

1 International Criminal Court
2 Trial Chamber I - Courtroom 2
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Koudou Gbagbo and
5 Charles Blé Goudé - ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera-Carbuccia and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Wednesday, 16 March 2016
10 (The trial hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Good morning. Bonjour à tous. I -- we decided to
15 keep the witness for a moment outside just to come back to the issue of the video of
16 yesterday, which to me is quite clear, but I would like to hear the submissions of the
17 Defence first and then of the Prosecutor, very briefly, I would ask you, and then we
18 continue with the witness questioning by the Defence of Mr Gbagbo, hopefully ending
19 ASAP, as soon as possible. Thank you very much.
20 MR ALTIT: (Interpretation) Thank you, Mr President. With regard to the video issue,
21 and the legal point that we raised yesterday evening that gave rise to a discussion, I will,
22 with your leave, to give the floor to Mr Jacobs.
23 PRESIDING JUDGE TARFUSSER: Of course. Mr Jacobs, yours the floor.
24 MR JACOBS: (Interpretation) Mr President, so with regard to the video that we
25 showed yesterday in the hearing, the Defence understands the concept of admission as the

1 admission that there was indeed an interview on 31 December 2010 between
2 Laurent Gbagbo and Michel Daunizeau.
3 This is the limit of the admission of the exhibit and this is how the Defence understands
4 the idea. It is not an admission to the veracity of the content as the Prosecution seems to
5 be indicating.
6 We should understand the difference between evidence, the evidence brought by the
7 Prosecution and the evidence brought by the Defence. The situation is not the same for
8 both parties.
9 The Prosecution has the burden of the evidence and it -- the onus is upon him to disclose
10 well before time his inculpatory evidence. That was on 30 June 2015. And the fact that
11 the Defence uses in a hearing an excerpt from a video or from an exhibit does not free the
12 Prosecution from his obligation to file a list of inculpatory evidence. And if a -- an
13 exhibit is not included in this list he cannot use it in an incriminatory manner.
14 So what we are saying is that if the Prosecutor understands the things in this way, then
15 the Defence is going to withdraw its submission and will only be submitting the excerpt
16 of the video that has been used.
17 And, secondly, the Prosecutor has to -- will need to maintain his request to add this
18 exhibit to his list of evidence and explain why eight months after the date imposed by the
19 Chamber he wants to add an item of evidence. And these are two distinct matters.
20 Thank you.
21 PRESIDING JUDGE TARFUSSER: The Office of the Prosecutor. No, sorry, Mr Knoops.
22 MR KNOOPS: Thank you, Mr President. Good morning. We have no separate
23 observations, Mr President.
24 PRESIDING JUDGE TARFUSSER: Okay.
25 MR KNOOPS: Thank you.

1 PRESIDING JUDGE TARFUSSER: Legal Representatives.

2 MS MASSIDDA: We have no observation, your Honour. I think that the Prosecutor
3 should address the issue. Thank you.

4 PRESIDING JUDGE TARFUSSER: Office of the Prosecutor.

5 MR MACDONALD: I don't want to complicate things. I think there's a distinction
6 between list of evidence and court evidence.

7 What becomes part of the court record, court evidence, is for the Chamber to evaluate.

8 It's not -- it's not owned by the parties anymore.

9 When the Defence chose to use a video of their own, which happened to be of a same
10 nature that the Prosecution tried to add to its list of evidence, the Defence then is asking
11 questions to the witness.

12 The admission is the following: We agree that Mr Gbagbo met with Mr Daunizeau.

13 And contrary to the date, by the way, your own metadata and everything -- it's on

14 13 January 2013, not to be confused with the Euronews of 31 December -- sorry, 2011,

15 instead of December 2010. That interview was aired on Canal + on 13 January. We

16 agree to that. We agree that it's Mr Gbagbo and Mr Daunizeau. We agree to the

17 content, but as to the meaning of the content that is for the Chamber to decide, the parties
18 to argue.

19 Now, the Defence is saying that once it's on the record, any evidence on the record of the

20 Court, the Prosecution cannot rely to say, well, your Honours, you can rely on that piece

21 of -- I'm sorry, but that is completely contrary to the Lubanga decision, to the Katanga

22 decision and Ngudjolo where the complete court record -- the Appeals Chamber decision,

23 any national system. The whole evidence forms part of the court record and is owned by

24 the Chamber. It's not owned by the parties. It's -- now I don't know where we're going.

