

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Monday, 6 June 2016
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: All rise.
12 International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Good morning. Good morning.
15 Before starting with this witness, I have some oral rulings, precisely three,
16 and some communications to read out.
17 This is the oral ruling on the Defence motion to prevent the Prosecution from
18 calling Witness P-0097 as an expert witness and to restrict the scope of
19 Witness P-0097's intended evidence. I'm referring to the confidential filing
20 562.
21 In this filing Mr Blé Goudé, the Defence for Mr Blé Goudé requested the
22 Chamber, first, to reject P-97's appearance before the Court as an expert
23 witness and, second, to order the Prosecution to limit its questioning of
24 Witness P-97 to the facts which he personally observed.
25 The Defence for Mr Gbagbo supports the request. In addition it requests the

1 Chamber to order the Prosecutor not to submit as evidence a number of
2 items which would constitute opinion evidence or in the alternative to limit
3 its questioning to the research methodology followed by P-97.
4 The Chamber, having considered the submissions made by the Prosecutor in
5 her email dated 31 May 2016 and by the Defence for Mr Gbagbo by
6 confidential filing 564, decides to reject the request for the following reasons.
7 First, the Prosecutor has clarified that she does not seek to call Witness P-97
8 as an expert witness. Accordingly, all the submissions and the requests
9 made on this respect are deprived of object.
10 Second, the remaining object of the request consists of having the Chamber
11 ordering the Prosecutor to limit the questioning to facts the witness
12 personally observed. The Chamber notes that the directions adopted on 4
13 May 2016 contain ample provisions instructing the parties to conduct and the
14 Chamber to direct the questioning in such way as to obtain the result sought
15 by the Defence for Mr Blé Goudé.
16 The Defence teams will have all opportunities to challenge the questions as
17 they are put, including on the basis of those provisions. Paragraphs 23 and
18 33 of the directions are specifically relevant in this respect.
19 Third, as to Mr Gbagbo's request that the Prosecutor be ordered not to
20 submit as evidence a number of items which would constitute opinion
21 evidence, the Chamber recalls its decision on the submissions and admission
22 of evidence dated 29 January 2016, filing 405. The presentation on -- the
23 presentation or introduction of a given item is without prejudice to the
24 Chamber's determination as to its relevance and admissibility,
25 determinations which the Chamber decided to defer to the stage of the final

1 judgment as a general rule and unless an intermediate ruling would be
2 required under the Statute or otherwise appropriate.

3 The Chamber also recalls paragraph 43 of the directions allowing the parties
4 to introduce documentary evidence directly without producing it by or
5 through a witness.

6 As a general remark, the Chamber directs the parties to refrain from
7 submitting motions which are based on hypothetical scenarios as to what the
8 witness may or may not be asked by the calling party or/and exclusively
9 aimed at either having the Chamber reiterating principles already enshrined
10 in the relevant texts or at obtaining results which can and should rather be
11 obtained by way of properly reacting in the courtroom to the actual
12 questioning.

13 Requests of this nature cannot be considered either in furtherance of the
14 principle of orality, which the Defence of Mr Blé Goudé often recalls as a
15 fundamental component of these proceedings, or instrumental to the
16 expeditiousness of the trial.

17 Finally, the Chamber also deplores the late timing of the request. The
18 Defence for Mr Blé Goudé has been on notice as to the Prosecutor's intention
19 to call Witness 97 since as early as 30 June 2015, and since as early as 15
20 October 2015 that the Prosecutor intended to call him as 10th witness, it is
21 therefore regrettable that the Defence for Mr Blé Goudé only filed the request
22 less than a week before Witness 97 was scheduled to take the stand.

23 This entailed for the Chamber the need to further shorten to less than three
24 days the time limit for responses to the request. As recently stated by the
25 Defence for Mr Blé Goudé in a different context, the shortening of time limits

1 should be approached cautiously and only decided when good cause has
2 been shown, especially when it relates to requests which the requesting party
3 had ample opportunity to submit at an earlier stage.

4 The Chamber also instructs the parties to file a public redacted version of the
5 motion and the responses before the Chamber by tomorrow at noon.

6 The second oral ruling is the one on the Defence response to the
7 communication of the common legal representatives concerning the
8 non-disclosure to the Defence of the identity of participating victims.

9 It is filing 460.

10 The Chamber recalls that in its decision on the participation of victims at
11 trial, filing 379, it has instructed the Legal Representative of Victims to
12 contact all participating victims to determine whether they had objections to
13 the disclosure of their identity to the Defence and if they did to indicate their
14 reasons for non-disclosure.

15 Having consulted with the victims, the LRV indicated that all victims had
16 expressed their opposition to their identity being disclosed by the Defence,
17 referring to filing 460.

18 The Blé Goudé Defence filed a response to this filing requesting that the
19 identity of the new 258 victims admitted to participate in the proceedings be
20 disclosed to the Defence.

21 The Chamber notes at the outset that filing number 460 was meant as a
22 communication by the Legal Representative of Victims to the Chamber in
23 compliance with the Chamber's instructions rather than a request in respect
24 of which the parties were meant to take a position.

25 Besides, the Chamber is satisfied by the reasons for non-disclosure provided

1 by the Legal Representative of Victims in her communication to the
2 Chamber, and more specifically by the fact that the security situation in Côte
3 d'Ivoire is still volatile.

4 Accordingly, the Chamber dismisses the Blé Goudé Defence request.

5 However, as it has recently been done in the context of the Chamber's, and I
6 quote, "Decision on Prosecutor's Request for Lifting of Certain Redactions in
7 Victim Applications," and I'm referring to filings 465 and 493 -- no, in filing
8 506. The Chamber will continue to consider discreet requests for disclosure
9 of victims' identity when it is established that the information is material for
10 the preparation of the Defence and to rule upon them as appropriate.

11 This concludes the oral ruling, but now we come to the sitting calendar for
12 the hearings to be held from August until December.

13 Before doing so, however, the Chamber wishes to make some remarks on the
14 observations filed by the Defence for Mr Gbagbo on 6 May 2016, and I'm
15 referring to filing number 505.

16 The Defence for Mr Gbagbo construes the principle of expeditiousness of the
17 trial as being entirely and exclusively instrumental to the right of the accused
18 to be tried without undue delay.

19 In this perspective, only the accused would have a say as to whether the trial
20 does or does not satisfy the requirement of expeditiousness, and the
21 Chamber would not be entitled to intervene and take measures on its own
22 motions -- motion and on the basis of its own appreciation of what pace
23 would meet this requirement.

24 The Chamber takes the view that this position is inconsistent with the
25 well-established way in which both the right to be tried without undue delay

1 and the principle of expeditiousness have been construed for a long time
2 both at the national and at the international level.
3 There is obviously an inherent tension between the right to sufficient time to
4 prepare the Defence on the one hand and the right to be tried within a
5 reasonable delay and the expeditiousness of the trial on the other hand.
6 The Chamber, while bearing in mind this tension, has a precise statutory
7 duty to ensure that the trial unfolds in a focused and expeditious manner.
8 This duty does entail a delicate balancing of interests which cannot be solved
9 exclusively taking into account the perspective of the accused. This would
10 be tantamount to handing over to the accused the right and the power to
11 manage the trial.
12 The critical need to have a proactive Chamber which would manage the case
13 in such a way as to ensure its efficient and expeditious conduct was also
14 stressed during the preparatory works of the Statute and clearly underlines
15 several provisions of the statutory framework.
16 Furthermore, in making the perspective of the accused the sole relevant
17 factor in assessing the adequacy of the pace of the trial, the Defence is
18 oblivious to the fact that the principle of efficiency and expeditiousness also
19 serves other interests than those of the accused.
20 First, the trial must be fair to all parties involved and not only to the accused.
21 Second, unjustified delays in the administration of justice are not only
22 prejudicial to the accused, they also undermine the overall credibility and
23 effectiveness of the administration of justice.
24 Third, the concurring interest of victims and the international community in
25 an expeditious conduct of the proceedings and an expeditious determination

1 of guilt or innocence must not be overlooked either.

2 International courts of human rights have denied that the right of the
3 accused to be tried without undue delay is violated in cases where the own
4 procedural conduct of the accused, and more specifically the number of
5 challenges raised, is found to be deliberately obstructive of the course of the
6 proceedings.

7 In doing so they make it obvious that their own interest and appreciation of
8 the accused are not the only relevant factors when assessing the
9 expeditiousness of the proceedings.

10 That said, the Chamber is perfectly aware of the constraints under which this
11 trial operates, including as a result of the health conditions of Mr Gbagbo,
12 and it has given them due weight when determining its past calendar. It
13 was heartening for the Chamber to hear at the last status conference held on
14 27 May the Defence for Mr Gbagbo saying that (Interpretation) "The
15 procedure is or the proceedings have been moving forward harmoniously
16 since the beginning of the process." (Speaks English) The Defence for Mr
17 Gbagbo can rest assured that the Chamber will continue along the same
18 lines.

19 Accordingly, subject to adaptations, which will be required as a result of
20 amended circumstances, of amended circumstances, the calendar for the
21 period between September and December will be as follows, and I'm now
22 saying the dates when we are sitting: 30 and 31 August.

