To your knowledge, did he hold a position within the CNRD?
- 17 A. His party was part of the CNRD, that's the *LPP.
- 18 Q. Before the break, I would like to ask a few questions about the song.
- 19 A. Yes, Counsel.
- 20 Q. I believe we spoke about this song in your testimony before this?
- 21 A. Yes.
- 22 Q. Is this the song you were referring to on the first day? Can you repeat the name of
- 23 the group.
- 24 A. Les Galets. And the *song said 'there's nothing there, Sam l'Africain in the field', is what it
- 25 said. I am still in the field.

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- 1 Q. And one can hear your name at about time stamp 9.06. That is just for the record.
- 2 Now, I would like to ask you a few questions. To your knowledge, did Mr Blé Goudé have any
- 3 nicknames and were those nicknames mentioned in this song?
- 4 *A: Bagbe (phon), I think, I don't know.
- 5 Q: But was 'that' in the song?
- 6 A: No, I don't believe so. I didn't really pay much attention to that.
- 7 Q: We can hear...
- 8 A: Sorry, are you talking about Charlie (phon)? Is that Charlie (phon)?
- 9 Q. Charlie is a nickname for Mr Blé Goudé.
- 10 A: A term of endearment.
- 11 Q. The Génie de Kpô, who was he?
- 12 A. Charlie.
- 13 Q. So this was Mr Blé Goudé?
- 14 A. Yes.
- 15 Q. So the Génie de Kpô, or the genius of Kpô, was Mr Blé Goudé?
- 16 A. To my knowledge, yes.
- 17 Q. Beau le panier, who is that?
- 18 A. I beg your pardon?
- 19 Q. Beau le panier, does that refer to someone or not?
- 20 A. I don't know whether your pronunciation is correct, but I don't know what is beau le panier.
- 21 Q. I will proceed.
- 22 Menuisier coiffeur. What does that refer to when it's mentioned in the song?
- 23 A. Menuisier coiffeur, well, these were referring to carpenters and barbers.
- 24 Q. I would like to confirm with you that in this song, which you know, reference is made to the
- 25 following people: Dacoury, Richard.

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- 1 A. Yes.
- 2 Q. It is time stamp 7.44.
- 3 Jean-Yves Dibopieu.
- 4 A. Yes.
- 5 Q. It is time stamp 7.50.
- 6 Mian Augustin.
- 7 A. Yes.
- 8 Q. Time stamp 7.56.
- 9 Ahoua Stallone.
- 10 A. Yes.
- 11 Q. Time stamp *8.01. Who was Mr Ahoua Stallone?
- 12 A. He was a member of the Galaxie Patriotique.
- 13 Q. Was he a leader?
- 14 A. Yes.
- 15 Q. Of which group?
- 16 A. I did not know his group.
- 17 Q. I'm sorry, we were going very fast.
- 18 A. I apologise also.
- 19 Q. Serges Kassy.
- 20 A. Yes.
- 21 Q. Time stamp 8.18.
- 22 Konaté Navigué.
- 23 A. Yes.
- 24 Q. Time stamp 8.24.
- 25 Damana Pickass.

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- 1 A. Yes, Mr Prosecutor.
- 2 Q. Time stamp 8.30. Koné Seydou.
- 3 A. Yes.
- 4 Q. Time stamp 8.36.
- 5 Watchard Kedjebo.
- 6 A. Yes.
- 7 Q. Time stamp 8.54.
- 8 Touré Zeguen.
- 9 A. Yes, Mr Prosecutor.
- 10 Q. That is the name just before yours. Can you confirm that?
- 11 A. Yes, of course.
- 12 Q. Al Moustapha.
- 13 A. Yes, Mr Prosecutor.
- 14 Q. Time stamp 9.12. Commander K-B.
- 15 A. Yes.
- 16 Q. Time stamp 9.18.
- 17 And then in the song "Ble Beblepe," what does that mean?
- 18 A. It is one of -- it is the name of one of the young leaders *but he wasn't with us in Abidjan, he
- 19 was in an area inside the country. That's his name Blé Sipieux (phon), something like that, that's it
- 20 isn't it?
- 21 Q. And he was based at the coast, San Pedro?
- 22 A. Yes, he was working there.
- 23 Q. What was his group?
- 24 A. I do not know.
- 25 Q. Those were the names I wanted to mention.

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- 1 MR MACDONALD: (Interpretation) And we can break for now, with your leave, your Honours. Thank
2 you.
- 3 PRESIDING JUDGE TARFUSSER: Thank you very much.
- 4 We resume at 11.45.
- 5 THE COURT USHER: All rise.
- 6 (Recess taken at 11.13 a.m.)
- 7 (Upon resuming in open session at 11.47 a.m.)
- 8 THE COURT USHER: All rise.
- 9 Please be seated.
- 10 PRESIDING JUDGE TARFUSSER: Good end of the morning again.
- 11 The floor is to the Prosecutor.
- 12 MR MACDONALD: Thank you.
- 13 One of the questions before the break, your Honour, was do we need to show the 45-minute
14 excerpt in order to save time.
- 15 MR O'SHEA: We can just go into evidence, your Honours. We're quite happy with it.
- 16 PRESIDING JUDGE TARFUSSER: Okay. So we don't need to show it, but it's submitted, it's
17 considered submitted as a whole, I mean.
- 18 MR O'SHEA: Yes.
- 19 PRESIDING JUDGE TARFUSSER: Yes.
- 20 MR O'SHEA: The parties can refer to it at the end of the case --
- 21 PRESIDING JUDGE TARFUSSER: Of course, yes.
- 22 MR O'SHEA: -- any part they want.
- 23 PRESIDING JUDGE TARFUSSER: Okay. So if you don't need it for particular questioning, it is
24 considered as submitted and that's it.
- 25 MR MACDONALD: I will give -- I understand Mr Knoops is on board.

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1 PRESIDING JUDGE TARFUSSER: Oh, sorry.

2 MR KNOOPS: Yes, Mr President.

3 PRESIDING JUDGE TARFUSSER: Legal representatives? Sorry.

4 MR KNOOPS: We're fine with this.

5 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

6 MR KNOOPS: Thank you.

7 PRESIDING JUDGE TARFUSSER: No, because I thought you have consulted among you, so I
8 didn't -- I see you sometimes as a whole, but I know you're not.

9 MS MASSIDDA: We are also fine, of course.

10 PRESIDING JUDGE TARFUSSER: Of course, thank you.

11 MR MACDONALD: So the full excerpt can be found at CIV-OTP-0022-0057 and it is until
12 minute 43.59. And the transcript associated is 0053-0005.

13 Q. (Interpretation) Mr Witness, where was Mr Blé Goudé on that day, that is 15 January?

14 A. I do not remember whether he was at that rally or not. I don't know where he was on that day.

15 Q. Very well.

16 MR MACDONALD: (Interpretation) We are going to show a short excerpt. And I will give you the
17 references. 0012-0007, from the beginning to time stamp 52. And there is also a transcript,
18 0062-0929, lines 1 to 88.

19 (Speaks English) So we will have to be given the floor eventually.

20 Q. (Interpretation) Mr Witness, while we are looking for the footage, I'm going to move on to
21 something else and then we will come back to the video excerpt.

22 Yesterday, at the end of the day, that's when you stood up and made a speech, I believe and I
23 understand that this is something very important to you, but I want to just ask you some technical
24 questions just to establish some facts. You mentioned yesterday that you had been in the residence
25 and that you met with Mr Gbagbo. We are not getting into the conversations, we are simply

1 establishing facts. Do you remember how many times you went and saw Mr Gbagbo at the
2 residence?

3 A. I believe two times. That is what I said.

4 Q. Please, explain to us the procedure that was used to meet with Mr Gbagbo to go through
5 security, registration, presenting your ID cards and so on.

6 A. There was a protocol service. The residence had a protocol and security service, it was
7 either an appointment or an audience. And if you had an appointment, you would arrive the
8 residence at the police post, that is where you would leave your ID documents. If you have a
9 cellphone or something like that, you declare it. I don't know whether that applied to everyone,
10 but that's how you got into the residence.

11 Q. And at that police post where you handed over your cellphones and identified yourself,
12 where was it physically located?

13 A. There is a main entrance where the security or police post is and that is where you identify
14 yourself and introduce yourself.

15 Q. Is it a guard post before you enter the parking lot, or it is actually inside?

16 A. There is a guard post and a parking lot next to it. That is where the police post is located.

17 Q. Very well. Do you remember the dates when you went to the residence?

18 A. It was during the crisis period, but I do not remember the precise dates.

19 Q. How many times did you go to the residence? I understand that you said that you met
20 with the president on two occasions but, generally speaking, how many times did you go to the
21 residence during the crisis?

22 A. If I remember correctly, I went five or six times, including the times when I met with the
23 president. Because we would go there just to find out how things were going, that is all.

24 Q. So you say that you met with the president on two occasions and that you met with
25 madame in the CNRD context at least twice, so that is about four -- at least four times in

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1 the residence? Were there others?

2 A. That is what I have just told you. Sometimes or frequently you went to the
3 residence and not really to meet with the president, but just to see whether everything
4 was going well, even without the president or the first lady knowing that we were there.
5 From time to time, we would simply visit.

6 Q. We saw the meeting of the 15th, the CNRD, then we saw the message that you
7 received early in the evening at 18.15 p.m. Do you remember whether on the date of
8 the 13th, the date was actually the 13th, do you remember whether you went to the
9 residence on that day?

10 A. I do not remember.

11 Q. With Mr Idriss Ouattara.

12 A. No, I never went there with Mr Idriss Ouattara, maybe I met him there.

13 MR MACDONALD: With your permission, your Honour, without showing to the
14 witness but to show to the Court and my colleagues CIV-OTP-0018-0464.

15 PRESIDING JUDGE TARFUSSER: Sorry, we have to exclude - no, no - we have to
16 exclude the screen. Is it done? You said without showing to the witness.

17 MR MACDONALD: That's right. But I think it can be controlled from --

18 PRESIDING JUDGE TARFUSSER: Yes, that's why -- not from me, but -- is the witness
19 excluded now? Okay.

20 THE COURT OFFICER: Yes.

21 PRESIDING JUDGE TARFUSSER: The witness is excluded as I was assured by the
22 Registry.

23 MR MACDONALD: And he can also remove his headphones maybe, just in --

24 PRESIDING JUDGE TARFUSSER: Can you remove also the headphones so we
25 are -- thank you very much.

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1 Now, please proceed.

2 MR MACDONALD: I would like it for the Chamber and my colleagues to see the
3 document, so if it can be projected. Can we see it? It is on what? One. If we can --

4 THE COURT OFFICER: Can you confirm the level of confidentiality.

5 MR MACDONALD: It is public.

6 Can we zoom in, please.

7 Now, I draw the Chamber's attention to the 13th, the Thursday, and the writing, the
8 last -- last box, the same handwriting that we see or similar acronyms to describe what I'm
9 trying to get at. So I'm seeking permission to put that to the witness, the date, based on
10 this document.

11 PRESIDING JUDGE TARFUSSER: Please do so.

12 MR MACDONALD: And if we can show it to the witness.

13 MR O'SHEA: (Microphone not activated) for a moment. What are we showing to the
14 witness?

15 PRESIDING JUDGE TARFUSSER: This document now. That we know it, now it is
16 shown to the witness.

17 MR O'SHEA: Well, I -- I don't have a problem with what my learned friend has done up
18 to now, but the -- this witness is not in a position to comment on this document. It is
19 a -- he's not an administrator in the presidency or anything of that nature.