25 And I'm sorry, but I don't understand law anymore.

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1 PRESIDING JUDGE TARFUSSER: Well, the Chamber, and I don't know how often this
2 has to be said, the Chamber considers that once a piece of evidence is submitted somehow,
3 the parties agreed to -- or, it is submitted, or the parties agreed to submit, in this case a
4 video, it is considered to be submitted before the Chamber.

5 The rest of the discussion is irrelevant. The video was used -- the video was used in the
6 questioning. This video is now before the Chamber and the Chamber will consider this
7 video in its future assessment. That's it.

8 Please, can you now call the witness.

9 (The witness enters the courtroom)

10 PRESIDING JUDGE TARFUSSER: Good morning, Mr Witness.

11 WITNESS: CIV-OTP-P-0625 (On former oath)

12 (The witness speaks French)

13 THE WITNESS: (Interpretation) Good morning, Mr President.

14 PRESIDING JUDGE TARFUSSER: I will give now the floor to the Defence of Mr Gbagbo
15 for the continuing of your -- the questioning.

16 Yours the floor.

17 THE WITNESS: (Interpretation) I thank you, Mr President.

18 MR ALTIT: (Interpretation) Thank you, Mr President.

19 QUESTIONED BY MR ALTIT: (Continuing)(Interpretation)

20 Q. Good morning, Mr Witness.

21 A. Good morning, Counsel.

22 Q. Now, on 9 March last, you said to us, and I quote to you, this is on page 15 of the
23 French version of the transcript, line 10, on 9 March, and I quote:

24 "The neighbourhoods were coming under attack and the people from the north were
25 attacking the neighbourhoods that were pro-Gbagbo. The civil war was becoming a

1 reality." End of quote.

2 And you spoke to us a few days ago now of -- and explained to us that in reality there
3 were strongholds in fact in Abidjan. Can we understand from what you said that, on the
4 one hand, the neighbourhoods of the people from the north were being attacked and then
5 you were saying that the people from the north were attacking the pro-Gbagbo
6 neighbourhoods. So that's quite the opposite. Can we understand from what you said
7 that in reality attacks were being made on strongholds from one side to the other and that
8 then people would go back to whence they came, and that there were strongholds
9 dividing the town and that there were -- there was fighting in all of these areas. Is this
10 how we can present things?

11 A. Yes, that is what I said. I said that when fighting commenced there were attacks
12 everywhere. I gave you the example of Yopougon. You have Wassakara that came
13 under attack by the pro-Gbagbo camp. And the pro-Ouattara were coming under attack.
14 But also in Yopougon, the pro-Ouattara people were attacking.

15 As I said to you this was civil war. Everybody was defending their cause. And that's
16 how I said to you that there were many people who died in Yopougon and elsewhere.
17 That's what I said to you. That's -- it was civil war, you know.

18 Q. And can we glean from what you're saying to us that, generally speaking, apart
19 from the attacks being launched on each side, the people who did not hail from the north,
20 that is to say the security forces, were not able to enter the pro-Ouattara areas and vice
21 versa, and that the pro-Ouattara, or the people from the north, could not enter the
22 neighbourhoods held by the pro-government forces or the Gbagbo people? Can we say
23 that things were quite waterproof in the sense that each side was staying in their corner
24 and that neighbourhoods were forbidden to those who were considered to be the enemy,
25 it was a notion of a bit of a fortress, is that true?

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1 A. I have understood what you're getting at, but when we're talking about a civil war
2 this is what it's all about. Civil war means that each and every person is protecting
3 themselves and attacking others in order to get the upper hand. That's what I was saying
4 to you. That's what happened in Abidjan. So there were attacks willy-nilly. In the
5 various neighbourhoods people were attacking each other. I can't really provide you
6 with further details but that's how things unfolded.

7 And the evidence to that is there; for example, if you take Yopougon or Wassakara, you
8 will see that there were people who were armed who arrived there, who came there and
9 killed people in Wassakara.

10 And if you go further afield towards Sakiba (phon), the Sakiba neighbourhood, you will
11 see that there were also places where people were firing. That's what I was talking to
12 you about. That's civil war. Now, for me to provide you with any further details, well,
13 this was a civil war, there were many clashes and many people died.

14 THE INTERPRETER: Message from the English interpreter: Could people please be
15 requested to slow down. Thank you.

16 THE WITNESS: (Interpretation) I don't know what you want me to say any further to
17 you.

18 PRESIDING JUDGE TARFUSSER: Mr Witness, can you slow down.

19 THE WITNESS: (Speaks English) Thank you.

20 (Interpretation) We're going to go slowly.