23 Now I come to September: 1, 2, 5, 6, 7, 8, 9, 19, 20, 21, 22, 23, 26, 27, 28, 29,
24 30.

25 October: 3, 4, 5, 17, 18, 19, 20, 21, 24, 25, 26, 27, 31.

1 November: 1, 2, 3, 14, 15, 16, 17, 18, 21, 22, 23, 24, 28, 29, 30.

2 December: 1, 2, 5, 6, 7, 8, 9.

3 Finally, and before coming to speak about Witness P-97, I would like to make
4 a statement about something which was said during the status conference
5 held in closed session on 27 May 2016.

6 The Defence for Mr Blé Goudé complained about payments to the various
7 members of the team being delayed by the Registry. After inquiry, I'm now
8 reassured that this is not the case. Payments are made well within the
9 relevant time limits, the only exception having occurred in connection with
10 the Court's move to the permanent premises.

11 I say this also, although on Friday I have responded by email along these
12 lines, because the statements as said was made in closed session and one day
13 the entire record of the proceedings will be made public, and it cannot be
14 that such inaccurate information as to the professionalism of the Court
15 remain unchallenged.

16 Now, before introducing the witness, I will come to something which relates
17 to the protective measures.

18 So before we bring the witness in, the Chamber needs to issue the decision
19 on the Prosecutor's request for protective measures for this witness. Both
20 teams opposed the request. After having received on Friday, after
21 requesting it, the VWU assessment, the Chamber hereby grants the
22 protective measures of voice and face distortion, pseudonym, and use if
23 necessary and when necessary of private sessions.

24 In this context, the Chamber also notes the email from the Prosecutor sent
25 yesterday at 16.41 and agrees that the procedure suggested, meaning that the

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1 parties in questioning the witness refer to pseudonyms to indicate locations
2 and sources is, although a bit cumbersome, reasonable, although with a view
3 to avoid to switch continuously from open to private session and thus also to
4 guarantee as much as possible the publicity of the proceedings and invites
5 the parties to proceed in their questioning accordingly.

6 Now I think it's time for the witness to be called in the courtroom, and I ask
7 the court usher to do so. Thank you.

8 (The witness enters the courtroom)

9 PRESIDING JUDGE TARFUSSER: Good morning, Mr Witness. I think we
10 should now for the identification of the witness go into private session
11 shortly.

12 (Private session at 9.57 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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21 (Open session at 10.01 a.m.)

22 THE COURT OFFICER: (Interpretation) We are in open session

23 PRESIDING JUDGE TARFUSSER: Thank you very much.

24 Now we are in open session, in public session, and I have some preliminary

25 information for you, some information, and also to put you at ease.

1 The Chamber has granted you protective measures. These protective
2 measures apply throughout the whole testimony, the whole testimony you
3 are giving here, and consist in the following: As you have seen, the
4 information relating to your identity have been spelled out in private session,
5 so just the people in here know your real identity.

6 Second, you are given a pseudonym and a number. As you have seen, I'm
7 referring to you as "Mr Witness." I never say your name, nobody will, or
8 number 97.

9 Third, neither the public sitting above you in the public gallery nor anyone
10 else outside the Court will be able to see and to recognize you because your
11 face and your voice are distorted. So nobody will see and nobody will
12 identify you through your voice. And this also applies during the whole
13 testimony.

14 To make sure that these protective measures are effective also you have to
15 contribute, and therefore I ask you to refrain from mentioning anything that
16 could identify you in open session.

17 To this effect the Prosecution has prepared a list of locations and a list of
18 sources, of names, so that you, when referring in your testimony to locations
19 or sources or names, you can and you should answer the questions of the
20 OTP and the Defence lawyers by using these pseudonyms.

21 But first I have a preliminary question, do you really think that you need
22 protective measures, that these protective measures are necessary to you?

23 THE WITNESS: (Interpretation) Yes, I do think so.

24 PRESIDING JUDGE TARFUSSER: Finally, since you will be speaking
25 French and we need to ensure that we understand your answers, and

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1 obviously that you understand the questions properly, we are assisted by
2 interpreters. It is therefore very important that you speak slowly, as I'm
3 doing, that you speak clearly into the microphone so as to allow -- and to
4 allow some time to the Prosecutor for the translation. So please after having
5 heard the question before starting the response, let a couple of seconds, 2, 3
6 seconds of emptiness, so to speak.

7 Have you understood everything?

8 THE WITNESS: (Interpretation) Completely.

9 PRESIDING JUDGE TARFUSSER: Très bien.

10 Now we come to the testimony. You obviously are perfectly aware that this
11 Chamber has been established to try the case of the Prosecutor against
12 Mr Gbagbo and Mr Blé Goudé. You are called to assist us in our search for
13 the truth. You will be asked questions by the parties starting by the
14 Prosecutor and then by the other teams, the Defence teams, and if need be
15 also by the Chamber, by the judges.

16 If at any point you have some concern, some problem, you're tired, you don't
17 feel at ease, just tell me. As a witness in this proceeding, in these
18 proceedings, it is your obligation, your duty to tell the truth, the truth. And
19 the truth is only one.

20 So before we start the questioning, you're required by law to make a solemn
21 undertaking to this effect, and therefore I would ask you to repeat with me
22 the following words: I solemnly declare that I will speak the truth.

23 THE WITNESS: (Interpretation) I solemnly declare that I shall tell the
24 truth.

25 PRESIDING JUDGE TARFUSSER: The whole truth and nothing but the

1 truth.

2 THE WITNESS: (Interpretation) The whole truth and nothing but the truth.

3 PRESIDING JUDGE TARFUSSER: I have to inform you also that giving false
4 testimony is an offence against the Court and can be punished, and you know
5 that and you understand that.

6 THE WITNESS: (Interpretation) I understand.

7 PRESIDING JUDGE TARFUSSER: Okay. So I think now we can start the
8 questioning. But before doing so, I want just to tell you one more thing.
9 You are here as a witness, not as an expert. Therefore, you have to limit
10 yourself, to limit your answering to the questions on facts, as opposed to
11 opinions. On facts you know, you have witnessed, you have knowledge of,
12 and then tell us why you know and how you know. Forget your position
13 (Redacted). What you think, your opinions, your
14 assessments are not requested here. What is requested is what you know
15 and which are the sources of your knowledge.

16 I would like also -- have you understood this?

17 THE WITNESS: (Interpretation) I understand. Yes, completely.

18 PRESIDING JUDGE TARFUSSER: Okay. I would like also to remind the
19 parties that the Chamber is composed by professional judges who are well
20 capable to distinguish direct from hearsay, corroboration from not
21 corroboration, anonymous from non-anonymous sources, and to give to this
22 the right value. So there is no need to jump up all the time. That's what I
23 want to say. We know what we know. We are quite knowledgeable about
24 these things.

25 So I will now give the floor to the Prosecutor for his questioning.

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1 Mr Prosecutor, yours the floor.

2 MR MACDONALD: (Interpretation) Thank you, your Honour.

3 QUESTIONED BY MR MACDONALD:

4 Q. Good morning, Witness. My name is Eric MacDonald and we had an
5 opportunity to meet a few moments ago during familiarisation in the
6 presence of the VWS.

7 Now, could you confirm that before that initial meeting we had never met
8 one another?

9 A. Yes, we never met one another.

10 Q. I don't want to hark back to the Presiding Judge's earlier instructions,
11 but I will be speaking to you in French, and so indeed we need to observe a
12 five-second pause between question and answer so that the interpreters and
13 the court reporters can do their work. And when I speak to the Chamber, I'll
14 be speaking in English. Is that understood fine by you?

15 Now just to begin, I think we should go into private session. I'll speak to the
16 Bench in English.

17 (Speaks English) Your Honours, we've construed this questioning by
18 hopefully putting at the forefront all identifying information of the witness.
19 So we would start with a private session that will last, I don't know, about a
20 good half hour, if not a little bit more, because we're going to, depending on
21 the pace of the questions and answers, but we're covering what hopefully will
22 be everything. And then we can go back to public session using the different
23 lists we have and so on.

24 PRESIDING JUDGE TARFUSSER: So we might go to the break. This is also
25 said for the public, because if we now go half an hour in session, then we

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1 have a half an hour pause, we will resume at 11.30. So now we're going in
2 closed session also for the benefit of people who are looking in the courtroom.
3 So we are going now in closed session please.

4 (Private session at 10.13 a.m.)

5 (Redacted)

6 (Redacted)

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10 (Redacted)

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17 (Open session at 12.13 p.m.)

18 THE COURT OFFICER: (Interpretation) We are in open session, your

19 Honour.

20 PRESIDING JUDGE TARFUSSER: So now, Mr Witness, we are in open

21 session. You know what that means. We have to try to keep your identity

22 hidden. So you have to cooperate with this endeavour, all right.

23 The Prosecutor will continue his questioning.

24 Yours the floor.

25 MR MACDONALD: (Interpretation)

1 Q. Mr Witness, to begin with I would like to ask you questions on the

2 JFPI. To your knowledge, when was it created?

3 A. The youth wing of the FPI, abbreviated JFPI, if I remember correctly,
4 was created in 1991.

5 Q. Can you describe to us its structure, generally speaking? Maybe not
6 at a local level because we talked about that in private session. But in open
7 session, can you now describe to us the structure of the JFPI?