20 PRESIDING JUDGE TARFUSSER: Yes.

21 MR O'SHEA: So we don't want this evidence admitted through this witness.

22 PRESIDING JUDGE TARFUSSER: No, I --

23 MR O'SHEA: There's no connection between this -- the witness is totally unable to
24 authenticate this document.

25 PRESIDING JUDGE TARFUSSER: Well, we will find out if he's totally unable but, to my

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1 understanding, he could be totally unable also to recognize, but we don't know. I just
2 want the Prosecutor to go forward and then we'll see what happens and --

3 MR O'SHEA: Well, your Honour --

4 PRESIDING JUDGE TARFUSSER: I don't understand why you always try to anticipate
5 the witness. We will see what the witness is going to say.

6 MR O'SHEA: Well, your Honour, with the greatest of respect, we can't take an approach
7 in a trial whereby a lawyer can just show any document to any witness because these
8 documents, at the end of the day, their admissibility has to be determined.

9 Once it's been shown to a witness it becomes part of the Court record, it becomes part of
10 those things that the Judges are going to look at to determine the facts of this case.

11 PRESIDING JUDGE TARFUSSER: But we are already looking at it, so we are -- it is
12 already submitted.

13 MR O'SHEA: The Judges are professionals, so we know that the Judges can look at a
14 document without it necessarily becoming part of the evidence in the case. At the
15 moment this is not part of the evidence in the case, you're looking at it. And that's
16 understandable. If it was the case --

17 PRESIDING JUDGE TARFUSSER: This is not my understanding of --

18 MR O'SHEA: Well, if it's not your understanding, your Honour, then we have a problem
19 because if what your Honour is saying is that every time your Honours look at a
20 document in this Court it becomes part of the record --

21 PRESIDING JUDGE TARFUSSER: No, it is submitted and then we will decide on it.
22 That is what we say since day one. It is submitted --

23 MR O'SHEA: Yes.

24 PRESIDING JUDGE TARFUSSER: -- and it can be discussed and then we, at a certain
25 point, we decide on it --

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- 1 MR O'SHEA: Yes.
- 2 PRESIDING JUDGE TARFUSSER: -- on the admissibility, and relevance and whatever.
- 3 MR O'SHEA: Yes, that I understand, but a document cannot be submitted through a
- 4 witness when that witness has no sufficient connection with the document. And this
- 5 is -- this is the difficulty because --
- 6 PRESIDING JUDGE TARFUSSER: Yes. But I don't know if he has sufficient --
- 7 MR O'SHEA: Yes.
- 8 PRESIDING JUDGE TARFUSSER: -- document, that's why --
- 9 MR O'SHEA: Yes.
- 10 PRESIDING JUDGE TARFUSSER: -- it is shown and he --
- 11 MR O'SHEA: Yes.
- 12 PRESIDING JUDGE TARFUSSER: -- will say what he --
- 13 MR O'SHEA: Yes.
- 14 PRESIDING JUDGE TARFUSSER: -- has to say to this document.
- 15 MR O'SHEA: Yes.
- 16 PRESIDING JUDGE TARFUSSER: Maybe he has never seen it, full stop. Maybe he has
- 17 written this. I don't know. You don't know. So.
- 18 MR O'SHEA: All right. Well, I'll --
- 19 PRESIDING JUDGE TARFUSSER: This is the --
- 20 MR O'SHEA: -- let my learned friend ask if he recognizes the document --
- 21 PRESIDING JUDGE TARFUSSER: No, I --
- 22 MR O'SHEA: -- and then if he doesn't recognize the document I'll follow up with my
- 23 objection.
- 24 PRESIDING JUDGE TARFUSSER: Yes. It is me who lets the Prosecutor continue with
- 25 the questioning.

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1 MR O'SHEA: Of course, your Honour. I didn't mean any disrespect by saying.

2 PRESIDING JUDGE TARFUSSER: No, no.

3 MR MACDONALD: (Interpretation)

4 Q. Mr Witness, we have here an entry for Thursday, 13 January, and we see some --

5 PRESIDING JUDGE TARFUSSER: Can you not ask just him if he recognizes this
6 document, if he has ever seen it, if he recognizes it because if he doesn't recognize it, it
7 might be used in a different way, but if he --

8 MR MACDONALD: All right.

9 PRESIDING JUDGE TARFUSSER: -- if he doesn't recognize it, that's it.

10 MR MACDONALD: (Interpretation)

11 Q. Have you ever seen this type of document?

12 A. I think that the investigators of the OTP showed me this document. I think.

13 Q. The first time you saw this document was when the Prosecutor showed it to you; is
14 that correct?

15 A. Yes, maybe investigators or the Prosecutor.

16 Q. So you had never seen it before then?

17 A. No.

18 Q. We now have information --

19 A. Yes, Mr Prosecutor.

20 Q. -- and that is why I am asking you the following question: According to this
21 document, we have information --

22 MR O'SHEA: Yes, I'm sorry, your Honours, but I -- I really need to address this issue
23 with your Honours. I know your Honours want to proceed with this trial, but we need
24 to understand the protocol that we're following in this trial otherwise this problem is
25 going to keep coming up.

1 I fully understand that this is not a jury, your Honours are professional Judges, and it is
2 for that very reason that I say that the Judges can look at documents without it
3 being -- without those documents being submitted into evidence. That's the first point.
4 The second -- the second point is: When does a document become submitted into
5 evidence. And the proper way to do it is to submit it either through a witness or through
6 a Bar table motion.

7 We have to have some procedures in this trial for it to be fair. And so the -- so the point
8 I'm making is that if this is document is not submitted through this witness, then it cannot
9 become part of the evidence. We don't even reach the question of whether it is
10 admissible at that stage.

11 So our objection is to this document being used through this witness because once the
12 document is used through this witness, then it is submitted into evidence, according to
13 your procedure, your Honours, because you're considering the evidence at the end of the
14 case, you're considering the question of admissibility at the end of the case.

15 We cannot be placed in a position at the end of this case where we have to argue
16 admissibility on every single document in the case. It's just too overburdening. There
17 has to be some parameters.

18 So a document can only be submitted into evidence, I say, I submit, either through a
19 witness or through a Bar table motion so that we have some reasonable parameters on
20 what we're looking at at the end of this trial. And then all those documents which have
21 been submitted, then the questions of admissibility can be raised. Because we're going to
22 have a word limit, I'm sure, and a time limit with regard to the submissions. We can't
23 write 5000 pages, so we can't discuss the admissibility of, you know, of thousands of
24 documents. We have to be focused. And that's why it is important to be focused from
25 now to some extent. I understand that you say look at everything at the end of the case.

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1 So what I'm saying is if the witness now says "I don't recognize this document" that's the
2 end of the matter. My learned friend can ask questions, other questions but, in my
3 submission, he should not be permitted to go on to use the document through the witness
4 for the reasons I've explained, otherwise we will have an unmanageable trial or at least we
5 will have an unmanageable situation at the end of this case.

6 MR KNOOPS: Mr President, we have also an objection but from a different perspective.
7 Very shortly, the witness did answer on the question by the Prosecution whether he was
8 with that person ever in the residence. He answered the question. It -- the document
9 which is now shown to the witness is not a document, therefore, to refresh the memory
10 because he answered the question, the document is indirectly meant to challenge the
11 witness by the calling party. And this is, I think, in contravention to regulation 47. The
12 witness said I wasn't there, it was not a matter of refreshment, therefore the document
13 cannot be used because then the calling party is actually challenging its own witness with
14 this document, and then the procedure should be different. Thank you.

15 PRESIDING JUDGE TARFUSSER: Legal Representative.

16 MS MASSIDDA: Your Honour, the document has just recognized the document, so on
17 this basis we think that the Prosecutor should be allowed to continue the questioning.
18 He did. He did.

19 MR MACDONALD: He did, but it was shown by the Prosecution.

20 MS MASSIDDA: Yes.

21 MR MACDONALD: It doesn't count.

22 MS MASSIDDA: He said that he has already seen the document.

23 PRESIDING JUDGE TARFUSSER: No, no, this type of document. But it doesn't matter.

24 MR MACDONALD: Please. Let's be -- there's one thing, it's demonstrate the honesty
25 of the witness certainly on that point. Let's be fair with everybody here. Indeed, the

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1 Prosecution showed the witness that document. He's saying he never saw it before.

2 I -- it's not because we've shown it, no.

3 Your Honours, I will not be working from the document, I'm trying to refresh the memory
4 of the witness. That's what I'm attempting to do. And I think the witness is capable of
5 knowing. I can tell him that we have information, if the content accurate, that would
6 tend to demonstrate that he would have been there on those given dates because this, and
7 I have to provide the metadata, was found in the secretariat of the offices of Madame
8 Simone Gbagbo at the residence.

9 So it's in that sense that I'm showing the Chamber that document and also I'm being
10 honest, obviously, with the Chamber to demonstrate where I'm coming from in order not
11 to mislead the witness. And it's not a fishing expedition either.

12 PRESIDING JUDGE TARFUSSER: No, no, now I --

13 MR O'SHEA: Well, I have a right to reply, with respect. Or maybe I don't. Okay.

14 PRESIDING JUDGE TARFUSSER: No, but -- no, no, please reply. Please do reply,
15 but --

16 MR O'SHEA: My learned friend can address the Chamber. He wants to make a
17 submission to the witness that -- he can -- to say to the witness we have information that ...
18 which is contained in such-and-such a document, which is found at ... is a useless exercise
19 with this witness. Just ask the witness questions. He can -- he can say that to the
20 Chamber. I have no objection to him saying it to the Chamber.

21 MR KNOOPS: A short reply. If your Honours would read line 38 of the English
22 transcript, page 38, line 4, the witness says clearly, "No, I never went there with
23 Mr Idriss Ouattara, maybe I met him there."

24 So the witness answered the question and, therefore, it's not a matter of refreshing the
25 memory of this witness, it's a matter of challenging the witness on his knowledge and

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1 that's not to be done by the calling party in this way.

2 PRESIDING JUDGE TARFUSSER: Please. No, because his turn is -- full stop.

3 So I think we are really giving too much -- too much importance to -- this is really

4 something very small. And I don't want that all the time we are talking about a

5 document, or not all the time, but often we are talking about the document.

6 The Chamber is asked to reconsider its decision on evidence. We just say, we have said

7 that when a document is somehow put, used in front of the Chamber it is submitted,

8 meaning that we have it, we have it on the record. And that's why we have the ERN

9 numbers, we have everything to identify, once we read it, the part of the -- of what the

10 witness said in connection with the document, then of course we can put things together.

11 If we don't have the document we don't know in one year time what the witness has

12 spoken about. This is the only thing. It's not submitting, it's not admitting into

13 evidence because this is -- this will be done in a second moment when we -- before we go

14 to decide. So --

15 MR O'SHEA: We're at idem on what you're saying, your Honour. I entirely agree with

16 what you've just said. And this is where the difficulty lies. Our difficulty is to have all

17 sundry of documents submitted, I'm using your Honour's word, submitted in this case in

18 any manner. It creates a problem for us. It ought to create a problem for the Chamber

19 as well, in my submission, because it is going to create a situation where we have such a

20 large number of documents at the end of the case to consider. Because we have to make

21 submissions on admissibility.

22 Now, our job is to deal with this in stages. The first stage is submission, the second stage

23 is admissibility. And we're saying that there's a proper procedure to follow to submit a

24 document, as well as to consider its admissibility. Your Honours have decided at the

25 end of the case all questions of admissibility will be dealt with, but we say that doesn't

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1 mean that any document can be submitted in any manner, and this is why we think the
2 issue is important because we don't want to be overwhelmed with submissions on
3 admissibility at the end of this case.