21 MR ALTIT: (Interpretation)

22 Q. Now, after this, still and during your testimony dated 9 March, you say to us, on
23 page 15, and I quote:

24 "I went to see Minister Tagro whom the president listened to a lot. And I went to talk to
25 him for an hour. I was talking to Tagro because I knew things -- how things were being

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1 prepared in the north of the country and I could see things coming, that it was not a good
2 sign."

3 And that -- it's not very understandable. This is the realtime version, Mr President. So
4 under the control of all I shall move on to the next sentence.

5 "I knew. I hail from the north. I had all the information in my grasp. Everything that
6 was being prepared was with a view to dislodging the president." End of quote.

7 So you went to see Minister Tagro in order to have a discussion with him, as you say.

8 And you said, "Because I knew how things were being prepared in the north and how
9 things were coming." When you say how things were being prepared in the north" the
10 question is as to how? What do you mean by that?

11 A. Thank you, Counsel. Well, before answering your question I'd like to come back a
12 little bit with regard to an answer to a question that I gave yesterday. I'd just like to
13 correct the detail with regard to the hôtel Ivoire when the French fired on people.

14 Q. With your leave, I'm going to interrupt you for a second because I believe that it
15 would be a good idea, Mr President, for the record, that we say, and for this to appear
16 somewhere, that the witness is going to come back on a different point that has nothing to
17 do with my question, he's going to broach an item again that we broached yesterday,
18 notably that of the hôtel d'Ivoire. This is for the transcript.

19 A. Thank you.

20 PRESIDING JUDGE TARFUSSER: That's why we have the transcript and it is written
21 like this. He said we are going back to -- I want to come back to somebody -- something I
22 said yesterday before answering your question.

23 MR ALTIT: Oui.

24 PRESIDING JUDGE TARFUSSER: So it was clear, I think. But --

25 MR ALTIT: (Interpretation) Very well. I think it's also necessary for us to specify

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1 things, for there to be no shadow of a doubt.

2 THE WITNESS: (Interpretation) Yesterday I talked about the French fighting at the
3 hôtel d'Ivoire and I made mention of the fact that there were more than 80 deaths. I said
4 there were more than 80 deaths during the shelling of the residence of President Gbagbo.
5 However, at hôtel Ivoire there were deaths but I was not aware of the number of people
6 who died, I just said when I was mentioning more than 80 deaths that I was talking about
7 the shelling of the residence towards the end of the regime.

8 MR ALTIT: (Interpretation)

9 Q. I thank you. Now, wait, because I think this is important and I think it is worth our
10 while for us to come back to this for a moment for things to be clear.

11 So you made a distinction just now between two things. You're saying to me, and stop
12 me if I'm wrong, I think I understood from what you said that you made a distinction
13 between what you talked about yesterday, notably the shelling or the firing of the French
14 army on the crowd of people who were non-armed and that gave rise to many deaths and
15 that was in November 2004, was it not?

16 A. Yes.

17 Q. Very well. And now you're talking to us about something else that we did not talk
18 about yesterday, that we did not talk about yesterday, and, with your leave, in order to
19 specify, I'm going to put a question to you in this regard. You just said, you talked just
20 now about the shelling by the French army of the presidential palace; is that correct?

21 A. Yes.

22 Q. That gave rise to 80 deaths in 2011; have I understood you correctly?

23 A. Yes, that's what I talked about yesterday. Well, I talked about with the Office of the
24 Prosecutor here.

25 Q. You talked to the Prosecution about this?

1 A. Yes, we talked about it here.

2 Q. Very well. That's right. So the excerpt is -- that you just mentioned now, is it the
3 following, on 9 March, French transcript, page 89, line 9, and I quote you:

4 "And I do not believe, and I do not believe that the president himself, or Blé, or myself, or
5 anybody else in Côte d'Ivoire could have imagined that Sarkozy, could have imagined
6 that Sarkozy could have ordered the French army to dislodge Gbagbo where he was, even
7 in bombing the palace. Even in bombing the palace. There were civilians at the palace.
8 They all died. More than 80 individuals were shelled by the French army. 80
9 individuals were shelled by the French army."

10 Now, is that the excerpt that you were referring to just now, Mr Witness?

11 A. Yes, Counsel, that is indeed the excerpt.

12 Q. Very well. So as we're talking about this now and as we want to understand, could
13 you tell us a little bit more about this shelling of the palace by the French army that gave
14 rise to 80 deaths of civilians, if I understood you correctly? Could you tell us a little bit
15 more, please?

