

1 International Criminal Court
2 Pre-Trial Chamber I - Courtroom 2
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Charles Blé Goudé - ICC-02/11-02/11
5 Presiding Judge Silvia Fernández de Gurmendi, Judge Ekaterina Trendafilova, Judge
6 Christine Van den Wyngaert
7 Confirmation of Charges Hearing
8 Tuesday, 30 September 2014
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Good
14 morning.
15 Could the courtroom officer please call the case?
16 THE COURT OFFICER: (Interpretation) Thank you, your Honour.
17 Situation in Côte d'Ivoire in the case of the Prosecutor versus Charles Blé Goudé
18 02-11/-02/11. We are in open session.
19 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you.
20 Before beginning I would like to know if there are any changes in the makeup of the
21 various teams. No? No changes? Same people?
22 MR MACDONALD: (Interpretation) Yes. Some colleagues who were introduced
23 already, who will be coming in and out during the course of the various sessions, but
24 that's all.
25 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) That's

1 all, very well. Thank you. We can continue.

2 I would now like to ask the Prosecution to address the Court.

3 MR MACDONALD: (Interpretation) Thank you. Very briefly, if everything goes
4 well, we may be able to finish within an hour and a half, otherwise we may need 10
5 extra minutes; in other words, with leave could we perhaps go beyond the
6 one-and-a-half-hour period provided for and that way we will be able to conclude?

7 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Good idea,
8 and then we will make adjustments to the schedule and have the break a bit later.
9 Thank you, please proceed.

10 MR STANG: Madam President, honourable Judges, I will now continue my
11 presentation where I left off yesterday and will proceed with the part of my
12 presentation that will address the issue of communication and coordination within
13 Gbagbo's inner circle.

14 Both of these were very important to the evolution and implementation of the
15 common plan and they feature prominently in paragraphs 96 to 126 of the DCC
16 being the section that describes Gbagbo and his inner circle and the
17 organisational policy which, as described in paragraph 173, factually overlaps
18 with the common plan in this case.

19 As we know, communications can come in many forms, various forms of
20 meetings from those that are between two persons to massive public rallies
21 with thousands of persons in attendance. There are also telephone calls,
22 electronic media such as TV, radio and the Internet, the press as well as private
23 messages, which can be direct and open, or coded and secret.

24 Reasonable time limits prevent me from discussing every piece of evidence that
25 is material and probative to the issue of communications, so I will instead

1 spend a few minutes presenting one particular useful item of evidence. This
2 item is a logbook kept by employees at Gbagbo's presidential residence, and it
3 provides details about persons attending at the presidential residence during
4 the months of November 2010 to April 2011. After discussing the logbook, I
5 will go on to discuss some examples of the coordination that resulted from
6 inner circle communications.

7 One of the reasons the logbook is particularly useful as an item of evidence is
8 because its contents pertain directly to Blé Goudé's communications with
9 Gbagbo and other members of the inner circle. This logbook was uncovered
10 by investigators during a search of Gbagbo's presidential residence in Abidjan.
11 The evidence registration number for the version of the logbook on the
12 Prosecutor's list of evidence is CIV-OTP-0018-1313. I say "version" because
13 when the logbook was initially located in February of 2012, the national
14 authorities did not permit the OTP investigators to take possession of it and, at
15 that time, a decision was taken to only photograph portions of it.

16 The national authorities recently agreed to the Prosecution taking possession of
17 the original, but it unfortunately did not arrive in time to be included on our
18 list of evidence. The entire document is, however, disclosed and is available
19 to the Chamber as the Defence has included it on its list of evidence. That
20 ERN is CIV-OTP-0067-0402.

21 I will now -- with the floor, I will bring up a PowerPoint presentation that I
22 prepared to help me explain and show the Court relevant portions of the
23 logbook.

24 This is the first page of the logbook, I trust is on your screen now, and it's how the
25 logbook appeared to investigators when they first located it. Now, on this slide I

1 have titled it at the top the date and other data because it shows the data that appears
2 at the beginning of each day in this logbook. The yellow highlights that you'll see
3 throughout my presentation have, of course, been added by me to the PowerPoint
4 images.

5 The first highlight on this slide indicates, in French, "Service du dimanche 28
6 novembre 2010," thus the date that the record is being kept for.

7 The second highlight shows the details recorded, including the name of the
8 visitor, the person requested, the time of arrival, time of departure and possible
9 observations.

10 Between the two highlighted portions, the persons who are making this record
11 are identified. In this case there is a "chef de poste" and "adjoint." Both of
12 their names appear beside their designations.

13 I'm pausing because I see members of the Bench looking. You're okay if
14 I -- yes, thank you.

15 This next slide, honourable Judges, is an example of the type of information
16 that appears at the end of each day's entries. The first highlight reads, in
17 French, "événement survenu au cours du service."

18 The second highlight there, there is actually a note which I read as "Une
19 journée d'élection pour le deuxième tour de la présidentielle."

20 And although hard to read it is followed by the signatures of the two persons
21 identified at the beginning of the day's entries.

22 The third highlight you can see is the starting information for the next day,
23 which in this case is 29 November 2010. This format that we see from these
24 two slides, this one and the previous one, is consistently used throughout the
25 logbook. However, I would note that the most common end-of-day entry is

1 the letters "RAS", which I submit is an abbreviation for the French expression
2 "rien à signaler." So if you go through some of the pages of the logbook
3 yourself at some point, you're likely to see the letters RAS.

4 I will now continue with images of more substantive entries. November 29th
5 is the date from which this excerpt is taken and, as you can see, visitor number
6 21 is Mr Blé Goudé, and he's there at the presidential residence to see President
7 Gbagbo, who is designated by the initials "PR".

8 Next from November 30, 2010, Blé Goudé and Général Dogbo Blé are both
9 there at the same time to see Gbagbo. Also from the times highlighted, you
10 can see that Blé Goudé arrived at 18.49 hours and left at 23.46 hours. Dogbo
11 Blé arrived 18.47 hours and left at 23.43 hours.

12 These times are very similar to the other times highlighted; for example, at
13 least six other people left at exactly the same time as Blé Goudé. This type of
14 detailed information permits the logical inference that these persons were
15 altogether at a meeting with Gbagbo. Here we can even say that the meeting
16 lasted for approximately four hours. December 1, 2010. From this slide we
17 can see that Blé Goudé is at the president's residence to see Gbagbo, as are
18 various other persons, including several senior members of the FDS. Again,
19 as you can see from the highlighted arrival and departure times, there was
20 clearly a meeting between the president and senior FDS members from
21 approximately 15.40 hours to 16.40 hours. And Blé Goudé was there for
22 approximately 9 hours, including the time period of the meeting between the
23 president and the generals.

24 December 2, 2010, on this slide, from the first highlight, you can see that Blé
25 Goudé and Dakouri R. arrived and left together. As shown in the second

1 highlight, Général Mangou was also there for a corresponding period of time.

2 December 6, 2010, Blé Goudé is again at the presidential residence to see the

3 president and, for a period of time that he is there, ministers Amany et

4 N'Guéssan are also there.

5 December 16th, being the day of the RTI demonstration, there is clearly a

6 nighttime meeting between Gbagbo and several ministers, including Blé

7 Goudé.

8 December 17, 2010, Blé Goudé is again there to see the president for almost six

9 hours and Minister Dogou had arrived, who is the Minister of Defence, had

10 arrived approximately 30 minutes earlier, but both of them were there together

11 for over two hours.

12 Then on January 12, 2011, as you can see from the highlighted departure times,

13 Gbagbo had a meeting with several generals and some of his ministers

14 including Blé Goudé. And as you can see from the highlight at the bottom, on

15 this occasion a specific note was made by the keepers of the logbook,

16 (interpretation) "Meeting of general officers with the President of the Republic."

17 On January 22, 2011, it is noted that both Blé Goudé and the Minister of Justice

18 Dogou are both there to see -- both there to see Gbagbo at approximately the

19 same time.

20 On February 23, 2011, which is two days before the start of the February

21 incident, as described yesterday by my colleague Ms Berdennikova, you can

22 see by the highlighted portions that Blé Goudé and several other ministers are

23 meeting at the presidential residence for several hours.

24 The next day, February 24th, being the day before his speech at the bar le baron,

25 Blé Goudé is again at the presidential residence to see Gbagbo. And the final

1 20 minutes that he is there, overlaps with the time of Colonel Boniface's and
2 Chief of Staff Mangou's attendance.

3 Then on 14 March 2011, Blé Goudé and Minister Guériélou both arrived to see
4 the president at the same time. And from the times highlighted in the upper
5 corner -- upper-right corner, it is clear that Gbagbo had another meeting with
6 his generals.

7 I would stress that the logbook is quite a lengthy document which provides
8 considerably more information than presented in the PowerPoint images. For
9 example, in addition to the 12 visits to the presidential residence, that I spoke
10 about during the PowerPoint presentation, there were at least seven other
11 dates during the period of post-electoral violence that Blé Goudé attended at
12 the presidential residence to see Gbagbo, and he also visited the presidential
13 residence at least twice between the two rounds of presidential election.

14 Another point I wish to make is that the logbook also provides records of those
15 who attend at the residence to see other persons, such as the first lady Simone
16 Gbagbo who is a key member of the inner circle. During the relevant period,
17 she is clearly also having meetings with government ministers and on at least
18 two occasions with the chief of staff of the armed forces.

19 The last point I wish to make with respect to the logbook is that it does not
20 show meetings between Simone Gbagbo and Laurent Gbagbo because they do
21 not get recorded as visitors to their own residence.

22 Now, I would, your Honours, move on to the next part of my presentation,
23 which is examples of coordination between Gbagbo and the members of his
24 inner circle, including Blé Goudé.

25 The first example is a coordinated aspect to the public messages presented by both Blé

1 Goudé and the spokesperson for the FDS on the same day. I am referring to their
2 coordinated verbal assault on Mr Choi, the head of UN operations in Côte d'Ivoire.

3 On December 14, 2010, the RHDP announced that the -- announced their RTI
4 demonstration and rally, which was to take place in two days on 16 December.

5 On 15 December, the RTI broadcast a statement read out by an FDS
6 spokesperson, which statement was in response to the announced
7 demonstration.

8 The transcript of this statement includes this quote, (interpretation) "In any event,
9 army général Philippe Mangou, joint chief of staff, and the entire defence and security
10 forces of Côte d'Ivoire are holding Mr Choi responsible for the unforeseeable
11 consequences that could stem from these actions that are being planned," end of quote.

12 Also on 15 December, Blé Goudé spoke at a rally acknowledging his recent
13 appointment as minister in the Gbagbo government. His speech was
14 recorded and subsequently broadcast on RTI.

15 The transcript of this speech includes this quote from Mr Blé Goudé:
16 (Interpretation) "Mr Choi, and the UN and France are paving the way for
17 genocide in Côte d'Ivoire."

18 On the next page he says, and I quote: (Interpretation) "Choi is the one who
19 is organising the rebellion. He is the one who is giving the rebels ideas."

20 Not only do both of these messages demonstrate the coordinated effort to
21 disseminate a common message in relation to the head of the UN operations in
22 Côte d'Ivoire, but in the present case they deliberately refer to the
23 demonstration that is to take place the next day and which was, as seemingly
24 foreshadowed by the FDS spokesperson, was violently repressed by the
25 pro-Gbagbo forces.

1 Blé Goudé contributes to the propaganda that it is Mr Choi who organises the
2 rebellion and gives ideas such as holding a demonstration to the rebels, and the
3 military spokesperson states that Mr Choi will be held accountable for the
4 unpredictable consequences that could result from the planned demonstration.
5 Now, the second example is the coordination in late February 2011 leading up
6 to Blé Goudé's speech of February 25 at the bar le baron.
7 On February 22, 2011, there is a cabinet meeting of Gbagbo government ministers.
8 From the minutes of this meeting it is clear that topics of a discussion included, A, how
9 to refer to pro-Ouattara demonstrators and that they should no longer be called
10 demonstrators, but should be called rebels or even terrorists; B, the defection of a
11 certain Captain Alla from the FDS to pro-Ouattara forces, including the need to
12 prevent him from moving around Abidjan; and C, the need to generally dislodge the
13 pockets of rebels that have been established in Abidjan.
14 In this regard the minutes show that the minister of defence was advocating for
15 a new approach to deal with the rebels. From the minutes attributed to his
16 intervention on this issue, I quote: (Interpretation) "Now it is a matter of
17 driving them out. We need the appropriate resources to do so and a new
18 rhetoric."
19 Interestingly, the only noted intervention by Blé Goudé at this meeting is to
20 inquire if Captain Alla's men defected with him, which intervention
21 demonstrates Blé Goudé's direct interest in military matters and corroborates
22 other evidence of the parallel structure as detailed in paragraphs 217 to 229 of
23 the DCC.
24 On the night of February 23, Blé Goudé meets with other ministers for almost
25 three hours at the presidential residence.

1 On February 24, there was another cabinet meeting of Gbagbo government ministers
2 during which the issue of rebels infiltrating Abidjan was discussed. This is confirmed
3 in a televised statement by Gbagbo's spokesperson Don Mello, whose communiqué
4 included the following, I quote: (interpretation) "The council of ministers expressed
5 their concern about the complicity of UN forces in the support provided by way of
6 radio equipment and television equipment to the rebels of the Golf Hotel and the
7 infiltration of these rebels in a number of neighbourhoods of Abidjan, in particular
8 Abobo and Anyama, Koumassi and in certain areas within the country, Bangolo,
9 Danané and Gebonawa (phon). The government has condemned such an attitude
10 taken by UN forces."

11 The 4th, the same day, at 20.00 hours, as described in paragraph 149 of the
12 DCC, the RTI broadcast a speech of Blé Goudé which included a call by him to
13 the youth to prevent the UN from moving around Abidjan. This direction to
14 the youth occurs, as I said on the same day as this communiqué, from the FDS
15 spokesperson.

16 And it is clearly coordinated. Its purpose is to get the youth to act in
17 furtherance of the préoccupation of the Gbagbo government with the UN.

18 Also on February 24, a target list of civilian vehicles used by UN personnel
19 appears to have been prepared and subsequently distributed to Young Patriots
20 manning roadblocks. A copy of this list was shown to Witness P-87 by Young
21 Patriots manning a roadblock on March 29, 2011. It was also filmed. And
22 from that video evidence, I took a screen capture, which I will show to you
23 now. As you can see in the middle of the document is the date "24/02/2011".
24 It is also notable and relevant to the issue of coordination that Young Patriots
25 in possession of this list told Witness 87 that it had been given to them by the

1 army and that they were supposed to specifically look for these vehicles. I
2 would stress that this list was still being used by the Young Patriots at a
3 roadblock over one month after its apparent date of creation, and that the
4 youth who showed this list to Witness 87 also stated that it was not exhaustive
5 and that there was a big list of more than 700 vehicles.

6 Thus, with respect to the issue of preventing UN personnel from moving
7 around Abidjan, there is clearly a significant level of coordination.

8 Now, moving onto the evening of February 24, at 21.34 hours, Blé Goudé is
9 back at the presidential residence to see Gbagbo. He stays until 23.06 hours,
10 and for part of the time he is there, Colonel Boniface and Général Mangou are
11 also there to see Gbagbo.

12 The next day on 25 February, Blé Goudé spoke at the bar le baron and later at
13 la place CPI to deliver his orders and instructions, as described in paragraph
14 150 of the DCC and as described by my colleague yesterday.

15 Also, as noted by my colleague, Ms Berdennikova yesterday, this included an
16 instruction to verify the comings and goings of people in their neighbourhoods
17 and to denounce all foreigners in their neighbourhoods, which instruction is
18 part of the coordinated efforts related to the cabinets concern about the
19 infiltration of rebels and the defence minister's stated intention to use a new
20 approach to deal with the rebels in Abidjan.

21 The third example is the coordination of efforts to arm the youths in March of
22 2011. On March 10, 2011, there was a meeting of the congrès national de la
23 résistance pour la démocratie, also known by its acronym CNRD.

24 There is evidence of what was discussed at this meeting in the form of notes taken by a
25 member of inner circle, Simone Gbagbo, and recorded in an agenda. This evidence is

1 presented in detail at paragraphs 120 and 265 of the DCC, and included in this
2 document are the following notes, and I quote: (Interpretation) "Find weapons for
3 the young people. The war has already begun. And help the young people get
4 weapons, equipment. Avoid defensive positions."

5 In the notes from this meeting, there is also an entry that is directly relevant to
6 the issue of coordination, I quote: (Interpretation) "The president of the
7 republic should receive the CNRD delegation, the delegation of Young Patriots,
8 women, the army."

9 Again, the letters "PR" as in the logbook clearly referred to President Gbagbo.

10 At the presidential residence on March 12, at 16.58 hours, Simone Gbagbo
11 meets with Minister Ahoua and Don Mello, then at approximately 19.00 hours
12 she meets for over two hours with Minister Koné Katinan and Prime Minister
13 Affi N'Guéssan and also Minister Aké N'Gbo.

14 She also meets that evening with the minister of finance, the minister of the
15 interior and the minister of defence.

16 The next day, on March 13, 2011, the minister of defence is again at the
17 presidential residence to meet with Simone Gbagbo, this time for
18 four-and-a-half hours.

19 On March 14, 2011, the minister of defence is again at the presidential residence for
20 approximately one hour, from 14.26 to 15.23, but this time he is meeting with the
21 president, Laurent Gbagbo.

22 Also on March 14, 2011, Blé Goudé makes a speech, which is broadcast on RTI, where
23 he announces that there will soon be a directive. An excerpt of this video will in fact
24 be played during the presentation of my colleague, Ms Varga.

25 Later on the same evening of March 14, Laurent Gbagbo meets with eight FDS

1 generals. This meeting concludes at 19.48 hours. Prior to the conclusion of
2 the meeting with the generals, at 19.05 hours, Blé Goudé arrives at the
3 presidential residence to see Laurent Gbagbo, and he stays until 20.42 hours.

4 On March 18, 2011, Gbagbo through his spokesperson Don Mello called for
5 collaboration between citizens and security forces.

6 As described in detail in paragraph 308 of the DCC, on March 19, 2011, Blé
7 Goudé made his speech to thousands of youth calling on them to enrol in the
8 armed forces. And on 21 March, thousands of pro-Gbagbo youth attended at
9 the military headquarters to enrol.

10 Blé Goudé's call for the youth to enrol in the armed forces was part of a
11 coordinated effort by Gbagbo and his inner circle to arm the youth, and a failed
12 attempt to legitimise this arming of youth, including those youth already
13 armed.

14 The fourth example is a simple example, but it still demonstrates
15 communication and coordination. The elements of this example were
16 described by my colleague Madam Huck at the end of her presentation
17 yesterday. They are essentially that Blé Goudé's last public message of
18 support for the common plan on April 5, 2011, occurs on the same day as his
19 last conversation with Gbagbo.