4 If the parties are constrained in the manner in which they submit documents, it's good
5 trial management, with respect, because it means that we don't just have thousands and
6 thousands of pages in front of us, we have the relevant evidence in front of us.

7 Now, in order to determine whether evidence is relevant, that's why we have procedures
8 where we say, well, either you put it through the witness or through a Bar table motion
9 because there are controls there. And the document may not be important for
10 your Honours, but it may be very important for us because we have instructions from a
11 client and we know the significance of the document, or otherwise. And this is the basis
12 upon which we make submissions.

13 So if we have a difficulty with a particular document, we don't want that document just
14 being put through any witness in any manner, so we say that, yes, your Honours can look
15 at a document, no problem, you're professional Judges, but it should not be submitted
16 into the record unless it, one, goes through a witness or, two, through a Bar table motion.
17 And with those controls we then have a manageable situation at the end of the trial.
18 That's all I am saying. But in terms of what your Honour said a moment ago, I agree
19 with everything. I think there's just a degree of misunderstanding somewhere.

20 PRESIDING JUDGE TARFUSSER: That's what I think, that we are now, since 10 minutes,
21 talking about a misunderstanding between each other. This is what I think.

22 And, therefore, I invite the Prosecutor to continuing with his questioning, trying not to
23 use -- because I don't think there is a need to use this document in order to put the
24 questions you want to use -- you want to put to the witness.

25 MR MACDONALD: Mr Witness, last question.

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1 Q. (Interpretation) Mr Witness, in your testimony you said previously that you had
2 two-to-three meetings with madame and that you were not sure whether it was two or
3 three meetings. There is information to the effect that you were at the residence on
4 13 January. Do you recall being on the residence at 13 January to meet madame,
5 13th January 2011?

6 A. Yes, I was there on 13 January. I believe so.

7 Q. Previously you did not remember, but how come you remember now? Now, I ask
8 you this question so that you can explain to the Court how you have come about
9 remembering now, that's all.

10 A. It's because you drew my attention to the date. What I know is that I met madame
11 once.

12 Q. Why is it that, according to the information we have, it was on the 13th and that was
13 two days before the meeting at the palais de la culture?

14 A. It was because we had discussions about the mobilisation, how to mobilise people to
15 be present at the rally. I think that is what we talked about.

16 Q. As far as you know, were there any other leaders of the Galaxie Patriotique there?

17 A. No, I believe that when I went into her living room she was alone with her daughter.

18 Q. Very well. Before we return to the meetings at the residence where you met with
19 Mr Gbagbo, let me begin, talk about the meeting of Treichville, and I'll show you a short
20 excerpt, I asked you whether you remembered if Mr Blé Goudé was in attendance. I will
21 show you a very short excerpt of that meeting.

22 MR MACDONALD: (Interpretation) And I'll provide an ERN number specifically. It
23 is the same ERN numbers, but time stamp 01.09 to 01.32. Let's hold it on that picture, on
24 that image just as we start off.

25 (Speaks English) We have to go on evidence 2.

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1 Q. (Interpretation) Now, sir, going by this image alone, can you tell us where this is?

2 A. Yes.

3 Q. Where are we?

4 A. At the palais de la culture.

5 (Viewing of the video excerpt)

6 MR MACDONALD: (Interpretation)

7 Q. Mr Witness, do you recognize the venue where this is happening with

8 Mr Blé Goudé being outside?

9 A. Yes.

10 Q. Which venue is that?

11 A. It is the palais de la culture.

12 Q. When you saw Mr Blé Goudé did you remember whether he was present at the
13 palais de la culture or not on that day, *15 January?

14 A. Is it the same excerpt as you played a short while ago or the same day? The same
15 video where madame was delivering a speech, is it the same video?

16 Q. You are the one to tell the Court whether, from what you can see, this does jog your
17 memory and whether Mr Blé Goudé was at Treichville *or not on 13 January?

18 A. That is what I have just told you. I think there were two rallies during that period.
19 Madame had two rallies. I don't know whether it was at this rally or at the other. I'm
20 not quite clear which one of the meetings it was that he was present at.

21 Q. Yesterday I showed you a rally in Treichville on 15 December and Mr Blé Goudé
22 takes off his jacket and lifts up his hands. And that was in Treichville on 15 December.
23 Now here we're also talking of the meeting where madame spoke at the CNRD on
24 15 January. Now, my question relates to 15 January, so I'm wondering if you remember
25 whether Mr Blé Goudé was there on 15 January?

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1 A. That is exactly what I am telling you. At that time madame had two rallies; there
2 was one on the 15th and then one on another date, *it was between those two rallies,
3 where I remember well he was sitting down. It was that maybe, the other rally.

4 Q. Very well. Let us continue by returning to the residence. Do you remember the
5 dates on which you visited Mr Gbagbo?

6 A. Dates I'm not sure, but it happened during the time of the crisis.

7 Q. Would it be possible -- well, you said you went there two or now three times. Two
8 times, Mr President. Did you have the opportunity to meet other people or have other
9 meetings at the residence involving persons other than Mr Gbagbo and madame?

10 A. Meetings with people living at the residence, or meeting other people who were at
11 the residence when I went to meet with the president? What is the question?

12 Q. Other persons who may have been there.

13 A. Well, that's -- that's clear now. That's clear now. When I went to meet
14 President Gbagbo, if I remember properly, *the ambassador was there and there were two
15 other personalities also at the residence at the time, if I'm not mistaken.

16 Q. Are you referring to the first or the second meeting?

17 A. The first meeting.

18 Q. Do you know Commander Dua?

19 A. Commander Dua is a friend of mine.

20 Q. What is his title?

21 A. He is the -- he's the close protection unit of Mr Gbagbo.

22 Q. Do you remember having any special meeting with him during the crisis?

23 A. Since he was always at the residence, whenever we went there, we would meet with
24 him.

25 MR MACDONALD: At this stage I would like to show to the Chamber only, to start

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1 with, CIV-OTP-0067-0402. And we have given to my colleagues a few days ago,
2 including the legal representatives, copies of -- what we've done is we have -- maybe we
3 can ask the witness to remove. And while the court usher is coming back we will give
4 him this document, which is one for each of the Judges, and then we'll have A4 format.
5 What we've done is -- yeah, I'm sorry, your Honour, because there's movement,
6 there's -- I'm being asked questions. It's not my job to --

7 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

8 MR MACDONALD: Yes, yes, let's multitask.

9 Now, the thing is, your Honours, it's very simple, this is a logbook at the
10 residence -- which was found at the residence, seized by the Office of the Prosecutor,
11 which the original is in A3 format, this is the original size, and what we've done is on the
12 left you have the original, on the right you have a transcription.

13 Now, we had to give it a new ERN if we are to use this in the future, but we thought it
14 would be useful for the Chamber. The original logbook has, like I said, the ERN
15 0067-0402, that was disclosed. This was also disclosed very recently.

16 And now I would draw the attention of the Chamber on the dates, given dates where
17 there's information to refresh the memory of the witness, including people surrounding
18 these meetings in order to have more certainty on the dates.

19 That's what -- so it's a bit similar like the last example, I understand, but first of all I need
20 to show him the document in question and then take it from there. Because if it's not
21 through this witness, then there's also an authentication or reliability process that can take
22 place with other witnesses, I do understand that, or it can be part of a Bar table motion
23 eventually.

24 So this is why, I understand your Honour, I understand, but if I want to get information
25 into the content of these meetings sometimes you need to refresh the memory with

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1 surrounding people.

2 PRESIDING JUDGE TARFUSSER: Yes, but I don't understand why you can't just ask the
3 question on the basis of the document you have because it is not a document which is
4 produced by the -- by the witness, it's just a document which says something which the
5 witness should, may, might know, right?

6 MR MACDONALD: Yes. Let me --

7 PRESIDING JUDGE TARFUSSER: So I --

8 MR MACDONALD: -- let me -- then let me take you to a specific date.

9 PRESIDING JUDGE TARFUSSER: I, as far as -- as long as the witness has no
10 headphones on, I think this is a witness which I know, which the Chamber knows, has
11 difficulty to read. For sure, the documents you have and that we have here now
12 produced and reproduced are not produced by him.

13 MR MACDONALD: No, but he said there was a registration process.

14 PRESIDING JUDGE TARFUSSER: Yes.

15 MR MACDONALD: So I can ask him.

16 PRESIDING JUDGE TARFUSSER: Yes, but it is not him who does the registration
17 process. He knows that there is -- he says he knows there is a registration process.

18 MR MACDONALD: He may have seen this.

19 PRESIDING JUDGE TARFUSSER: Well --

20 MR MACDONALD: Just like when you enter the building and you're a visitor in this
21 building, your Honour, you see in front of you what's taking place when you're giving
22 your passport or identity badge. Certainly in the old building you knew.

23 PRESIDING JUDGE TARFUSSER: Yes, but, I mean, the question cannot but be general,
24 very general.

25 MR MACDONALD: Of course. Of course.

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1 My copy -- we have a -- if I can give my copy just for the witness so that he can look at it.

2 The page from the master, the big book, is 0088-1167 just to see if he recognizes this.

3 MR O'SHEA: Well, yes, he can be asked if he recognizes the document.

4 PRESIDING JUDGE TARFUSSER: I've been quite clear with the Prosecutor.

5 MR O'SHEA: Yes.

6 PRESIDING JUDGE TARFUSSER: Yes. So.

7 MR MACDONALD: (Interpretation)

8 Q. Mr Witness, the left page, the page on the left, you can also turn over the page and

9 try to see whether you are familiar with this document, whether you have seen it before.

10 When you went to the residence to register yourself --

11 MR N'DRY: (Interpretation) Mr President.

12 PRESIDING JUDGE TARFUSSER: Yes.

13 MR N'DRY: (Interpretation) Mr President, the Prosecutor asked the witness to turn

14 over the page in that document. We believe that the Prosecutor is putting questions to

15 the witness on a specific date, so if he turns over the pages that can influence his answers

16 because there are names of certain visitors, so he should stay on that specific page on

17 which the questions would be put to him.

18 MR MACDONALD: (Interpretation)

19 Q. Mr Witness, do you recognize that document?

20 A. These types of documents are logbooks, registers, in all administrative buildings,

21 even private companies. So when you arrive you mention your name and then you put

22 in the time of arrival and departure.

23 Q. Have you ever seen any such logbook or register at the presidency?

24 A. This would be at the police post. We don't have access. They have a guard post

25 inside. So they have their logbook and it is an issue of their own private security. We

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1 don't have access to that register.

2 Q. Very well. Can I have the document back.

3 A. Thank you, Mr Prosecutor.

4 Q. You said that you were in the residence but you do not remember the dates?

5 A. Yes.

6 Q. You referred to registering your mobile phones. How many did you normally
7 have?

8 A. I always have two cellphones.

9 Q. Do you remember having gone to the residence on 6 February 2011 and registered
10 yourself at around *17.57, and you stayed there until 19.15 p.m.?

11 A. Yes.

12 MR N'DRY: (Interpretation) Mr President, that was the fear that the Defence team had.
13 A document has been presented to the witness, he looked at the date and the time and
14 then later on you ask him questions. So this is another way of suggesting answers to the
15 witness and that is not normal.

16 PRESIDING JUDGE TARFUSSER: You know what I do not understand, why don't you
17 submit this by a Bar table motion. I --

18 MR MACDONALD: Your Honour --

19 PRESIDING JUDGE TARFUSSER: What you call a Bar table motion. I wouldn't call it
20 like this, but it doesn't matter it is the same.