16 A. Well, that's what I said during the hearing when the Prosecutor was putting
17 questions to me. I said that nobody could have imagined. Amongst us, nobody myself
18 or anybody else could have imagined that President Sarkozy could have gone to such an
19 extent to take a decision to request that the French army bomb the palace of the president
20 of the Republic of Côte d'Ivoire where he was aware, fully aware that there were civilians
21 present, you know, human shields. They did not take account of that and they shelled
22 the palace with a view to dislodging the president. That's what I said and that's how
23 things happened.

24 Q. And you, yourself, do you know anybody who was killed when the palace was
25 shelled?

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1 A. Well, according to the report that I received, I personally knew the military
2 spokesperson, colonel something or other, who was killed and I know some of the
3 individuals who were killed. However, for the others I do not know, but I do know that
4 a report was drafted and an investigation was conducted as to the people who were
5 present at the presidential palace -- the residential residence.

6 THE INTERPRETER: Correction.

7 MR ALTIT: (Interpretation)

8 Q. Very well. Thank you. Now, let us come back, if you like, to what we were
9 talking about. But if you think of something of use, then please tell us because it's
10 interesting to us.

11 So my question was: When you say that you went to see Minister Tagro and you say,
12 quote, "Because I knew how things were being prepared in the north and how things were
13 coming", what do you mean when you say you "knew how things were being prepared in
14 the north and how things were coming"? What do you mean by that?

15 A. Well, I can explain from the outset. When I went to see Minister Tagro, God bless
16 him, and -- well, Minister Tagro was somebody that the president would listen to a lot.
17 And he was also somebody who was very important during the crisis because he
18 negotiated the Ouaga accords. Because I was very worried about the president and
19 Côte d'Ivoire and I was worried about everything that was happening. I was very
20 concerned for the country.

21 I had noted, according to how things were evolving, that we no longer had any support
22 and we were up against everybody, up against powers, et cetera, so I thought that it was a
23 good idea to go and talk to the minister, which I did, in order to say to him that it might
24 be better because, yes, we did win the elections, but we were at a stage where we were no
25 longer talking about the elections, it was being said that he had to leave power and that he

1 had to leave at all costs.

2 So things were being prepared and people were announcing this fact.

3 Mr Guillaume Soro, the prime minister, said that Gbagbo was going to be dislodged by all
4 means and he said that the military aspect was at the ready and that decisions were being
5 awaited. So I knew that in the north -- well, because I have information, I knew that in
6 the north that people were preparing themselves and they said, people were saying that
7 the African Union had already sent soldiers to the north in order to come down on
8 Abidjan, but it was also the republican forces who had to come down.

9 So things were being prepared everywhere, in Bouaké. Everyone, people were being
10 prepared in order to come down to Abidjan and dislodge President Gbagbo.

11 And I talked to the minister at length about this, but my impression was the way in which
12 he approached things and the way he responded to me. I was under the impression that
13 the situation was under control. I thought he wanted me to know that the situation was
14 under control.

15 And I even went to see the defence adviser to the president, mister -- his defence adviser, I
16 went to see him in order to talk to him and he said, "No, no, no, there's no problem." He
17 reassured me. He said that "We can't be dislodged" because they were at the heart of the
18 matter and they trusted that things were not going to unfold in such a manner because
19 when Mr Gbagbo, at the last meeting in Addis Ababa, sent a delegation accompanied by
20 President Affi N'Guessan, and sent somebody -- there were other individuals who went to
21 Addis Ababa and what came out of those discussions was that -- well, this was the last
22 meeting and this was the last decision that was made in that meeting.

23 What came out of that meeting of Addis Ababa -- well, they all came back. They didn't
24 die. What you say -- what we say in Abidjan, in Côte d'Ivoire, is that you can't take a
25 dead person as a witness. Those who came out of Addis Ababa --

1 PRESIDING JUDGE TARFUSSER: Can you please slow down. Slow down please.

2 THE WITNESS: (Interpretation) I apologise, your Honour. Thank you.

3 What came out of the meeting, and that was the last meeting, was that President Affi had
4 told the president that this is what had been decided by the African Union, and the
5 ECOWAS and everyone else, that the president should accept the prime ministry. There
6 would be 30 ministers, Mr Ouattara would have 15 ministers, plus the prime minister, and
7 Mr Gbagbo would have 15 ministers, so they would have a joint government in order to
8 calm down the situation.

9 And that is where the problem arose. There was no follow-up and people decided to
10 start the shelling. That is why I was talking about the 11 March, that is what I was
11 referring to. When I say that he was prevented, well, he is the man, he was afraid for his
12 life also.