20 This is not a coincidence. Again, it is a demonstration of a coordinated effort
21 to keep -- effort of Gbagbo and his inner circle to encourage and mobilise the
22 pro-Gbagbo forces to keep on fighting.

23 Madam President, your Honours, the Prosecution submits that these four
24 examples alone demonstrate that there was indeed a high level of coordination
25 between Gbagbo, his inner circle and the pro-Gbagbo forces. This

1 coordination continued throughout the period of post-electoral violence and
2 permitted Blé Goudé, Gbagbo and other members of the inner circle to adapt
3 and adapt the implementation of the common plan to the evolving situation in
4 Abidjan during this period.

5 Your Honours, this brings me to the conclusion of my presentation, and I
6 would now cede the floor to my colleague, Yasmine Chubin.

7 MS CHUBIN: Good morning, Madam President, your Honours. I will now address
8 the topic of incitement to hate and violence. My presentation focuses on how
9 Mr Blé Goudé created an environment conducive to the commission of violent crimes.
10 During my presentation, I will first explain the importance of speech in this
11 case and highlight Mr Blé Goudé's role in disseminating the messages of
12 Gbagbo and his inner circle to the pro-Gbagbo youth. I will next illustrate
13 how Mr Blé Goudé's speeches, messages and use of the media fostered an
14 atmosphere of fear among the pro-Gbagbo supporters. And I will conclude
15 with how Mr Blé Goudé exploited this fear into hate and xenophobia, to create
16 an environment conducive to the commission of crimes against civilians
17 perceived to be pro-Ouattara.

18 I will then pass the floor to my colleague, Ms Varga, who will address you on
19 how Mr Blé Goudé then manipulated this fear, hatred and xenophobia to give
20 orders to the Gbagbo youth to commit these crimes.

21 Throughout our presentations we will show video excerpts of Mr Blé Goudé's
22 speeches as well as his supporters' reactions to these speeches.

23 Your Honours, why are speech and Mr Blé Goudé's role in disseminating
24 messages important in this case? Gbagbo and his inner circle were well aware
25 that their common plan to keep Laurent Gbagbo in power was dependent on

1 the support of the pro-Gbagbo youth. Loyal and determined, the youth could
2 rapidly be mobilised by the thousands.

3 In essence, they constituted a reserve army that could be deployed to supplement the
4 work of the FDS. The youth constituted a force crucial to Gbagbo and his inner circle
5 if they were to continue to stay in power.

6 As the leader of the pro-Gbagbo youth movements, or le général de la rue,
7 Mr Blé Goudé was the primary interlocutor between the inner circle and the
8 pro-Gbagbo youth. In fact, as was previously discussed, his effectiveness at
9 this role earned him the post of Youth Minister.

10 Throughout the post-election crisis, Mr Blé Goudé used his power and
11 influence over the pro-Gbagbo youth to communicate the inner circle's
12 common plan, orders and messages to them. He did this in three ways: First,
13 through speeches given to live audiences. These speeches were delivered
14 either at meetings or at political rallies, rallies that did not end with the
15 elections.

16 Second, he did this through the mass media; and, third, through his personal
17 visits to neighbourhoods, neighbourhoods that were strong -- strongholds of
18 Gbagbo. The combination of these methods assured him of the broadest
19 dissemination of his messages.

20 Your Honours, Gbagbo and his inner circle recognised the essential role of the
21 pro-Gbagbo youth in enacting their common plan. Through Blé Goudé, they
22 mobilised large numbers of these youths to commit the acts of violence that are
23 the subject of this case.

24 How did Blé Goudé achieve this? Through a combination of his influence and
25 leadership. He was a gifted orator with extraordinary ability to incite the

1 masses at political rallies.

2 Your Honours, over the course of yesterday's presentations, you heard mention
3 of Mr Blé Goudé's ability to galvanise crowds. Today you will see additional
4 video excerpts that demonstrate this very ability. A number of witnesses also
5 corroborate this point. For instance, I refer the Chamber to the statements of
6 witnesses P-9, P-44, P-87 and P-330.

7 Mr Blé Goudé himself recognised his skills as an orator. In his 2006 book *ma*
8 *part de vérité* he states, and I quote in French: (Interpretation) "I have indeed
9 realised that with time I had the qualities of an orator."

10 Your Honour, Mr Blé Goudé was also aware of the importance of knowing
11 how to influence. I will now show an excerpt from the 2006 documentary
12 entitled *Shadow Work* in which he described this himself.

13 THE COURT OFFICER: (Interpretation) Can we know the confidentiality level, the
14 level of confidentiality of the extract?

15 MS CHUBIN: (Interpretation) The extract is public.

16 (Viewing of the video excerpt CIV-OTP-0062-1041)

17 MS CHUBIN: Your Honours, already in 2006, Mr Blé Goudé knew that an effective
18 political message needs to be carefully thought out in order to achieve its desired effect,
19 that behind the scenes there is a need to carefully craft it, to spin and manipulate the
20 message. In the following video excerpt he explains this in his own words.

21 (Viewing of the video excerpt CIV-OTP-0062-1041)

22 MS CHUBIN: Your Honours, Blé Goudé was also fully cognizant of the impact his
23 speeches and orders had on the youth. In his 2011 book, *Traquenard électoral* he
24 describes a speech through which he mobilised the youth to immediately go en masse
25 to the airport, the 43rd BIMA, the French battalion based in Abidjan, and the residence

1 of the president.

2 Acutely aware of the influence of his order, he described its effect as "aussitôt dit,
3 aussitôt fait."

4 As you've already heard, Mr Blé Goudé's use of his skill, power and influence
5 to incite the pro-Gbagbo youth to violence was recognised by the United
6 Nations Security Council which subjected him to sanctions for his incitement to
7 violence.

8 Through what means did Mr Blé Goudé disseminate his message? He did this
9 through all available means, such as meetings, parlements and agoras, these were
10 speakers corners where pro-Gbagbo political discourse took place, as well as rallies,
11 mass public gatherings and through the media, particularly the national television
12 channel RTI.

13 Blé Goudé was aware of the power of the media and knew how to manipulate
14 them to enact the common plan. For example he used the RTI in any number
15 of ways. The RTI would repeatedly replay the speeches he gave at public
16 gatherings. He also used the RTI to communicate with his supporters
17 through the dissemination of prerecorded television messages addressing the
18 pro-Gbagbo youth. These were then also repeatedly shown on the RTI. One
19 such example was discussed yesterday by my colleague, Ms Berdennikova, is
20 Mr Blé Goudé's 24 February 2011 call to the pro-Gbagbo youth to block all
21 ONUCI movements in Abidjan and to appear at the le baron bar the very next
22 day to receive his orders. Another such example is his RTI video order of 5
23 April 2011 that my colleague, Ms Huck, showed in her presentation yesterday.
24 Your Honours, Mr Blé Goudé, Gbagbo and other members of the inner circle
25 also pressed the population not to trust information coming from media

1 sources considered to be pro-Ouattara such as the Télévision Côte d'Ivoire, TCI,
2 international media and the ONUCI radio. Mr Blé Goudé instructed the
3 pro-Gbagbo youth to only follow pro-Gbagbo channels stating, (Interpretation)
4 "You have to watch the RTI, listen to radio Côte d'Ivoire and the
5 neighbourhood committees."

6 I will now move on to demonstrate how Mr Blé Goudé created an environment
7 conducive to the commissions of crimes through manipulative fear-mongering
8 and the use of hate and xenophobic messages.

9 Your Honours, Mr Blé Goudé created this environment in which he incited the
10 pro-Gbagbo youth to violence against civilians perceived as pro-Ouattara. To
11 that end, he relied heavily on existing tensions which exacerbated through the
12 manipulation of recurring themes.

13 What were these themes? Blame for post-election violence, loss of sovereignty and
14 genocidal threat.

15 Through these Blé Goudé masked his incitement to violence under the guise of
16 a fight to protect the nation. The pro-Gbagbo youths would, in turn, repeat
17 Mr Blé Goudé's accusations and, as will be expanded upon by my colleague,
18 Ms Varga, they would refer to Blé Goudé's orders to justify their actions.

19 What was this alleged fight to protect the nation? Through his speeches Blé
20 Goudé fostered the idea that the nation was under attack so as to legitimise his
21 later vilification of the perceived pro-Ouattara supporters as the enemy. He
22 consistently used warfare terminology, employing terms such as "le combat" or
23 l'assaut final" in his speeches.

24 Blé Goudé, Gbagbo and other members of the inner circle also blamed the
25 pro-Ouattara camp for all post-election violence. As I will demonstrate with

1 examples, Gbagbo started these accusations as early as November 2010. In
2 December 2010, when addressing the country after the violent response to the
3 RTI March, Gbagbo announced that the troubles the country was experiencing
4 were the result of, and I quote (Interpretation) "The refusal of my opponent to
5 subject himself to the laws, rules and procedures in force in our country."

6 Similarly, on 19 March 2011, Blé Goudé accused the pro-Ouattaras of
7 committing exactions against Gbagbo supporters in Abobo and insinuated that
8 the pro-Gbagbos were not committing any crime.

9 He stated: (Interpretation) "I saw you on all the fronts. I saw you being attacked in
10 the neighbourhoods. People taking up guns who steel in the neighbourhoods, these
11 are civilians and shooting on orders. The first action, the first thing that we were
12 subjected to was the last time -- the last time when my friends who were strolling were
13 killed by people in the Ouattara zone. They were in a taxi, and they shot at my
14 friends and they were skilled in Abobo. Abobo became empty today because of these
15 people. For those who support Gbagbo, all of them are in danger every day. They
16 are tortured. These are things that we have never seen in Côte d'Ivoire."

17 Blé Goudé went so far as to manipulate the pro-Gbagbo youth into believe
18 Ivorians were facing genocidal threat. To further polarise, he repeatedly
19 asserted that ONUCI, the UN and France, together with Ouattara and his
20 supporters, were preparing a genocide in Côte d'Ivoire just as they had in
21 Rwanda. One such example is the speech Blé Goudé delivered at a gathering
22 in Treichville, on 15 December 2010, that my colleague, Mr Stang, just quoted
23 during his presentation.

24 Mr Blé Goudé willfully incited the pro-Gbagbo youth to believe they were
25 under attack by depicting Ivorians as innocent victims that had to defend

1 themselves against the genocidal plan that the pro-Ouattaras and the
2 international community were jointly planning against them.

3 By creating this polarised and fearful atmosphere, Blé Goudé was able, not just
4 to incite the youth to commit crimes against innocent civilians, but pave the
5 way for them to believe their crimes were legitimate defence; in other words,
6 their killings were not only acceptable, they were crucial to their very survival.

7 Your Honours, Blé Goudé also vilified the French, the UN and the international
8 community by claiming that they were threatening Côte d'Ivoire's sovereignty
9 and independence. He associated France and the international community
10 with Ouattara and the rebels and he incited the pro-Gbagbo youth to resist the
11 French and the internationals in order to protect their country.

12 This is demonstrated by Blé Goudé's 15 January 2011 Anono speech in which
13 he touches upon some of the themes I have just outlined. It also presents his
14 views of the UN's role in Côte d'Ivoire. I'll now play that excerpt.

15 (Viewing of the video excerpt CIV-OTP-0055-0449)

16 MS CHUBIN: Your Honours, Blé Goudé did not stop provoking fear in the
17 pro-Gbagbo youth. He also aggravated nationalistic tensions and polemics to create
18 an environment of hate and xenophobia in which he could portray his political
19 adversaries and their supporters as not just an enemy but a foreign enemy.

20 In creating this environment of fear, Blé Goudé exploited concepts linked to ethnic
21 purity, or what has been referred to in Côte d'Ivoire in the past as "l'Ivoirité", a concept
22 that had been reintroduced in Ivorian politics in 1994 by then President Bédié.

23 The post-election crisis was not the first time Blé Goudé introduced hate and
24 xenophobia as a precursor to inciting the pro-Gbagbo youth to violence.

25 Already in 2002, Blé Goudé had had success in exploiting nationalistic

1 sentiments to create a climate of fear and angst when he organised his first
2 mass rallies after the attempted coup. That was also when the hate placards
3 with the words, (Interpretation) "I am a xénophobe and so what."

4 A recurring theme of Blé Goudé's speeches was to consider all those perceived
5 as Ouattara supporters as rebels. This included the Ouattara and the RHDP
6 supporters, the northerners, West African immigrants from the CEDEAO
7 countries, Dioulas, Muslims and the forces nouvelles, which were rebel forces,
8 as well as the ONUCI and the Force Licorne, both seen as supporting Ouattara.
9 Blé Goudé interchangeably used the terms (interpretation) "Foreigner, terrorist,
10 bandits and rebels" to describe civilians considered to be pro-Ouattara. He
11 made no distinction between the actual rebel combatants and the civilian
12 population. They were all considered the enemy.

13 In using this xenophobic propaganda, Blé Goudé, Gbagbo and the inner circle
14 were automatically excluding the pro-Ouattaras every time they used the term
15 Ivoiriens, or put more bluntly pro-Ouattaras were not Ivoiriens but rebelles or
16 étrangers.

17 And while the xenophobic message was most wildly disseminated by Blé
18 Goudé, it was part and parcel of the inner circle's coordinated message.

19 Simone Gbagbo and other members of Gbagbo's inner circle regularly used this
20 violent and xenophobic rhetoric against Ouattara partisans in public gatherings,
21 meetings and on national television RTE. Gbagbo himself used this type of
22 language in his public speeches. The standard hate and xenophobic speech
23 became even more virulent in the post election period.

24 Your Honours, a few examples of this common message. In August 2010, in
25 his Divo speech, Gbagbo announced, (Interpretation) "There are people who

1 are there and who are hiding bandits in their homes, and if you are hiding
2 bandits you are also a bandit. You're enemies, and I'm not talking about
3 opponents, I'm saying your enemies are all those who are against the republic.
4 Your enemies are all those who are against peace in Côte d'Ivoire. Your
5 enemies are those who want to disrupt the elections."

6 Then a few days before the second round of the election Gbagbo said,
7 (Interpretation) "You have bitten back the rebellion and I congratulate you, but
8 you have to continue the war. The snake is not yet dead. The snake is not
9 yet dead. Do not drop your clubs. Even when you are sleeping, keep your
10 clubs or sticks next to you. Keep them close to you."

11 During a televised interview on 23 December 2010, Laurent Gbagbo described
12 Ouattara as the candidate for foreigners.

13 Now, one week later in Koumassi, Blé Goudé described Ouattara as, and I quote
14 (Interpretation) "A fake a liar, a cheat, a rapist, a thief. That is the truth, an impostor.
15 On the 15 January 2011, at a large CNRD gathering where Blé Goudé was
16 present, Simone Gbagbo referred to Ouattara as one of the "chefs bandits"
17 (interpretation) "leader of the bandits."

18 On 23 January 2011, at the rally supporting the FDS at Champroux Stadium,
19 Blé Goudé declared that the international community wanted to impose a
20 burkinabé as president of Côte d'Ivoire.

21 A month later, Gbagbo's council of ministers agreed that going forward they
22 would refer to the pro-Ouattara protesters as either "rebelles" or "terroristes".

23 On 19 March 2011, during the call to join the army that my colleagues have
24 already described, Blé Goudé told the crowd the pro-Gbagbo supporters were
25 being tortured and slayed by Ouattara's men and that by judging by their

1 methods they were not Ivorians. And I quote (Interpretation) "You slaughter
2 people and that is not part of our culture. You say you are from here, but
3 your actions prove that you are not from here."

4 On 9 April 2011, Gbagbo empathised with the suffering imposed by Ouattara
5 and his terrorists and encouraged the pro-Gbagbo militants to continue their
6 fight.

7 In his communiqué du gouvernement he writes, and I quote: (Interpretation)
8 "The president of the republic shares the suffering that has been imposed on
9 the people by Alassane Ouattara and his terrorists. He knows that the people
10 lack food, they lack medication and that they are living in fear and precarious
11 conditions and that most particularly this is true in rural areas where people
12 are living in the bushes in hunger and cold. The president of the republic
13 reassures them of his determination to continue the struggle."

14 Your Honours, through the use of inflammatory terms, Blé Goudé
15 dehumanised those perceived as pro-Ouattara by using the us-against-them
16 xenophobic rhetoric, Gbagbo, Blé Goudé and the inner circle incited the youth
17 into believing that protecting the nation meant keeping Côte d'Ivoire for the
18 so-called true Ivorians, safe from rebels, safe from pro-Ouattara civilians.

19 Through Blé Goudé, fear turned into hate and xenophobia.

20 Now what was the effect of all this on the pro-Gbagbo youth? Subjected to such
21 hateful rhetoric, the pro-Gbagbo youth came to believe that real Ivoiriens did not
22 include the pro-Ouattara supporters. The following videoclip illustrates this point.

23 (Viewing of the video excerpt CIV-OTP-0015-0595)

24 THE COURT OFFICER: (Interpretation) I am sorry to interrupt, but could you
25 please indicate the confidentiality level of the video.

1 MS CHUBIN: All our videos are public. Thank you very much.

2 (Viewing of the video excerpt CIV-OTP-0015-0595)

3 MS CHUBIN: Your Honours, as the evidence clearly demonstrates during the
4 post-election crisis, the pro-Gbagbo youth committed violent crimes against civilians
5 perceived as pro-Ouattara in various settings, including roadblocks, or during
6 identification checks.

7 Homes and shops of those perceived to be pro-Ouattara were marked. Black
8 lists of individuals to be targeted were drawn up. Hundreds were killed.
9 Some were burnt alive.

10 Once he had transformed the fear into hate and xenophobia with a clearly
11 identified enemy, Blé Goudé mobilised and incited the pro-Gbagbo youth to do
12 anything he asked of them, ostensibly in the name of the defence of their
13 country.

14 As Ms Berdennikova's presentation of the February incident illustrated, Blé
15 Goudé's mots d'ordre incited the masses to violence and led to bloodshed,
16 rapes, and death, and he not only knew it, he intended it. Here is one
17 example of Blé Goudé issue a mots d'ordre and the crowd's reaction to it.

18 (Viewing of the video excerpt CIV-OTP-0015-0482)

19 MS CHUBIN: Your Honours, thank you for your attention. With your leave, I pass
20 the floor to Ms Varga.

21 MS VARGA: Madam President, your Honours, I will now address the topic of Blé
22 Goudé's orders or mots d'ordre to the pro-Gbagbo youth and his knowledge and
23 intent in relation to his orders.

24 I will demonstrate how Mr Blé Goudé exploited the culture of fear, xenophobia
25 and hatred just described by my colleague, Ms Chubin, to order, incite and

1 encourage the youth to execute the common plan.