21 MR MACDONALD: Your Honour.

22 PRESIDING JUDGE TARFUSSER: Yes, please.

23 MR MACDONALD: I submit that I'm allowed to refresh the memory of the witness
24 when he doesn't remember the date of a meeting in order for him to remember. He's
25 under oath. He will tell us if he doesn't remember, even if I refresh him his memory.

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1 This is akin to a business record which is registre, which is accuracy in and of itself, and
2 that I should be allowed to use it.

3 PRESIDING JUDGE TARFUSSER: But my question is why do you need to refresh a
4 memory when you have a document which says something along these lines? I do
5 not -- I have difficulty to understand this, but --

6 MR MACDONALD: Listen, your Honour, I'm trying, we're at the beginning of a long
7 trial, I'm trying to understand -- well, it is very simple, I come from a legal background
8 that is maybe, and with its own rules, and I'm trying to adapt to also the Chamber's
9 perspective on these rules.

10 Now, unfortunately, we don't have a very detailed code of procedure in evidence to deal
11 with all these matters. For me in Canada it is codified, it's very simple, there is a rule,
12 and then there are exceptions, you know them by heart, then you're a lawyer. The point
13 is that, right now, I think we're trying to find a middle ground here as to what we can do.
14 And I think Mr O'Shea, in a way, was -- that was his question.

15 So it is not to -- and I understand the Chamber wants to finish and start the
16 cross-examination, I understand that too, I want to do that too, but --

17 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

18 MR MACDONALD: -- but the -- yes, but the point is is that I can have this -- I can
19 present an oral Bar table motion right now and say, well, listen, we've seen this at the
20 residence, but in order to authenticate or put some reliability behind this there's different
21 ways; we can have the witness that would have written, we have Witness 501 for that, we
22 can have, you know, witnesses that were present whose names are there, that we can go
23 through, authenticate somewhat the document to demonstrate that we didn't invent this,
24 its accuracy.

25 That's what I'm trying to do also at the same time with this witness. So I am multitasking

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1 legally, that's what I'm doing. So I'm in your hands. If you tell me that I can use this
2 document and just put the information to witness right now I'll do it.

3 PRESIDING JUDGE TARFUSSER: Well, I think you have to question the witness but
4 without putting in front of him documents which were not -- are not his documents.
5 That's it.

6 MR MACDONALD: All right.

7 PRESIDING JUDGE TARFUSSER: It is not produced by him and he hasn't recognized
8 them because they were in the police station. That's it.

9 MR MACDONALD: That's what he says, but until I show him the document I don't
10 know that.

11 PRESIDING JUDGE TARFUSSER: Yes, you have shown him the document he has said
12 this document is in the police station, it is similar to any other logbook of any private or
13 public company, that's it, but he has not seen this document.

14 MR MACDONALD: Yes.

15 PRESIDING JUDGE TARFUSSER: Yes. And therefore you continue to question
16 putting on the -- taking on the basis whatever you want, but not confronting him with the
17 document as such.

18 MR MACDONALD: (Interpretation)

19 Q. Mr Witness, do you remember who was present at the residence on 6 February?

20 A. When I visited?

21 Q. Yes.

22 A. There was the ambassador.

23 Q. What was the name of the ambassador?

24 A. Mr Kipre.

25 Q. Do you remember other people?

1 A. I believe there were two other people. The president was very occupied, that is
2 why I didn't stay for too long, and then I left.

3 Q. Do you remember the person Bernard that you identified during the celebration?

4 A. His adviser?

5 Q. Yes.

6 THE INTERPRETER: Overlapping. It is too fast.

7 MR MACDONALD: (Interpretation)

8 Q. So you say he was there at the residence?

9 A. I believe, yes.

10 Q. You really do not remember?

11 A. No.

12 Q. The meeting that lasted five minutes with Mr Gbagbo what was the purpose?

13 A. I came to see him, and since he was too occupied he had many audiences. I had
14 stayed for a long time. When he came out of his office I saw him, I greeted him, we just
15 had a brief conversation, "How are you doing?" And then I said, "Since it's late, you are
16 occupied, I'm going to return home." And he said, "That's fine." And then I left.

17 Q. Your next visit, after this first visit, do you remember when it took place, how many
18 days afterwards?

19 A. Perhaps one week or two. I don't remember.

20 Q. Do you remember who was present when you were there at the residence?

21 A. I did not stay long on that day because when I arrived the president had to go to the
22 presidential palace, that is the office. I think there were arbitrators, mediators or African
23 presidents who had to arrive, so I did not stay long there on that day.

24 Q. And lastly, the third time, do you remember how many days later, that is after the
25 second time?

1 A. Third or second?

2 Q. The third.

3 A. At that time I went to see Commander Dua, not the president, and since
4 Commander Dua is with the president, it is quite normal that *when the President visits, I
5 think Commander Doua...it was the President who had called me to come and see him.

6 Q. And why did he call you to come and see him?

7 A. He just simply wanted to know how I was doing. I remember that when I had to
8 leave he gave me something for my fuel.

9 Q. How much money?

10 A. If I remember correctly, he gave me 3 million.

11 Q. CFA francs?

12 A. Yes.

13 Q. Were there other people at the residence when you met with Commander Dua?

14 A. No. When I arrived he was waiting for me and then I left.

15 Q. Very well. Let me now move on to another topic. You talked about the African
16 Union.

17 A. Yes.

18 Q. You said that it was clear that there was no longer a diplomatic solution possible;
19 correct?

20 A. Yes.

21 Q. At that time what was your reaction?

22 A. My reaction has always been clear and straightforward. I always said and always
23 repeated that in the interest of the nation, in the interest of Côte d'Ivoire, to avoid what
24 happened -- in fact, nobody expected that, but things had gone too far, so my hope was
25 that we should withdraw. That was my wish, my own personal wish.

1 Q. When the final decision of the African Union was made public, do you know how
2 President Gbagbo reacted at that time, at the very beginning, that is before the end of the
3 crisis?

4 A. It is not possible for me to know how he felt and how he reacted but, as you know,
5 no one can accept that.

6 Q. You say that you met with the minister of interior, Mr Tagro.

7 A. Yes, on two occasions.

8 Q. And what was the conversation you had with him and why?

9 A. The first time when I heard that the governor of the West African bank had to be
10 dismissed from his position, I went to discuss with him and I felt -- and he told me that it
11 was not possible, that there were rules, there were procedures to be followed and that
12 governor Mr Dakoury could not simply be removed like that. I felt that he was calm and
13 confident, so I left.

14 In the second meeting it was when the African Union had decided and the ECOWAS had
15 decided to -- that they could bring soldiers to dislodge President Gbagbo. I went back
16 and discussed with him, may he rest in peace. And this was a very important issue
17 because I could not see any possible solution out of the problem, and since they were the
18 ones at the summit of the state, we discussed the problem and he told me that the African
19 Union could not send soldiers to Côte d'Ivoire to dislodge people, that it was not possible.
20 So he reassured me that everything would be well. I could only trust him because he
21 was the minister of the interior and he was an adviser at the presidency. So I trusted him,
22 but I was very worried.

23 If you allow me, Mr Prosecutor, as I have already said, I was aware of what was being
24 prepared on the other side to come to Abidjan and dislodge Mr Gbagbo. I knew that
25 there was a very high risk that something would happen, something bad would happen.

1 Q. So Mr Tagro had a position at the presidency; is that correct?

2 A. Yes.

3 Q. As far as you know during this period was the issue of Mr Gbagbo's resignation
4 mentioned?

5 A. Thank you for that very crucial question. And the president himself is here. On
6 11 March I remember, I believe it was on 11 March, when I was in the secretariat of the
7 directeur de cabinet, Dr Issa Malick, the deputy directeur de cabinet, I was watching the
8 TV news and there was a communiqué from the presidency stating that President Gbagbo
9 would address the nation at 5 p.m. in the evening. All of us were surprised by that
10 announcement. I left the secretariat and I met his adviser in the corridor and he told me
11 that he had to revise or correct the draft speech of the president for the evening.
12 I told him that I was surprised. He told me that the president was going to take a
13 decision and I said, "Well, all right." And he had to go and work, so I believe -- he is here,
14 he can correct me, but I believe there was a delegation that arrived, including the first
15 lady, Mr Sangaré and other barons of the FPI, there was a meeting. I was not in that
16 meeting but I heard later that they came to inquire why the president announced -- made
17 such an important announcement that he would speak the nation at 5 p.m. And they did
18 not know the substance of that speech. So they had to meet urgently to know what the
19 president was going to tell the nation.
20 And I, myself, I heard that. I arrived -- I think they arrived before me, and I arrived 30 or
21 45 minutes afterwards. I was waiting at the police post and we were being told that we
22 no longer had access to go and see the president, or we could pass through
23 Commander Seka-Seka who was the head of the close protection unit of madame. So
24 even the journalists or ministers had to pass through madame's security unit.
25 So I was very touched. I was very concerned. It was as if there was a coup d'état

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1 against the president. It was as if he was being placed in house arrest. It was as if he
2 was the one that he was no longer going to govern.
3 And so far, even till today everyone wants to know what would have been the president's
4 speech, what was the president going to say that day? That is what I heard, that is what I
5 learnt later.

6 Q. I'm sorry, I want to clarify a few things before I address the Chamber. Was there
7 indeed an address to the nation that evening by President Gbagbo?

8 A. No.

9 Q. Was there any type of announcement made about that speech on RTI?

10 A. Yes. Not on the same day. The next day. There was the spokesperson,
11 Mr Tambola (phon).

12 Q. Ahoua Don Mello?

13 A. Yes. He was the spokesperson and he came and said that the president was no
14 longer going to address the nation. And he made his speech.

15 Q. Very well.

16 MR MACDONALD: Your Honour, I'd like to show a video that is -- where there's an
17 objection because it was disclosed as Rule 77. And this is video CIV-OTP-0069-0369,
18 which was disclosed in the main case on 19 June 2015. It is an RTI video. And the
19 unfortunate thing is that we haven't disclosed necessarily -- almost all of them have been
20 tagged as incriminating, under the incriminating tag, but this one was not, there's a few
21 that were not, and it's one of them. But I understand that your rules provide for certain
22 flexibility and I think it is, if I'm not mistaken, at paragraph 43, it is possible to the
23 directives to seek permission -- now there's a debate when should we have done that, flag
24 it by a formal motion. I understand that the Chamber wants -- prefers oral requests, so
25 that is why I was recommending that we do it when the events -- factual events take place

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- 1 in the courtroom. And this is at the stage at which we're at.
- 2 MR O'SHEA: (Overlapping speakers) perhaps assist by --
- 3 PRESIDING JUDGE TARFUSSER: (Microphone not activated) 0369, right?
- 4 MR MACDONALD: (Microphone not activated)
- 5 PRESIDING JUDGE TARFUSSER: Yes, yes.
- 6 MR MACDONALD: (Microphone not activated)
- 7 PRESIDING JUDGE TARFUSSER: Yes, okay.
- 8 MR MACDONALD: (Microphone not activated)
- 9 THE INTERPRETER: Microphone.
- 10 MR MACDONALD: (Microphone not activated) I'm just going to finish.
- 11 THE COURT OFFICER: Mr MacDonald, we don't have the --
- 12 MR MACDONALD: Can I finish my arguments? I'm not done yet.
- 13 THE COURT OFFICER: Mr MacDonald, we don't have the video.
- 14 MR MACDONALD: I know.
- 15 THE COURT OFFICER: Okay.
- 16 MR MACDONALD: That is being debated right now.
- 17 The reason why we want to show that is that it will situate the debate in terms -- with this
- 18 witness in terms of the African Union, it will situate the Court as to this call to the nation
- 19 that did not indeed take place, and the following events, it will situate the witness in time
- 20 and space and also obviously the Chamber. And it's -- I'm doing the same thing I've
- 21 done in the past. And this is an excerpt of less than two minutes. And it is indeed by
- 22 the named person by the witness, the porte-parole of the government, Mr Ahoua Don
- 23 Mello.
- 24 And if you allow me just a second.
- 25 Unfortunately, we don't have a transcript, but it was shown on la RTI, your Honour, also

1 so that's an additional detail.