8 A. There is a national secretary who is the leader of the entire
9 organisation, and the national secretary collaborates with the leaders of the
10 federations. Now, after the federation leaders you have the section
11 secretaries, and below them you have the grass roots committees. So
12 generally speaking, that was the structure of the JFPI.

13 Q. This is something that we will revisit.
14 What do you mean by "comité de base" or "grass roots committee"?

15 A. The comité de base is at the level of the villages. In fact, it is the
16 lowest level of the organisation in the villages and local communities.

17 Q. And when you say **démembrement*, in Abidjan, that is the structure,
18 what are you referring to?

19 A. In Abidjan, the structure is the same. You have the national bureau of
20 the JFPI, and then you have the leaders of the federations who are there, and
21 below them you have the sections, and the sections in the various
22 neighbourhoods set up the comité de base or the grass roots committees.

23 Q. From a historical point of view, can you enlighten us about the
24 leadership of the JFPI?

25 MR O'SHEA: We would submit that if my learned friend is going to start

1 asking the history of these organisations that he is asking for this witness's
2 expert opinion.

3 PRESIDING JUDGE TARFUSSER: Well, I don't think it's an expert opinion.
4 I think only that if he will ask for each organisation the history of the
5 organisation as far as the witness himself is aware of, then we will stay here
6 for probably a few more days than expected. But I don't think it's an opinion
7 as such. It's not an opinion expert. It's just he refers to what he knows, not
8 what he thinks to know.

9 MR MACDONALD: And we're in public session. But I remind my
10 colleague what the witness stated in partial closed session, and I will not say
11 any more. But we just need to go up to the transcript and his own personal
12 knowledge where it comes from. I will not say any more.

13 MR MACDONALD: (Interpretation)

14 Q. Very briefly, Mr Witness, I believe there were not many leaders, and
15 we are going to confirm that, but very briefly can you give us a list of the
16 leaders of the JFPI in chronological order?

17 A. I believe that there was Damana Pickas, who was the leader of the JFPI.
18 There was Konaté Navigué. But well before those two, I believe Eugène
19 Djué was also the leader of the JFPI.

20 Q. And recently when Konaté Navigué went into exile, who was the
21 interim leader? Who became the interim leader as far as you know?

22 A. I know the name, but I really cannot remember it. I don't want to risk
23 making a mistake.

24 Q. Very well. Now, let us move on to FESCI. It is no secret that this
25 organisation was created in the early 1990s. Now, what was the objective of

1 FESCI?

2 A. Before talking about FESCI, I would like to point out that Koua Justin,
3 who was the one who was the leader of FESCI when Navigué left.

4 Q. I believe Mr Koua Justin is actually in detention right now?

5 A. Yes.

6 Q. Now with regard to FESCI, please describe to us the objectives, the
7 structure, and the various leaders of FESCI?

8 A. The main objective of FESCI was to fight for the improvement of the
9 welfare of students all over Côte d'Ivoire. That was the main objective of the
10 organisation. With regard to its structure, the leader of FESCI is the national
11 secretary, the secretary-general. And then you have sections. Then you
12 have what is known as an antichambristes.

13 Q. What is that? What is an antichambristes?

14 A. These are militants, people who are very, very committed.

15 Q. So it is a sort of school trade union?

16 A. A student trade union.

17 Q. So in the high schools and universities, to begin with, in the high
18 schools, you had FESCI operational in those high schools; is that correct?

19 A. Yes, of course.

20 Q. Apart from FESCI, were there any other student movements in the
21 '90s?

22 A. I was not aware of any others. Well, maybe there were others that
23 were detested, MECI.

24 Q. Can you give us the abbreviation?

25 A. MEECI, Movement of Students of Côte d'Ivoire.

1 Q. And I understand that it existed under Houphouët-Boigny's reign?

2 A. Yes, I believe it was affiliated with the PDCI party. So the single
3 party.

4 Q. Who was the first secretary-general of FESCI?

5 A. The very first secretary-general of FESCI was Mr Martial Ahipeaud.

6 Q. And then who succeeded him as far as you know?

7 A. There was Eugène Djué, and his reign was rather controversial and
8 short lived. After that there was Mr Soro Guillaume and then Mr Charles Blé
9 Goudé. We were used to calling him Sroukou Trinmin Trinmin. That was
10 his nickname. And we were so used to calling him that that I do not
11 remember his name.

12 Q. Serge Koffi?

13 A. Yes, Serge Koffi. After Mr Blé Goudé it was Mr Dibopieu Jean-Yves
14 and it was after Mr Dibopieu Jean-Yves that Serge Koffi became the leader.

15 Q. And after Mr Serge Koffi, who succeeded him?

16 A. In fact, the movement leaders of today are really no longer of any
17 interest to me.

18 Q. Very well. Where was the national bureau of FESCI located?

19 A. The national bureau of FESCI? It was in Abidjan.

20 Q. And what was that national bureau like? How was it structured?

21 A. You had the secretary general. Then the national executive bureau,
22 abbreviated BEN. And within that BEN, there were other members of the
23 bureau.

24 Q. In the jargon of FESCI, how were the former leaders of FESCI called?

25 A. The generals. Everyone who was a member of the national executive

1 bureau, they were referred to as generals.

2 Q. What means of pressure were used by FESCI in the '90s?

3 A. There were protest marches, sit-ins, strikes. In any case, all the legal
4 and democratic means that you can think of.

5 Q. And did FESCI evolve? When it came to the use of legal means, did
6 they change?

7 A. Yes. I believe that that is an open secret, when you are asking about
8 change within the organisation. The means of struggle or the fight within
9 FESCI changed with time, and in space they moved from strikes and all the
10 other means of pressure that I have mentioned to the use of clubs. And after
11 clubs, they started using machetes and sometimes weapons such as pistols.

12 Q. Well, perhaps we'll talk about the GFPI in a few moments.

13 THE INTERPRETER: Correction: The AJF -- correction the JFPI.

14 MR MACDONALD:

15 Q. (Interpretation) But in any event, the FESCI, this student union began
16 to change. And did the objectives of the FESCI remain the same up until
17 now? You mentioned some changes. What were these changes? What
18 change occurred?

19 A. The objectives of the FESCI tacitly changed without the actual statutes
20 changed. I don't know if you understand what I'm driving at. In actual
21 fact, you see, in practice we sensed a change without any change to the
22 statutes. There were no changes to the statutes.

23 MR O'SHEA: Sorry, I'll let the witness finish.

24 THE WITNESS: (Interpretation) I will give you an example. At one
25 particular point, the FESCI had a particular slogan: No democracy, no

1 democracy without a new school.

2 In short, I'll set aside the slogan and tell you about *the way things happened.

3 Now, the objective of the federation became to overcome at any cost the party

4 that at the time, the PDCI, and that was known by everyone. All activists

5 knew --

6 MR MACDONALD: (Interpretation)

7 Q. And what year was that? Maybe that will help with the objection that

8 I see coming my way from my learned friend opposite. Now just since we're

9 in open session, could you tell us the year? That could explain why you

10 know this particular thing. Let's start with the year.

11 A. It was before, before 1990 -- '99.

12 Q. Now, you mentioned the time when you entered university. Was that

13 after or before?

14 MR O'SHEA: You see, your Honours, what we've just observed over the last

15 5 minutes with these questions about explain the evolution of the FESCI,

16 we've just observed a situation where this gentleman has drawn from, can I

17 say, his global sources or knowledge to just -- you understand me. And it

18 really comes from the way my learned friend is questioning the witness,

19 because instead of having the witness being asked at the end, "Well, what is

20 the year to say what is the basis of your knowledge," right, after he's already

21 effectively given an opinion, the way to deal with this is to establish a

22 foundation first. In such and such year, what were you doing? What is

23 your knowledge of X? How do you know this?

24 Then we can all understand that this is coming from the personal knowledge

25 of the witness as opposed to "explain the evolution," which is a very general

1 question about an organisation, which invites a witness of this nature to
2 essentially come from his perspective, which he has done.

3 And we don't know from the answers he's given just now what bits are
4 opinion and what bits are personal knowledge.

5 So in my submission, there is a way to question -- in the restraint that we
6 have of trying to avoid eliciting opinion evidence, there is a way to put the
7 questions so as to place the witness in time and space and invite his personal
8 knowledge of an issue rather than asking a general question about evolution.

9 PRESIDING JUDGE TARFUSSER: I think the only moment when we could
10 say that this was an opinion is when he used the word "I sensed" or "we
11 sensed." This is an opinion. All the rest, an opinion is the personal
12 conclusion on the basis of knowledge of facts.

13 So I think really we should also, and this is, and I'm referring to the
14 Prosecutor, just put short questions where short answers can be given, short
15 and straightforward answers can be given so not to go back to answers
16 which are much too elaborated, because the more elaborated is an answer,
17 the more it could imply something like an opinion.

18 So I just would like short questions and answers on facts you know, maybe
19 also referring to the source, the sources of your knowledge.