2 Your Honours, the Prosecution submits that Blé Goudé had control and
3 authority over the pro-Gbagbo youth, and he exercised this authority and
4 control through his orders. And let me show you how. Blé Goudé's orders
5 to the youth during the post-electoral violence can be grouped in two broad
6 categories: A first category of orders for mobilisation and coordination of the
7 activities of the youth; and the second category of orders to commit -- orders to
8 act and to commit violent acts.

9 Allow me to begin with the first category. Throughout the post-electoral
10 violence, Blé Goudé repetitively called on the youth to be organised, vigilant
11 and prepared to receive his mots d'ordre.

12 In December 2010 and January 2011, Blé Goudé organised numerous rallies in support
13 of Laurent Gbagbo during a so-called tournée d'information et de mobilisation.

14 The main purpose of these rallies was to distribute the messages of the inner
15 circle, which were predominantly hate messages. In addition, at these rallies
16 Blé Goudé also directed the youth to support and cooperate with the FDS. I
17 will now present some examples.

18 On 5 December 2010, Blé Goudé tells the youth that they have decided to send out
19 representatives who will provide them with reliable information about the ongoing
20 situation in the country, and I quote Blé Goudé: (Interpretation) "I asked you to be
21 mobilised and to receive them, first of all, in restricted meeting and then in open rallies
22 in all your neighbourhoods in order that all and sundry should know where the Côte
23 d'Ivoire is headed," end of quote.

24 On 15 December 2010, at a rally in Treichville, Blé Goudé threatens to dislodge
25 Ouattara from the Golf Hotel. He reassures the youth they will never be

1 defeated. He tells them to be united, determined and confident in their own
2 strength.

3 It is interesting to note, your Honours, that the speech takes place the day
4 before the demonstrations on the RTI.

5 On 18 December 2010, at a meeting in Yopougon, Blé Goudé accuses the
6 ONUCI of supporting the rebels and blames them for the events that took place
7 during the march on the RTI two days earlier. He also tells the youth to be
8 ready to receive his mots d'ordre and to be prepared.

9 The next day on 19 December 2010, at another rally at Port-Bouet, he asked the youth
10 whether they will allow the international community to destabilise their country. He
11 tells them to get ready to receive his orders.

12 Two days later, 21 December 2010, at a rally in Koumassi, he reminds the youth
13 that they began a combat led by Gbagbo. He condemns the killing of
14 policemen and gendarmes by the pro-Ouattara, and he tells the youth to
15 support and applaud the army. He announces that he would soon call the
16 youth to launch the final assault to liberate Côte d'Ivoire.

17 On 29 December 2010, at la place CP1, Yopougon, he tells the youth he's
18 postponing the assault on the Golf Hotel to give peace talks with CEDEAO a
19 chance, but he warns that after 1 January 2011, he will instruct all the youth of
20 Côte d'Ivoire to invade and liberate the Golf Hotel because he knows they are
21 ready to die for their country.

22 On 5 January 2011, in Koumassi, he informs the youth that his threat to invade
23 the Golf Hotel prompted a reaction from the African representatives, and he
24 was asked to give dialogue a chance. He, therefore, tells the youth to remain
25 quietly in their neighbourhoods, to not give in to provocation and to, I quote:

1 (Interpretation) "Listen to the general."

2 On 15 January 2011, in Anono, he again tells the youth to be ready to face the
3 threat coming from the rebels and the ONUCI. He tells the youth that
4 winning the battle depends on them. He congratulates them, asks for their
5 support and announces he will soon give his mots d'ordre.

6 On 23 January 2011, prompted by rumours of mass defections from the army,
7 including that of the chief of staff, Blé Goudé organises a massive rally in
8 support of the army at the Stade Champroux to reaffirm the army's loyalty to
9 Gbagbo. General Mangou gets on stage and reaffirms his loyalty to Gbagbo
10 in front of all the youth in attendance. While on stage together, Blé Goudé
11 tells General Mangou that the youth are at his disposal.

12 At the beginning of February 2011, Blé Goudé organised a week-long tour of
13 Abidjan to mobilise the youth against the panel of African heads of state who
14 were invited to lead mediation talks. Blé Goudé threatened to take control of
15 the airport with the Young Patriots to prevent the arrival of the panel. He
16 announced he would also give a mots d'ordre clair in relation to attacking the
17 Golf Hotel. His tour culminated with a massive rally at the plateau on 5
18 February 2011.

19 Despite the repeated threats to attack the Golf Hotel, Blé Goudé did not give a mots
20 d'ordre to do so. This, your Honour, demonstrates the authority of Blé Goudé over
21 the youth because without his orders they did not attack the Golf Hotel.

22 Your Honours, I will now address the second category of orders to act and
23 commit violent acts.

24 By late February 2011, the situation in Abidjan had deteriorated. Blé Goudé
25 orders the youth to take the -- to take the streets to secure Gbagbo's stronghold

1 in Abidjan. The prime example of this, this are the orders of Blé Goudé given
2 on 24 and 25 February that led to the violence described by my colleague, Ms
3 Berdennikova, yesterday.

4 Ms Berdennikova also described how even some elements of the police were
5 helpless dismantling the roadblocks set up by the youth and how they could
6 not prevent the crimes committed by the Young Patriots. The youth knew
7 they could act with impunity even when faced with the police. They made it
8 clear they only responded to Blé Goudé's orders.

9 In the coming days and weeks, the youth continued to comply with these
10 orders.

11 On 1 March, a journalist interviewed a Young Patriot at a roadblock in Cocody. This
12 Young Patriot explained that, following Blé Goudé's order of 25 February, they had set
13 up roadblocks and were conducting searches in the houses of pro-Ouattara supporters.
14 He also explained that they were coordinating their operations with the FDS.
15 After the order he gave on 25 February, Blé Goudé's communications with the
16 youth became focused on directing and coordinating their activities on the
17 ground.

18 For example, on the 5th of March 2011, Blé Goudé tells the youth there are too many
19 roadblocks, and he instructs them to coordinate their activities to organise the
20 roadblocks better.

21 In subsequent speeches on 14 and 19 March and, again, on 5 April, Blé Goudé
22 congratulates the youth for their work at the roadblocks. He encourages them
23 to continue fighting and manning the roadblocks because they were effectively
24 discouraging the rebels.

25 Your Honours, my colleague, Mr Stang, earlier spoke of the coordinated efforts

1 of the inner circle in March 2011 to arm and secure the recruitment of the
2 pro-Gbagbo youth.

3 On 19 March 2011, Blé Goudé announces to the youth the end of their
4 resistance aux mains neus, stating that from then on they would officially lead
5 an armed fight. And I quote Blé Goudé's words: (Interpretation) "We have
6 chosen to resist barehanded, but I find that I am bound to change the
7 approach."

8 Blé Goudé then calls on the thousands of youth in attendance to enrol into the
9 army and fight to maintain Gbagbo in power.

10 My colleague, Ms Chubin, has played video footage of the reaction of the crowds to
11 Mr Blé Goudé's call.

12 On 21 March 2011, thousands of the pro-Gbagbo youth go to them etat-major to enrol
13 in the army. While the official integration of the youth into the army did not
14 materialise, as of that moment, FDS officers facilitated the distribution of arms to the
15 youth and the number of armed youth at roadblocks increased throughout Abidjan.
16 Violence involving pro-Gbagbo youth also intensified. In reality the call for
17 enrollment was only meant to conceal the arming of the youth in a mask of
18 apparent legality.

19 The notes of a CNRD meeting led by Simone Gbagbo, on 10 March 2011,
20 revealed the inner circle's plans regarding the arming of the youth. And my
21 colleague, Mr Stang, already cited a few examples to that effect.

22 Blé Goudé himself justified the call for enrollment saying that by enrolling the youth in
23 the army he could not be accused of organising a militia, and yet even though the
24 formal integration of the youth into the ranks of the army did not take place, he was
25 fully aware that the youth were engaged in fighting alongside the FDS.

1 For example, a week later at a rally on 27 March 2011, Blé Goudé told the youth
2 he was happy there were no casualties the day before because, as a general, he
3 was happy when his troops were complete.

4 Madam President, your Honours, we submit that all of these orders were
5 aimed at keeping the youth mobilised, under control, and ready to act when
6 called upon to do so. They also demonstrate how Gbagbo and his inner circle
7 adapted their actions according to the evolution of the crisis.

8 I will now move to address aspects of Blé Goudé's knowledge and intent in
9 relation to his instructions and their consequences.

10 The evidence demonstrates that Blé Goudé issued his orders and instructions to the
11 youth with the intent to implement the common plan. In addition, he knew that his
12 instructions would incite the youth to engage in violence and he knew and accepted
13 that civilians would be killed as a consequence of his orders given to the youth.

14 Blé Goudé was well aware of his abilities to mobilise them. Already in 2002
15 he was able to organise huge demonstrations. In 2006, he recognised his own
16 ability to do so in an interview he gave for the documentary Shadow Work.

17 And I will now play an excerpt from this documentary.

18 (Viewing of the video excerpt CIV-OTP-0062-1041)

19 MS VARGA: Blé Goudé, who knows what he wants, who is aware of the situation,
20 and indeed he was, your Honours. He was aware that the pro-Gbagbo youth would
21 follow his orders and commit crimes since they have done so more than once in the
22 past.

23 For example, already back in 2006, he ordered the youth to set up roadblocks, which
24 resulted in the youth blocking the entire city of Abidjan and committing crimes against
25 civilians.

1 Because of these past operations they had conducted together, Blé Goudé knew
2 that the youth would understand his orders even if they did not contain
3 explicit instructions. It was sufficient for Blé Goudé to make reference to the
4 actions and methods they employed in the past. For example, by telling them
5 to mobilise, and I quote: (Interpretation) "As you know how to, as we know
6 how to, we have always done so. Remember November 2004."

7 In addition to his references to past operations, Blé Goudé publicly admitted
8 using coded language and protected channels when communicating with the
9 youth.

10 Blé Goudé himself admitted that even his emblematic black hat was a coded message
11 to the youth who understood it very well, and I quote Blé Goudé: (Interpretation)
12 "The black hat is a code. Those who work with me know my code. Each Young
13 Patriot has a code and that is good enough for me. All our language is coded. The
14 black hat is a very specific code that each Young Patriot understands."

15 The above examples demonstrate that Blé Goudé crafted his public speeches
16 carefully. He knew his every word was being scrutinised having been
17 sanctioned in the past for incitement to violence. He, therefore, tailored his
18 messages, including his orders for public consumption.

19 Your Honours, it is in this context that his slogan of the combat aux mains nues
20 should be interpreted.

21 We should not confuse combat without weapons with non-violence. The
22 military language used by Blé Goudé, his constant references to combat and
23 fighting offset his pretended preference for non-violence. Proof is that prior
24 to 19 March 2011, when he announces the end of the combat aux mains nues,
25 the Young Patriots had already committed numerous crimes without using

1 weapons. Notably through mob violence, like lynching or burning people
2 alive, in application of the infamous Article 125.

3 In essence, your Honours, this slogan was merely an attempt of -- to shield Blé
4 Goudé from accusations of incitement to violence. Blé Goudé's knowledge is
5 also demonstrated by the fact that he denied all accusations and reports of
6 crimes committed by the pro-Gbagbo forces. He described them as rumours
7 and fabrications. He instructed the youth to ignore them.

8 He also made no genuine attempt to condemn the crimes committed by the
9 pro-Gbagbo forces. Not only did he remain silent about the killings
10 committed at the roadblocks, he congratulated the youth for a job well done.

11 Your Honours, I now invite you to watch a video footage filmed on 14 March
12 broadcast on RTI in which Blé Goudé congratulates the youth and he
13 encourages their actions.

14 (Viewing of the video excerpt CIV-OTP-0055-0470)

15 MS VARGA: Your Honours, you just heard how Blé Goudé congratulates the youth
16 for erecting roadblocks. You can also hear him telling the youth: (Interpretation)
17 "Avoid extorting people," but he immediately renders meaningless this advice by
18 saying: (Interpretation) "But I know that you're not engaging in extortion."

19 Your Honours, why doesn't Blé Goudé simply say do not attack civilians?
20 The issue at roadblocks was not one of racketeering, it was civilians being
21 killed.

22 Also note his reference to un appel historique that was soon to be announced.

23 Already on this day, on 14 March 2011, Blé Goudé knew that his historic call
24 was going to be the call to enrol the youth IN the army that he then announced
25 on 19 March.

1 At a massive rally, on 26 March 2011, at the place de la république, Blé Goudé
2 again congratulates the youth saying, and I quote: (Interpretation)
3 "Congratulations. You are ahead, in front, so you can't see -- you don't see
4 behind you." End of quote.

5 By telling the youth not to worry about what happens behind them, Blé Goudé
6 is in fact telling them not to worry about the consequences of their actions.

7 Your Honours, given the climate of hatred, xenophobia that was propagated by
8 Gbagbo and the members of his inner circle as well as the widespread crimes
9 that have been committed with total impunity, such instructions could only be
10 interpreted by the youth as permissive and encouraging the commission of
11 further crimes.

12 Considering all of the above, when Blé Goudé ordered, incited and encouraged
13 the youth to execute the common plan, he knew and accepted that the actions
14 of the youth would inevitably lead to the commission of crimes against
15 civilians.

16 Your Honours, the Defence will argue that Mr Blé Goudé was a man of peace,
17 that he was not the leader of the youth, and that he did not have any control
18 over them, but the evidence, your Honours, demonstrates the contrary.

19 Blé Goudé's own words speak for themselves. The reaction of the youth to Blé
20 Goudé's orders and his speeches, as seen in numerous videos and as described by our
21 witnesses, equally demonstrate Blé Goudé's own disputed influence over them.

22 I will conclude my presentation by inviting you to listen once again to Blé
23 Goudé's own words, which demonstrate, on the one hand, his awareness about
24 the power and influence he had over the Young Patriots and, on the other hand,
25 his knowledge that civilians would die as a consequence of the actions of the

1 youth acting on his orders. The video extract that I will play shows Blé Goudé
2 on his way to the rally at the place de la république on 26 March. The video is
3 subtitled in English, which can assist to follow the conversation.

4 (Viewing of the video excerpt CIV-OTP-003-0670)

5 MS VARGA: Your Honours, you have seen Blé Goudé's reaction when the journalist
6 asks him about the Young Patriots who are armed. Blé Goudé does not even blink at
7 this proposition. He does not deny it before offering his justification for the deaths of
8 innocent civilians, which he brushes off as collateral damage.

9 Your Honours, Blé Goudé knows the youth are willing to live for him, but to
10 live or to die for someone is one and the same thing. I invite you to keep this
11 in mind when deliberating on his criminal responsibility for the violent crimes
12 against civilians committed by the youth who were following his orders and
13 instructions aimed at keeping Laurent Gbagbo in power at all costs.

14 And this concludes my presentation, your Honours, and marks the end of the
15 Prosecution's presentation on the evidence.

16 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you.

17 It is 10 minutes after 11. We shall resume at 11.40, 11.40. We have a half-hour break
18 now.

19 THE COURT USHER: All rise.

20 (Recess taken at 11.10 a.m.)

21 (Upon resuming in open session at 11.41 a.m.)

22 THE COURT USHER: All rise.

23 Please be seated.

24 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) We shall now
25 begin with presentation by the Defence.

1 You may proceed, Mr Kaufman.

2 MR KAUFMAN: Thank you, Madam President.

3 The Defence will make two presentations before the luncheon adjournment. First of
4 all we will start with Mr Knoops, who will present on certain issues pertaining to the
5 contextual requirements of crimes against humanity and, thereafter, Maître N'Dry who
6 will address Mr Blé Goudé, the man and his philosophy. Thank you.

7 Maître Knoops.

8 MR KNOOPS: Thank you very much, Mr Kaufman, for the introduction. Good
9 afternoon, your Honours, Madam President, your Honourable Chamber, colleagues of
10 the Office of the Prosecution and victims unit.

11 It's my task today, just recently appointed as -- elusive title of assistant counsel
12 pro bono to go into certain aspects of law.

13 I have four points of law I would like to draw the attention of the Judges to, and after
14 this presentation my learned colleagues will go into the facts. I will, therefore, not
15 deal with the evidence but purely with the material to prosecution from a point of law.

16 My first point of law is that the charges should not be confirmed, at least
17 partially not be confirmed insofar as the theory of the Prosecution alleges that
18 groups were directly responsible for the attacks.

19 I would like to draw the attention of your Honours in this regard to the
20 paragraphs 96 and contrast them with paragraph 80 of the DCC. Very shortly,
21 in paragraph 96 you'll find the main theory of the Prosecution saying that
22 Mr Gbagbo and his followers would constitute an organisation under the
23 umbrella of Article 7(2), and that's the pro-Gbagbo forces were part and parcel
24 of that organisation, and that was the platform politic.

25 Now, in paragraph 80, and I will paraphrase that paragraph, the

1 Prosecution -- and this was particularly striking to me when I was reading the
2 DCC, paragraph 80 reads: (Interpretation) "Young pro-Gbagbo militiamen
3 and other youth were sometimes associated with a number of attacks by the
4 FDS on civilian population who are thought to be Ouattara supporters. When
5 they were not associated with the FDS, the young pro-Gbagbo youth and the
6 mercenaries were directly responsible for acts of violence and abuse against
7 people deemed to be Ouattara supporters."

8 In paragraph 96, the Prosecution alleges there was one organisation.

9 In paragraph 90 -- sorry, 80 of the DCC, the Prosecution asserts that certain attacks
10 might have been committed not in association with the FDS, but directly by these
11 groups which are mentioned in the DCC, and that these groups therefore were directly
12 responsible for those actions.

13 As to the latter option, your Honours, we will submit that under international
14 criminal law, such acts of such groups cannot constitute crime against
15 humanity. So if your Honours would find at the end of the day reviewing the
16 evidence that certain actions were solely to be contributed to these groups, we
17 submit that these cannot constitute a crime against humanity.

18 In fact, the DCC concedes that the so-called pro-Gbagbo youth was not always
19 associated with the military. That is what paragraph 80 tells us.

20 This is in fact congruent with the observation that out of the five events in the
21 charges, three of them were predominantly attributed to the military. That's
22 incident 1, 3, and 4, the fourth is attributed to the battalion d'artillerie sol-air
23 Basa (phon). While at the fifth event involving also predominantly the
24 military component, at 12 April 2011, Mr Blé Goudé already left Ivory Coast;
25 therefore, from this perspective, only the second event would merit special

1 attention.