2 PRESIDING JUDGE TARFUSSER: Please, the Defence.

3 MR ALTIT: (Interpretation) Thank you, Mr President. If I do understand properly,
4 the Prosecution wants to use a video, a document which doesn't appear on the list of
5 evidentiary documents. Is that the case? If that were so, Mr President, your Honours,
6 the position of the Defence is quite simple: The Prosecutor cannot use the video, the said
7 video, first, because he cannot use only -- he can use only material that figures on his list
8 of documents to begin with.

9 *Firstly, if the document doesn't appear on his list of evidence he must ask as a prior
10 condition for the document to be included, *before-before -- attempting to place the
11 Chamber before the *fait accompli*; that is a prior duty on the Prosecutor to include that
12 document on the list of evidentiary material. He cannot proceed to do so in court. That
13 is the letter and the spirit of the decision of your Chamber on the conduct of proceedings.
14 Why is this so? Because we have to have an adversarial system in place whereby the
15 Defence is able to prepare its case, analyse documents, cross-check materials, think
16 through it and find its own ways of using the said material, and that is why the Defence
17 has to be informed *ahead of time, otherwise it will be placed before the *fait accompli* and
18 there will be no adversarial proceedings and otherwise the rights of the Defence will be breached.
19 Why? Why is it so? Because the onus of evidence or -- of evidence is on the
20 Prosecution. It is for the Prosecution to prepare its case and to present it in such a
21 manner as to allow clear discussion or debate. We are here faced with a situation where
22 there cannot be that kind of debate and for that reason we object to the use of this video.
23 Mr President, your Honours, let me also point out that the *Prosecution did not even ask
24 for the use of that video at the beginning of the examination of this witness, *but when the
25 examination was in full swing, virtually at the end of the examination, and so that makes

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1 it all the more difficult for the Defence to manage such a situation.

2 This raises a problem for us. It does indeed --

3 PRESIDING JUDGE TARFUSSER: The Prosecutor you mean? The Prosecutor didn't
4 ask? Because in the transcript I read: Let me also point out that the Defence did not
5 ask.

6 THE INTERPRETER: Interpreter's mistake, Mr President. Thank you.

7 PRESIDING JUDGE TARFUSSER: Okay. The interpreter's mistake.

8 MR ALTIT: (Interpretation) Well, it happens to all of us. Thank you.

9 The second important point for us relates to the use of, and this is a good opportunity to
10 talk about it, the use of documents that appear to be incriminating or which were
11 introduced by the Prosecution under Rule 77 or other rules. And we need to understand
12 this. You see, the Prosecutor had five years, about five years to investigate and prepare
13 his case. He, therefore, must know whether material is incriminating or not.
14 After five years it is impossible for him not to know. And that is where the problem is
15 because he knows, he knows, doesn't he? So the manner in which the rules are being
16 used here are being circumvented, so to speak. That poses a problem for us as Defence.
17 How can we solve this problem? And this is the third dimension of the problem; namely,
18 that the Prosecutor has included this video and other documents on a list of documents
19 that may be or that he could or that he intended to use. And he -- and we pointed out to
20 the Chamber the possibility of this problem arising. So we believe that this is a good time
21 for a decision to be made once and for all to the effect that the Prosecutor cannot use
22 material during examination, except that material is included on his list of documents at
23 the time when such a list is sent to the Defence, the list of documents that he intends to
24 use during his examination, otherwise we will end up facing this problem over and over
25 again. That is why we believe that it is timely for a decision to be made on this point.

1 That will enable us to have a proper debate in court, a seamless examination. And so this
2 aspect and others would help to facilitate a smooth unfolding of the proceedings.

3 Let me specify again in case there was any doubt, let me state clearly that it is impossible
4 to our mind for the Prosecutor to apply to add material on his list of evidence during the
5 proceedings or at the end of the proceedings because regardless of how you regard these
6 proceedings or this trial, the important thing is that the attempt is being made to put the
7 Judges before a fait accompli, and that is not possible. The trial might be slowed down,
8 Defence might have to ask for a suspension every now and then and slow down
9 proceedings, well, that could happen too.

10 Now, with a bid to address all other possible problems that may arise in such
11 circumstances, let me point out that in answer to our email, which I referred to a short
12 while ago, the email of 4 March 2016, we sent out that email on the same day and the
13 Prosecutor replied on the same day. In his reply, the Prosecutor indicated that he had
14 included on his list elements or documents that may be used in the examination of this
15 witness, and this included material that he knew that he did not want to use upfront. So
16 it is difficult to understand, but there must have been a reason why things happened that
17 way.

18 This kind of practice we believe should not be authorised by the Chamber. If we leave
19 the door open to that type of practice, if the door were to be left open for that type of
20 practice, the Prosecutor would potentially have the ability to flood the Defence with an
21 enormous volume of documents, thereby making it difficult for the Defence to prepare its
22 case under optimal conditions. It is therefore important for us that the Prosecutor should
23 include on his list only those documents that he intends to use.

24 Mr President, your Honours, finally, we believe that it is a matter of strictly complying
25 with the decision on the conduct of proceedings in order to enable the Defence to have the

1 capacity to prepare itself within the proper margin of manoeuvre without breaching its
2 rights.

3 To be more specific, we are applying to the Chamber for the Prosecutor to only include on
4 his list of documents the documents he intends to use in examining a witness, only those
5 documents that appear on his list of evidence. That is a first request.

6 Secondly, we request that any application for addition of material on the list be filed early
7 enough pursuant to the relevant procedure in order to give Defence the opportunity to
8 prepare its case under appropriate conditions.

9 Third, that the Prosecutor only include in his list of documents for the examination of a
10 witness the documents that he knows will and should be used.

11 PRESIDING JUDGE TARFUSSER: Mr Knoops.

12 MR KNOOPS: Mr President, we have a similar objection albeit on the basis of a
13 somewhat different reasoning, being the following: The Chamber has ordered the
14 Prosecution to disclose any materials to be used into evidence on 30 June, 30 June last year,
15 was the deadline. As the Court knows, there were about 10 requests under regulation 35
16 being submitted afterwards and being applied by the Chamber; therefore, eight months
17 further we are facing again actually a situation whereby the Defence faces material which
18 was not included on the list of evidence which should have been provided on 30 June.
19 My view is, Mr President, when you look at regulation 43, that's in the protocol on the
20 conduct of proceedings, where indeed the party can apply for leave from the Chamber to
21 add material which was not included in the list that the Court should consider to seek
22 recourse to the criteria of regulation 35 in this regard, and in my submissions those criteria
23 are not met to have this video included at such an untimely manner. Thank you.

24 PRESIDING JUDGE TARFUSSER: Thank you, Mr Knoops.

25 Legal Representative.

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1 MS MASSIDDA: We don't have any observation, your Honour.

2 PRESIDING JUDGE TARFUSSER: Okay.

3 It is time for the lunch break so we do the lunch break and we come back at 3 o'clock, 15,
4 for another one-and-a-half-hour session, hopefully the last one for the Prosecutor with this
5 witness. Thank you.

6 THE COURT USHER: All rise.

7 (Recess taken at 1.15 p.m.)

8 (Upon resuming in open session at 3.12 p.m.)

9 THE COURT USHER: All rise.

10 Please be seated.

11 PRESIDING JUDGE TARFUSSER: Good afternoon.

12 Mr Witness, good afternoon.

13 Just a short ruling on the issue of the two-minutes footage.

14 The Prosecution intends to use item of evidence 0069-0369 in the questioning of

15 Witness 625. On 4 March 2016 a response to the Gbagbo Defence objection the

16 Prosecution stated that the item is a video of the RTI news bulletin dated 12 March and

17 this was indeed disclosed pursuant to Rule 77, on 19 June 2015. In today's hearing and

18 upon the reiterated objection of both Defence teams, the Prosecution explained that it

19 intends to present this item to the witness to place his testimony in a context of time and

20 place.

21 It also noted that the video is two minutes long. I'm going slow for the interpreters.

22 The Chamber recalls that only yesterday that in relation to such precisely -- to precisely

23 such items, it directed the parties to deal with such issues inter partes and to try to reach

24 an agreement.

25 In light of this lack of agreement, the Chamber takes a decision, albeit regretting the lack

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1 of collaboration among the parties.

2 And while the Chamber notes that the item is rather short, two minutes, it was disclosed
3 to the Defence since 19 June 2015, as I said, and was obtained from open sources. It
4 reiterates its concern with the late indication by the Prosecution of its intention to use this
5 item as incriminatory evidence, in particular, via an email over the weekend prior to the
6 commencement of the testimony.

7 Moreover, the Prosecutor has not pointed -- has at no point indicated why its late decision
8 to rely on this item for incriminatory purposes is justified.

9 Accordingly, the Chamber rejects in this case and without prejudice to other appropriate
10 cases, the Prosecutor's request to use this item for examination of Witness 325.

11 Let me just say one other thing more, that I remark that either intentionally or not at times
12 counsel refer to regulations of the protocol of the conduct of the proceedings.

13 In this regard, I would like just to observe that there are no regulations or protocol of the
14 conduct of the proceedings. There are directions, which were adopted by the Chamber
15 and which have been more recently and partly modified pursuant these direction to the
16 applicable law of this Court, which is the Rome Statute, the Rules of Procedure and
17 Evidence and the Rules of the Court. Therefore, there are no regulations or protocol on
18 the conduct of the proceedings. Just for clarity.

19 Now, the floor is back to the Prosecutor for the questioning of the witness. Not really
20 but --

21 MR O'SHEA: Just a point of aesthetics, your Honour --

22 PRESIDING JUDGE TARFUSSER: A point of?

23 MR O'SHEA: Aesthetics.

24 PRESIDING JUDGE TARFUSSER: Aesthetics.

25 MR O'SHEA: Your Honour mentioned 325, of course your Honour meant to mention --

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1 PRESIDING JUDGE TARFUSSER: 625.

2 MR O'SHEA: -- 625.

3 PRESIDING JUDGE TARFUSSER: Of course.

4 MR O'SHEA: Just for the purpose of the transcript.

5 PRESIDING JUDGE TARFUSSER: Of course. Thank you very much.

6 Mr Prosecutor.

7 MR MACDONALD: Thank you, your Honour.

8 Q. (Interpretation) Mr Witness, what does Mr Ahoua Don Mello say regarding the
9 absence of the speech by the president?

10 A. I don't quite remember, but I think that he said that the president will not deliver his
11 speech and that people should go back to work. I think that's what he said. He said
12 everything was okay and that people should continue to go about their business. I think
13 that is what he said.

14 Q. What happens thereafter? How does the Gbagbo government in power at that time
15 react following the African Union announcement? President Gbagbo does not address
16 the nation, so what happens thereafter?

17 A. As far as I know, I think people continued to go about their business and their
18 activities, but there was a lot of noise about the AU decision. People were saying that the
19 intervention of the African Union was not a good thing for Africa. That's what
20 everybody was saying.