20 Please, Mr Prosecutor.

21 MR MACDONALD: Thank you, your Honour.

22 Q. (Interpretation) Briefly, what changes occurred within the FESCI and
23 at what time?

24 A. I think that by 1995 -- well, when I say this it's not because -- it's not
25 just about when I got to the university in 1996. That's not when my interest

1 in the federation began. Even before when I was in secondary school, I was
2 already interested in the student federation. And the changes occurred, I
3 would say the changes were starting in 1996 and then expanded from that
4 particular point.

5 Q. Very well. Now, in private session we mentioned the JPFI and you
6 said that you were a member of the organisation. Did you remain a JPFI
7 activist?

8 A. No.

9 Q. Why, why did you leave the organisation?

10 A. Well, that could explain -- that could be explained best in private
11 session.

12 Q. Well, if you think it would be better for us to go into private session.

13 MR MACDONALD: (Interpretation) I believe since the witness has made
14 this suggestion, I would suggest we go into private session briefly and then
15 see if we can come back into open session.

16 PRESIDING JUDGE TARFUSSER: Of course.

17 Please can you call private session.

18 (Private session at 12.39 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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12 (Open session at 12.42 p.m.)

13 THE COURT OFFICER: (Interpretation) We are in open session, your

14 Honour.

15 PRESIDING JUDGE TARFUSSER: Please go ahead.

16 MR MACDONALD: (Interpretation)

17 Q. If we go back to FESCI, you said that there was a change occurring and

18 then the change grew greater and greater. To your knowledge, what were

19 the dealings or the relationship like between the FESCI and the JPFI?

20 THE INTERPRETER: Correction: FPI.

21 THE WITNESS: (Interpretation) The FESCI, well, there was cooperation

22 between the two organisations because even when you were a member of the

23 FESCI, all the trainers were people from the FPI, all the trainers. They were

24 officials or people from the FPI and everyone knew that. Everyone knew

25 that. I don't really know how to put it to you. But it was common

1 knowledge that the FESCI was really just an appendage of the FPI. You
2 couldn't really say it was a subsection, but in any event the FESCI was really
3 sort of a preparatory year, put it that way, to go to the FPI. You had to work
4 within the federation and you really had to go by way of that student
5 federation, the FESCI. That was the only way to get anywhere. It was
6 unthinkable to proceed in any other manner.

7 Q. Now, I'm going to now turn to the list of locations. And when you
8 were at the university at place number C, location C, did you meet
9 Mr Blé Goudé?

10 A. Yes.

11 Q. And what was his capacity when you met him?

12 A. He was the national secretary of the FESCI, and thus in that capacity
13 we welcomed him, the FESCI, as you say, at that location, location C.

14 Q. When Mr Blé Goudé ended his mandate within FESCI, I understand
15 that he then established the COJEP. I understand -- well, a few moments ago
16 in private session you told us that you had spoken to some people from the
17 COJEP. We're in open session now, so I won't go any further than that.
18 But first of all, could you tell us what the context was when the COJEP was
19 set up? Why was it set up?

20 A. The COJEP was established against a particular back drop; namely,
21 one of political struggle at the national level. And also, you see, there was
22 differing opinions as to who should lead the country. On the one side, there
23 were pure nationalists. On the other side, there were political leaders who
24 were labelled as in the pay of foreigners of the West. And thus, that was the
25 backdrop against which the organisation was set up. You see, there was a

1 rift. The rift already was present within the country. *There was a
2 re-surgence of the notion of "*ivoirité*", without necessarily using the word. But
3 the essence of "*ivoirité*" was once again brought to the fore, without the word
4 itself being mentioned. I do not know whether you understand me.

5 Q. I understand. I understand. I understand quite well. I realise
6 that -- yes. Well, I'll let you finish your remarks about Ivoirité, the Ivorian
7 identity. You say behind all of that there was the whole issue of the Ivorian
8 identity?

9 A. I don't understand.

10 MR O'SHEA: That's requesting an opinion, with respect.

11 MR MACDONALD: It's all right, your Honour. I'll reformulate.

12 Q. (Interpretation) Mr Witness, let us return to the COJEP. Now, just for
13 trivia pursuit purposes, where was this organisation set up?

14 A. It was set up in Abidjan in a restaurant called maquis le -- maquis
15 something.

16 Q. In your statement you gave the actual name. Do you remember?

17 A. Yes.

18 Q. I will put it to you that it's the maquis quitte dans ça?

19 A. Yes. But when we say "maquis" in our part of the world, we mean a
20 restaurant.

21 Q. Do you remember that time, that answer?

22 A. No. I mentioned it, but I don't remember.

23 Q. And the source of that information? Could you look at the list of
24 names and tell us the number, if the name in question appears.

25 A. Well, I think you've already mentioned the name. I think I've --

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1 Q. Yes, indeed. In private session you mentioned someone.

2 A. Yes.

3 Q. (Overlapping speakers)

4 A. I described the person and you mentioned that person's name. Yes,
5 indeed.

6 MR O'SHEA: (Microphone not activated) -- I think in this particular
7 context.

8 MR MACDONALD: Your Honours, we can come back at 2 o'clock or
9 whenever we're coming back this afternoon, and I'll give the name in huis
10 clos before we start, or I'll write it down on a piece of paper to confirm so that
11 we can accelerate.

12 MR O'SHEA: The witness can say the name. He's talking about something
13 he's got nothing to do with.

14 MR MACDONALD: No, he cannot give the name because we're in public
15 session. That's the whole point of the exercise. He's not on the list. I'm
16 sorry. I won't point, you know. It's like you know the exercise, Mr O'Shea,
17 you know. I don't want to get upset, but you know what's going on.

18 PRESIDING JUDGE TARFUSSER: Please, Mr MacDonald, please. Don't
19 get upset you as well. Just relax. And if the name is not on the list, it's
20 probably not the fault of Mr O'Shea, I would suggest.

21 MR MACDONALD: I'm not blaming Mr O'Shea, but he can look at the
22 record. He's got a transcript in front of him. He can ask Ms Naouri that is
23 sitting next to him to give him the name that I mentioned. It's not very
24 complicated.

25 MR O'SHEA: I'm just trying to be helpful. I'm just saying that in the

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1 context of what the witness is talking about there is no danger in the witness

2 saying the name. It's simple.

3 MR MACDONALD: Well, I disagree with that and I'm the examining

4 counsel, I may recall.

5 PRESIDING JUDGE TARFUSSER: Please, can you calm down a little bit. Is

6 that possible?

7 MR MACDONALD: Sometimes it is.

8 PRESIDING JUDGE TARFUSSER: Yes, it should be. It should be also now.

9 Otherwise, I think we interrupt here and go for lunch and we'll see each other
10 at 2.30.

11 THE COURT USHER: All rise.

12 (Recess taken at 12.54 p.m.)

13 (Upon resuming in open session at 2.31 p.m.)

14 THE COURT USHER: All rise.

15 Please be seated.

16 PRESIDING JUDGE TARFUSSER: Before giving the floor back to the

17 Prosecution, and in light of the discussion we held this morning, held this

18 morning in the courtroom, I try hereby to provide some further guidance as

19 to the way in which the Chamber expects the questioning of Witness 97 to

20 continue in accordance with the principles set out in the directions.

21 The witness is not here to provide us with his opinion, nor he is here to

22 provide us with general information about historical facts he may know

23 about as an informed person, as lots of other individuals do. Other, and

24 possibly better, not necessarily oral sources of information and evidence of

25 those historical facts may be made available to the Chamber and should be

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1 made available to the Chamber.

2 It is only when he has been a witness to any such historical events that he
3 may be questioned on them. And I repeat myself: Witness 97 is here as a
4 witness and therefore he is here to talk about what he has done, seen, or
5 heard, and the Prosecutor is directed to shape his questioning so as to
6 comply with this guidance.

7 Mr Prosecutor, yours the floor.

8 MR MACDONALD: Can we go in private session, your Honour, please?

9 PRESIDING JUDGE TARFUSSER: Can you tell us why?

10 MR MACDONALD: Two things: To discuss the name before we
11 suspended and to come back on -- to be able to speak openly about your
12 current directives so I can understand them very well, please.

13 PRESIDING JUDGE TARFUSSER: Let's go in private session shortly.

14 (Private session at 2.34 p.m.)

15 (Redacted)

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24 (Open session at 2.40 p.m.)

25 THE COURT OFFICER: (Interpretation) We are in open session, your

1 Honour.

2 PRESIDING JUDGE TARFUSSER: Now please, Mr Prosecutor.

3 MR MACDONALD: (Interpretation)

4 Q. Mr Witness, let us go back to COJEP. We have just mentioned a name
5 of the person who gave you the details about COJEP in private session. I
6 also understand that the first Congress of COJEP was on 4 June 2001; is that
7 correct?

8 A. Yes.

9 MR MACDONALD: (Interpretation) Can my learned friends in the Blé
10 Goudé Defence make an admission on that? And just to assist, it is in
11 Mr Blé Goudé's book, Ma Part de Vérité, page 1304.

12 MR GBOUGNON: (Interpretation) Yes, we admit it, 4 June 2001, your
13 Honours.

14 PRESIDING JUDGE TARFUSSER: Yes. But do you really think that also if
15 Blé Goudé Defence wouldn't have admitted it, it could not be something the
16 Chamber could appreciate also, if you're not admitting it? I do not
17 understand this, why you're admitting or not admitting. But it's okay. It's
18 not -- please go ahead.