2 Now, your Honours, I'm mindful to the fact that the Court in the Gbagbo case,
3 in this confirmation of charges decision of 12 June 2014, in paragraph 217 of the
4 decision, addressed specifically this argument, addressed the argument
5 whether groups could be linked to a certain policy, non-State actors. And,
6 your Honours, in this paragraph, 217 of the confirmation of charges decision of
7 12 June 2014, in the Gbagbo decision, actually accepted that non-State actors
8 might be linked to an organisational policy, but your Honours explicitly
9 mentioned this in the context of two exceptions: The first exception being that
10 such group would govern a specific territory with the capability to commit
11 widespread systematic attack; or, the alternative, referring to the opinion of
12 Judge Kaul, the alternative that that organisation has the characteristics of a
13 State which eventually turns that private organisation into an entity akin to a
14 State or has quasi State abilities.

15 These were the only two exceptions your Honours accepted in paragraph 217 of the
16 Gbagbo confirmation decision.

17 If we turn back to the case of Mr Blé Goudé, the five incidents, and even within
18 the context of the DCC, there is no evidence that these two exceptions are met,
19 specifically with regard to Mr Blé Goudé.

20 Now, let us turn back to the discussion, the legal debate which revolves around
21 the question whether non-State actors might be eligible to perpetrate crimes
22 against humanity. Historically, it was not perceived that non-State actors
23 could commit crimes against humanity.

24 Although this requirement, as your Honours rightfully observed in paragraph 217 of
25 the Gbagbo confirmation decision, although this requirement gradually attenuated

1 especially also by the jurisprudence of the Yugoslav tribunal, but we're dealing here
2 with a different situation.

3 This case might be about, and this is the crux of paragraph 80 of the DCC, of
4 groups which might be in view of the Prosecution directly responsible for
5 crimes outside the military line, outside the State actor line.

6 In this regard, I refer to one of my own legal mentors, Professor Cherif
7 Bassiouni, who chaired the drafting committee at the Rome Conference. And
8 Professor Bassiouni there disagreed strongly that Article 7 should be
9 enlarged -- should enlarge the concept of crimes against humanity so as to
10 cover also non-State actors.

11 And interestingly, if you look into his book The Legislative History of the ICC,
12 of 2005, the pages 243 'til 281, you find the following citation:

13 "Contrary to what some advocates advance, Article 7 does not bring a new
14 development to crimes against humanity, namely, it's applicability to non-State
15 actors. If that were the case, the Mafia, for example, could be charged with
16 such crimes under the ICC, and this is clearly neither the letter nor the spirit of
17 Article 7."

18 "The question arose after 9/11 as to whether a group, such as Al Qaeda, which
19 operates on a worldwide basis, and is capable of inflicting significant harm in
20 more than one State, falls within this category."

21 In the author's opinion, of Professor Bassiouni, "Such a group does not qualify for
22 inclusion within the meaning of crimes against humanity as defined in Article 7. And
23 for that matter, under any definition of that crime up to Article 6 of the IMT,
24 notwithstanding the international dangers that it poses."

25 And then Professor Bassiouni closes with his remark that "The text of Article

1 7(2) of the Rome Statute clearly refers to its State policy and the words
2 'organisational policy' do not refer to the policy of an organisation, but the
3 policy of a State. It, therefore, does not refer to non-State actors."
4 Now, we all know that your Honours did attenuate this view of Professor
5 Bassiouni in paragraph 270 of the Gbagbo confirmation decision, but if your
6 Honours would find with actually the observation of the Prosecution
7 paragraph 80 of the DCC that certain elements, also mentioned pro-Gbagbo
8 youth elements, acted outside the lines of the State, outside the line of the
9 military, the argumentation of Professor Bassiouni still applies even taking into
10 mind paragraph 270 of the Gbagbo confirmation decision because as
11 mentioned the two exceptions there, as promulgated by the Chamber in the
12 Gbagbo case, do not apply here with respect to the groups the Prosecution has
13 in mind.

14 These groups did not govern the specific territory, did not have the capability
15 to commit widespread or systematic attacks or did not enure the correct basis
16 of a State which could turn them into an entity which resembles a State or has
17 quasi-State abilities as mentioned and formulated by your Honours in the
18 Gbagbo confirmation decision paragraph 217.

19 This is my first point.

20 My second point is that it's highly questionable, and my learned colleagues will
21 go into the facts after this presentation, whether the acts which could be
22 attributed to Mr Blé Goudé in the DCC, fulfilled the rationale of the so-called
23 organisational policy as set forth in the DCC.

24 In this regard, I refer to the decision on the confirmation of charges against Mr
25 Katanga and Chui in which the Chamber held that in the context of

1 widespread and systematic attack, the requirement of an organisational policy
2 personal to Article 7(2) ensures that the attack, even if carried out over a large
3 geographical area, or directed against a large number of victims, must, and
4 that's the emphasis, still be thoroughly organised and follow a regular pattern.
5 It must be, according to the Chamber, conducted in furtherance of a common
6 policy involving public or private resources. The policy needs to be explicitly
7 defined by this organisational group, explicitly defined. Indeed, an attack
8 which is planned, directed, or organised, as opposed to spontaneous or
9 isolated acts, will satisfy this criterion.

10 We submit that as to the five incidents with which Mr Blé Goudé is charged
11 this criterion might not be met, at the least is it is highly disputable in this stage
12 of the proceedings.

13 My point, your Honours, in this regard to the legal question, put by the
14 Honourable Judge Kaul, in his dissenting opinion to the decision to authorise
15 investigation into the Kenya situation.

16 Judge Kaul posed the question: What distinguishes an organisational policy from a
17 non-organisational policy? And his answers -- his answer was the following, because
18 of the ramifications, the potential ramifications, I fully quote his remark:

19 "Local politicians, civic candidates, or aspirants, councillors, or business people
20 meeting and allegedly financing the violence do not form an organisation with a
21 certain degree of hierarchical structure acting over a prolonged period of time.

22 Meetings during the time concerned point at ad hoc preparations and planning of
23 violent incidents during the period of the post-election violence."

24 Judge Kaul was referring to actually similar meetings as the Prosecution was
25 referring just a few minutes ago with reference to the logbooks.

1 "Meetings during the time concerned point to ad hoc preparations and planning
2 during the period of post-election violence."

3 Judge Kaul continues then by saying, "Local politicians using criminal gangs
4 for their own purposes is an indicator of a partnership of convenience for a
5 passing occasion rather than an organisational -- organisation established for a
6 common purpose over a prolonged period of time."

7 Further as Judge Kaul opines, "Opportunistic violence and acts of individuals
8 to resolve rental issues equally do not allude to an organisation characterised
9 by membership and structure," end of quote.

10 This citation, your Honours, might also apply in the case of Mr Blé Goudé.

11 The five events charged cannot substantiate the events of an organisational or
12 state policy in terms of its existence.

13 My third point is the following, the point why the charges should not be confirmed as
14 a matter of law.

15 The contextual interpretation of Article 7(2) of the Statute actually stipulates that the
16 policy to commit an attack against a civilian population requires that the state or
17 organisation actively promotes or encourages such an attack.

18 And I also refer here to the elements of crime, also to the Gbagbo decision, but
19 also to the dissenting opinion of Judge Kaul in the mentioned Kenya situation,
20 and I'll refer here to the logbooks we just mentioned in my submissions
21 responding to the submission of the Prosecution some moments ago.

22 Your Honours, the five incidents, that's our submission, contradicts that the
23 alleged conduct contained therein do qualify as a direction -- a directed attack
24 against civilian population.

25 Here I might refer to paragraph 212 of the Gbagbo confirmation decision, where your

1 Honours did accept in a similar situation that such an attack existed. So the question
2 would be: What is the legal leeway your Honours have created in paragraph 212 of
3 the Gbagbo decision?

4 We submit that the case of Mr Blé Goudé is different from the Gbagbo decision
5 and, therefore, merits a different review simply because, your Honours, in
6 paragraph 212 of the Gbagbo confirmation decision held, I quote, "Furthermore,
7 there are substantial grounds to believe that the four incidents in the context of
8 which the charged crimes were committed share common features in terms of
9 characteristics, nature, aims, targets, alleged perpetrators," et cetera, et cetera.

10 I'll bring you back to my introduction, the shared common features. We
11 noted that out of the five incidents with which Mr Blé Goudé is charged, three
12 of them were predominantly to -- attributed to the military. With one incident
13 he wasn't even Ivory Coast.

14 The question is before the Court whether this merits the qualification, share common
15 features, question mark?

16 In this regard, I refer your Honours to the Appeals Chamber's decision of the
17 Yugoslav tribunal in the Kunarac case, of 12 June 2002, in which the Appeals
18 Chamber, in paragraphs 90 and 91, held that for this element to be met it is not
19 sufficient that enough civilians were targeted in the course of the attack, or that
20 they were targeted in such a way as to satisfy the Chamber that the attack was
21 in fact directed against a civilian population rather than against a limited and
22 randomly selected number of individuals.

23 This is also expressed in paragraph 91 of the Appeals Chamber's decision
24 whereby the judges of the Yugoslav tribunal in the Appeals Chamber also
25 referred to the status of victims, but also to their number -- "... their number,

1 the discriminatory nature of the attack, the nature of the crimes committed in
2 its course, the resistance to the assailants at the time and the extent to which the
3 attacking force may be said to have complied or attempted to comply with
4 the ... requirements of the laws of war."

5 The essence of this paragraph to me is the number. The quantitative elements
6 not only therefore features within the criterion of widespread under Article 7,
7 but also to detect whether certain acts are directed against civilian population.
8 It is, therefore, justifiable to challenge both concepts merely because of the
9 quantitative element in the case of Mr Blé Goudé.

10 The number of victims to be suffered, how painful it is to observe, in the case of
11 Mr Blé Goudé, amounts, for a case to be submitted to an International Criminal
12 Court, to a relatively low number than might be expected during internal
13 armed conflict with the intensity as alleged by the Prosecution in the DCC.
14 Specifically paragraph 70 of the DCC, which accepts that the situation had
15 qualified as a conflict, an armed conflict as of 23 February 2011 in the west of
16 Ivory Coast.

17 My last point of law relates to exactly the criterion of widespread or systematic.
18 There might be an argument why the charges shouldn't be confirmed as a matter of
19 law. Not any attack that has been directed against the civilian population amounts to
20 a crimes against humanity, as your Honours know. An attack must be widespread
21 and systematic, or with systematic, which might be inferred from not only qualitative
22 aspects but also quantitative aspects of the case.

23 I'll refer in specific also to paragraph 208 of the Gbagbo confirmation decision
24 of 12 June of this year by the Chamber, where exactly in this context the
25 quantitative and qualitative elements were introduced and reinforced as part

1 and parcel of the criterion of widespread or systematic.

2 You find in paragraph 222, also of the Gbagbo confirmation decision, another
3 reference to the quantitative element in addition to the geographical element
4 where the Chamber also looked into the geographical elements.

5 Now, your Honours, in this respect the five incidents in the DCC are, in our
6 submission, leading and not the overall context, as the Prosecution suggests in
7 paragraph 69 and 77 of the DCC, where it alludes to 38 incidents. And Mr
8 Kaufman, my learned colleague, already very aptly informed the Court that
9 there is no evidence for the 38 incidents.

10 So we submit that when it concerns the assessment of the criterion of
11 widespread or systematic, the DCC is leading and therefore not the overall
12 context.

13 In this regard, some support might be lent from the Pre-Trial Chamber II
14 Kenya Article 15 authorisation decision of 31 March 2010, paragraph 58, where,
15 albeit in the context of gravity, the Court accepted, contrary to the
16 Prosecution's suggestion, that not the situation as a whole should be evaluated
17 but, rather, the gravity of the cases that stem out of the situation. And this
18 could be an analogy with the projection onto the charges in the DCC.

19 The same approach is taken, by the way, by the first jurisprudence of the
20 chambers of the ICTY in regard of the indictment being leading for the
21 assessment of the quantitative element of a case.

22 Your Honours, at the end of my submission on several points of law, I
23 conclude that the charges should not be confirmed as a matter of law against
24 Mr Blé Goudé, at the least partially in regard to my analysis of the paragraph
25 80 of the DCC, in conjunction with the acceptance that crimes against humanity

1 cannot be perpetrated by groups.

2 It's not a manner of group criminality except for the two exceptions your Honours
3 have accepted in the Gbagbo decision which are not applicable here.

4 And as Judge Kaul, in his aforementioned dissent, opined; a demarcation line must be
5 drawn between international crimes and human rights infractions, between
6 international crimes and ordinary crimes, between those crimes subject to international
7 jurisdiction and those punishable under domestic penal legislation. One concludes
8 that the ICC serves as a beacon of justice intervening in limited cases where the most
9 serious crimes of concern to the international community as a whole have been
10 committed.

11 And it's our submission that in the case of Mr Blé Goudé, it's questionable
12 whether the five incidents for five events charged do meet these legal
13 thresholds. Thank you very much for your attention.

14 MR KAUFMAN: Thank you, Maître Knoops.

15 And now in order to dispel some of the Shadow Work that was done by the
16 Prosecution this morning, I hand over to Maître Claver N'Dry who will present on
17 behalf of Mr Blé Goudé, the man, his philosophy, and he will touch upon the
18 antecedents leading up to 2010, the period relevant to the document containing the
19 charges.

20 Thank you, Maître N'Dry.

21 MR N'DRY: Thank you, Mr Kaufman.

22 Madam President, your Honours, considering that I am the first Ivorian to take the
23 floor in this courtroom, allow me to observe a few seconds of silence in memory of all
24 the victims who died in my country. I really want to observe that moment of silence
25 in memory of all the victims irrespective of their affiliation.

1 (Pause in proceedings)

2 MR N'DRY: Thank you, Madam President.

3 Madam President, your Honours, there are moments in history when the events that
4 occur reveal the identity of a person who has become known, either by perpetrating
5 reprehensible acts, or by taking actions, on the other hand, that respond to the
6 aspirations of the people.

7 No matter which attempts are made to rewrite the history of these leaders who
8 became known for their good acts and by falsifying history, but we know that
9 their actions are written in indelible ink.

10 Your Honours, the actions of Mr Charles Blé Goudé during the entire period of
11 the Ivorian crisis all by themselves totally -- totally go against the presentation
12 of the Prosecutor, and if their investigations had been serious he would not
13 have been a suspect in this case.

14 There is a document containing the charges which is too committed, which is
15 too partial. The Prosecutor has not come up with the truth, so we are going to
16 reconstitute history or truth to history.

17 On 19 September 2002, there was an attempted coup d'état in Côte d'Ivoire
18 while President Laurent Gbagbo was on a trip to Italy. This attempted coup
19 d'état failed and was transformed into an armed rebellion which occupied a
20 part of the national territory against the barbarism of weapons, there was an
21 emergence of the civil society which fought against taking over power by the
22 use of force.

23 Amongst the leaders of that civil society, there was a 30-year-old man who was
24 a student at the University of Manchester, at the time, and who decided to
25 return to support his motherland, which had been infected by the virus of

1 rebellion.

2 In the plane taking him back home, he asked himself one question all the time:

3 What must I do for my country? I have to do what I must do.

4 Upon his arrival, he created a young people's alliance which was neither a
5 military nor paramilitary organisation, as the Prosecutor would like to have us
6 believe, but a gathering of young people who share the aspirations of the
7 country.

8 Charles Blé Goudé took an option, as he has related in his book, and he stated
9 very clearly, and I quote, "I adhere by this maxim, which is very wise. Instead
10 of conquering an enemy, it is better to convince him because an enemy who
11 has been convinced shall be a friend for life, whereas an enemy who has been
12 conquered will always make a comeback in one form or the other. We have to
13 convince and not conquer. That must be our late motive.", end of quote.

14 Throughout our presentation, we will demonstrate that that statement from
15 Mr Blé Goudé, far from being empty, was a concrete support for his actions.
16 He shared his ideas with his fellow citizens, like everyone else who has the
17 right. And to put an end to the armed rebellion, Charles Blé Goudé used the
18 only weapon that he had used to enter the political arena, which is the same
19 weapon that he has been using up 'til today, and that is speech, this speech or
20 oratory that the Prosecutor has claimed was used as an instrument at the
21 service of a mysterious structure and led to a common plan in which the
22 suspect participated.

23 There is an African proverb to the effect that when you want to accuse
24 someone, his assets are presented as shortcomings. And I can see that
25 proverb reflected here in this courtroom when I listen to the presentations of

1 the members of the Office of the Prosecutor.

2 The charisma of oratory is being considered as a crime by the Prosecutor.

3 Even the scholarship financed by his country has been brandished as
4 collaboration between Mr Blé Goudé and the president, and they have used
5 this to accuse Blé Goudé of being a member of the common plan.

6 If the Prosecutor does not know this, I should point out that hundreds of
7 Ivorians benefit from scholarships from Côte d'Ivoire. This was the case
8 under the leadership of President Félix Houphouët-Boigny under President
9 Henri Konan Bédié and even today under President Alassane Ouattara.

10 I do not understand the meaning of all this gesticulation by the OTP. You
11 need a lot more than that to try to make people forget the actions, the positive
12 actions of Mr Charles Blé Goudé, but believe me, your Honours, this would be
13 a vain task.

14 Concretely on 2 October 2002, Mr Charles Blé Goudé called on all Ivorians,
15 Africans and democrats throughout the world to come together to Place de la
16 République in the plateau neighbourhood in Abidjan to say no to the armed
17 rebellion and to say no to coup d'états in Africa.

18 This large gathering was followed by others on 2 December 2002 and on 3
19 February 2003, still at the initiative of Mr Charles Blé Goudé.

20 Each time he made an appeal, hundreds of Ivorians, Africans and even French
21 came together to ask the rebels to lay down their weapons and to defend their
22 democratic values.

23 I believe that if what Mr -- if what Madam Bensouda said yesterday, that is that this
24 trial is a strong message against all those who use violence as a means of acceding to
25 power, if she really believes what she said, then there is somebody that she would

1 have admired greatly, and that is Mr Charles Blé Goudé, because ever since 2002 up
2 until the post-electoral crisis, the main objective of Mr Blé Goudé was to ask the rebels,
3 who took up weapons to overthrow a democratically elected president, to lay down
4 their weapons.

5 This reasoning has been reversed. The actions of Mr Charles Blé Goudé have
6 been analysed as being designed to ensure that Mr Gbagbo hangs on to power.

7 This is the reasoning of the Prosecutor. Why? Why is it that the Prosecutor
8 has always interpreted the actions of Mr Blé Goudé as being part of a
9 mysterious common purpose without looking at them in perspective as actions
10 to put an end to armed rebellion? Why has the Prosecutor never analysed
11 Mr Blé Goudé's actions from that perspective?

12 Madam President, your Honours, you will realise that not once -- or in fact
13 when they did this, it was in a casual manner. The OTP never dwelled on the
14 term "rebel." They feel ill at ease because they do not want to place the actions
15 of Mr Blé Goudé in their real context.

16 The Prosecutor is trying to have us believe something else. That is why I am saying,
17 and I said before I started, that there are events in history that reveal the people who
18 have become known either through bad acts or through good actions. Mr Blé Goudé
19 was and Mr Blé Goudé is, and that is because on the 19 September 2002, there was an
20 attempted coup d'état. The perpetrator, the author was not Mr Charles Blé Goudé.
21 These are the events that brought him into history.