13 MR ALTIT: (Interpretation)

14 Q. Let us understand you correctly because you have said a lot of things.

15 The proposal that you have said, you have mentioned 15 ministers for one side, 15
16 ministers for the other side, and a prime minister appointed by Mr Gbagbo in exchange
17 for the presidency for Mr Ouattara. Who made that proposal?

18 A. It was not ECOWAS, it was the African Union because it was done in Addis Ababa.

19 Q. And what happened to that proposal, was it submitted to the two parties? Do you
20 know anything about that?

21 A. To my knowledge, whether it was proposed to the others or whether they accepted
22 it, I do not know, but I know that those who went on mention on behalf of the president
23 came back and reported.

24 Q. And you say that people started -- decided to start shelling. Who are you referring
25 to?

1 A. I meant Mr Ouattara's government and the partners who were supporting him,
2 the -- France and others because the presidents did not follow up that response.

3 Q. And still in order for us to better understand, when you said that President Gbagbo
4 had sent a delegation to Addis Ababa, to whom, to discuss with whom? You have
5 already said it but we want to be clear.

6 A. I believe there was a meeting on Côte d'Ivoire.

7 Q. Which meeting?

8 A. A meeting of the African Union.

9 Q. A short while ago you stated that people were preparing themselves everywhere, in
10 Séguéla and in Bouaké. The people that you are referring to, who were these people?

11 A. I am talking about the republican forces.

12 Q. And you referred to them at that time as rebels; is that correct?

13 A. Yes.

14 Q. So how were they preparing themselves?

15 A. They were preparing themselves at the military level to come and dislodge a
16 president and his supporters who also had an army. So this was already at the military
17 level. We had gone beyond the diplomatic initiatives and they were moving into the
18 military stage. So these were military preparations to come and forcibly dislodge the
19 president.

20 Q. And to your knowledge, were there many weapons?

21 A. Counsel, we have already talked about weapons here. Everyone was armed. You
22 have the video footage of their weapons when they came in. They were everywhere.
23 They were well armed.

24 Q. Do you remember the date on which they entered Abidjan approximately?

25 A. I no longer remember the date. When they took over almost all the towns in

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1 Côte d'Ivoire, including Yamoussoukro and so on, I think they waited for two days before
2 entering Abidjan.

3 Q. Regarding the towns in Côte d'Ivoire, which were on their way, was there fighting
4 on their way down to Abidjan?

5 A. Yes, in some towns, but there was not much resistance because people could no
6 longer stop the advance. There was a lot of -- there was fighting, but it didn't last for
7 long. They captured the towns quite quickly.

8 Q. To be very clear, people could no longer stop those who were coming? Who are
9 these people?

10 A. I'm talking about the FDS. There was fighting in Tiebissou before Yamoussoukro,
11 in Daloa, and in Bengo (phon), somewhere around there, but the resistance did not last for
12 long, so they retreated to Abidjan. And those people captured the various towns, that is
13 what I was saying.

14 Q. To your knowledge, did the FDS try to resist? I understood what you said, but
15 generally speaking did the FDS try to resist?

16 A. Yes, they tried because there was fighting.

17 Q. And why did they fail? Why is it that the others had the upper hand and not the
18 FDS?

19 MR MACDONALD: I'll formulate an objection. I think -- I understand the witness can
20 provide answers but the whole point is: What is it -- all of this is based on his own
21 knowledge. I understand he's present, I understand he's in the country, but there are
22 certain things that are really remote and he's maybe not the best-placed witness, so the
23 weight, if any, is very low on that topic. On certain topics, for sure, he's much closer to
24 the events, but -- so this whole line of questioning about the knowledge of the witness, I
25 mean we need to know -- I think the Chamber needs to know where this comes from.

1 PRESIDING JUDGE TARFUSSER: Well, the weight will be determined by the Chamber
2 in its assessment, of course.

3 But I really invite also the witness to say why he knows these things and also the counsel
4 to be more focused because we're really covering all what's possible, what happened in
5 Côte d'Ivoire in the last decades, and I don't think we have only one witness to question
6 on these issues. So please if you be more focused we'll be happy. Thank you.

7 MR ALTIT: (Interpretation) Mr President, I have two observations: To begin with,
8 the manner of approaching certain events, that is a strategic choice. We refer to specific
9 information. And it is our choice to make. And it is important for the Defence because
10 this is a very complex case, so we are trying to understand everything that happened.