21 Q. What was the reaction of the Jeunesse Patriotique at that time following the
22 announcement from the African Union?

23 A. That's what I have just told you. Generally speaking, people felt that the AU
24 decision to send troops to Côte d'Ivoire was not a good decision for Côte d'Ivoire and for
25 the Ivorian people because the African Union army did not have a good reputation

1 particularly following what happened in Liberia because there were images of their
2 conduct in Liberia which had been broadcast and which indicated that they did not
3 respect human rights and that they had a number of abuses here and there. So we were
4 all frightened and people felt that this was not a good decision.
5 So I think that all those who were there, those who were of the ECOWAS, of the AU were
6 not happy with the decision, so people began to leave the city, as I already told you,
7 because of that announcement.

8 Q. Did Mr Blé Goudé at that time, that is from the 11th, 12th, 13th, 14 March, did he
9 issue any calls at that time?

10 A. Calls on television?

11 Q. The calls could have been on TV or elsewhere. Okay, let's start with calls on TV.

12 A. Well, as I have told you quite sincerely when these types of things happened,
13 whenever Mr Blé Goudé had to issue a call it was not in hiding, it was usually done over
14 the national television.

15 Q. As far as you know, what was the morale of the FDS at that time?

16 A. Well, I don't know. How do you expect me to answer that question? What was
17 their morale at that time. What was their morality? I don't know, but I can give you my
18 personal analysis. You see, when a country is told that a foreign army is going to attack
19 it, what kind of morale do you expect the soldiers to have? Put yourself in their shoes.
20 Quite sincerely I cannot answer on their behalf because I was not an FDS myself.

21 Q. Was there any calls for enlistment of persons into the FDS at that time?

22 A. Yes.

23 Q. By who?

24 A. By the youth president, Minister Blé Goudé, Charles.

25 Q. And you saw that on TV?

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1 A. Yes, I saw that on TV.

2 Q. Very well.

3 With your leave, I would like to play video CIV-OTP-0069-371 of 14 March 2011,
4 timestamp 09.19 to 12.22. There is a transcript to go with it, 0087-0724, and this
5 document appears on our list of materials.

6 (Viewing of the video excerpt)

7 MR MACDONALD: (Interpretation)

8 Q. Do you remember this message delivered by Mr Blé Goudé?

9 A. Yes, I saw it on TV and I can remember it.

10 Q. In the video it is stated that they have just come out of a meeting. Were you part of
11 that meeting where this historic call was discussed?

12 A. No.

13 Q. Following that message, what happens in the days following? Was there indeed
14 the implementation of that historical call?

15 A. The video indicates that there would be a message, a call in the days ahead and I
16 think that happened.

17 Q. Do you remember what happened or what the message was in those days
18 following?

19 A. No, Mr Prosecutor.

20 Q. During that same period was there a call to enlist people in the army?

21 A. Yes, the youth president made such a call to Ivorians who wanted to defend their
22 fatherland, to sign up to the army. I know that it happened around that time, but I don't
23 quite remember the details. In any event, there was a call for all those who wanted to
24 join the army to be enlisted.

25 Q. How did you find out about that?

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1 A. Still on TV.

2 Q. Very well.

3 Now, I would like to play another excerpt of the video number CIV-OTP-0043-0269. If
4 I'm not mistaken, that will be from minute 32.29 to timestamp *34.59. There is a
5 transcript to go with this excerpt, number 0047-0611, from lines 559 to 586.

6 MR O'SHEA: Can we just have one moment, please, your Honours?

7 MR MACDONALD: (Interpretation) This is on the list of the Prosecution materials and
8 the documents that we intended to use.

9 (Pause in proceedings)

10 MR O'SHEA: Yes, I'm sorry. No objection.

11 PRESIDING JUDGE TARFUSSER: Please, go ahead.

12 (Viewing of the video excerpt)

13 MR MACDONALD: (Interpretation)

14 Q. Mr Witness, have you seen this, or did you see this video excerpt at the time?

15 A. Yes, I did, indeed.

16 Q. Is it the one you saw over the RTI?

17 A. Yes.

18 Q. This is the call to enlist, that is the message given by Mr Charles Blé Goudé that you
19 mentioned, is it not?

20 A. Yes, Mr Prosecutor, it is indeed.

21 Q. And this rally took place in which location?

22 A. I tried to look to see. It might have been in Yopougon. I didn't really notice.

23 Q. We can see leaders from the Galaxie Patriotique at the beginning of the excerpt, can
24 we not?

25 A. Yes.

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1 Q. So very rapidly we shall come back and freeze the image on those individuals. The
2 individual to the left of the screen wearing the cap.

3 A. It is Dibopieu.

4 Q. And the individual seated to the right?

5 A. His name, Mr Gofofieux (phon) or something like that.

6 Q. Maho Glofiéhi?

7 A. Yes, Maho Glofiéhi.

8 MR MACDONALD: For the transcript, the minutes are 32.45.11, the timestamp, 32.45.11.
9 (Speaks English) 32.45 -- 46.11. And now we're at 32.46.19.

10 Q. (Interpretation) And who is in red?

11 A. It's Richard Dakoury.

12 Q. And to the right with the long hair?

13 A. It is Serges Kassy.

14 Q. And to the rear, are you able to distinguish anybody?

15 A. No, Mr Prosecutor.

16 MR MACDONALD: Moving pretty quickly.

17 Q. (Interpretation) We will come back to that. I just want to confirm, to your
18 knowledge, did you -- well, I mean you, did you take part in any discussions on the
19 subject of this enlistment in the army with Mr Blé Goudé and Madam Gbagbo?

20 A. No, not at all. Not at all.

21 Q. And to your knowledge, do you know who -- well, we understand that it's Mr Blé
22 Goudé calling for people to enlist in the army, but do you know where Mr Blé Goudé was
23 receiving his instructions from at the time to make such a call over the RTI?

24 A. Mr Prosecutor, I'm not in a position to know everything that Mr Blé Goudé did. I
25 can't know.

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1 Q. Very well. Let us come back to minute -- we do have a technical problem here with
2 Ringtail. We'll continue.

3 Now I would like to talk about Mr Blé Goudé's flight. What are you in a position to tell
4 us about that? What do you know?

5 A. I do not know much about Mr Blé Goudé's flight. We just heard that he had left,
6 but as to how he left I do not know.

7 Q. And when did you learn that he had left?

8 A. I believe it was a week before the 11th, before President Gbagbo was arrested.

9 Q. And how did you come to learn of this?

10 A. I heard it amongst the youth. Everybody was talking about it in town.

11 PRESIDING JUDGE TARFUSSER: Excuse me, Prosecutor, but would you just, when
12 formulating the questions in a way that we understand, we are talking about flight, left,
13 what flight, what -- I mean, you know, in --

14 MR MACDONALD: I -- I --

15 PRESIDING JUDGE TARFUSSER: In a few months' time we read something and we
16 know about the flight which took place from whenever and left what.

17 MR MACDONALD: You're right, your Honour.

18 PRESIDING JUDGE TARFUSSER: Thank you.

19 MR MACDONALD: I'm sorry that this is indeed -- we have --

20 PRESIDING JUDGE TARFUSSER: No, no, you keep for granted that we all know
21 everything. We do not.

22 MR MACDONALD: I'm trying to also be quick at the same time. That's my problem at
23 the moment. So, yes, I'll slow down. And it's true, but it's --

24 Q. (Interpretation) Mr Witness, to your knowledge when Mr Blé Goudé fled, where
25 did he go?

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1 A. I don't know where he went. Well, they arrested him in *Ghana.

2 THE INTERPRETER: The interpreter did not catch the location.

3 MR MACDONALD: (Interpretation)

4 Q. So he left the Côte d'Ivoire before the end of the electoral crisis, the post-electoral
5 crisis, did he?

6 A. Yes.

7 Q. Do you recall the circumstances under which he left Côte d'Ivoire?

8 A. Mr Prosecutor, I believe I've already answered that question. I said I did not know
9 how he left, under what circumstances, but we did hear that he had left. Everybody said
10 that he had gone away.

11 THE INTERPRETER: Correction from the English booth: To Ghana.

12 MR MACDONALD: (Interpretation)

13 Q. Do you remember having been interviewed on this subject in December 2014?

14 A. Maybe. Possibly.

15 Q. Do you remember what you said at that moment in time on the subject of the
16 departure of Mr Blé Goudé and the surrounding circumstances?

17 A. Mr Prosecutor, I said to you and I've just repeated, when the crisis started we were
18 no longer seeing each other. I heard that he had left. I heard that he had fled. I did
19 not say that I was a witness as to how he had left, it was just that people said that he had
20 left. That's what I said to you.

21 Q. So I shall come back to the video and to the excerpt.

22 So we do have a transfer problem, but in order to freeze on this image it's *0032-5017.

23 Who is seated to the left -- or to the right, rather, of Mr Blé Goudé?

24 A. It is Mr Navigué Konaté.

25 Q. Very well.

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1 (Viewing of the video excerpt)

2 MR MACDONALD: (Interpretation)

3 Q. So these are the last two individuals I wanted to show to you. The individual
4 seated to the right with the cap on, who is it?

5 A. It is Mian Augustin.

6 Q. And to the left?

7 A. Idriss Ouattara.

8 Q. Very well. So we are here at minute 00.32.48.18. Were you aware of a large rally
9 on 26 March 2011 at the Place de la République where there was even a sit in?

10 A. Yes, I was aware that there was a large rally at the Place de la République , but I was
11 not in attendance.

12 Q. And was that broadcast?

13 A. I believe, yes.

14 Q. And when I say "broadcast," I mean over the RTI.

15 A. Yes, I do believe so, Mr Prosecutor.

16 Q. And so it was after that that Mr Blé Goudé allegedly fled?

17 A. Mr Prosecutor, I really don't know whether it was after that, two or three days later.
18 I think that he must have left when everybody had taken over the country and he had to
19 save his skin. I don't know whether he was no longer there. As to how he left, I don't
20 know.

21 Q. And why are you saying that he had to save his skin?

22 A. Well, because if people found him it wouldn't have been good for him.

23 Q. And to your knowledge, at the time of his flight at the time when he was no longer
24 to be seen in Abidjan, was he still in contact with the Young Patriots and if so, how?

25 A. I do not know.

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1 Q. Were his messages still being broadcast over RTI?

2 A. Yes, there was a last message that I saw, and after that I did not see anything further.

3 Q. If you will allow me a minute.

4 Can you provide us with a few indications of what you saw to situate us with regard to
5 the message or the excerpt that you saw?

6 A. I cannot tell you what was said because I do not remember, but I do believe that
7 there was a message where he was wearing a *tank top or something like that, but that
8 was his last message after which I no longer saw him.

9 Q. Very well.

10 So we shall now be presenting another excerpt. It is still at CIV-OTP-0064-0131, from
11 minute *00.08.05 to 00.11.17, and there's also a transcript to be found at item 0086-1168,
12 dated 3 April 2011.

13 (Viewing of the video excerpt)

14 MR MACDONALD: (Interpretation)

15 Q. Mr Witness, is this the video that you were referring to Mr Blé Goudé wearing his
16 tank top?

17 A. Yes.

18 Q. I would now like to come back to the last hours of the Gbagbo regime. And during
19 the same period of this message of Mr Blé Goudé of 3 April what, to your knowledge,
20 were the other leaders who were still in Abidjan, members of the Galaxie Patriotique,
21 doing at the time?