22 Your Honours, it is a sly action to try to get out of this context and it is
23 falsifying history. Considering the actions of Mr Charles Blé Goudé without
24 actually analysing their real context is malicious and we cannot accept that
25 history should be distorted.

1 Your Honours, I would like to ask the Prosecutor this question. Mr Charles
2 Blé Goudé was in Manchester when the crisis broke out in Côte d'Ivoire.
3 When the Prosecutor states that the violence began with Mr Charles Blé Goudé,
4 is the Prosecutor being consistent with himself? The history of my country is
5 recent. The main actors of that history are still alive. Let us not deceive
6 people. We cannot support that in this courtroom. We cannot accept that
7 violence in Côte d'Ivoire started with Mr Charles Blé Goudé.
8 That is a very serious -- that is a very serious thing. It is something that we
9 cannot accept. The Prosecutor wants to understate the reprehensible acts of
10 the armed rebellion and is trying to transform someone who spent all his time
11 trying to mobilise people to put an end to this rebellion and paint him as the
12 person who perpetrated violence.
13 Did the violence begin with Mr Charles Blé Goudé? This is deformation or
14 distortion of history. Does the Prosecutor really know the history of Côte
15 d'Ivoire? Did the Prosecutor ever hear of the invisible commando because
16 they are accusing Mr Charles Blé Goudé of being the author of violence in Côte
17 d'Ivoire. If you have indeed heard of the invisible commando, you cannot
18 state shamelessly that it is Charles Blé Goudé who brought about violence in
19 Côte d'Ivoire. You can look -- you can't look at the world with sincerity and in
20 truth and state that fact.
21 During all the meetings or gatherings Mr Charles Blé Goudé never asked
22 anyone to attack any other person, never. He has never declared himself in
23 favour of taking up arms or in favour of violence as the Prosecutor has stated.
24 He believes only in one thing to change the world, it is the strength of speech
25 or oratory, and this is what he initiated in Côte d'Ivoire, that is empty-handed

1 resistance.

2 This is something that Mr Blé Goudé translated into concrete acts, that is,
3 resistance without arms. And to be more concrete, resistance without arms
4 was not an empty philosophy. On the 6 November 2004, using the pretext of
5 the death of nine French soldiers in the course of an operation carried out by
6 the national forces of Côte d'Ivoire, the soldiers of the Licorne force destroyed
7 the aircraft of the Ivorian army. Having realised that there was a suspicious
8 presence of French soldiers around the residence of the president of the
9 republic, Mr Charles Blé Goudé, feeling that the institutions of his country
10 were threatened given that Mr Gbagbo embodied those institutions at the time,
11 Mr Blé Goudé went to the Ivorian television station and made an appeal and
12 this appeal became famous. He said, "If you are sleeping, wake up. If you
13 are eating, stop eating. We should all go to the airport to liberate our
14 country."

15 By launching that appeal, Mr Charles Blé Goudé made this clear. "I'm not
16 asking you to go there and attack the French people who are in their various
17 homes and who have nothing to do with this situation." He said. And
18 history can testify to that and those facts shall not go away.

19 This message led to the failure of the plan to overthrow Mr Gbagbo.

20 Madam President, your Honours, if justice cannot condemn people based on
21 assumptions but on established facts, if each of us is answerable for his or her
22 actions, this is a question that I'm asking now. If the mobilisation of his fellow
23 citizens to demonstrate without weapons, to say no to armed rebellion, if
24 those -- are these crimes against humanity? Are crimes against humanity the
25 fact of calling on one's fellow citizens to come out empty-handed and

1 demonstrate against the overthrow of the president? This is a question that I
2 am putting to you but which I am putting to the Prosecutor. Didn't the
3 Prosecutor receive clear information about the real perpetrators of the crimes in
4 Bouaké, in petit Duékoué, in Anoukoua-Kouté? That is where people were
5 killed.

6 So far the victims are waiting for the Prosecutor to provide evidence and not
7 involve in politics. The Prosecutor promised to throw light on the events in
8 Côte d'Ivoire, but this has not been accomplished. This promise was made
9 yesterday, but it was made also two years ago during the confirmation of
10 charges of President Laurent Gbagbo, but so far nothing has been done. In
11 any case I would like to reassure the Office of the Prosecutor that the majority
12 of Ivorians are not foolish. They know that nothing has been done.

13 At this point I would like to tell the representative of the victims to correct her
14 statement when she stated, and I quote, "The victims are of the same ethnicity."
15 That is not true. I talked to you about Anonkoua-Kouté, Guitrozon and
16 Bouaké. As the representative of the victims, you cannot say that all the
17 victims are of the same ethnic origin. That is not true. When we talk about
18 the history of our country, victims came from all country -- from all parts of the
19 country.

20 Now, to talk further about Mr Charles Blé Goudé, let me refer to a second fact which
21 points to the veracity of his resistance, his philosophy, empty-handed resistance.
22 Madam President, your Honours, we all remember the strike, the hunger strike
23 of Mr Charles Blé Goudé in front of the French embassy. He went to the
24 French embassy, not with a rocket launcher, not with a Kalashnikov. He went
25 to the French embassy to carry out a hunger strike. He did not carry a rocket

1 launcher with him. He simply took a mattress with himself.

2 Madam President, your Honours, who then is this violent man who uses

3 un-ordinary measures of violence in his actions? Has the Prosecutor seen any

4 member of Al Qaeda or Boko Haram do a hunger strike as a means of fostering

5 his or her goals? Has the Prosecutor ever seen a terrorist or a militia using the

6 hunger strike as a weapon?

7 Mr Charles Blé Goudé has used this tool as a means to convey his convictions.

8 Is this not sufficient proof of his determination never to use weapons as a

9 means of violence? Is his message not clear enough to the Prosecutor, who

10 throughout his or her statement did not, not even once refer to a message from

11 Blé Goudé in which he called for people to kill, for people to rape or for the

12 supporters of Alassane Ouattara and natives of the north to be killed. The

13 Prosecutor was unable to, unable to, I insist, produce one speech in which

14 Mr Blé Goudé called for people to go and attack others.

15 The document containing the charges blatantly lacks evidence. It is a

16 document which is revolting. It is only as good as the summary of newspaper

17 articles that it contains, newspaper articles from the national and international

18 media whose editorial lines do not support Mr Charles Blé Goudé and his

19 youth alliance. That is the only value of that document.

20 In her staunch determination to make of Mr Blé Goudé what he is not, the

21 Prosecutor goes to the very limit of what is acceptable in stating that Mr

22 Charles Blé Goudé incited his fellow countrymen to have hatred for natives of

23 the north and Muslims. The Prosecutor presents Charles Blé Goudé as a

24 xenophobe who hates foreigners, particularly people from Burkina Faso.

25 Madam President, your Honours, I will call three witnesses who will challenge

1 the Prosecutor's allegations, and these witnesses are, number one, Witness
2 CIV-D25-P-0001. She is a Muslim woman from the north of Côte d'Ivoire.
3 During her statement, this is what she said when she gave a statement:
4 "Since 2004 whenever he" -- "he" being Mr Charles Blé Goudé -- "had been
5 called upon by our community, the Muslim community, he would offer air
6 tickets for people to travel to Mecca on their pilgrimage, and I do testify to that.
7 Whenever a member of our community or a member of the family had a
8 problem, he did not hesitate to invite a doctor friend to take care of the sick
9 person, and he paid for all the medical expenses, whether it be in Abobo or in
10 Yopougon.

11 Someone who doesn't like the Dioula cannot employ Dioula people in his staff.
12 So I told him once that you are often in the company of Muslims, you therefore
13 need to learn the Fatiha, and he said yes and he began to learn the Fatiha.
14 When he went to Soubré, after having repaired the mosque, he also recited the
15 Fatiha before the Muslims, and everyone was surprised at that. He even told
16 me subsequently that the Fatiha is somewhat like the Christian prayer 'Our
17 father who art in heaven,'" now end of quote.

18 This lady who you have heard is a Muslim woman from the north of Côte
19 d'Ivoire.

20 I take a second witness, Witness CIC-D25-P-0006. She is from Burkina Faso.
21 She used to live in Mr Charles Blé Goudé's house, a lady from Burkina Faso
22 who used to live in Mr Charles Blé Goudé's house. She affirms or states that
23 later on she asked Mr Charles Blé Goudé to open a shop for her where she
24 could sell some fabrics. He did so.

25 How then can we contend that Mr Charles Blé Goudé delivered speech, hate

1 speech against non-nationals of Côte d'Ivoire, against foreigners, foreigners,
2 particularly those who came from West Africa?

3 I think these two witnesses give sufficient evidence to challenge all the
4 allegations put forth here by the Prosecutor.

5 We will now play an excerpt of a video in which -- and I invite the court officer
6 to please assist in playing the video, please. It is confidential.

7 THE COURT OFFICER: (Interpretation) Madam President, given that it is a
8 confidential video, we need to move into private session.

9 (Private session at 12.38 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted). Open session at 12.43 p.m

19 THE COURT OFFICER: (Interpretation) We are in public session, Madam
20 President.

21 MR N'DRY (Interpretation): Madam President, your Honours, I believe that after
22 listening to this video and watching it, it speaks for itself and there is nothing more to
23 say regarding the Prosecutor's allegations whereby Charles Blé Goudé was one who
24 stood for hatred against Muslims and against nationals of Côte d'Ivoire from the north.
25 Madam President, your Honours, whenever in Côte d'Ivoire and throughout

1 the period of the crisis in that country, whenever there was a problem of
2 division between Ivorians, Mr Charles Blé Goudé did what he could to save his
3 country.

4 A short while ago as I listened to the Prosecutor, I seemed to have understood
5 that their strategy involved a certain Charles Blé Goudé who delivered
6 speeches with good intentions, whereas there was a behind-the-scenes Charles
7 Blé Goudé who did something else, something different. That is not true.

8 Let me once again refer to an event that will convince us conclusively.

9 In 2006, a very important question that was going to plunge Côte d'Ivoire into civil
10 war arose, and this was the issue of various hearings because the FPI had requested
11 that hearings abroad should be stopped because it was necessary that the issue
12 referred to as audience foreign should be organised after unity had been guaranteed.

13 The opposite team had the opposite view.

14 So at the time of what was referred to as the audience foreign, there was opposition
15 between two camps, in every city where there were these out of local sittings, audience
16 foreign, so to speak, there were clashes and there were deaths. And this occurred at
17 that time.

18 Now, for this issue of mobile courts to sit in different locations, a number of deaths
19 occurred. And at that time, it became necessary for all political leaders, those in the
20 opposition and those in power, to work together to stop the escalation of violence, and
21 one man was at the centre of this effort, that man is Mr Charles Blé Goudé, a man who
22 saw that his country was shifting from politics to war, a man who called for dialogue
23 within the country to stop the violence that was escalating in his country.

24 How can we argue, how can we contend before this august court that this man, this
25 man is a violent man?

1 Mr Nick Kaufman yesterday said that we should not look at Mr Charles Blé
2 Goudé's mannerisms or attitude to conclude that he's a violent man. When
3 we looked at the video a short while ago, you realise that even when he was
4 talking to those whom he had invited to that ceremony, his manner of speaking
5 can give the appearance of a violent man, but he is not a violent man.
6 Following the agreements on the mobile courts and the mobile hearings,
7 hostilities ended and Côte d'Ivoire again returned to the war -- the march
8 towards peace, thanks to the actions of Mr Charles Blé Goudé.
9 Let me refer to what witness CIV-D25-P-0009 said regarding the various
10 difficulties and adversities that Mr Charles Blé Goudé faced in this effort.
11 During those initiatives, the witness said that at some point there was a feeling that Blé
12 Goudé had betrayed them even in his own very camp. Members of his camp felt that
13 he had betrayed them when he sought peace with the other camp. This is because he
14 is a man of peace. And you cannot rewrite history.
15 What did Blé Goudé do?
16 Ever since I entered this courtroom, I was expecting to have the Prosecutor clearly
17 state that these are the acts of violence that Mr Charles Blé Goudé committed, but this
18 has not been produced. No evidence.
19 So, in short, there was no need to bring this gentleman here, because you have
20 in your possession all evidence that this is not a violent man. Even the things
21 that Mr Charles Blé Goudé didn't say have now been morphed into
22 euphemisms, even the things that he didn't say, your Honours.
23 Your Honours, distinguished members of the Court, the concrete actions of Mr
24 Charles Blé Goudé speak for themselves and make the Prosecution's case
25 difficult. Let me mention the preface of his book. It does start, a note, in

1 which it is stated that the history of Côte d'Ivoire testifies to the fact. The
2 issue of the mobile courts testify to this as well. Charles Blé Goudé and his
3 former comrades made it impossible for the events that took place in Rwanda
4 to happen in Côte d'Ivoire.

5 Does this gentleman not deserve encouragement? Instead why do we
6 perceive his unarmed struggle aimed at stopping an armed rebellion? How
7 can that be seen to be as part of the execution of a plan which has not even
8 been demonstrated in this courtroom?

9 Madam President, your Honours, let me remind the Prosecutor by jogging his
10 memory that Mr Soro Kigbafori Guillaume, former rebel leader, was accepted
11 by Côte d'Ivoire as prime minister. Why did this happen? It was thanks to
12 one man, Mr Charles Blé Goudé.

13 Côte d'Ivoire did not want a former rebel to be appointed prime minister. Ivorians
14 did not want that to happen. Mr Charles Blé Goudé undertook a peace tour, a peace
15 tour which took him across the entire country. He went to 49 towns and cities put
16 together to talk to the people using the weapon he has, that is language or oratory,
17 which the Prosecution is converting into a weapon of hatred today. It is this very
18 weapon that he used to convince Ivorians. That is what he did.

19 Let us not make him responsible for the thing he does not know how to do,
20 namely, to use weapons as such. He does not know how to manipulate
21 weapons. Even when he congratulates the army, the interpretation is that he
22 is with the army. No. That is not the proper interpretation. So what the
23 Prosecutor is trying to demonstrate here in relation to Mr Charles Blé Goudé is
24 unacceptable.

25 Mr Guillaume Soro was the prime minister of Côte d'Ivoire thanks to Mr

1 Charles Blé Goudé who asked the Ivorians to accept that he'd been given that
2 position. Mr Charles Blé Goudé went to Bouaké, the stronghold of the rebels.
3 He spent the night there with rebel leaders.
4 Mr Issiaka Watao. He spent the night in his room with him at the time when it was
5 unimaginable that a pro-Gbagbo would visit that town, which was the stronghold of
6 the rebel movement. Yet, Mr Charles Blé Goudé went there.
7 Why did he go there? Why don't we acknowledge the merits of such a man? Yet we
8 present him to the world as a violent man who may, who may be unable or, should I
9 say, he's being stopped from expressing his opinions.
10 Let me tell the Prosecutor simply that freedom of speech is enshrined in the
11 UN charter. Let him not convert it into a crime today in this courtroom.
12 Whenever Côte d'Ivoire has come to an impasse, one man, Mr Charles Blé
13 Goudé, has been able to solve the problems. It was thanks to him that youth
14 accepted the proposal that rebels should join Mr Laurent Gbagbo's government.
15 That is what he did. So let us not attempt to distort the history of my country.
16 Your Honours, even when it was about time for the presidential elections, Mr
17 Charles Blé Goudé asked for an audience with Mr Choi, special representative
18 of the SG of the UN in Côte d'Ivoire, to ask him about a point in the
19 Ouagadougou accords, which called for the disarming of all groups so that no
20 one would bear weapons. He asked Mr Choi for that provision to be
21 implemented.
22 How then can we contend here? Otherwise, regarding a man who asks the
23 special representative of the UN Secretary General to implement a provision,
24 whereby all bands or groups should be disarmed? Why do we want to paint
25 a different picture of him? Why?

1 Let me conclude by convincing you of something. On 21 March 2011, at the 8
2 p.m. news on RTI, on the news programme, this is what Mr Blé Goudé said, I
3 quote, "Here we can see the difference between the methods of those opposite
4 and our methods. As you see, in order to defend a nation, if you want to pick
5 up a weapon, you must have the right to have that weapon. This means that
6 you are either a policeman, a gendarme, or a soldier. We cannot in a country,
7 which we want to lead, distribute weapons to civilians who would hide them
8 under their clothes and shoot people across the country and slaughter people
9 across the country."

10 "So what is normal in the rule of law is what I have said, but I have this to say
11 to those who want to transform Côte d'Ivoire into Rwanda: I do not want
12 civil war here in this country. There will never be a country where you only
13 have pro-Ouattara people, where all the pro-Gbagbo people have been
14 disappeared. You cannot find a country where there are only pro-Gbagbo
15 people, where all the pro-Ouattara people have also been disappeared." This
16 is what Mr Blé Goudé said on the 21 March 2011 at the RTI. This is the person
17 whom you want to portray as a violent man, who says that: "You will never
18 find a country where there are only the pro-Gbagbos who will cause the
19 pro-Gbagbos to disappear, or you will never find a country where there are
20 only pro-Ouattaras who will cause the pro-Gbagbos to disappear."

21 So what common plan is the Office of the Prosecutor talking about? What
22 common plan?

23 The entire life of somebody is always the best testimony for or against an
24 accused person. Charles Blé Goudé's life and his actions during the Ivorian
25 crisis contradict the very actions contained in the DCC. His actions are his

1 advocate. These are the actions that I have brought to your attention about
2 someone who did everything openly.

3 Is he a militia leader? Is he a criminal? Or is he a man who stood for non-violence
4 but who expressed himself peacefully as any human being is entitled to, pursuant to
5 the United Nations charter?

6 We are now in your hands, your Honours. It is now up to you to tell us
7 whether the man whom I have introduced to you is a man who should be
8 committed to trial for crimes against humanity.

9 Madam President, your Honours, your Court is an incarnation of promises for
10 humanity. You know what your duty is. The world is listening to you.

11 Africa wants to place its confidence in you and posterity awaits your decisions.

12 Humbly submitted.

13 MR KAUFMAN: Thank you, Maître N'Dry.

14 We have now approached 1 o'clock. I believe that's a suitable time to break.

15 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Exactly.

16 We shall now adjourn and resume at 2.30.

17 All rise.

18 (Recess taken at 1.00 p.m.)

19 (Upon resuming in open session at 2.30 p.m.)

20 THE COURT USHER: All rise.

21 Please be seated.

22 MR KAUFMAN: Good afternoon, Madam President, your Honours.

23 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: Good afternoon.

24 MR KAUFMAN: I see we're making very speedy progress, and it would appear that
25 we're going to finish quite early. Nevertheless, I have a very respectful request.