19 MR MACDONALD: (Interpretation)

20 Q. Based on your conversations with that person that you named in
21 private session, were you able to understand the structure of COJEP?

22 A. Yes. The structure of COJEP is similar to that of an ordinary political
23 party. COJEP had structures, a national bureau, section secretaries, as well
24 as representatives outside of the country.

25 Q. We are going to come back to this later, but to your knowledge who is

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1 the executive secretary at the present time while Mr Blé Goudé is in
2 detention? Do you know?

3 A. Do you want me to give the person's name? I don't know whether it
4 is Mr Patrick Kouté.

5 Q. Very well. Let me move on to the coup d'état attempt of 19
6 December 2002 -- September 2002, *when the country was split in two,
7 between the North and the South. I understand that Mr Blé Goudé at that
8 time was in Manchester in the UK?

9 A. Yes.

10 Q. Can you explain to us the circumstances in which Mr Blé Goudé
11 returned to Côte d'Ivoire?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Very well. When Mr Blé Goudé returned, how were the youth
5 organised? What was the impact of the split in the country on the youth
6 movement? I understand that during this period you were in the country.
7 Now, what did you observe?

8 A. When Mr Charles Blé Goudé returned from abroad, there were mass
9 mobilisation activities, especially on 2 October 2002, and the people tried
10 to -- they estimated the number of people who participated at at least
11 1 million people. I don't want to say that it was indeed 1 million, but I
12 simply want to give you an idea of the scope of that mobilisation.

13 Q. For such a large group of people, where was the location for this
14 mobilisation? Where did these people assemble on 2 October 2002?

15 A. At the Plateau.

16 Q. Apart from COJEP, were there other groups of young people that were
17 organised during that period?

18 A. Yes, of course there were other groups. When COJEP was created,
19 you had the youth wing of the FPI already in existence. There was also
20 FESCI. So COJEP was a link in that chain.

21 Q. We are going to talk about the Galaxie Patriotique. But before that,
22 prior to the Galaxie Patriotique, was there an umbrella group for those youth
23 groups that you have talked about?

24 A. You are saying before, before what?

25 Q. Let me rephrase. When Mr Blé Goudé returned to Côte d'Ivoire, this

1 was the beginning of major activities and assemblies. That is in 2002. But
2 how were the youth organised as a movement? Was there a name?

3 A. The young people launched what they named grand mouvement
4 patriotic. That is the major patriotic movement, Alliance des jeunes pour le
5 sursaut national, that is the alliance of young people for national revival. I
6 think all the Young Patriots were members of that alliance.

7 Q. What were the groups that created the *AJSN?

8 A. There were many movements. There was the Ivorian Movement for
9 the Repatriation of Alassane Ouattara, there was COJEP itself. And that first
10 movement was abbreviated MIRAO, M-I-R-A-O. And within the alliance
11 itself, there were other movements.

12 Q. To your knowledge at the very beginning, was FESCI a member of the
13 AJSN.

14 A. Yes.

15 Q. The JFPI?

16 A. Yes.

17 PRESIDING JUDGE TARFUSSER: Please.

18 MR N'DRY: (Interpretation) Your Honour, I would simply want to draw
19 your attention to the fact that Mr MacDonald is asking many leading
20 questions. During the first session, Mr Charles Blé Goudé's Defence team
21 preferred to remain silent, but I would like to point out that during this
22 session we are going to scrupulously respect the rules that you yourself have
23 drawn up.

24 The witness himself did not suggest that FESCI was a member of the AJSN.

25 It was not up to the Prosecutor to say it. He said what were the

1 members -- which were the members of the AJSN, and the witness

2 mentioned two groups, but he said he didn't know the others. And the

3 Prosecutor asked whether FESCI was part of AJSN, and we think that is a

4 leading question, and we think the Prosecutor should make an effort.

5 PRESIDING JUDGE TARFUSSER: Mr Prosecutor, please direct questions.

6 MR MACDONALD: (Interpretation)

7 Q. Very well. Mr Witness, I would like to show you a document, and it

8 is CIV-OTP-0081-0338. Timestamp 25.10.02 to 25.44.10. I will not give a

9 date immediately, but later after the excerpt would have been shown.

10 So, Mr Witness, please look carefully at the footage, it is quite short, and then

11 we are going to freeze the image on some of the persons that will appear, and

12 then I will read into the record what was said by the people speaking.

13 MR GBOUGNON: (Interpretation) I would like the Prosecutor to repeat

14 the ERN number, please.

15 MR MACDONALD: 0081-0338.

16 PRESIDING JUDGE TARFUSSER: Mr Witness.

17 THE WITNESS: (Interpretation) With your authorisation, counsel, I would

18 like to go briefly into private session.

19 MR MACDONALD: (Interpretation) We are in the hands of the Bench,

20 your Honour.

21 PRESIDING JUDGE TARFUSSER: Can we go in private session.

22 (Private session at 2.55 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Open session at 2.57 p.m.)
14 THE COURT OFFICER: (Interpretation) We are in open session, Mr
15 President.
16 MR MACDONALD: (Interpretation) Your Honour, I can confirm that this
17 excerpt is public. So we can show it in public session.
18 So, Mr Witness, please look and listen carefully.
19 (Viewing of the video excerpt)
20 MR MACDONALD: We're supposed to have some sound. It was tried and
21 tested this morning, I'm informed.
22 (Viewing of the video excerpt)
23 MR MACDONALD: Before I ask the questions to the witness, I'm just going
24 to read into the record the following, which was mentioned by Mr Blé Goudé:
25 (Interpretation) "I was appointed as general of the liberation camp of Côte

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1 d'Ivoire on behalf of the young people assembled here today as the Alliance
2 of Young Patriots for National Revival. We say to the young people who
3 came out this morning that they should all agree to die a good death, a good
4 death for your country. It's a strong message."

5 PRESIDING JUDGE TARFUSSER: Well, "It's a strong message" you added
6 or was it said?

7 MR MACDONALD: It was said.

8 PRESIDING JUDGE TARFUSSER: Okay. No, no, because --

9 MR MACDONALD: To each their own skills, your Honour. I'm a lawyer.

10 PRESIDING JUDGE TARFUSSER: No, no, but -- no, no.

11 MR MACDONALD: (Interpretation)

12 Q. Now, Mr Witness, first and foremost, have you already seen this video
13 or this excerpt?

14 A. I have already seen it.

15 Q. Very well. And with the exception of Mr Blé Goudé, who we see
16 dressed for the occasion as the general, I'm going to introduce you to other
17 individuals by freezing the image, and I'm going to ask you to identify the
18 individuals if you are capable of doing so, please.

19 (Viewing of the video excerpt)

20 MR MACDONALD: (Interpretation)

21 Q. Who is this individual?

22 A. Mr Dakouri Richard.

23 Q. And which group did he belong to, if he belonged to any? Mr Dakouri
24 Richard, what were his responsibilities within the AJSN?

25 A. As you said, he was a member of the AJSN, but he also headed up the

1 Sorbonne, the Sorbonne nationale.

2 Q. So the Sorbonne nationale, that was the speakers' corner, the object or
3 the subject of our discussion in closed -- in private session?

4 A. Yes. Yes, you see, earlier on when you asked me to go through the
5 various organisations that were members of the AJSN, I said that there was
6 the MIRAO, there was the FESCI, you know. I did not mention the SOAF,
7 which is the SOAF, which is the African solidarity.

8 Q. I do apologise. We'll come back to the SOAF at a later stage. I do
9 apologise. Please do continue.

10 A. So it's to say that in answer to a question, well, it's a process, you
11 know. I just wanted to mention that fact. Apart from that, as you indicated,
12 the Sorbonne was the privileged forum for mobilisation, and it's from there,
13 from the Sorbonne, that other structures and other mobilisation fora came
14 into being.

15 Q. Very well. Now, we had stopped or frozen at the image numbered
16 timestamp 25.27.02. And, Mr Witness, we're going to continue.

17 (Viewing of the video excerpt)

18 MR MACDONALD: (Interpretation)

19 Q. Now, we have frozen the image here. I just need to look at the
20 timestamp. One second, please. It is 25.29.20. Who is this individual?

21 A. It is Mr Thierry Legré.

22 Q. And which group did Mr Legré belong to?

23 A. Mr Legré did not have a specific group as such because he had come
24 over from the RDR. He had just come from the RDR. And even if he was a
25 member of a group, I was never interested in that group.

1 Q. Very well. Let's continue.

2 (Viewing of the video excerpt)

3 MR MACDONALD: (Interpretation)

4 Q. So at minute 25.32.13, who is the individual pictured?

5 A. It is Mr Konaté Navigué. He was the general secretary of the JFPI at
6 the time.

7 (Viewing of the video excerpt)

8 MR MACDONALD: (Interpretation)

9 Q. We are at minute 25.36.23, 25.36.23. Who is the individual?

10 A. Mr Jean-Yves Dibopieu. He was the national secretary of the FESCI at
11 the time. Dibopieu.

12 Q. And you talked about the SOAF earlier on.

13 A. Yes, but --

14 Q. So I understand that if we see him pictured here, he was the secretary?

15 A. He was the secretary of the FESCI at the time, and it was later on when
16 he left the heading up the FESCI that he created or set up the SOAF.