22 A. Mr Prosecutor, to be honest we no longer managed to communicate with each other
23 because the network seemed to have been cut off. *Because I was even calling Blé, I called
24 him and couldn't get through, I called others, Dakouri Idriss, I called nearly everybody,
25 we couldn't... but, but we no longer managed to have connection because we no longer

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1 managed to get through over the network.

2 Q. And what about the RTI was it still broadcasting?

3 A. After Mr Blé Goudé appeared on television I believe that there was no longer any
4 broadcasting.

5 Q. Were there any calls from patriotic leaders to people for them to go to Mr Gbagbo's
6 residence?

7 A. I believe so, yes, to go and protect the residence. Yes, I believe so.

8 Q. And how did you come to know about this or how did you see this?

9 A. I believe over the news, or we would -- by talking to each other. People would say,
10 well, there was a call for people to go and protect Mr Gbagbo's residence.

11 Q. That was the last days of the regime towards the end, was it?

12 A. Yes, I believe so.

13 Q. Now, I shall be showing the last excerpt. This is a video CIV-OTP-0064-0130. And we
14 shall be showing a few excerpts from minute 4.03 approximately to 15.30, so a few excerpts from
15 there. And the transcripts can be found at 0086-1157, from lines 1 till the end.

16 Witness, I will request that you have a good look at this and then I shall come back to you
17 with some questions.

18 I am -- I do apologise for the quality.

19 (Viewing of the video excerpt)

20 MR MACDONALD: (Interpretation)

21 Q. Did you see that?

22 A. Yes.

23 Q. At the time when it was actually presented over RTI?

24 A. Yes.

25 Q. And for the date of presentation, this was 2 April and we stopped at approximately

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1 05.05 approximately. And the individual that we can see on the screen, could you name
2 them?

3 A. It's Mr Konaté Navigué.

4 MR MACDONALD: (Interpretation) I would like to say that there is an error in the
5 transcript with regard to the identification and the name of another individual is indicated,
6 but it was, in fact, Mr Konaté Navigué and it's a mistake on our part. I'd like to note that.
7 And we will provide a corrected transcript.

8 Q. Mr Witness, let us move on, and we shall move on to minute 08.06 approximately.
9 (Viewing of the video excerpt)

10 MR MACDONALD: (Interpretation)

11 Q. Mr Witness, do you recognize this excerpt?

12 A. Yes.

13 Q. Did you see it on RTI also?

14 A. Yes.

15 Q. The person speaking, can you identify him because you already mentioned him in
16 your testimony?

17 A. I already said that she was the president of the Femmes Patriotes and her name is -- I
18 have already mentioned her name. I don't remember it right now.

19 Q. Madame Bro-Grébé?

20 A. Thank you.

21 Q. Very well. We shall now proceed to another excerpt of the same video starting at
22 timestamp 11.20.

23 (Viewing of the video excerpt)

24 MR MACDONALD: (Interpretation) Timestamp there is 12.36.10.

25 Q. Do you recognize this person?

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1 A. Yes.

2 Q. Who is it?

3 A. His name is Trimin-Trimin.

4 Q. Serges Koffi?

5 A. Yes, Serges Koffi.

6 Q. And the last person on the message will be at 12.55.

7 (Viewing of the video excerpt)

8 MR MACDONALD: (Interpretation)

9 Q. Who is that?

10 A. Mr Damana Pickass.

11 Q. I will now show a last excerpt of this video from -- well, we stopped at 13.47.02 for

12 Mr Damana Pickass.

13 Now the last excerpt would be from 15.31.

14 (Viewing of the video excerpt)

15 MR MACDONALD: (Interpretation)

16 Q. Are you able to identify this person?

17 A. The picture is not clear for me. I am not able to identify the person. Maybe it's

18 Touré Zégouen going by his voice, but I'm not able to identify him.

19 Q. So this could be Mr Touré Zégouen did you say?

20 A. Yes.

21 MR MACDONALD: (Interpretation) This excerpt stopped at 16.31.14. I'm sorry.

22 (Speaks English) Your Honours, the Prosecution will seek, because we played excerpts,
23 that the whole speeches of everyone be submitted into evidence, all right? If not -- it's to
24 save time.

25 PRESIDING JUDGE TARFUSSER: Yes, yes, it's okay.

1 MR MACDONALD: So the same modus operandi and for the full speech of
2 Madam Gbagbo.

3 Q. (Interpretation) Mr Witness, we see here that the population was being asked to
4 come to the residence to be used as a human shield. The leaders of Galaxie were asking
5 for that, isn't it?

6 A. Mr Prosecutor, that is what the leaders were asking of the population, all patriots,
7 men, women and all of them should come together to protect the residence of the
8 president of the republic, not to make of them a human shield but to stop anyone from
9 reaching the president, whether it be an army or anyone whosoever.

10 Q. The video is dated 2 April, whereas the mobilisation had taken place as of yesterday,
11 according to Mr Pickass Damana. Now, as far as you know, did you go to the residence
12 at that time and did you observe the human shield?

13 A. I went there, but I didn't spend much time there.

14 Q. What did you see?

15 A. I saw the mobilisation at the entrance and then I went back home because at that
16 time in Abidjan there was shooting all over the place, even in various neighbourhoods.

17 Q. Apart from civilians, was there a protection service, military or otherwise, in place at
18 that time when you went there?

19 A. Yes, of course, Mr Prosecutor. The security services of the president were still there.
20 We were at war, the country had already been attacked, people had already come into
21 Abidjan, and so it was necessary to protect the president of the republic.

22 Q. What type of force did you see protecting the residence of the president at that time?

23 A. Mr Prosecutor, on that day I did not stop, I did not get out of my car, I just drove by
24 and what I can say is that the FDS was present.

25 Q. Apart from the FDS were there any other types of, let's say, self-defence groups like

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1 you said earlier in your testimony, groups with weapons?

2 A. Mr Prosecutor, when you say "self-defence" even the human shield is some form of
3 self-defence. I told you that I did not go -- I did not get out of my car. It was not
4 possible to have access to the area easily, so I preferred to go back because I had the
5 feeling that I, myself, was not in a safe place, so I had to go back home.

6 Q. Let me now speak briefly of the presidential palace. Have you ever visited the
7 caves or the basement of the presidential palace?

8 A. What do you mean by "caves"?

9 Q. The basement.

10 A. No, I didn't go to the basement.

11 Q. Are you sure?

12 A. I think so. Well, are you talking about --

13 Q. No, I'm not talking about the residence, I'm talking about the palace.

14 A. Yes, I have been to the palace. Yes, I always went to the palace.

15 Q. To the basement of the palace?

16 A. Yes, to the basement, that is where the salle de pas perdus is. That is where we
17 have the meetings.

18 Q. And below that?

19 A. Below? No, no. Visited that? No. Are you talking about the place where
20 weapons were kept? Is that what you're talking about?

21 Q. Yes.

22 A. Yes, yes, because weapons were found there, weapons were found there after the
23 president left office, after he fell from power.

24 Q. Did you see those weapons before?

25 A. Mr Prosecutor, Mr President, with your leave, let me say that during my testimony I

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1 said on oath it is true that I had a discussion with the OTP during the interviews and
2 investigations. Well, the security staff would be there and people would be coming in, so
3 this was a matter of defence. And I was not involved in that. So, please, I would rather
4 not say anything about matters pertaining to weapons, Mr President.

5 MR MACDONALD: (Interpretation) To simplify matters maybe we can look at a last
6 video and if the video -- if the witness would recognize it, then I would have no further
7 questions and he would not have to answer any other questions about weapons and
8 things of that matter because we will call other witnesses who are experts in that area.
9 I would like, therefore, to play video 0048-1651 from the beginning. The video is dated
10 post the arrest of Mr Gbagbo, and I will provide the date subsequently because I don't
11 have it right now, and the video is of the presidential palace.

12 After the arrest of Mr Gbagbo.

13 MR ALTIT: (Interpretation) Mr President, can we just have a second to cross-check,
14 just a small second to check the video, cross-check. Thank you.

15 (Pause in proceedings)

16 MR ALTIT: (Interpretation) No objection, Mr President.

17 PRESIDING JUDGE TARFUSSER: Thank you very much.

18 Please, Mr Prosecutor.

19 (Viewing of the video excerpt)

20 MR O'SHEA: May I just, your Honours, request that my learned friend identify to us
21 what the date of this video is. He said it's after the arrest of Gbagbo. It's just that we
22 have the wrong date in our disclosure from the Prosecution.

23 PRESIDING JUDGE TARFUSSER: Of Mr Gbagbo.

24 MR O'SHEA: What did I say?

25 PRESIDING JUDGE TARFUSSER: Gbagbo.

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1 MR O'SHEA: Laurent Gbagbo.

2 PRESIDING JUDGE TARFUSSER: Yes.

3 Can you give us the date of this video.

4 MR MACDONALD: Yes, sorry. The exact date, no, but we know it's in 2011 and when
5 we don't know the month in 2011 the system automatically puts on 1 January 2011, so the
6 exact date in 2011 we do not have it, but I'll ask the witness questions following the --

7 PRESIDING JUDGE TARFUSSER: Yes, I think it's a bit strange, you admit that it's a bit
8 strange that one cannot find out when the date of this video is.

9 MR MACDONALD: Well, your Honours, it's -- the evidence will unfold.

10 PRESIDING JUDGE TARFUSSER: Yes, please, go ahead. But still it is strange. I
11 mean -- okay.

12 MR MACDONALD: I cannot tell you is it the 12th, 13th, 14th, 15th, 16th of April? I
13 cannot tell you that date.

14 PRESIDING JUDGE TARFUSSER: Okay.

15 MR MACDONALD: If I had it I would give it to you.

16 PRESIDING JUDGE TARFUSSER: Yes, I know.

17 MR MACDONALD: (Interpretation)

18 Q. Mr Witness.

19 A. Yes, Mr Prosecutor.

20 Q. Have you seen this before, or seen this basement at the presidential palace before?

21 A. We can see from the video that it is indeed the presidential palace.

22 Q. But did you ever see this with your own eyes before Mr Gbagbo fell? Did you ever
23 see these types of cases in the basement?

24 A. Mr President, I think I was very clear on this point a short while ago. Please don't
25 involve me in any matters concerning weapons. And I say this for personal reasons as

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1 well.

2 PRESIDING JUDGE TARFUSSER: I release you from answering this question.

3 MR MACDONALD: (Interpretation)

4 Q. Mr Witness, following the arrest of Mr Gbagbo I understand that you're still in
5 Abidjan; is that correct? In fact, what did you do in the days thereafter in relation to the
6 violence that may or -- or that could have taken place in Abidjan?

7 A. When President Gbagbo was arrested?

8 Q. Thereafter, in the days following his arrest.

9 A. Well, I went to seek refuge. I fled because President Gbagbo was arrested. I saw
10 it live on the television station they had set up in the small republic. I was able to see
11 that and how he was taken away. And then things took a different turn because they
12 had won. And then what happened was there was a witch hunt against all the people
13 who supported Gbagbo. So I couldn't stay there.

14 *I came back to my house at night, around 1 or 2 a.m. in the rain, but the FESCI was still
15 patrolling around the town. They were shooting, still shooting. So I made arrangements to
16 get into my house and I spent about one week in hiding in my house, and I think I left my
17 house when things began to calm down and that is how neighbours found out that I had
18 returned.

19 And that was a fatal mistake for me when I got out to go to the office because you know
20 what happened in Abidjan is that those who -- when they had taken over, those who were
21 pro-Ouattara now began to point out those who had been pro-Gbagbo and that is how I
22 got to be visited by people with weapons in a four-by-four, including one young man who
23 came from Abobo. I knew him. They came, he was in the -- in the vehicle which they
24 parked at a distance and then they came to me. And he came to talk to me and then he
25 said we must go back to my house.