1 Mr Blé Goudé, as you know, is going to make his final presentation on Thursday, at
2 least that's the schedule.

3 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: Yes.

4 MR KAUFMAN: You will see that today none of his friends nor family have arrived.
5 His mother's even made the special trip to come and see him. Even if we do finish
6 early tomorrow, I would respectfully request that the final submission of
7 Mr Blé Goudé still take place on the Thursday as originally planned.

8 (Trial Chamber confers)

9 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Yes, yes, I can
10 reassure you, we will conclude as scheduled on Thursday, even if we end earlier than
11 that as was initially scheduled.

12 MR KAUFMAN: Without further ado, we move to the presentation on the galaxie
13 patriotique, which will be made by my friend Mr Seth Engel. Thank you.

14 MR ENGEL: "The ultimate measure of a man is not where he stands in moments of
15 comfort and convenience, but where he stands at times of challenge and controversy."
16 This statement was spoken by a man who was arrested 30 times, spent
17 upwards of two years in prison and was the target of an FBI investigation.
18 This was Martin Luther King.

19 It is the Defence submission that Mr Blé Goudé was a peaceful leader who
20 challenged and opposed all who sought to use violence and arms. For this he
21 was punished and today he finds himself before the International Criminal
22 Court.

23 Madam President, your Honours, I'll be presenting submissions for the
24 Defence this afternoon relating to the structure and organisation of the
25 so-called galaxie patriotique.

1 The presentation of these submissions will actually be quite simple,
2 particularly in light of the fact that there is little real argument to be had
3 between the Prosecutor's evidence and that what has been collected by the
4 Defence.

5 On the one hand, the Prosecutor this week has presented your Honours with
6 its speculation, photo stills and suggestions that perhaps, given the right light
7 and the right angle, your Honours could be convinced that Blé Goudé was
8 somehow a leader of each and every pro-Gbagbo youth group and, in
9 particular, those that favoured arms and violence.

10 On the other hand, the Prosecution itself possesses extensive testimony from
11 what it calls insider witnesses, P-118 and P-324, who have clearly stated the
12 contrary, that Blé Goudé presided over the pacifist alliance de la jeunesse pour
13 le Sursaut National and nothing else.

14 In search of the truth, it was perhaps the Prosecution's duty to seek out other
15 members of the so-called galaxie patriotique and to acquire their perspective
16 on the group's layout. However the Prosecution did not do so. Instead, this
17 was the Defence's methodology, and the results are unsurprising, that the
18 galaxie patriotique was a monster of the media, a monster of which
19 Mr Blé Goudé was not the master.

20 Your Honours, this presentation will take place in three parts: Discussion of
21 the terminology employed by the Prosecutor; secondly, presentation of the
22 Defence's organigram of the galaxie patriotique; and, thirdly, a demonstration
23 by reference to the evidence that there was no single leader of the galaxie
24 patriotique.

25 Firstly, the Defence takes issue with the terminology employed by the

- 1 Prosecutor. The evidence overwhelmingly demonstrates --
- 2 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Microphone not activated)
- 3 THE INTERPRETER: Microphone please.
- 4 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Microphone not activated)
- 5 I'm sorry, and I have to use the microphone, too. You have to speak slower --
- 6 MR ENGEL: Not a problem.
- 7 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: -- for the interpretation, okay.
- 8 MR ENGEL: The Defence overwhelmingly shows that pro-Gbagbo youth
- 9 movements were in fact many separate movements with diametrically opposed
- 10 ideologies and plans of action.
- 11 Your Honours, there is therefore no possible way that Mr Blé Goudé could use
- 12 the galaxie patriotique as his instrument for committing the crimes as he had
- 13 no control over the majority of these groups and exercised no real control over
- 14 the pro-Gbagbo youth as a whole. Contrary to what the Prosecution will have
- 15 you believe.
- 16 The Defence takes issue with the labels galaxie patriotique and jeunes patriotes.
- 17 In particular, the Prosecution's usage of these terms is problematic. That
- 18 being said, the origin of the term "galaxie patriotique" is one of many points on
- 19 which the Defence agrees with the Prosecutor's evidence.
- 20 In paragraph 191 of the DCC, the Prosecution states: "The term galaxie patriotique
- 21 appears for the first time in the media in this way reflecting the proliferation of
- 22 pro-Gbagbo organisations."
- 23 What bewilders the Defence, however, is the Prosecution's continued insistence on
- 24 applying what it has now admitted to be an imaginary term.
- 25 Firstly, the Prosecutor's terminology is problematic because she uses three terms

1 seemingly interchangeably, the pro-Gbagbo youth, the galaxie patriotique and jeunes
2 patriotes.

3 At the same time however, the Prosecution admits, and I quote the DCC, that the
4 galaxie patriotique is a "... coalition containing numerous pro-Gbagbo youth groups,
5 unions, students, NGOs, militias and youth" groups.

6 This is a seemingly broken circular logic to the Prosecution's explanation of the
7 youth group's functioning, that on one hand the youth was part of the galaxie
8 patriotique, on the other hand the galaxie patriotique was part of the youth
9 groups.

10 So now let us take stock. The Prosecution's own assertions we find ourselves with a
11 coalition of groups, and militia and NGOs. Secondly, of wildly different views on
12 arms and armament and, thirdly, with a name and label that was created by the media.
13 How can this be the basis for Mr Blé Goudé's individual criminal liability? In
14 fact, the Defence takes issue most with the Prosecutor's disingenuous use of the
15 term "jeunes patriotes" as a catch-all for young people, violent or not, who
16 happened to be affiliated with one way or another with Gbagbo movements,
17 NGOs, or parties. The Prosecution simultaneously attributes to the collective
18 actions of these individuals and movements to Blé Goudé.

19 My esteemed colleague for example, Ms Varga, on the Prosecution, has cited to
20 the movie Shadow Work. And I will now ask the legal officer of the Court to
21 publish this video into demonstrating that the Prosecution has a partial and
22 bias manner cited to the evidence to attempt to demonstrate its point.

23 While we are waiting, your Honours --

24 (Viewing of video excerpt)

25 MR ENGEL: Now, your Honours may recall that a moment ago Ms Varga had

1 shown the sentence after the -- what we had just seen in which Mr Blé Goudé mentions
2 that the PD individuals could be mobilised quickly but, as you've seen, he was
3 referring to a non-violent movement, in which he explicitly stated in the interview,
4 which was of course not quoted by the Prosecutor.

5 This demonstration of the partiality and biased method in which the
6 Prosecutor has termed the *galaxie patriotique* is exemplified by the Defence
7 witnesses; for example, D-4, an important FPI youth leader and former
8 government official, opted for the term "*mouvements patriotiques*", stating that
9 the term "*galaxie patriotique*" "*ne vient pas de la Côte d'Ivoire* and has, in fact,
10 "*cree par les medias.*"

11 D-9, an important leader in the CONARECI, a group that I will discuss momentarily,
12 called the *galaxie patriotique* a whim of the press.

13 Finally, the Defence expert D-15 who was asked to prepare a report on the
14 issue largely concurred with the Prosecution and Defence witnesses in this
15 matter.

16 The Defence asked D-15 to provide its expert opinion by preparing a report for the
17 current case regarding the alleged politico-cultural organisation deemed the *galaxie*
18 *patriotique*.

19 The Defence also notes Mr MacDonald's reliance on the expert report and we
20 assume there is no challenge thereto.

21 D-15 in its expert report chose to initially define what the Prosecution has
22 labelled the *galaxie patriotique* as pro-Gbagbo youth movements because,
23 according to D-15, the labels *galaxie patriotique* and *jeunes patriotes* have been
24 alternatively and interchangeably given to such groups by the press.

25 The expert described that depending on which press was covering whom, the

1 groups were either labelled "disaffected youth being exploited", or "defenders
2 of the republic."

3 Relying on sources that are biased, such as the Prosecutor has, is like going to
4 Texas to learn about American's opinion on President Obama.

5 D-15's expert report explains that even academics writing on pro-Gbagbo youth
6 movements have been forced to redefine their terminology, an antiquated terminology
7 the Prosecutor has been using.

8 The Defence would now like to demonstrate its own version of the organigram
9 that has been presented by the Prosecution of the galaxie patriotique.

10 This first slide I would ask to be published, but only within the room and not
11 to the public.

12 First, however, let us begin with the points on which the Defence can agree
13 with the Prosecution's assertions.

14 Your Honours will now see the Prosecutor's organigram of the galaxie patriotique.

15 The Defence agrees with the Prosecution's assertions in its DCC and its organigram
16 that there were multiple blocks within the galaxie patriotique.

17 You will see here that the Prosecution has included multiple groups within this
18 diagram. However, it is unclear if even the Prosecution is aware of the meaning of
19 the various and myriad acronyms in its own organigram.

20 Finally, the Defence agrees that there are at least two large regroupments
21 within the youth movements and that each had their own leaders. However,
22 where the Prosecution begins to depart from the evidence and from the reality
23 on the ground, is the assertion that Mr Blé Goudé had control over the totality
24 of these groups and that Mr Blé Goudé had any form of authority or command
25 over leaders who were not within his own alliance.

1 The error with the Prosecutor's description of the galaxie lies in its wholesale,
2 lumping together of organisations and leaders. Simply listing the youth
3 groups as it does here is inconsistent with the Prosecution's own assertion of an
4 heterogeneous structure with multiple blocks.

5 The slides can now be published publicly.

6 The Defence will attempt to correct the Prosecutor's wrong in its presentation
7 of this alleged group by briefly discussing the heterogeneous nature of the
8 groups.

9 Firstly, the Defence would like to demonstrate that there were youth groups on
10 both political sides in Ouattara and pro-Gbagbo; for example, there were
11 groups called le grins and le senates that were pro-Ouattara that proliferated
12 throughout the country.

13 Now we will zoom in on what has been deemed the galaxie patriotique. Firstly, there
14 is the Alliance de a Jeunesse pour le Sursaut National of Charles Blé Goudé. Second,
15 there is another large block known as the CONARECI, Coalition Nationale des
16 Résistants de Côte d'Ivoire. And then a number of non-aligned movements which
17 fall under various spheres of influence.

18 I will now begin to speak about the alliance, and I'll move to the next slide.

19 Monsieur Blé Goudé created the alliance the day after 19 September 2002 coup
20 d'état attempted by rebel forces. The alliance's influence grew rapidly from
21 that point. In my colleague Mr MacDonald's submissions of yesterday
22 regarding the alliance, Mr MacDonald stated that it was more often known as
23 the jeunes patriotes. This is inaccurate. The Prosecution's own insider
24 witness, P-324, stated that the alliance was later dubbed alliance des jeunes
25 patriotes because it was, I quote, "pur simple".

1 The according to expert D-15, the alliance was in fact in constant competition with the
2 CONARECI between 2006 and 2010, both for donor funding and due to rivalries and
3 political ambition between leaders of the two groups.

4 In addition to its constituent groups, the alliance included celebrities such as
5 footballers and musicians.

6 I will now turn to the COJEP, Congr s Panafricaines des Jeunes et des Patriotes,
7 (Interpretation) Pan-African Congress of Youth and Patriots, now known as the
8 Congr s Panafricain pour la justice et egalite des peuples. (Interpretation)
9 Pan-African Congress for Justice and Equality of People.

10 COJEP was created by Monsieur Bl  Goud  in 2001 upon the completion of his
11 mandate as secretary general of the FESCI student union.

12 According to the expert report, COJEP's public strategy revolved around
13 peaceful events that brought the maximum amount of citizens together to
14 public demonstrations.

15 Monsieur Bl  Goud 's activity as head of COJEP was independence as to the
16 rest of the alliance. As Prosecution Witness 118 states, I quote, Bl 
17 Goud  -- (Interpretation) "He preferred to operate alone within his
18 organisation COJEP, so he had one rally after another without associating the
19 others often, who would come when they learned about them."

20 In fact, Bl  Goud  maintained an open-door policy, and members and even
21 leaders of other groups could attend his meetings and speeches regardless of
22 their affiliation mostly to see and be seen.

23 I will now discuss the Sorbonne of Richard Dakouri. The Sorbonne had
24 existed since 1980 --

25 THE COURT OFFICER: Mr Engel, I'm sorry, but you really need to slow down your

1 speed. Thank you.

2 THE INTERPRETER: Many thanks from the interpreters.

3 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: If I may, if you cannot speak
4 more slowly, at least you have to make a pause between paragraphs so that leaves also
5 more time too for the translation. Thank you.

6 MR KAUFMAN: We have a little code. I will tug Mr Engel's gown when he goes
7 too fast.

8 MR ENGEL: I'm not used to getting my gown tugged. Okay.

9 The Sorbonne had existed since 1980, but it was not until 2001 that the
10 organisation was formalised under Richard Dakouri who recruited what he
11 called maitres de la parole to discuss sociology, philosophy and even sports
12 and, of course, politics. Dakouri compares the Sorbonne to the speakers
13 corner, as the Prosecution has discussed, in England, the most famous of which
14 of course being on northeast corner of Hyde Park where you will see rallies
15 about socialism and even indecent exposure.

16 Dakouri has called the Sorbonne a place to exchange and reflect, a place for
17 intellectual, and spiritual restoration and place for discussion of ideas while
18 opposing violence.

19 I will now discuss the JFPI, the Jeunesse du Front Populaire Ivoirien.

20 Navigué Konaté was elected secretary general of the JFPI in September 2003. He
21 states that he created the alliance with Monsieur Blé Goudé and worked within the
22 alliance structure until 2010 because of his joint admiration for Gbagbo's politics and
23 the idea of resistance aux mains nues.

24 According to the expert report, Mr Konaté succeeded Damans Pickas at this
25 point. Mr Pickass was originally tapped to organise the FPI youth by FPI

1 leadership, as many other political parties did at this time.

2 I will now move to the JMPIT, the Jeunesse Militante du Parti Ivoirien des
3 Travailleurs.

4 This was a left-wing workers group headed by Seydou Koné. Seydou Koné
5 was also head of the group jeunesse du nord pour la paix, and he was a
6 Muslim and a Dioula.

7 Koné was close to Mr Blé Goudé who, according to an insider witness, would
8 stand up for Mr Koné when crowds would shout anti-Muslim slurs.

9 Finally, I will briefly discuss the SOAF, Solidarité Africaine of Jean-Yves
10 Dibopieu.

11 According to expert report, this is a political group that was part of the alliance
12 and was created in August 2003 by Dibopieu, who also a former secretary
13 general of the FESCI. Dibopieu was focused on defending the sovereignty of
14 African leaders and bringing African youth together.

15 That concludes my brief presentation of the alliance, and I will now move on to the
16 CONARECI, the Coalition Nationale des Résistants de Côte d'Ivoire.

17 The CONARECI was formed in 2005 by Damanas Pickas, a rival of Blé Goudé
18 for influence over the pro-Gbagbo youth and close affiliation of FPI leadership.

19 It was initially led by Serges Koffi, pictured here, and regrouped 27
20 organisations with monetary assistance of the highest leadership of the FPI
21 according to the expert report.

22 It has been suggested that the CONARECI attempted to federate all armed
23 movements, including from the west, under its umbrella. The leadership of
24 this group had a rather rapid turnover, moving from Koffi to Clément Nadaud
25 in 2009, to Youssef Fofana also in 2009, and finally to Jean-Marie Konin in 2010.

1 CONARECI presented the main rival to Blé Goudé's alliance and differed in its
2 quintessential ideological underpinnings. There is a simple way of comparing
3 the two organisations. CONARECI was Malcolm X to the alliance's Martin
4 Luther King.

5 D-9, an influential CONARECI leader, stated: (Interpretation) "To our mind,
6 CONARECI, Blé Goudé was too much Martin Luther King. He really didn't
7 go for the coal, that is why our movement was created, the CONARECI.

8 The Prosecution's own insider witnesses, P-118 and 324, also leaders of the
9 alliance, made this clear in their statements. 118 stated that the alliance
10 distinguished itself from the CONARECI by using only speech. In P-324's
11 words what distinguished the CONARECI from the alliance was that youth
12 members of the CONARECI shared the idea of using force, whereas the
13 alliance refused to do so.

14 It is P-324 who likens alliance to Martin Luther King and CONARECI to
15 Malcolm X.

16 Other influential members of the CONARECI concur with this qualification;
17 for example, D-9 stated that Ouattara's actions required an armed repost and
18 that he and other CONARECI leaders felt that the alliance only gossiped, and
19 that their mains nues philosophy would have no practical effect.

20 The CONARECI was willing to bring its own weapons and organise people to do so,
21 according to D-9.

22 Furthermore, Blé Goudé had no command or control over the CONARECI or
23 its leaders.

24 According to D-10 and D-15, the two groups were in constant competition and
25 vying for influence and popularity.

1 D-15 states that: (Interpretation) "There were strong divergences of opinion
2 between leaders and movements. It was quite common and it was -- it would
3 really be going quite a stretch to say that there was a clear chain of command in
4 terms of the actions of the movements."

5 FESCI, Federation estudiantine et scolaire de la Côte d'Ivoire (Interpretation)
6 Côte d'Ivoire Student Federation.

7 Blé Goudé was removed from the FESCI since 2001. According to the expert,
8 the FESCI maintained a tumultuous relationship with Blé Goudé the alliance
9 thereafter.

10 Since 2002, the group had become an, and I quote, "uncontrollable institutional
11 monster" per the expert report. The group had been accused since 2010 of
12 links to violent acts taken against civilians, in particular those who opposed
13 Gbagbo.

14 However, the insider Prosecution witnesses have stated that the FESCI is
15 oriented towards a political direction as depends upon their leader at the time.

16 324, who was himself a higher-up in the FESCI, confirmed that (Interpretation) It's
17 the leader, he is the one who guides the movement. If the general secretary orients
18 that towards CONARECI."

19 Blé Goudé was also not new to controversy and tension within and with the
20 FESCI; for example, in 2007, Blé Goudé had boycotted the FESCI's actions
21 under Serge Koffi.

22 Blé Goudé had also been a victim of violent attacks when FESCI was under the
23 leadership of Guillaume Soro.

24 D-11, a prominent FESCI leader nationwide and top brass at the CONARECI,
25 stated that there was no way Blé Goudé could give orders or have control over

1 the FESCI. This was particularly the case since FESCI was part of the
2 CONARECI of which -- over which Blé Goudé had no control.

3 I will now move onto the CRAC, created by Serges Koffi in 2010.

4 This was created during the post-electoral crisis in order to, quote, "block
5 violent action in Côte d'Ivoire." Although Koffi later proclaimed, in
6 February 2011, that, quote, "any action taken against peaceful people in our
7 country must be met by reaction 10 times superior than the action so that the
8 action will never happen again."

9 D-15's expert report provides an interview with a CRAC member, which was
10 published, and this member insists that CRAC was created in part to
11 distinguish itself from Blé Goudé and the alliance.