17 Q. And now 25.38.07, who is this individual?

18 A. Mr Serge Kassy. He's the Reggae man.

19 Q. The Reggae man?

20 A. Yes. He was the Godfather, as we used to call him.

21 Q. The Godfather. Can you -- I understand that the image here is a black
22 and white. Can you situate us in time? We don't have colour here. I
23 suppose it's a special effect of the producer. But can you situate us in time?

24 A. I believe that this video was made, if I'm not mistaken, just after the
25 arrival of Mr Blé Goudé in Côte d'Ivoire just after September 2002, and more

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1 specifically after the major mobilisation of October 2002.

2 Q. Now, I am going to present another video to you --

3 MR KNOOPS: Mr President, before we go to the next video --

4 PRESIDING JUDGE TARFUSSER: Mr. Knoops.

5 MR KNOOPS: One remark for the record. Mr MacDonald commented on

6 the video saying that for this occasion Mr Blé Goudé was dressed as a

7 general. It may be an open door, but it's not established that this is really a

8 general's uniform.

9 PRESIDING JUDGE TARFUSSER: No, I had some completely different idea,

10 but I keep it for myself.

11 Please go ahead.

12 MR MACDONALD: Sorry, I need a moment.

13 The next piece of video, your Honour, I would like to show

14 CIV-OTP-0075-0043, it's from minute 16 to minute 17.14, and there is also a

15 transcript that is available and can be found at 0087-0089.

16 Q. (Interpretation) Now, Mr Witness, subsequent to the testimony that

17 you have provided us with up to now, I'm going to present another video to

18 you and then come back to you with some questions.

19 A. Very well.

20 (Viewing of the video excerpt)

21 MR MACDONALD: (Interpretation)

22 Q. Now, Mr Witness, here mention is made of a demonstration. And we

23 see Mr Blé Goudé dressed in the same manner as we saw him dressed in the

24 previous image, and this is situated at 2 November 2002. Do you recall

25 when you mentioned 2 October 2002, were you referring to this meeting?

1 A. Thank you, counsel. I think that before starting, I have a lot of
2 problems with dates, and this is going to follow throughout. But I think I
3 was rather wanting to talk about the mobilisation of 2 November 2002 at the
4 Plateau Place de la République.

5 Q. And so when you're talking about a major mobilisation, is this the kind
6 of mobilisation that you were referring to?

7 A. Yes, it was this type of mobilisation.

8 Q. Earlier on you spoke of the reasons, you did this in private session, for
9 your having left the organisations that you were a member of at the time.
10 I'm going to be showing two photographs to you of this mobilisation of 2
11 November 2002. I'm going to show them to you.

12 And I'm going to ask the court usher or the court officer to please call up
13 CIV-OTP-0062-0363. This is public, this is public in nature.

14 Very well. Thank you. You note on this item -- could we please bring it up
15 on the screen?

16 Could you please press button evidence 1 on that little box there, please. Do
17 you see the exhibit?

18 A. Yes.

19 Q. And can you see the board that's being held up?

20 A. Yes.

21 Q. "I am a xénophobe, and what of it?"

22 MR GBOUGNON: (Interpretation) Mr President, is this a question? I
23 haven't understood. My learned colleague has just read the billboard out
24 and I don't know whether it's a question that he's putting.

25 MR MACDONALD: (No interpretation)

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1 PRESIDING JUDGE TARFUSSER: I think the question should come now, I
2 think. Does it? I hope.

3 MR MACDONALD: Of course it does.

4 MR O'SHEA: I have another comment, Mr President, which is that my
5 learned friend said "je suis xenophobe et après." In the photo I see, the word
6 before "après" is covered up. So I don't know that it's as my learned friend
7 said it is.

8 PRESIDING JUDGE TARFUSSER: Well, it's covered up half. If you look at
9 it properly, it's covered up half and one can see an E there.
10 But I think if we go to engage in these things, I should say that you shouldn't
11 have read it out but asked him what he reads. So it would have been better.
12 I mean, instead of always anticipating things, just ask. What does it say on
13 this board?

14 MR MACDONALD: I'd like to call the next picture from the same rally.

15 PRESIDING JUDGE TARFUSSER: Can you see the E, the half of the E?

16 MR O'SHEA: Yes, I can. I can see what looks like it could be half of an E,
17 yes.

18 PRESIDING JUDGE TARFUSSER: Yes, that's what I read.

19 MR O'SHEA: But that's not how you spell "et." I know my French is bad,
20 but --

21 PRESIDING JUDGE TARFUSSER: I know how you spell "et" in French, so
22 me too, yes.

23 Mr Prosecutor, please proceed.

24 MR MACDONALD: Could we call CIV-OTP-0062-0364, which comes right
25 after what I just called. And if you don't mind zooming in, please.

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1 Maybe I should ask Mr O'Shea what he reads. Sorry.

2 Q. (Interpretation) Mr Witness, could you please tell us what you are
3 able to read on the billboard, please?

4 A. "I am a xénophobe and what of it?"

5 Q. Now, let's come back in a more serious tone. Such billboards or signs
6 mentioning xenophobic discussions, you were present -- or statements?

7 I think there are two people rising to their feet just now.

8 MR GBOUGNON: (Interpretation) I think it doesn't matter really who gets
9 to their feet at this point. Mr President, I do not see any xenophobic
10 statement here. What my learned colleague is doing here is making a
11 comment. I don't know whether -- I can't see very clearly, but I do not see
12 any xenophobic statements being made here. So maybe we could invite our
13 learned colleagues to put a question correctly.

14 PRESIDING JUDGE TARFUSSER: I see just a statement. I don't know if it's
15 xenophobic or not. It's obviously an opinion, so --

16 MR MACDONALD: I'll rephrase, I'll rephrase.

17 PRESIDING JUDGE TARFUSSER: Please rephrase.

18 MR MACDONALD: I'll rephrase.

19 Q. (Interpretation) Mr Witness, you gave us the reasons why you left the
20 movements that you were a member of.

21 A. I'm sorry?

22 Q. You specified in private session the reasons why you, did you not, left
23 the movement or movements that you belonged to. Now we are in the year
24 2002, we are at 2 November 2002, and such signs or placards --

25 PRESIDING JUDGE TARFUSSER: Can you not just pose the question?

1 MR MACDONALD: Yes, I'm getting there.

2 PRESIDING JUDGE TARFUSSER: No, but you're asking: You specified in
3 private session that he left the movement for a certain -- just ask the question.

4 MR MACDONALD:

5 Q. (Interpretation) Was such a placard like this just an everyday
6 occurrence during such rallies or was it something that happened quite often?

7 A. "I am a xénophobe and so what," I think that that reminds me of the
8 entire context, not only the context of 2002, but the entire dynamics that
9 commenced just after the coup d'état in 1999. I said to you from that
10 moment in time there was a radicalisation of the statements being made,
11 anti-foreigners statement, statements against the ECOWAS nationals. And
12 when you see "I am a xénophobe and so what," it's somebody trying to justify
13 themselves saying, well, it didn't start *on that day, on that D-Day.

14 PRESIDING JUDGE TARFUSSER: Let me please interrupt. How do you
15 know? Simple question, how do you know that?

16 MR GBOUGNON: (Interpretation) Sorry, Mr President, I would like to
17 intervene at this stage because if the OTP continues to ask such questions,
18 then we're going to have answers like that. And when they continue to
19 knowingly put such kind of questions, then we're going to have statements
20 like this. You have given us directives. You can't just ask questions and ask
21 the witness deliberately to give a comment. That's what just happened.

22 PRESIDING JUDGE TARFUSSER: I do agree. I do agree. We are in 2002.

23 MR MACDONALD: 2002, your Honour, is a backdrop to 2010. Now of
24 course I'm going to get interrupted every five minutes, and I'm trying to, but I
25 need to ask the questions first and then I can ask the follow-up question:

1 What is the source of the information? But, again, this is an individual that
2 lives in the country.

3 (Interpretation) Sir, please let me finish. You've already got your
4 microphone on. Let's wait. Let's wait.

5 (Speaks English) So, therefore, currently that's what we're doing with this
6 witness, your Honour. And this is, to be very frank, quite important. Very
7 important even, I would say. Now, this is the tenth witness, your Honour.
8 I'm not going to make the case with 10 witnesses.

9 PRESIDING JUDGE TARFUSSER: Eleventh.

10 MR MACDONALD: Eleventh witness or tenth, whatever. But the point is,
11 so we're constructing a house, yes, it's the house of the Prosecution, brick by
12 brick, and it takes time, but I'm trying to. But now you see, right now, it's
13 like this afternoon the Defence has decided that they would object to every
14 question. Fine. That's what is going on right now.

15 PRESIDING JUDGE TARFUSSER: Yes. But it's going on also because I
16 think you are not completely following the directives. I mean --

17 MR MACDONALD: But I have to ask a question first before then asking
18 where is the source. Then I'm going to ask him "How come you know that,"
19 but he needs to give the answer first. I cannot go "Name your sources, now
20 what does this source tell you?" Then I can go through the list one by one.
21 I have to ask facts, then I ask the source.