1 So on our way back I was with a friend and another young person. When we got there
2 he said, "Well, we fought for the president and now we did everything and now the
3 president has been overthrown and he gave you a lot of money, we need 10 million from
4 you. If you do not give me the 10 million I will call on those other people out there and
5 they will take you and kill you."
6 So I told him that I did not -- I told him that I didn't have any money where we were and
7 so he took his phone and was about to call those other people. We took his telephone,
8 seized it, and threw him out, and so I was able to jump from the second floor in my house
9 into the compound of a neighbour along with -- in order to flee and my other friends also
10 fled. Our neighbours also fled when they knew of that threat.
11 So I remained in that place hiding under a bed. And at that time I was able to call on
12 some people whom I knew at the hôtel du Golf and who were with Mr Alassane. I
13 explained to them what I was going through and told them that I needed some help.
14 That person told me that -- the person I called told me was in Bouaké, but he gave me the
15 number of General Gueu who was in charge of military operations.
16 I called General Gueu and he asked me for my position, I gave it to him and he told me
17 someone was going to call him. So that's how *Mollo, the junior brother of Commander
18 Wattao called me. So he called me and he said that he would not be able to come to me
19 but that Zaccaria would call me. So Zaccaria called me and I told him my position, but
20 he said he's in Adjamé and Wattao was going to call.
21 And so that is how it happened that first of all the man whom I called from Bouaké gave
22 me the number of the chef de cab, Seydou, of Soro Guillaume, and Seydou gave me his
23 sister's number and his sister called me and she is the one who began to give me the
24 numbers of the other commanders.
25 Wattao called me, I gave him my position and he said, "Don't move. We are coming to

1 get you." And I remained in that position for one hour. One hour after, they arrived in
2 the city with two tanks and two four-by-four and several soldiers. They called for me,
3 they called me out, told me to come out because the area was now safe.
4 So I came out and the one who came to collect me was called Bima (phon). Bima is
5 someone I had dealt with before, so when he saw me he was surprised because he was
6 surprised that he had been sent to save me. So he said, "Is this not a mistake?" And I
7 asked him why. And he said, "Why is it you that we have been sent to protect and to
8 save? It must be a mistake." So he said he was going to call Commander Wattao.
9 So I said, "Yes, call Commander Wattao. It's not a mistake. I am the one you have come
10 to save." And he said, "No, you have to be killed. You cannot be saved. You have
11 insulted us too much. You are in the Galaxie Patriotique." And I said, "No, no. I am a
12 pacifist. I'm a politician."
13 So he called Wattao and put on the speaker and he said, "Commander, do you know the
14 person you have asked us to come and fetch and save here?" And he said, "Yes, I know
15 him very well. He's Sam l'Africain. And please don't touch him, don't do anything to
16 him. Protect him."
17 So he was very surprised. And he asked me -- he asked him to give me the phone. So
18 he gave me the phone and then Wattao said, "Today between you and your -- between us
19 and your friends, who is going to save you today?" And I said, "You are going to save
20 me." And then he said, "You spent all your time insulting us." And I said, "But, Wattao,
21 I have never insulted you personally. So when I heard that there was a programme at
22 the hôtel du Golf and that you were there, that's how I called you." He said, "Okay.
23 Well, you have never insulted me." So he gave the order for those people to protect me,
24 to put soldiers to guard me in my place since I was in my house pending further
25 instructions concerning me.

1 That is what happened and that is how I was saved, Mr Prosecutor.

2 Q. Did you undertake any actions in Yopougon after this incident, briefly?

3 A. Yes, Mr Prosecutor. When I was arrested by Wattao elements and I was -- from
4 the hôtel du Golf, they decided that I should call President Affi N'Guessan, the president
5 of Mr Laurent Gbagbo's party, the FPI, and they wanted to put me up because he had
6 made security *at Hotel Pergola available because -- so that all the FPI personalities be
7 protected.

8 So I called Affi and Affi was very surprised to see that I was still in Abidjan. And I said,
9 "Yes, I was not able to leave." He said, "Okay, who are you with?" I said, "Well, I'm
10 with two people." He said, "Well, come quickly. Come and find us here." And as
11 he -- it was still daylight, the Wattao elements sent me home to their houses where their
12 mothers prepared food for us.

13 And then at night-time they sent me to the Pergola. And in the Pergola there was a team
14 who came *with young Gueu (phon) to come and pick us up to take us to Yopougon, to
15 Yopougon for us to be able to ask those people such as Maguy le Tocard, who still had
16 weapons there, to stop the war because President Gbagbo had been arrested so we needed
17 to put an end to the massacres and to everything that was going on.

18 And that is why I took that risk to go, to leave, to go to Yopougon. And there was still
19 fighting going on, there was still war, but for an entire week we'd asked the youth to put
20 down their weapons, saying to them that it was no longer any point in continuing the
21 massacres and the war because our president had been arrested. That's how things
22 unfolded, Mr Prosecutor.

23 Q. And Maguy le Tocard, who is Maguy le Tocard?

24 A. Maguy le Tocard, everyone knows Maguy le Tocard in Abidjan, throughout
25 Côte d'Ivoire. He was in charge of the self-defence -- youth self-defence.

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1 Q. And from what commune does he hail and more specifically from which location in
2 that same commune?

3 A. He was in Yopougon and Yopougon is very vast, there are many neighbourhoods
4 there, but I do know that there was Trois Rouges (phon) or something like that.

5 Q. Do you know the number of the police station in the sector where he was
6 operational?

7 A. Well, there were a number of police stations in Yopougon. I believe there was the
8 sixth, there was the nineteenth, sixth, nineteenth. There were a number of police
9 stations.

10 Q. So it was a self-defence group at the time and at the time they certainly had
11 weapons?

12 A. Yes, there were many weapons. They had many weapons. They were armed
13 indeed.

14 Q. Were they part of an organisation?

15 A. I'm not in a position to know that as to whether there was an organisation that had a
16 name. We saw them as the self-defence youth.

17 Q. And this self-defence youth, were they part of the Galaxie Patriotique?

18 A. Mr Prosecutor, you know, the self-defence youth, Galaxie Patriotique are not
19 structures as such, they are names that are given to Galaxie Patriotique to young leaders,
20 and self-defence is also a group of youths. It's not as if you're talking about the FDS, the
21 police or the army. They're not legal entities or structures that have names.

22 And Maguy le Tocard, well, the first time I heard speak of this individual and the first
23 time I met him was when we went to Yopougon. That was the first time I saw him.

24 Q. And that was in the month of April 2011?

25 A. Yes, Mr Prosecutor.

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1 Q. Are you very sure about that?

2 A. Yes, very much.

3 THE INTERPRETER: Message from the English booth: Too fast. Overlapping
4 speakers.

5 MR MACDONALD: (Interpretation)

6 Q. Do you remember having been questioned by the OTP on the subject of Maguy le
7 Tocard and his presence in meetings where you were in assistance?

8 MR O'SHEA: There's a difference between -- oh, sorry. I didn't see you.

9 There's a difference between refreshing the memory from the previous statements --

10 PRESIDING JUDGE TARFUSSER: It can't always be the same thing. We are always
11 talking about the same issue.

12 MR O'SHEA: Well, is my learned friend going to be allowed to challenge the credibility
13 of his own witness now? The witness has given an answer, a clear answer. Are we
14 going to allow my learned friend to now challenge his credibility by referring back to the
15 statement? Really?

16 MR N'DRY: (Interpretation) Yes, Mr President, I was going to make the same
17 objection.

18 PRESIDING JUDGE TARFUSSER: And I was going to stop the Prosecutor because we
19 are quite over time and I don't know how long you want to proceed next week, Easter, I
20 really want an estimate because yesterday you said one session and that's it, and now we
21 are at the end of the third and there is no such thing like light --

22 MR MACDONALD: I know, your Honour.

23 PRESIDING JUDGE TARFUSSER: -- after the tunnel.

24 MR MACDONALD: I thought we had until quarter to because we started a little bit
25 later.

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1 PRESIDING JUDGE TARFUSSER: Yes, but I was going to tell you that we have exactly 8,
2 9 minutes.

3 MR MACDONALD: That's all I need. That's all I need. Guaranteed. I have two
4 questions left, or three.

5 PRESIDING JUDGE TARFUSSER: Yes. Not the one you have put. Take the next one.

6 MR MACDONALD: (Interpretation)

7 Q. Are you able to recognize Mr Maguy le Tocard?

8 A. I'm sorry?

9 Q. Are you able to recognize Mr Maguy le Tocard? Were you shown a photograph of
10 said individual?

11 A. Yes, of course. I did spend a week with him. I could recognize him.

12 Q. I shall show to you an image and I would request that you cast an eye over it. We
13 can't blow up the photograph but we can show it on evidence 2. Do you recognize this
14 individual?

15 A. Yes.

16 Q. Who is it?

17 A. Maguy le Tocard.

18 Q. Very well. So the minute in question?

19 MR O'SHEA: Could we also have the ERN number when you're ready?

20 MR MACDONALD: Yes. The ERN number is CIV-OTP-0028-0008, and it is at
21 seconds -- 52 seconds.

22 Q. (Interpretation) This is my last question, Mr Witness. Earlier you were shown the
23 call made by Mr Blé Goudé broadcast over RTI to enlistment on 19 March and we showed
24 some rallies and you were witness during the crisis of a number of rallies with calls made
25 by Mr Blé Goudé over the RTI. To your knowledge, where did Mr Blé Goudé receive his

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1 instructions from in order for him to be able to broadcast such calls or appeals over the
2 RTI?

3 MR KNOOPS: Mr President, I believe this question was already asked by the
4 Prosecution and answered.

5 PRESIDING JUDGE TARFUSSER: Yes, please, Mr Witness, please answer the question if
6 you have -- if you can.

7 THE WITNESS: (Interpretation) Mr President, I've already answered the question
8 yesterday or the day before, but if he wants me to, I can answer it once again.

9 Mr Prosecutor or Mr President, I can still answer the question. I explained to him that in
10 order to have access to the RTI we had no problem at all because we were leaders and we
11 were defending our republic. So the RTI was considered to be our forum of
12 communication, and as such there was no particular order or any protocol for us to follow
13 to have access. I have already said this here, Mr President, Mr Prosecutor.

14 MR MACDONALD: (Interpretation)

15 Q. So last question: During the post-electoral crisis over the 8 o'clock news in the
16 evening, how many calls did you make over the RTI as part of the Galaxie Patriotique?
17 How many calls did you make?

18 A. No, I did not go to the RTI to launch any calls, to make any calls. I was part of a
19 debate where the leaders of parties or leaders of the Galaxie Patriotique came to voice
20 their opinions. I think I was part of this televised debate over 45 minutes or so. It was
21 not a call to the population as such.

22 Q. Thank you, Mr Witness. Those are the questions that I had to put to you.

23 A. I thank you, Mr Prosecutor.

24 MR MACDONALD: Thank you, your Honour, for your indulgence.

25 PRESIDING JUDGE TARFUSSER: Thank you very much.

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- 1 Now I don't know really if the disagreement by the parties is so big because probably the
- 2 Defence wanted the Prosecutor to go as far as he went in order to start on Monday as
- 3 that's probably an agreement among you, or the ability to estimate his time by the
- 4 Prosecutor is not the best, I don't know, but I think we stop here and we go on
- 5 Monday, 9.30. Thank you very much.
- 6 THE COURT USHER: All rise.
- 7 (The hearing ends in open session at 4.44 p.m.)