12 I will now move onto the Sorbonne Solidarité very briefly, not pictured here.

13 This was an important group in the CONARECI headed by Clément Nadaud
14 who was once a vice president of the Sorbonne of Dakouri, but due to
15 differences in opinion created his own group and affiliated himself with the
16 CONARECI.

17 The CNLB, or Comit National pour la Liberation de Bouake (Interpretation)
18 National Committee for the liberation of Bouake, by Watchard Kédjébo, who
19 was also known, according to the expert report, as "le Commandant."

20 Mr Kédjébo was public about paramilitary training he provided to ordinary
21 civilians in order to defend themselves and prepare as a militia against
22 aggression suffered by rebels.

23 The expert report discusses that the CNLB also created a political wing in the
24 line of the western militias, that's separate from the military wing over which
25 Kédjébo presided.

1 Prosecution Witness 118 confirms all of that.

2 Finally, within the CONARECI, I will discuss the GPP, groupement des
3 patriotes pour la paix.

4 In many ways the GPP is the crux of the CONARECI and demonstrates the
5 stark differences with the philosophy and means of action of the alliance of Blé
6 Goudé.

7 According to D-15, the apparently misnomered groupment des patriots pour la
8 paix was created by Charles Groguhet soon after the September 2002 rebellion,
9 but was near -- was immediately taken over by Monsieur Moussa Toure
10 Zeguen, whom our esteemed colleagues in the Prosecution have repeatedly
11 discussed. According to D-15, the GPP was structured with numerous
12 hundreds of militants and members of companies which covered different
13 areas of Abidjan and beyond.

14 According to a press interview with Toure Zeguen, the GPP's role during the
15 post-electoral crisis was, I quote, "to create a balance of terror and fear in order
16 to slow down the rebellion advances towards the economic capital and the
17 southern part of the country."

18 Zeguen affirmed his belief in the eye-for-an-eye philosophy.

19 Prosecution Witness 118 in response to being shown the exact photo that the
20 Prosecution had just demonstrated yesterday in its submissions that:

21 (Interpretation) "Toure Moussa Zeguen was in the second major block within
22 CONARECI. He led for a while what was called the GPP. He led the GPP,
23 and as the leader of the GPP he was part of a different coalition which was the
24 CONARECI."

25 (Redacted)

1 (Redacted) called Toure Zeguen a militia leader

2 active --

3 MR MACDONALD: Okay, I'll remind my colleague that we're in public session, all
4 right, and this is going too far.

5 MR ENGEL: I will now move on to the non -- sorry.

6 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) You need to
7 be careful. We are still in open session. If necessary we can go into private session,
8 but you have to request that.

9 MR ENGEL: I will now move on to discussing the non-aligned movements. The
10 agora and parlements of D-10, president of this federation, organised the existing
11 open-air parliaments into a single federation in 2002 in response to rebel attacks.

12 These parliaments would cover specific topics of political interest in various
13 neighbourhoods of Abidjan, each parliament with an independent president.
14 D-10 considered himself on the team of Blé Goudé, although he was not
15 officially part of the alliance.

16 A second major non-aligned movement is the Union des patriots pour la
17 liberation totale de la Côte d'Ivoire.

18 The founder of this movement, Eugene Djue, sought to separate himself from
19 Blé Goudé and the alliance as of its very inception of 23 September 2002.

20 In an interview, a public interview on Koffi.net, of 19 July 2007, Djue stated the
21 following, and I'll quote extensively for its usefulness: (Interpretation)

22 "UPLTCI is a response to the attack of 19 September 2002. It was a war of
23 liberation, hence the decision to use firmer methods going beyond rallies and
24 protest matches."

25 "We decided to organise ourselves, train militarily at the mental and physical

1 levels young Ivorians in all the villages and in all the towns and to oppose
2 those who attacked others. We felt that there should be an equilibrium of
3 terror because we are in a situation of legitimate defence, and if we were
4 attacked with weapons, where were we going to find other weapons?"

5 Indeed, according to D9, an influential CONARECI leader, the UPLTC, with
6 Djue at its head, claimed to have 26,000 armed men and did not hide that
7 claim.

8 Furthermore, D-9 states that Djue refused to recognise Blé Goudé as his leader.

9 Contrary to what my colleague in the Prosecution, Ms Berdennikova, had
10 presented this Chamber yesterday, Maguy le Tocard is not a member of the
11 GPP, but was actually second in command to Eugene Djue. This was public
12 knowledge.

13 According to D-9, Maguy le Tocard grouped together self-defense groups in
14 the 16th arrondissement in the name of the UPLTCI and collected Kalachnikovs
15 as the police forces and gendarme gradually abandoned their posts throughout
16 Abidjan.

17 Indeed, Tocard himself asserted his fierce opposition to Blé Goudé in an
18 interview. He considered that he had been and, quote, translation, "at war
19 with Blé Goudé since 2002 and that he would not call on Blé Goudé to defend
20 his country."

21 Le Tocard stated that it was: (Interpretation) "The Union officials for the
22 total liberation of Côte d'Ivoire, this was our organisation that carried out the
23 war."

24 I will close my discussion of the organigram with a brief word about the
25 Prosecution's star witness, P-44, and his involvement in the galaxie patriotique.

1 P-44 claims to be a leader of the *galaxie patriotique* and that he was often with Mr Blé
2 Goudé and knew the details. But the Defence asks how many documents have you
3 found?
4 Your Honours, involving Prosecution Witness 44, who is he? What did he do
5 in the *galaxie patriotique*? Nothing in the evidence demonstrates P-44's
6 involvement with the *galaxie patriotique*. In fact, the Prosecution's own
7 witnesses, 324 and 118, never mentioned P-44. In fact, D-10 claims that P-44
8 was never a part of the alliance and that he barely knew Monsieur Blé Goudé.
9 All the witnesses claim that P-44 was not close do Monsieur Blé Goudé.
10 The slideshow is now completed and I will make that available to your
11 Honours and the Prosecution and, of course, OPCV.
12 The next subject of this presentation and the final subject is that there was no
13 single leader of the *galaxie patriotique*.
14 Blé Goudé was not the undisputed leader, and I would like to briefly discuss five
15 reasons demonstrating why the Prosecutor's obligation -- allegations are simply untrue
16 and there was no way for Blé Goudé to exercise control over the organisation nor to
17 instrumentalize its members.
18 Firstly, the Prosecution's allegations of Blé Goudé as the leader do not hold
19 water. At several points in the DCC the Prosecutor claims that, I quote,
20 (interpretation) "Blé Goudé was recognised as the leader of the *galaxie*
21 *patriotique*." But only once in paragraph 191 does the Prosecution cite to a
22 footnote that seeks to substantiate this claim with evidence. While the relative
23 merits of this footnote will be discussed in written submissions, I would like to
24 quickly state here the Defence's strenuous opposition to the claim.
25 The fact is that the Prosecution could not make this claim by citing to any

1 credible evidence. Instead this footnote cites to a number of witness
2 statements and other documents which are either pulled straight from the files
3 of Ouattara or are admittedly results of hearsay and speculation.

4 One document, however, is of particular note of footnote 637, which I remind
5 your Honours is the sole support for the claim that Blé Goudé was the
6 undisputed leader of the galaxie patriotique. This document is a 2009
7 research paper, and it's Prosecutor document CIV-OTP-0041-0241. The first
8 page of this paper is marked in bold, "Preliminary version. Please do not
9 cite." Nonetheless, this document demonstrates quite the contrary of the
10 Prosecutor's intention. Someone who collated this footnote obviously did not
11 do their research.

12 The page cited by the Prosecutor of this document states, and I quote in French
13 (interpretation)"Damana Pickas arrived, and when he saw that, he contacted
14 Djue Eugene, and he brought together the former frustrated members to create
15 CONARECI to oppose the Alliance of the Young Patriots. So CONARECI
16 brought together all the frustrated individuals, those that Blé Goudé had cast
17 aside."

18 The page just before the cited page by the Prosecutor also includes the
19 following quotation, (interpretation) "The creation of another youth group was
20 necessary because we no longer understood the attitude of Blé Goudé. He
21 was overstating things when the party asked him to do certain actions."

22 Secondly, the actual position of Blé Goudé in the Alliance is questionable. D4
23 and D11, Alliance leaders, and the Prosecutor's insider Witnesses 118 and 234
24 all label Monsieur Blé Goudé as the "porte parole" of the Alliance.

25 Thirdly, the title "Général" is not unique to Mr Blé Goudé.

1 (Pause in proceedings)

2 MR ENGEL: The Prosecutor alleges that his -- that Monsieur Blé Goudé's
3 (interpretation) "his capacity to mobilise pro-Gbagbo youths and to direct the action
4 led to him being nicknamed General of the Street."

5 My colleague of the Prosecutor, Ms Berdennikova, declared yesterday that
6 Monsieur Blé Goudé was the only person known under this banner. However,
7 this accusation does not hold water in light of the fact that "Général" was a
8 term applied to all secretary généraux of the FESCI. Key prosecution Witness
9 P-9 confirms this and that it was standard practise.

10 In addition, Prosecution Witness 118 calls the leader of the JFPI the général de
11 JFPI.

12 The fourth reason why Mr Blé Goudé could not be the single undisputed
13 leader is that youth leaders even as demonstrated by their bodyguards
14 themselves were at constant odds for who could even enter a room first.

15 P-118 cites a meeting at CP1 where the bodyguards of other leaders refused to
16 let those of Mr Blé Goudé step forward.

17 Finally, there is not a single shred of evidence by which Blé Goudé made his
18 own representations that he was leader of the galaxie patriotique. The
19 Prosecution has provided a number of speeches on which it bases its
20 accusations. In these speeches themselves, however, Blé Goudé introduces
21 himself in a very specific way and demonstrates the fact that he only
22 represented a certain group of people.

23 On March -- on 26 March 2011, the Prosecution's evidence demonstrates
24 Monsieur Blé Goudé open a speech at place de la république saying and
25 addressing the crowd "au nom de l'Alliance des jeunes patriotes." At other

1 meetings Mr Blé Goudé thanks other movements for attending the rally, if they
2 had in fact attended.

3 In addition, tensions within the galaxie patriotique and the independence of
4 other leaders inhibited Blé Goudé's influence on them. D10 sums up the
5 tension between the various groups of the so-called galaxie patriotique as
6 follows: (interpretation) "Those who claim that Blé Goudé controlled
7 everyone are wrong. He had ferocious internal adversaries. There was great
8 diversity within our own group."

9 More specifically, Eugene Djue of the OPLTI publicly stated that the youth
10 groups had no single leader and accused Blé Goudé of being afraid of the use
11 of force, which distinguished his groups from those of Djue, and Djue stated
12 Blé Goudé (interpretation) "Blé Goudé is not my leader."

13 Prosecution Witness 449 confirmed that Djue would never follow Blé Goudé,
14 whom he considered to be his "petit," in quotes.

15 Blé Goudé even had conflicts and issues with leadership of the FPI. P-118 and
16 324 confirm that Blé Goudé was not a member of the FPI and that there was in
17 fact jealousy between leaders of the FPI youth and Mr Blé Goudé, even though
18 the JFPI was part of the Alliance. FPI leaders once even called on their
19 members to boycott Blé Goudé.

20 In light of the above it is not possible for the Prosecution to claim that Blé
21 Goudé was the undisputed leader of the galaxie patriotique. The rifts within
22 the groups and between the groups and among the leaders prevented any one
23 person from exercising any kind of control over the pro-Gbagbo youth that the
24 Prosecution would like to allege.

25 I know I spoke quickly to get to this point and I will now conclude.

1 Your Honours, the Defence submits that the Prosecution cannot call a leader a
2 criminal due to his charisma. The Prosecution cannot impute upon Monsieur
3 Blé Goudé the actions of those leaders who had nothing to do with him or the
4 Alliance. The Alliance was composed of youth who followed Monsieur Blé
5 Goudé's non-violent teachings.

6 At his meetings and speeches Blé Goudé was like a professor of a class open to
7 attendees with an open-door policy.

8 Some pupils learned the lesson of non-violence. Others who listened to the
9 lecture went on to act dangerously, foolishly and irresponsibly. But Blé

10 Goudé cannot be held accountable for the actions of leaders and persons who
11 were entirely unrelated to him and who had their own ideology and plans of
12 action.

13 Blé Goudé himself was anti-war, anti-weapons and anti-violence. This
14 philosophy was not in coordination with and did not harmonize with many
15 other pro-Gbagbo leaders, especially those we've discussed in the CONARECI.

16 Your Honours, the Defence submits that Blé Goudé demonstrated patriotism
17 and charisma, not jingoism or criminality.

18 No one can say his speeches were perfectly eloquent, were exactly calming at a
19 moment of tension or perfectly transmitted the anti-war message at every
20 moment. But it would be unjust and immoral to claim that the violent actions
21 of groups not affiliated with Mr Blé Goudé should be imputed upon him and
22 his criminal liability.

23 Monsieur Blé Goudé stood up to those attempting to spread violent campaigns
24 at a moment of crisis and at a difficult time. This was even among his own
25 political allies. The Defence now asks you, your Honours, to take this same

1 bold stance and define that there are no substantial reasons to believe that

2 Monsieur Blé Goudé was the leader of the galaxie patriotique.

3 Thank you.

4 MR KAUFMAN: Well, I see we are moving very quickly. I was thinking that I
5 would have about 20 minutes to spare today and then I would devote myself to a little
6 interlude about Witness 44. That's in fact what I will do. At one point during this
7 presentation I will ask to go into private session. If I finish Witness 44 today, I will
8 start to deal with the incidents which were dealt with yesterday.

9 So Witness 24 -- sorry -- 44.

10 Of all of the witnesses at the Prosecutor's disposal Witness 44 is surely the least
11 convincing. Now, the Defence is fully aware that as a rule the Chamber will
12 not entertain questions of credibility at confirmation. But it is suffice to refer
13 to the interview of this witness by the Gbagbo Defence to appreciate the
14 circumstances in which he delivered his statements to the Prosecution and the
15 pressures brought to bear on him to make him tow the party line.

16 Listen, for example, to the following exchange between Witness 44 and the
17 Gbagbo Defence team.

18 (Interpretation) "Question: What can you tell us about the rebel chiefs?

19 Answer: I cannot answer all the questions, particularly regarding their
20 actions and the actions of the current authorities, because I live here and that
21 would place both me and my family in danger."

22 CIV-D15-0001-3704 at 3707.

23 The question of course which I just read out to you was practically of no
24 consequence to Mr Gbagbo's alleged liability for crimes against humanity, but
25 the answer which was received was most revealing. When the Blé Goudé

1 Defence similarly asked to interview this very witness, we were not surprised
2 to hear that the Prosecution told us that the witness had refused to meet us,
3 refused to meet us point-blank.

4 Now, what does this tell us about the witness? What does he have to hide, I
5 ask you? After all, in his very first screening by the Prosecution he claimed to
6 have been inspired by a burning desire to tell the truth. How does his refusal
7 to cooperate with the Blé Goudé Defence further such a noble intent?

8 At the end of the day we suggest that Witness 44's evidence is motivated by
9 one overriding concern, namely, not to irritate President Alassane Ouattara or
10 his cohorts.

11 Now, I believe that the Gbagbo Defence unfortunately failed to exploit fully the
12 challenge which we suggest is the most fantastic aspect of Witness 44's
13 evidence, namely, that he was privy to the most inner-most policy-making
14 decisions at the presidential residence.

15 Furthermore, the Gbagbo Defence failed to explore Witness 44's true
16 knowledge of the *galaxie patriotique*, so did the Prosecution for that matter,
17 especially given that he was one of the first witnesses to be interviewed by the
18 Prosecution at the time when we submit the Prosecution had not fully
19 appreciated the subtle difference between the Galaxy's constituent
20 organisations and the dichotomy which existed between those affiliated with
21 AJSN and those affiliated with CONARECI, the dichotomy which my friend
22 Mr Engel has just explained to you.

23 In fact, I see Mr Gallmetzer is sitting here in the room today, and I believe it
24 was he who presented the learned Pre-Trial Chamber in the Gbagbo case with
25 the first organigram of the *galaxie patriotique*, which has now been updated

1 and annotated.

2 In any event, despite claiming to have intimate knowledge of the galaxie
3 patriotique through his organisation, practically none of the galaxy leaders
4 interviewed by the Prosecution mention him or his gang.

5 Now I would request respectfully to go into private session just for a couple of
6 sentences.

7 (Private session at 3.20 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted).

1 (Open session at 3.22 p.m.)

2 THE COURT OFFICER: (Interpretation) We are in open session, Madam President.

3 MR KAUFMAN: And so with respect to some of the more incriminating aspects of
4 this witness's evidence, we submit that the corroboration that one would normally
5 expect to find and could be found if the evidence of course was true is completely
6 lacking. Let me give you one notable example. At one point in his interview,
7 Witness 44 started to talk about how the first lady, Madame Simone Gbagbo, had
8 summoned the highest-ranking military officials and youth leaders to the presidential
9 residence specifically for the purpose of getting Mr Blé Goudé to launch an appeal to
10 enlist the youth into the army.

11 According to Witness 44, Mr Blé Goudé agreed to such a proposal and assured
12 all present that he would give the mots d'ordre. Reference CIV-OTP-0014-0768
13 at 0774 onwards.

14 On the face of it, if we are to assume that encouraging enlistment is criminal,
15 which of course I deny, this would form part of the Prosecutor's alleged
16 common plan.

17 Now, if such a high-level meeting indeed took place, which it didn't, then it
18 would have had to have been held shortly before 19 March 2011, because that
19 was when they had the big rally and the suspect supposedly "a lancé l'appel."

20 The truth of the matter, however, is that the Prosecutor seized the complete
21 records of the comings and goings into and out of the presidential residence.

22 The Prosecutor also has the records of Madame Simone's daily meetings which
23 record in minute details the individuals with whom she was scheduled to meet
24 on an hourly basis.

