

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 6 July 2016
10 (The hearing starts in open session at 10.45 a.m.)
11 THE COURT USHER: [10:45:50] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [10:46:23] Good morning. We are in
15 open session. I know about some problems we are facing before we have to
16 start -- before starting to listen to questioning the witness. I think several
17 problems.
18 The first is that Mr Blé Goudé is not present, and I think this is the first
19 problem we have to address because of the regularity of this hearing today.
20 So I guess that Mr Knoops wants to address the Court on this issue.
21 Yours the floor.
22 MR KNOOPS: [10:46:59] Thank you, Mr President. Good morning, your
23 Honours. Good morning, colleagues.
24 It's with regret, Mr President, that I have to say that Mr Blé Goudé called me
25 this morning at 9.30 saying that he was very upset because he believes his

1 right to participate during these proceedings is hampered in terms of him
2 not being allowed any more to take his notebook to the Court; and secondly,
3 to bring his book to spend the break of one hour and a half reading in a book
4 he is already reading since January.
5 Since January he was allowed to bring his notebook to make notes to assist
6 his defence to participate in the trial proceedings. That's what he told me.
7 And this morning he was told that there was a new instruction saying that he
8 was not allowed any more to bring his notebook and his reading book to the
9 Court.
10 He believes that this situation endangers his right to have and make an
11 effective participation during his trial, to assist counsel during the breaks,
12 which we regularly do, and also to prepare questions for his Defence counsel
13 during the evenings after the hearing based on the notes he makes during the
14 hearing.
15 To my knowledge, Mr President, I'm not familiar with any rule changes in
16 this regard. I'm not familiar that at other tribunals where I operated
17 defendants are not allowed to make notes during the hearing. I can
18 understand that with regard to a pen or pencil that some type of danger
19 might be deduced from the presence of such an object. But it's, I think,
20 far-fetched to say that bringing a notebook to the courtroom has something
21 to do with security issues with all due respect.
22 I'm not familiar with the rationale of this rule change. I'm not familiar with
23 any logic which underlies this apparently new rule. The fact is that
24 Mr Blé Goudé, out of protest against this rule change, has asked me to raise
25 this issue unfortunately before he could participate in the proceedings.

1 Now, I know, Mr President, that your time is very precious of the Judges,
2 and I'm very sorry that we have to raise this this morning.
3 Mr Blé Goudé wants to participate. You have seen him every day in court
4 writing notes, assisting counsel, and we seek the intervention of the Chamber
5 to solve this issue so that Mr Blé Goudé can attend the hearing today as soon
6 as possible. Thank you very much.

7 PRESIDING JUDGE TARFUSSER: [10:50:05] Thank you.

8 And I must say I'm absolutely upset, because I thought that we have solved
9 not -- no, with what has happened, because I thought we had solved this
10 problem a long time ago. Now I see it's raising again. And I would really
11 order to the units who have to make the transport of the accused to the Court
12 to do it immediately with the notebook and with, what else, and the reading
13 book.

14 And we will, we suspend the hearing until Mr Blé Goudé is here with
15 notebook and reading book.

16 MR KNOOPS: [10:50:55] Thank you, Mr President. And again, apologies
17 that we had to raise this.

18 PRESIDING JUDGE TARFUSSER: [10:50:59] We will resume as soon as
19 Mr Blé Goudé has come to the Court.

20 MR KNOOPS: [10:51:03] Thank you.

21 PRESIDING JUDGE TARFUSSER: [10:51:04] Thank you.

22 THE COURT USHER: [10:51:05] All rise.

23 (Recess taken at 10.51 a.m.)

24 (Upon resuming in open session at 12.17 p.m.)

25 THE COURT USHER: [12:17:07] All rise.

1 Please be seated.

2 PRESIDING JUDGE TARFUSSER: [12:17:29] Well, good afternoon I would
3 say now, although we haven't done anything.

4 I must say that just to the incident we had before regarding Mr Blé Goudé, I
5 just wanted to say that the report I had, I requested and I had a few minutes
6 ago from the detention centre, was a little bit different than it was
7 represented to the Chamber this morning.

8 I will really ask, and I address this to the Defence team of Mr Blé Goudé, that
9 Mr Blé Goudé complies with the rules, because it seems that it's not only the
10 Bible and his notebook but there is also some other things involved which he
11 is not allowed to bring here, like for example DVDs.

12 And I would also ask Mr Blé Goudé if he has to make a complaint, to come
13 here to the Chamber to raise the complaint and not to just protest and stay in
14 the detention centre. So this is what I have to say.

15 I think now that we have to proceed in closed, private session. Closed?

16 Private?

17 MR ALTIT: [12:18:55] Closed session.

18 PRESIDING JUDGE TARFUSSER: [12:18:57] In closed session. I'm sorry for
19 the public, we have to proceed in closed session because the Defence of
20 Mr Gbagbo wants to raise something in closed session. So I would think that
21 this would last at least half an hour until, say, until 1 o'clock, I would say, as it
22 was anticipated, if I hear all the parties after what the Defence of
23 Mr Blé Goudé has to say.

24 And therefore, I would ask the court officer to ask to go into closed session.

25 (Closed session at 12.19 p.m.)

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6 (Open session at 2.47 p.m.)

7 THE COURT OFFICER: [14:47:42] (Interpretation) We are in open session,
8 your Honour.

9 PRESIDING JUDGE TARFUSSER: [14:48:15] Thank you very much.

10 Now, Mr Witness, as I said before, we are now in open session. All what
11 you are going to say, although protected, will be heard only inside the
12 courtroom and in the public gallery. Be careful when you speak not to
13 disclose things which could disclose your identity.