11 That said, we have heard your request to expedite things and to focus and we will try as
12 much as possible to do so. That is the first thing.

13 Secondly, I would like to comment on the objection or the absence of an objection because
14 there was really no objection. I'm saying this just for the record because as you said it is
15 up to the Chamber to assess the weight to be given to the testimony of this witness. So,
16 in fact, we are on the same wavelength on that, there was really no objection as such, just
17 to be clear. The Prosecutor can deal with all this in his closing arguments, it goes without
18 saying.

19 Q. Now, as far as we are concerned, it is true that it would be interesting to know how
20 or from where you got that information that you are giving us relating to the fighting.
21 Did you have military friends, or, in any case, what is the foundation of your information
22 regarding the fighting?

23 A. Counsel, as you know we were leaders in Côte d'Ivoire, we were following up
24 developments concerning the crisis very closely and from afar, so when I talk about the
25 fighting in Daloa and so on we know what we are talking about. The FDS tried to resist

1 but not for long and that is how come they retreated to Abidjan, all of them. And it is
2 from there that those people took Yamoussoukro, Daloa, Gagnoa.
3 In fact in Gagnoa there was really no fighting, they just entered there, there was no
4 resistance. So they came very close to Abidjan and they waited about 150 kilometres
5 away from Abidjan for about two or three days before entering Abidjan. Now, since you
6 want to know where my information comes from, we were at the very heart of the events
7 following up what was happening.

8 Q. Yes, we have understood that you were at the heart of the crisis, you were following
9 up closely and from afar, but can you be more specific? The Presiding Judge said that
10 and I am also saying this. Where did you get your information from? It is important
11 for us to understand. How did you know, for example, that on this day in this town
12 there was fighting or there was no fighting because people retreated? Where did you get
13 your information from? We don't want you to be exhaustive but you can give us a few
14 examples.

15 A. Counsel, that information could not be hidden from me. I really do not know how
16 you want me to explain. I was not in the field, I was in Abidjan, but we received all the
17 information coming from there.

18 Q. For example, from whom?

19 A. Very well. For example, I was permanently in contact with some members of the
20 FDS to know what was happening. And we received information saying that things
21 were going well here, but not well in this other place.

22 Q. Very well. Now tell us very briefly so that we should further understand what
23 happened. The advance of the rebel troops, you mentioned certain towns. Can you tell
24 us where those towns are located? You talked about Gagnoa. Can you tell us
25 approximately where it's located and whether it was strategic and why there was no

1 fighting there? Can you generally describe the situation for us so that we should have an
2 idea?

3 A. Yamoussoukro, for example, is at the centre of the country. To the west you have
4 Daloa, Issia and others. Those are towns in the west. Then you have Gagnoa in the
5 region of the president himself, there was no fighting there, no resistance, they came in
6 without a problem. Then you have Divo, Tiassale on the road to Abidjan. And behind
7 that you have Bouna, Dimbokro, Adzopé, and all those other towns. All those towns
8 were captured.

9 Q. So all those towns were located on the roads, the various roads from the north to
10 Abidjan, so they were logically on the way of the rebels; is that correct?

11 A. Yes, it was the entire north. Many roads from the north to Abidjan.

12 Q. Very well. You talked about Gagnoa. Why was there no fighting there, that is if
13 you know?

14 A. I do not know.

15 Q. You testified on 9 March, page 88, line 26, and page 89, up to line 9 approximately.
16 And I will quote you: "The debates had to focus on the true problem of the crisis. Why
17 are we here? Why were Ivorians killed? Is it not because President Gbagbo was trying
18 to confront France, the European Union or the other countries? Or was it because the
19 others had already said that he was the president and he had to take over the place?
20 That is the problem. I believe that is where the problem lies."

21 On several occasions you told us here, and even to the OTP, and to the Judges and to us,
22 that it was important for you to convey a message to tell the truth that you are here to tell
23 us the truth regarding what you understood about the crisis and how it happened the way
24 it happened, that is the very root of the crisis.

25 Now, is it not because President Gbagbo wanted to confront France, the European Union,

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1 or the other countries, is this the explanation for the crisis as you understand it and the
2 related violence?

3 A. Thank you, Counsel. I believe that you are able to interpret what I was saying.
4 And that is what I said. It is because -- I think that the president wanted to go against the
5 powers, and that is what you said. You mentioned France, the European empire, or the
6 international community, the African Union, and so forth. That is what I said and that is
7 what I stand by, that is what I believe.