22 PRESIDING JUDGE TARFUSSER: Well, I do not agree fully with this.
23 But somebody wants to intervene?

24 MR GBOUGNON: (Interpretation) Yes. Mr President, my colleague has a
25 tendency to say that we are constantly interrupting him. Well, it comes from

1 him, because every time Mr MacDonald was here, he made at least 50
2 objections by session. So if the directives are followed respectfully, then I
3 don't think we're going to come to this. Thank you.

4 MR O'SHEA: Your Honour, without stretching your patience, I would just
5 like to say that the point here is that if you are going to show a witness a
6 placard like this with a statement on it, it's not this witness who held the
7 placard, he's got nothing to do with this placard, he can only - he can
8 only - inevitably give an opinion if he's asked almost any question about it.

9 PRESIDING JUDGE TARFUSSER: Unless he was present. So I would have
10 asked him if he was present in this location.

11 Mr Prosecutor, I just ask you not to elicit opinions. I want to know from the
12 witness -- or the Chamber wants to know from the witness facts he has seen
13 or heard or witnessed directly.

14 Please go ahead.

15 MR MACDONALD: (Interpretation)

16 Q. Well, let's get to the speakers' corners, the parlements and agoras. So
17 we briefly broached this subject, the matter in private session, and I do
18 understand that these parlements were fora for discussions for orators or
19 orators. Now, to your knowledge, I understand that you did go to these
20 parlements, did you not?

21 A. On many an occasion.

22 Q. And in private session you even gave us an average that I shall not
23 repeat. And at a later stage, you mentioned that the Sorbonne was one of the
24 most sizable parlements or the most important parlements?

25 A. Yes.

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1 Q. When did this or how did this phenomenon of parlements or agoras
2 develop?

3 A. We should say that even before the year 2002, the Sorbonne was
4 already in existence. It was already in existence at the Plateau, but it was
5 from 2002 that the numbers of this type of fora *increased exponentially.
6 Notably, these parlements would be found in the important neighbourhoods
7 of Abidjan and also in the other towns that were at the time under the control
8 of government forces.

9 PRESIDING JUDGE TARFUSSER: Excuse me, may I just intervene. But if
10 you pose the question "When did this or how did this phenomenon of
11 parlements or agoras start," you elicit an opinion, unless you say on what
12 date and which time. I mean, this is the problem, I would think. So one
13 could formulate, "Have you been there? What did you hear when you went
14 there? What was the arguments which were discussed? Who were the
15 speakers?" and things like this, I would say.

16 MR MACDONALD: Yes, your Honour, I understand. But one would
17 certainly think that the Chamber would be interested at a minimum to find
18 out when these phenomenon may have started, very briefly, and that's what I
19 just did.

20 PRESIDING JUDGE TARFUSSER: Perfect.

21 MR MACDONALD: And its growth --

22 PRESIDING JUDGE TARFUSSER: Yes, when --

23 MR MACDONALD: And he just said it.

24 PRESIDING JUDGE TARFUSSER: When did you go the first time? You
25 know, this is a fact.

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1 MR MACDONALD: All right.

2 THE INTERPRETER: Correction from the English booth: I meant an
3 increase and not a decrease, an increase in the number of parlements.

4 MR MACDONALD:

5 Q. (Interpretation) How old were you when you attended such a
6 parlements for the first time in your life?

7 A. (Redacted).

8 Q. When was the very first time you went to a parlements?

9 A. I attended a parlements --

10 Q. Without giving the location.

11 A. After 1999, I went to the Sorbonne.

12 Q. Very well. And at that time it was a forum for discussion?

13 A. Yes.

14 Q. And subsequently, did you go to any other parlements than the
15 Sorbonne, and if yes, when?

16 A. I have told you that I went on several occasions. Do you want me to
17 state the days, dates, and so on?

18 Q. The dates and the various parlements that you visited.

19 A. Are we in private session?

20 Q. We are currently in open session.

21 A. I have told you that, but can we go to private session?

22 MR MACDONALD: (Interpretation) Let us go to private session, your
23 Honour.

24 MR O'SHEA: Mr President, I think the witness can be told that, you know, if
25 there are many parliaments and if there are many people, you know, the risk

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1 is minimal. Do you really want to go into closed session still in the light of
2 that?

3 PRESIDING JUDGE TARFUSSER: I was going to ask do you really need to
4 go in private session for just mentioning a number and how often one went to
5 these parliaments? I mean, this is knowledge we probably not -- it's not your
6 own knowledge. I mean, probably thousands of people are in your and a
7 similar position. Do you really think it's necessary?

8 THE WITNESS: (Interpretation) Absolutely.

9 MR MACDONALD: (Interpretation)

10 Q. You think it's absolutely necessary?

11 A. Yes.

12 Q. Very well.

13 PRESIDING JUDGE TARFUSSER: So let's go in private session and then
14 we'll see if it was necessary.

15 (Private session at 3.33 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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- 1 (Redacted)
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- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Open session at 3.36 p.m.)
- 16 THE COURT OFFICER: (Interpretation) We're in open session, your
- 17 Honour.
- 18 PRESIDING JUDGE TARFUSSER: Thank you. I think the private session
- 19 was justified somehow.
- 20 Please, Mr Prosecutor.
- 21 MR MACDONALD: (Interpretation)
- 22 Q. Mr Witness, how many parliaments could have been operational in
- 23 Yopougon, for example, during the post-election crisis?
- 24 A. Not -- are you talking about the post-election period?
- 25 Q. No, I'm sorry. I meant the election period.

1 A. There could have been more than 10 of them in Yopougon.

2 Q. Who was responsible for supervising or controlling these locations, the
3 Sorbonne, for example?

4 A. Each of those locations had someone responsible for them, a president.
5 Now, the issue is to know to which coalitions those various presidents
6 belonged. So I can say that the agoras and parliaments, since these were
7 locations for free expression, obviously the majority of those areas attracted
8 people from the *AJSN.

9 Q. To your knowledge and if you can tell us the source of your
10 information, even if you have to look at a number on the document in front of
11 you, how were the parliaments and agoras funded?

12 A. The parliaments and agoras had several sources of financing. That is
13 what I can say. The first source was internal. This means that activities
14 were instituted in these parliaments that were income generating activities.
15 For example, people would bring benches and each person who came to sit
16 down would, for example, contribute 100 francs per person during the entire
17 evening.

18 Now, apart from those activities instituted within the parliaments, it is clear
19 that a certain number of speakers received payments, and these were
20 payments that would of course come from the leader of the alliance of Young
21 Patriots, and this is based on their own statements.

22 Q. And when you say they themselves, can you refer to a number on this
23 list?

24 A. Yes, of course. You have number 14, number 18, number 19, and you
25 also have number 20, as well as 21, 22. I think that's it. I'm sorry, 25 also. I

1 should point out that number 25, number 25, for example, was not a speaker.
2 But you are asking me about sources of income and payments. That is why I
3 mentioned that particular number.

4 Q. One can notice that at some point during the activities of the
5 parliaments, there is a view. You have that space. You have chairs,
6 benches, and the speakers, but there is a sort of square. What is it?

7 A. As you have indicated, there was an entire economic environment, and
8 I would take the case of the Sorbonne at the Plateau for example. You had
9 shops which were operated by traders, and those people paid -- they made
10 monthly payments. And then you had restaurants, food and drinks that
11 were served, and those people who owned those restaurants also paid daily
12 amounts. Then you had all the militants or people who came to listen, and
13 they were sitting in the bleachers. Those are the people who contributed.
14 PRESIDING JUDGE TARFUSSER: Just it's a bit confusing. Which period
15 are we talking about, because we were in 2002, in 1999, and then in 2010. So
16 just now what is the period we are referring to?

17 MR MACDONALD: (No interpretation)

18 THE WITNESS: (Interpretation) We are talking about the period starting
19 from 2002; that is, more specifically shortly after September 2002.

20 MR MACDONALD: (Interpretation)

21 Q. So a few months after September 2002, you talked about the number of
22 parliaments, you indicated the time when you went there to the Sorbonne,
23 and you talked about the economic life, the benches, the people who had to
24 pay to sit and listen to speeches. Can you tell us the period?

25 A. The Sorbonne at the Plateau, for example, it really started at about

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1 noon when people would be coming in and sitting down to listen after having
2 paid. And why noon? The simple reason was that the office workers had a
3 break at 12 o'clock and they would come there to spend their time. That is
4 between noon and 2 p.m. And that is why the parliament was organised in
5 that way.

6 Now, as to the other parliaments, it was usually in the evenings as from 5
7 p.m. to 7 p.m., and the idea was still that people would come, including civil
8 servants who would come and listen and then contribute something.

9 Q. Now, what you are describing, just to situate it in time, was it as from
10 2002 after the country was split?

11 A. From 2002 to 2007. And why 2007? Because after the Ouagadougou
12 accords in 2007, there was a drop in the level of mobilisation. People were
13 no longer motivated. And some of the parliaments even ceased their
14 operations. That is what I described as taking place from 2002 to 2007.

15 Q. After 2007, did the activities resume?

16 A. After the Ouagadougou accords, the number of parliaments and the
17 intensity of activities reduced. And within the framework of the presidential
18 election in 2010, there was a sort of revival of the agoras and parliaments, and
19 the purpose for this was the election.