14 In case you have to, ask me and we go in private session so to exclude the
15 outside world.

16 Now, you are speaking in French. I'm speaking in English. I'm speaking
17 slowly because everything what I say has to be interpreted to you, and what
18 you say has been interpreted into English. This will -- the same will apply
19 when the Prosecutor and then -- well, the Defence not -- when the Prosecutor
20 is questioning you, so please speak slowly in order to have an accurate
21 record of the case and an accurate translation, because we have interpreters
22 here who have to translate. Wait, when the question is finished, wait a few
23 seconds, and then start to answer the question.

24 Now we come to your testimony.

25 THE WITNESS: [14:49:47] (Interpretation) Understood, your Honour.

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1 PRESIDING JUDGE TARFUSSER: [14:49:50] Thank you. Now we come to
2 your testimony. You know that you are here as a witness called by the
3 Prosecutor in the case against Mr Gbagbo and Mr Blé Goudé. And as a
4 witness, you are certainly aware that you are here to assist the Chamber in the
5 search of the truth.
6 You will be asked questions by the Prosecutor and by the two Defence teams,
7 the Defence of Mr Gbagbo and Mr Blé Goudé. This will obviously take
8 some time. If the Chamber has questions, we will ask questions as well.
9 As a witness your duty, your obligation is to tell the truth. So I would ask
10 you before we start the questioning, you have to make a solemn undertaking,
11 and therefore I would ask you to speak with me the following words: I
12 solemnly declare that I will speak the truth.

13 THE WITNESS: [14:51:18] (Interpretation) I solemnly declare that I shall
14 tell the truth.

15 PRESIDING JUDGE TARFUSSER: [14:51:26] The whole truth and nothing
16 but the truth.

17 THE WITNESS: [14:51:28] (Interpretation) The whole truth and nothing
18 but the truth.

19 PRESIDING JUDGE TARFUSSER: [14:51:37] I have to inform you also that
20 giving false testimony obviously is an offence against the administration of
21 justice and is punishable. You understand this?

22 THE WITNESS: [14:51:54] (Interpretation) Yes, I do understand.

23 PRESIDING JUDGE TARFUSSER: [14:51:58] Okay. Last recommendation:
24 If you have any problem, just tell me, and we will try to accommodate it.
25 Okay?

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1 I give now the floor to the Office of the Prosecutor for its questioning.

2 Ms Pack, please, do your job. Yours the floor.

3 MS PACK: [14:52:25] Thank you, Mr President. Just one question, was the
4 witness going to be given a Rule 74 warning at the outset or was that
5 something that your Honours were going to deal with on an ad hoc basis?

6 PRESIDING JUDGE TARFUSSER: [14:52:37] We deal with it on an ad hoc, I
7 think.

8 MS PACK: [14:52:46] Thank you.

9 PRESIDING JUDGE TARFUSSER: [14:52:47] In the case you pose the
10 questions which could lead to a 74 responsibility, towards the end would be
11 best. Okay. Thank you.

12 MS PACK: [14:52:55] Thank you, your Honours.

13 QUESTIONED BY MS PACK: [14:52:56]

14 Q. [14:52:57] Good afternoon, Mr Witness. My name is Melissa Pack.
15 We met very briefly on this video link two days ago.

16 A. [14:53:13] Thank you.

17 Q. [14:53:15] I'm going to be questioning you on behalf of the Prosecution.

18 A. [14:53:27] Yes, I'm listening.

19 Q. [14:53:30] I'm going to refer to you as "Mr Witness." I mean no
20 disrespect by that, but it is to protect your identity. Okay?

21 A. [14:53:41] Yes, very well. Thank you.

22 MS PACK: [14:53:48] Now, your Honours, I'd like to go into private session
23 for a bit, if I may.

24 PRESIDING JUDGE TARFUSSER: [14:53:56] For a bit means?

25 MS PACK: [14:53:58] The start at least of the witness's testimony, which will

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1 deal with personal background matters, and then perhaps I can elaborate

2 further when we are in private session.

3 PRESIDING JUDGE TARFUSSER: [14:54:13] In terms of time?

4 MS PACK: [14:54:14] I would have thought it would be until the end of this

5 session, perhaps as much as that, depending on how long we're sitting.

6 PRESIDING JUDGE TARFUSSER: [14:54:21] Yes, I don't know. I wonder if

7 we can sit two hours? Okay. Would that be fine with you? Okay.

8 So we started -- when did we start this session? Because my transcript is not

9 working, so just to tell this. So we go until 4.30.

10 Ms Pack, we go until 4.30.

11 MS PACK: [14:54:54] Thank you, your Honour. I think --

12 PRESIDING JUDGE TARFUSSER: [14:54:55] That's one hour and a half.

13 MS PACK: [14:54:57] I think it would probably be for the duration, then, of

14 that session.

15 PRESIDING JUDGE TARFUSSER: [14:55:03] So just to announce to the

16 public that we are going into private session on the request of the Prosecutor,

17 and we will stay in private session for one hour and a half. For the whole

18 session.

19 Can you please call the private session.

20 (Private session at 2.55 p.m.) * Reclassified partially in public

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- 1 (Redacted)
- 2 MS PACK: (Redacted)
- 3 Q. [15:31:33] In the formal chain of command, could you take orders from
- 4 anyone else?
- 5 A. [15:31:50] I never had to carry out any orders from a third person. (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
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16 (The hearing ends in private session at 4.31 p.m.)

17 RECLASSIFICATION REPORT

18 Pursuant to the Trial Chamber' I's email instructions, dated 16 July 2019, the
19 public reclassified and lesser redacted version of this transcript is filed in the
20 case.