8 Q. Now, regarding the violence, in which way did the intervention of France, which
9 you have mentioned several times and given us several examples of armed intervention
10 involving deaths, in which way did the intervention of France intensify the violence or
11 even generate the violence?

12 MR MACDONALD: I think this is purely opinion. The witness answered there is a
13 war; the French have helicopters, are bombing, witness evaluates 80 people would have
14 died at the residence. So at one point there is a war in Abidjan certainly going on,
15 according to the witness. Now, the question is there's an intervention with a mandate, at
16 one point, which led to violence and killings and so on. So in this -- I don't understand
17 where we are going with this -- well, I understand, we want to make the trial of the French
18 and their implication in this involvement, but --

19 MR ALTIT: Monsieur le Président --

20 MR MACDONALD: I'm not finished.

21 MR ALTIT: (Interpretation) Yes, I know --

22 MR MACDONALD: The point is --

23 MR ALTIT: (Interpretation) -- but you are --

24 MR MACDONALD: I'm not giving any --

25 MR ALTIT: (Interpretation) -- giving your position in front of the witness.

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1 MR MACDONALD: I think it's opinion evidence, your Honours. The witness is here to
2 talk about facts and the Chamber will interpret these facts at the end with the totality of
3 the evidence on record.

4 PRESIDING JUDGE TARFUSSER: I do know -- well, I do appreciate that this is what I
5 say from day one, that the witness should talk about facts and not about his opinion, but
6 as he is a politician who obviously has a broader knowledge, I do and also understand
7 that this witness goes a little bit further and talks from his position as, or as he calls it as a
8 political leader. Okay, so in this capacity obviously he has some more. Still I think we
9 should also here go to focus. This is not the trial against France, or against the European
10 Union, or against the UN or whatever, so I would just try also here to focus, invite the
11 Defence to focus really very much on -- to put focused questions which don't go so far into
12 his subjective opinion. Thank you.

13 MR ALTIT: (Interpretation) Yes, Mr President. Two remarks: The witness said very
14 clearly that the FDS were retreating and that sometimes there was fighting. It is
15 important for us to know what happened, whether there is a link between the military
16 operations and the fact that France intervened with all its might. That is important.
17 I have a second observation. We are quite familiar with the situation. We know to what
18 point that the involvement of France was essential at the political and military levels.
19 Without France we would not be here and the same thing would not have been -- would
20 not have happened, so we simply want to know what happened exactly, we want to
21 establish the truth which has been concealed so far to unveil what has been camouflaged
22 and to determine the truth.
23 We really have to dig deep with the witness so as to put things in context, in perspective
24 and we would then be able to extract the essential and concrete information from the
25 witness regarding the FDS or the fighting and absence of fighting.

1 That is the reason for the questions relating to France. We cannot go too fast otherwise
2 we will not succeed. The issue at stake here for all of us is to fully understand the facts.
3 That is what we are trying to do, to better understand the chain of events and what
4 underlied, or what was underlying all those events.

5 PRESIDING JUDGE TARFUSSER: I do understand exactly. I would have understood
6 also without you saying all this. And it's also normal that you dig deep into the
7 knowledge of a witness, but I think there are also other witness coming which are better
8 placed to know things which -- and from a more internal or direct knowledge than this
9 witness who knows it from the outside. So I just invite you to consider your questioning,
10 vis-à-vis, the type of witness you have in front. Thank you.

11 MR ALTIT: (Interpretation) I fully understand you. And, with your leave, I think that
12 this witness is in a very good position to tell us things, not because he was a soldier but
13 because, as he has said, he was in contact with everyone at this time, closely and from afar.
14 And that is true. With people in the front and with other people, politicians and soldiers,
15 he knows. He told us that he knew the FDS and that he also knew people from the north.
16 He was saved by rebels.

17 PRESIDING JUDGE TARFUSSER: Please, let -- let us not -- let us save time and continue
18 otherwise we don't meet our goal we have to meet.

19 MR ALTIT: (Interpretation)

20 Q. Yes, it was with regard to violence. Do you remember my question or would you
21 like me to repeat it?

22 A. Please repeat it.

23 Q. Well, we'll look for it then.

24 It was with regard to the relation between the foreign intervention, notably the French
25 intervention, and the violent nature of the crisis. Is there any nexus to your mind? How

1 do you understand? How can you understand the consequences of the intervention of
2 foreign troops on the daily aspects of the crisis, if I may put it that way?