20 Q. Mr Witness, I'm now going to show you some video footage, and the
21 ERN is CIV-OTP-0052-0673. And the timestamp is 2.05 to 3.01.14. There is
22 also a transcript and it is 0054-0458, lines 36 to 70.

23 Thank you.

24 (Viewing of the video excerpt)

25 MR MACDONALD: (Interpretation)

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1 Q. Mr Witness, do you recognize the location where Mr Blé Goudé is
2 speaking on that platform?

3 A. Yes. You can see the tree and reminds me of the Sorbonne at the
4 Plateau.

5 Q. Very well. I would like to show you an image and which will be
6 shown to you in private because the members of the public will not be able to
7 see it, only those in the courtroom will be able to see that. And if the Court
8 officer can display document number -- just a moment, it's 0081-0006, and
9 specifically page 196 of that document. I will give you the ERN number
10 shortly.

11 MR KNOOPS: Mr President, in the Prosecution list it's announced as a
12 public document.

13 MR MACDONALD: Sorry?

14 MR KNOOPS: In your list it's announced as a public document.

15 MR MACDONALD: Yes, it's on the list of material we want to --

16 MR KNOOPS: Because you announced to show just to the judges and not to
17 the public.

18 MR MACDONALD: No, no, no, no. But it's going to be to the people in the
19 courtroom, not the public. It cannot be shown to the public.

20 PRESIDING JUDGE TARFUSSER: I think the question is why not to the
21 public if it's a public document?

22 MR MACDONALD: Because when you will see it, the name -- a name
23 appears on the picture I want to show.

24 PRESIDING JUDGE TARFUSSER: Okay. There is a reason. It's not --

25 MR MACDONALD: There is a reason.

1 PRESIDING JUDGE TARFUSSER: It's not a mistake.

2 MR MACDONALD: It is not a mistake. There is a reason, yes. It's 0105.

3 So yes. And if we can zoom in, please, closely on the picture, please.

4 Evidence 1 (Interpretation) The public cannot see it. Unfortunately, it is a
5 scanned copy.

6 Q. But do you recognize this photograph?

7 A. Yes, obviously.

8 Q. Why?

9 A. It is my own photograph. I am the one who printed this.

10 Q. So what can you see on that image?

11 A. On the left you can see the building at the Sorbonne. Then the entire
12 market that I was talking about, shops, restaurants, people selling -- women
13 selling food.

14 Q. So this was the economic life surrounding the Sorbonne in Plateau?

15 A. Yes.

16 Q. And about what time was this photograph taken?

17 A. I took it in 2009.

18 Q. Very well. Please let us take out that document, the image.

19 Mr Witness, you described the schedules. The Sorbonne was from noon to 2
20 p.m., and then in the evening there were the other parliaments in the other
21 neighbourhoods.

22 A. Yes, the other neighbourhoods.

23 Q. Did you ever go to the Sorbonne on one day and then in the evening
24 you go and listen to other speeches?

25 A. Yes, of course.

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1 Q. Why was the Sorbonne operational from noon to 2 p.m. while the
2 others were in the evening, apart from the fact that the civil servants returned
3 home? Were there any other reasons?

4 A. It was at the Sorbonne that the leaders of the other parliaments from
5 the other neighbourhoods, it is at the Sorbonne that they came and received
6 information, crucial information to be circulated in the other areas. So from
7 the morning period, the speakers in practically -- or from practically all the
8 other parliaments and agoras assembled at the Sorbonne right up till 2 p.m.
9 and discussed national and international affairs and determined what would
10 be said in the other parliaments.

11 Q. In the evenings, that is?

12 A. Yes.

13 Q. To your knowledge, and you can also indicate your sources, who was
14 in control of the messages presented by the speakers, or were those messages
15 actually controlled? You have talked about interpreting current affairs, but
16 who decided on the content?

17 MR KNOOPS: Mr President, I think this is an objectional question because it
18 is, first of all, going into the ultimate issue of a potential decision your
19 Chamber has to make on the issue of control; and secondly, it elicits opinion
20 from the witness as the question is posed in its current stage.

21 PRESIDING JUDGE TARFUSSER: Mr Witness, as far as you know, and tell
22 us how you know, were the speakers free to speak and to say what they
23 wanted to or not?

24 THE WITNESS: (Interpretation) No, Mr President. We should not be
25 naive. Up until 1999, anyone could say whatever they wished at the

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1 Sorbonne.

2 PRESIDING JUDGE TARFUSSER: Yes. I would like you also when you
3 make a statement to say how you know, from who you know, if you know
4 directly, somebody told you, et cetera. So please go ahead.

5 THE WITNESS: (Interpretation) As I was saying, before 2002, when people
6 went to the Sorbonne, you could see speakers from various political camps
7 expressing themselves. That happened. But as from 2002, as I have told
8 you, when you were a speaker, it was not possible for you to go and say just
9 anything in your own agora. It is true that there was a president for each
10 agora who had set up that agora, but when it came to speeches, the topics that
11 were discussed, there was a sort of directive that had to be followed.

12 MR MACDONALD: (Interpretation)

13 Q. I understand that you were able to listen to the speeches in the
14 parliaments. But regarding the free choice of topics, how did you learn
15 about this? What are your sources of information basing yourself on the list?

16 A. There is number 23 and then number 20, but also 18 who said so
17 clearly.

18 Q. After 2002, why was there no longer that freedom of speech and the
19 multiple speakers?

20 PRESIDING JUDGE TARFUSSER: No, that's an opinion he would give. I
21 mean --

22 MR MACDONALD: Unless he knows.

23 PRESIDING JUDGE TARFUSSER: But unless he knows, it's an opinion. In
24 any case, it's an opinion. Did somebody tell you? Who told you? What
25 did they tell? What did they tell?

1 MR MACDONALD: I would propose, your Honour, that we reconvene
2 tomorrow with the thematics that are being spoken in those agoras and
3 parlements that the witness heard himself.

4 PRESIDING JUDGE TARFUSSER: That's good.

5 MR MACDONALD: I think that would be a good start for tomorrow
6 morning.

7 PRESIDING JUDGE TARFUSSER: Yes, yes. I think it's now 4 o'clock. We
8 break here and we start tomorrow -- sorry, tomorrow at 9.30, but not before
9 having given the floor to one, two, three representatives of the Defence of Blé
10 Goudé. And I can imagine why.

11 MR MACDONALD: Can we excuse the witness?

12 PRESIDING JUDGE TARFUSSER: I think so. Can we excuse the witness
13 for what you are going to say?

14 MR GBOUGNON: (Interpretation) Yes, we can have the witness excused.

15 PRESIDING JUDGE TARFUSSER: Okay. Mr Witness, you can go for a rest.
16 We see each other tomorrow morning at 9.30 as today. Thank you very
17 much.

18 (The witness stands down)

19 PRESIDING JUDGE TARFUSSER: And I give the floor to Maître Gbougnon.

20 MR MACDONALD: We're public?

21 PRESIDING JUDGE TARFUSSER: We're in public session, right? Okay.

22 MR GBOUGNON: (Interpretation) Yes, Mr President. It was just a matter
23 of courtesy to ascertain precisely when the OTP intends to wrap up because,
24 you know, we have 24 hours before starting with the witness. We wanted to
25 know precisely when the OTP intended to finish questioning the witness. So

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1 in terms of disclosure.

2 PRESIDING JUDGE TARFUSSER: We will say approximately,

3 approximately, because precisely is --

4 MR MACDONALD: (Interpretation) Mr Gbougnon, the 24-hour delay has

5 already started because I'm going to be finishing up tomorrow morning, you

6 know.

7 MR GBOUGNON: (Interpretation) Thank you.

8 PRESIDING JUDGE TARFUSSER: So you reckon to finish tomorrow

9 morning with --

10 MR MACDONALD: Probably at this pace in the second session though, I

11 must say.

12 PRESIDING JUDGE TARFUSSER: Okay. So I just to recall the Defence,

13 that when the Prosecutor is finished, the Defence starts.

14 Maître N'Dry, did you want to say something?

15 MR N'DRY: (Interpretation) Would it not be a good idea for us to disclose

16 today? Because, you know, I'm going with what the Prosecutor said that,

17 you know, this needs to be effective. Are you really going to be finishing up

18 tomorrow morning?

19 MR MACDONALD: (Interpretation) Well, I don't really know why the

20 question is being put to me. You know, we said six hours. So you can

21 calculate. It's a day and a half. So there we are and that's where we are. I

22 did not intend to come away from that. And if I were to, I would already

23 have informed you of it.

24 MR N'DRY: (Interpretation) And I'm standing with what the Prosecution

25 has just said and that he will finish tomorrow morning. Thank you.

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- 1 PRESIDING JUDGE TARFUSSER: Yes, me too. So I don't know what he
- 2 should disclose. But if he says tomorrow in the morning hours, I start from
- 3 the assumption that it will be tomorrow in the morning hours. Okay.
- 4 So the hearing is adjourned until tomorrow 9.30.
- 5 THE COURT USHER: All rise.
- 6 (The hearing ends in open session at 4.04 p.m.)