25 We also have the records of CNRD meetings. But despite all this information

1 there is no evidence of even one occasion when Mr Blé Goudé was present at a
2 meeting attended by the republic's military top brass and Witness 44.
3 The Prosecution, I would submit, wants its cake and also wants to eat it.
4 When it is suitable for the case theory, the Prosecution will say that the logbook
5 shows the attendance of key figures in exact detail sufficient to persuade you to
6 draw conclusions as to the existence of a conspiracy, circumstantial evidence.
7 The Prosecution, however, cannot now change its tune and say that the
8 logbooks do not reflect reality in light of the fact that Witness 44 is totally
9 absent. And don't think that that is because the logbook does not mention
10 people such as Witness 44. It does. The physical presence of Witness 44 is
11 actually recorded on two occasions, 6 February 2011 and 13 February 2011.
12 But guess what? Not when Mr Blé Goudé was present.
13 If that were not sufficient, two Defence witnesses stated by Witness 44 to have
14 been present at this singular meeting, I'm talking about the meeting where
15 Madame Simone allegedly got Mr Blé Goudé to "a lancé l'appel." Two
16 Defence witnesses flatly deny ever participating in a meeting of this nature
17 with Mr Blé Goudé. Even Prosecution Witness 9, who was also allegedly at
18 this meeting according to Witness 44, should have known about Mr Blé Goudé.
19 And as we will show, he was not aware of such a decision to make a call for
20 enlistment, that is, until he saw it on the evening TV news bulletin.
21 Now, Witness 44 talks about yet another meeting between Mr Blé Goudé and
22 President Laurent Gbagbo at the presidential residence. It concerned
23 apparently an occasion when Mr Gbagbo was reportedly considering his
24 resignation in light of an African Union decision or African Union pressure.
25 Witness 9 talks about what he believed to be President Gbagbo's purported

1 dilemma in this respect and how the president consulted both he and
2 Mr Blé Goudé on the matter.

3 Now, if such a meeting took place, it would have had to have transpired in my
4 submission on 14 March 2011. This was the last occasion on which

5 Mr Blé Goudé attended the presidential residence according to the logbooks,
6 the last ever occasion on which he attended the presidential residence, and it
7 was also the only occasion that the relevant period when Mr Blé Goudé
8 attended the presidential residence and Witness 9 was physically present.

9 But, once again, on 14 March 2011, neither hide nor hair is to be seen of Witness
10 44. His name just does not appear.

11 So what does this tell us about Witness 44 insofar as his evidence concerns the
12 various important policy-making decisions? Either he wasn't there or what
13 he's telling you in his evidence is pure hearsay. And we know what value we
14 have to attach to hearsay at confirmation.

15 Now, we also have Madame Simone Gbagbo's personal diary in which she jots
16 down the details of her meetings with practically everybody, including the
17 more radical elements of the pro-Gbagbo supporters, including people from
18 the GPP.

19 Let me refer you to Madame Simone's diary entry for 27 December 2010, if it
20 indeed took place on 27 December 2010, because the way she writes down
21 occurrences and events in her diary sometimes crosses over into more than one
22 or two days.

23 But let's say for the sake of example it was on 27 December 2010, at this
24 particular meeting it would appear that the most radical speaker of all was

25 Witness 44 himself, who had the following to say, and I quote: (interpretation)

1 "The God of Abraham handed over to us all the rebel leaders' available
2 weapons."

3 Now, who is the person here who is talking about weapons? Not
4 Mr Blé Goudé. Witness 44 himself.

5 CIV-OTP-0018-0810 at page 43. Madame Simone, her diary, the woman who
6 Witness 44 called "la dame de fer" and "la vieille terroriste."

7 CIV-OTP-0006-0012.

8 To me it seems like Witness 44 was either putting on a show of bravado or
9 genuinely did have extremist views. In any event, nothing in Madame
10 Simone's diary can suggest that Mr Blé Goudé was in favour of adopting such
11 violent means.

12 Let me refer you to Witness 44's interview with the authorities in Abidjan,
13 CIV-OTP-0007-0082. From a tug of war in Madame Simone's salon he
14 suddenly metamorphoses himself into a dove of peace at the service of Mr
15 Guillaume Soro. At CIV-OTP-0007-0082 at 0084, he claims that after the FRCI
16 took control of Abidjan, namely, at the beginning of April 2011, he was
17 requested to contact the former jeunes patriot leaders and asked them to lay
18 down their arms. According to him he called at least two of these leaders,
19 who the Defence interviewed on the very matter. Well, one of these
20 individuals, Defence Witness D11, denies ever having received such a
21 telephone call. Another one of these leaders indeed confirms being contacted
22 by Witness 44 but denies that he was ever asked to put down weapons. That's
23 Defence Witness number 10.

24 What Defence Witness number 10 says is that Witness 44 rather suggested that
25 he could engineer protection from the FRCI.

1 Witness 44 also says that a bunch of villains came to extort money from him at
2 the behest of Mr Blé Goudé because he was acting as a traitor to his former
3 cause, namely, Witness 44. Apart from hearsay, once again, this allegation
4 cannot be true. Mr Blé Goudé by that stage as I've already said was already
5 out of the country, and we have Witness 68 from the Prosecution to confirm
6 this.

7 So why was Witness 44 so eager to incriminate Mr Blé Goudé? Well, I can't
8 really tell you with any degree of certainty. Nevertheless, it is quite clear that
9 some of the allegations that he levels against Mr Blé Goudé comprise nothing
10 more than mudslinging. Hearsay reports from unidentifiable third parties,
11 evidence of the lowest possible value.

12 In this respect I refer to the scandalous accusation that Mr Blé Goudé was
13 involved in the recruitment of mercenaries and the military training of Young
14 Patriots, and I'll come back to that at a later stage, but just from the perspective
15 at the moment of Witness 44.

16 None of these allegations are founded in firsthand evidence, your Honours,
17 and insofar as they are hearsay allegations, their source is unknown.

18 Witness 44's exaggerations abound, his claim for example to be a friend and a
19 frequent visitor to President Laurent Gbagbo. He wasn't a friend according to
20 one Defence witness, D3, and more of what another Defence witness would
21 describe as a palace rat. Let me quote Defence witness D3. (Interpretation)
22 "He is not a friend of the head of state. He has no access to the presidential
23 palace. He did not attend any meetings with the head of state. He did not
24 attend any meetings with Madame Simone."

25 And I suggest to you that when you know who this person was and when you

1 read his statement and understand his position, you will realise why what he's
2 telling you has a degree of authority to it.

3 Essentially, what is a palace rat? It's the kind of person who scurries around
4 people of power trying to seek grace, favour and sponsorship.

5 Indeed, one of Witness 44's exaggerations borders, in my submission, on the
6 downright preposterous; namely, that there were 7,000 militiamen being trained under
7 the aegis of Mr Blé Goudé in the Banco forest just outside Abidjan. 0014-0742, at 0757,
8 Prosecution exhibit. And that's tape 7 of his interview with the Prosecution.

9 Of all these 7,000 militiamen, how is it we have not seen one witness statement from
10 the Prosecution on the matter? Not one Prosecution witness who can say that he was
11 recruited by Mr Blé Goudé and trained in the Banco forest.

12 Your Honours cannot rely on the evidence of this man. I know we're at
13 confirmation, but it would be manifestly unjust to send this case to trial on the
14 basis of this individual's evidence alone, especially when its most damning
15 aspects are hearsay and its less incriminating aspects are flatly contradicted by
16 the other available evidence.

17 That's what I have to say on Witness 44.

18 So now I turn to the incidents. Tomorrow I will finish off the incidents
19 probably, and then I will briefly deal with contribution, modes of liability and a
20 bit on mercenaries and militias.

21 So let me turn to count 1 or incident 1, the RTE march, 16 December 2010. Let
22 us not forget the Prosecution's argument that Charles Blé Goudé is criminally
23 responsible for five distinct incidents. Such responsibility can only arise if it
24 can be shown that Mr Blé Goudé intended the commission of these particular
25 criminal incidents within the context of the common plan, and thereafter made,

1 at the very least, a significant contribution to the commission thereof, not any
2 contribution, Mr Gallmetzer, a significant contribution. That's what the
3 Pre-Trial Chamber held in the Mbarushimana decision. And I say that that is
4 the good law -- that is good law for all intents and purposes today at the
5 International Criminal Court.

6 With respect to the attacks related to the demonstrations at the RTE building,
7 the learned Pre-Trial Chamber has already determined that the criminal plan to
8 prevent this civilian protest was formulated on the evening of 14
9 December 2010 at the presidential residence at Cocody, during which, and I
10 quote from paragraph 26 of the Gbagbo confirmation decision, "... Laurent
11 Gbagbo prohibited the demonstration, and instructed the high commanders of
12 the FDS to take any necessary measures to prevent it."

13 Witness 9 is the witness who provides this evidence, and he also mentions who
14 was present at the meeting when Mr Gbagbo gave his alleged order. I shall
15 not name names, because we are in open session, but let it suffice to say that
16 the highest ranking military officials were on hand.

17 Now, Mr MacDonald himself was putting the questions to Witness 9 and, keen
18 not to miss an opportunity, asked whether Charles Blé Goudé and the first lady
19 or the first lady, Madame Simone, were present, and the response which
20 Mr MacDonald received was in the negative. And I refer you to
21 CIV-OTP-0051-0935, at 0962, and line 926.

22 Now, it's not surprising that our learned Prosecutor, Mr MacDonald, has not
23 talked about this too much because, quite frankly, it doesn't help his case. In
24 fact, it pretty much blows it out of the water. After all, if this gathering of
25 minds on 14 December 2010 at the presidential residence was where the

1 sinister --

2 MR MACDONALD: Sorry. I'm sorry to interrupt my colleague. My colleague is
3 totally right, it didn't happen on the 14th; it happened on the 15th, according to the
4 logbooks, so that can be verified by the Chamber. I'm sorry.

5 MR KAUFMAN: At any rate, if this was where the sinister and nefarious plot to
6 attack innocent demonstrators was hatched, Mr Blé Goudé could not have contributed
7 to it, he could not have encouraged it and he could not even have contemplated it in
8 his most wildest dreams because he just did not know about it.

9 If this was a meeting of the so-called inner circle of conspirators, it would
10 appear that Mr Blé Goudé was not invited. Indeed, this was not the only
11 conspiratorial occasion where Mr Blé Goudé was noticeably absent.

12 Let me refer you to the evidence of Witness 49, who was heard about yet another
13 meeting at the presidential residence on 3 December 2010 when the results of the
14 second election were announced.

15 It was at this meeting, according to Witness 49, that the criminal plan was truly
16 formulated, and I quote, (Interpretation) "The purpose of that meeting was to
17 prepare for war against those who had challenged the results of the elections
18 that had just been announced. Participants at the meeting knew that people
19 would challenge the election results. That is why they started the war.

20 Anyone opposed to the victory of the Gbagbo camp had to be eliminated.

21 During that meeting the decision was taken for the war to start in Abidjan and
22 that the town needed to be cleaned up." CIV-OTP-0019-0168, that's 1 -- 0169,
23 paragraph 11.

24 Witness 49, who was apparently pretty well informed gives a very detailed list
25 of all those present, mostly the highest representatives of the army,

1 gendarmerie and republican guard. As you can guess, however, once again,
2 Mr Blé Goudé was absent.

3 So I ask you, how can one possibly argue that Mr Blé Goudé was a member of the
4 mysteriously conspiratorial inner circle? The Prosecutor's evidence before the
5 Chamber shows the exact opposite; namely, that at the pivotal meetings where
6 outright criminality was on the agenda, Mr Blé Goudé was in fact absent.

7 So coming back to the RTE demonstration, let us examine what contribution
8 Mr Blé Goudé, or rather people acting on his behalf, could possibly have made
9 to the commission of this tragic incident.

10 The Gbagbo confirmation decision very neatly sets out the evidence in support
11 of this evidence -- this incident at paragraphs 28 to 41.

12 Indeed at paragraph 28, it appears that either militia or mercenaries were involved and
13 not, I stress, pro-Gbagbo youth because we do draw a distinction between mercenaries,
14 militia and pro-Gbagbo youth and, of course, pro-Gbagbo youth and my client,
15 Mr Blé Goudé.

16 Witness 106, CIV-OTP-0019-0211, at paragraphs 33, 34, and 90, states that the
17 people who fired on the demonstrators were a mixture of BMO militiamen and
18 FESCI activists.

19 Why FESCI you may ask? Because the witness recognised one of the assailants to be
20 a member of this organisation. In fact, the witness is certain that it was Blé Goudé's
21 people who were doing the shooting because he was under the impression, as Mr
22 Engel has shown is not the case, that FESCI and Blé Goudé at that period were one and
23 the same thing, which they weren't.

24 As I said, or as Mr Engel said, by 2006, Blé Goudé and FESCI had already
25 parted after a serious internal split with Serge Koffi, that Blé Goudé's people

1 were thus involved is a completely mistaken assumption on the part of Witness
2 106.

3 Witness 107 also cited in the Gbagbo confirmation decision in support of this
4 incident does not mention any youth involvement at all. In attributing the
5 incident to FDS driving 4X4 vehicles of CECOS and English-speaking Liberian
6 mercenaries, English-speaking Liberian mercenaries. CIV-OTP-0020-0064, at
7 paragraphs 94 to 99.

8 The same goes for Witness 117, who also attributes that part of the incident
9 which she witnessed at Williamsville solely to police officers armed with
10 Kalashnikovs and, once again, English-speaking Liberian mercenaries,
11 CIV-OTP-0020-0033, at paragraphs 58 to 62.

12 Witness 344, this witness saw the incident unfolding somewhere between
13 Adjamé and Abobo, and even she states that those who shot at the crowd and
14 brutally raped her were English-speaking black-skinned mercenaries,
15 CIV-OTP-0044-2614, at paragraph 6, and 18 to 22.

16 Witness 169 saw the incident from the junction of Saint Mary and la tour
17 Goulème, and only mentions the involvement of English-speaking mercenaries,
18 not youth. CIV-OTP-0029-0323, at paragraph 55.

19 Witness 184 who was marching in yet another part of town, close by pharmacie
20 Doukouré mentions that she had heard shots yet only saw uniformed troops in the
21 vicinity, CIV-OTP-0032-0011, at paragraphs 56 to 70. Once again, no mention of
22 youth.

23 Witness 189 interestingly states that she was marching nearby the parlement
24 d'Abobo and was harassed by some jeunes patriotes at the barrage. This, it
25 should be noted, was at least two months before Mr Blé Goudé attended the

1 baron bar on 25 February which just goes to prove that the erection of
2 barricades was not a direct consequence of his speech on that day.

3 The only violence that Witness 189 witnessed, with her own eyes, was at the
4 hands of the gendarmerie and the Garde Républicaine between Baillé (phon)
5 junction, Baillé junction and the so-called BMW restaurant.

6 Witness 109, present near to the Adjamé market put the blame for the gunfire
7 firmly on the gendarmerie dressed in blue uniform and armed with
8 Kalashnikovs.

9 Finally, Witness 172, who was at Makoussé on the Abobo highway also
10 incriminated the gendarmerie and the regular police force who at first fired
11 tear gas and then live bullets. CIV-OTP-0028-0550, at paragraph 41.

12 Now, the only witness who has anything to say about Mr Blé Goudé in
13 connection with this particular incident, apart from the mistaken Witness 106,
14 is a witness who was interviewed recently, most likely, in my submission, after
15 the Prosecution realised that it had no evidence to link Mr Blé Goudé to this
16 particular incident.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Although Witness 400 and -- sorry, Mr MacDonald, is there a problem?

23 MR MACDONALD: Just to be careful.

24 MR KAUFMAN: Yes.

25 Although Witness 435 rather nebulously states that orders originating from

1 Mr Blé Goudé were disseminated through the galaxie patriotique, his comment is
2 hearsay of the highest order given that he personally never heard Mr Blé Goudé give
3 such an order, but rather received such order from the leader of his own particular
4 branch of the galaxie patriotique after it had been transmitted by members of the
5 armed forces who themselves had received it from the highest political echelon.
6 CIV-OTP-0063-2597, (Redacted).

7 Now, it is true that Witness 435 refers to a march. But it is by no means clear
8 that this march is in fact the march which took place on 16 December 2010, or
9 shortly thereafter.

10 As Witness 435 states: (Interpretation) "There was the call by Soro
11 Guillaume at the same time as instructions were given for ONUCI."
12 CIV-OTP-0063-2597.

13 These almost simultaneous calls to action were issued, as I will discuss later, in the
14 second half of February 2011 and not in December 2010.

15 What is more, Witness 435 intimates that the call to disrupt the march was
16 answered by students affiliated with FESCI upon instruction by their leader
17 Augustin Mian, who himself had received his instructions from the galaxie
18 patriotique.

19 I should stress that he does not say instructions were received from
20 Mr Blé Goudé, but rather he says from the galaxie patriotique which is
21 Mr Blé Goudé's organisations. Those are his words and, as I've pointed out
22 already, we do not accept that the galaxie patriotique was Mr Blé Goudé's
23 organisation. It's a subtle but an extremely crucial difference.

24 Nowhere does Witness 435 actually detail the nature of the instructions which
25 were to be implemented with respect to the march. Indeed, if the instructions

1 were as set out in paragraph 128 of the document containing the charges,
2 merely to oppose the march and to disperse the participants, while it might
3 have been in a front to the freedom of assembly and the right to protest, it is
4 not exactly a crime against humanity.

5 In fact, Witness 435 does not actually state that the FESCI involvement led to any
6 casualties. In any event, I strongly submit and already have submitted that FESCI is
7 not to be associated with Mr Blé Goudé but rather, as we have shown, with
8 CONARECI.

9 Mr Blé Goudé, like Guillaume Soro himself, was considered a
10 transfuge -- transfuge from this organisation which was not shy to use armed
11 force.

12 And I refer the Pre-Trial Chamber in this matter to my learned friend, Mr Engel's
13 submissions, and also to Defence exhibit D25-0001-0965, which is further proof of the
14 strained relations between Mr Blé Goudé and FESCI.

15 I'm conscious of the time and I do believe I will be able to complete this by
16 4 o'clock.

17 The military nature of FESCI is acknowledged even by Prosecution Witness 226,
18 who stated at CIV-OTP-0039-0143, paragraph 53, as follows:

19 (Interpretation) "FESCI was a mask because half of them were militia persons,
20 even their leader was part of the galaxie patriotique."

21 On a more general note, given that the preponderance of evidence points
22 overwhelmingly to the fact that the violence committed against the participants
23 in the RTI march of 16 December 2010, emanated from the regular armed forces,
24 I do not believe the evidence given by Witness 435 to be sufficient to implicate
25 any youth or youth organisations affiliated with Mr Blé Goudé in the events of

1 16 December 2011 and thereafter -- in the days thereafter.

2 This evidence, in my submission, came like a rabbit out of a hat as a result of a
3 mission conducted by the Prosecution at the eleventh hour after
4 three-and-a-half years of investigation, it's evidence of a wholly unconvincing
5 nature.

6 So let me conclude my analysis of incident number 1 by stating that even
7 Witness 369, who worked for a supposedly objective organisation, priding
8 itself on its empirical methodology, does not in his witness statement mention
9 the involvement of any entity other than regular uniform security forces, even
10 going so far, by the way, as to state that he could not find any evidence to
11 support the involvement of Liberian mercenaries.

12 Four minutes early.

13 PRESIDING JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) I thank you.

14 We have now come to the end of today's session. I thank you all.

15 I thank the court reporters and the interpreters in particular for today and for the
16 difficulties they encountered.

17 We shall resume tomorrow at 9.30.

18 The Court shall rise.

19 (The hearing ends in open session at 3.57 p.m.)