3 A. Very well. Thank you, Counsel. I believe that we have already broached this
4 issue in general terms and I provided by position. I've already said that there were two
5 parties, two sides; there was President Laurent Gbagbo who was acknowledged as the
6 Constitutional Court of Côte d'Ivoire, and there was Mr Alassane Ouattara's side who was
7 also acknowledged by the international community and others. So those were the two
8 parties in the clashes.

9 And as I said to you when President Gbagbo -- when the president of the Constitutional
10 Court said that President Gbagbo was president elect, that he had won the elections,
11 and -- I said that somebody approached me in that meeting room asking me whether at
12 the hôtel du Golf I was aware that at the same time Mr Alassane Ouattara was being
13 installed as president of the republic and I said, well, that's very serious and that the
14 country would be embroiled in a bloody situation.

15 So your question is a response, or it broaches the same question that I responded to.

16 There are two parties or two presidents who were announced victor and that's where the
17 fire was lit and then many people died. And the supporters of Mr Gbagbo and the
18 supporters of Mr Alassane Ouattara were not in agreement and that's what gave rise to
19 the violent clashes to the civil war. I don't know whether we can use another word.

20 There was civil war during that brief period. Many people died.

21 And at the end of the day it was the stronger of the two who won, that's what I said.

22 And it might have been avoided, as I said. Maybe we could have avoided this, but as
23 people wanted to confront these powers, well, then that's what happened and that's what
24 we are living and experiencing today.

25 That's what I'm saying to you, that means that President Gbagbo and Mr Blé Goudé that's

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1 why they're here before us today because of everything that happened at the end. You
2 know, we're talking about David and Goliath. Well, it was the stronger of the two who
3 had the upper hand and who won. There was no other way of explaining this in detail.
4 It was the stronger of the two who won, who shelled us, who fought us, who dislodged us,
5 and who brought us here, brought them here for them to be tried and for the truth to be
6 unveiled. That's what I'm explaining to you and this is just one example, that the all
7 powerful came down upon everybody. You know, it's all over now because they have
8 all the mechanisms in their hands.

9 Q. Thank you.

10 MR ALTIT: (Interpretation) Mr President, with your leave, Maître O'Shea will be
11 continuing with the cross-examination. I do reassure you that he will be taking into
12 account your every wish.

13 MR MACDONALD: Your Honours, at one point the question of how many people can
14 stand up to cross-examine on each team will have to be debated, according to ICC practice,
15 any type of practice.

16 I can understand that sometimes it may happen, but I understand the Blé Goudé Defence
17 team was doing that with crime-base witnesses and now the Gbagbo Defence team is
18 doing, I understand it, with an insider. It is something that will have to be debated. I
19 know that, for instance, in other cases, the Ruto case, that thing was discussed.

20 It is very unusual, it is a very unusual practice. And also it's a question of the fairness to
21 the witness. Voilà.

22 But for now it's fine, I understand, you know, that's the way it's prepared. I -- but I think
23 this will have to be debated at one point.

24 PRESIDING JUDGE TARFUSSER: Okay. I will consult also with colleagues. My -- I
25 wonder just how Mr O'Shea can come in and cross-examine like this, but it's up to you.

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1 MR ALTIT: (Interpretation) It is not bang in the middle, it is actually approaching it
2 from a different angle. It is limited in scope and it is because he has been following
3 things very closely. He's been following what has been said extremely closely.

4 PRESIDING JUDGE TARFUSSER: There was no necessity, I just said what I thought.
5 Mr O'Shea.

6 MR KNOOPS: Mr President, you want us to comment now on the observation by
7 Mr MacDonald or in a later stage?

8 PRESIDING JUDGE TARFUSSER: No, at a later stage.

9 MR KNOOPS: Thank you.

10 PRESIDING JUDGE TARFUSSER: Mr O'Shea.

11 MR O'SHEA: Thank you very much, your Honours.

12 QUESTIONED BY MR O'SHEA:

13 Q. Mr Jichi, you have explained during the course of your testimony that Mr Gbagbo is
14 a very nice man. Is he -- was he a very nice man to everyone, whatever their ethnicity or
15 religion?

16 A. Well, to my knowledge, and I've said this, as to whether he was nice or nasty to
17 everybody. Well, as I said, to my mind, he was a very nice and generous gentleman
18 because when you look at his government or his cabinet within the presidency you can
19 see that most of the northerners are within his cabinet in the presidency. So that means
20 that he was with everybody.

21 Q. And from your knowledge of the conduct of his activities as a head of State, do you
22 know him to be a man who discriminates according to ethnicity?

23 A. Well, you know the wife of the president who hails from the north? You know
24 her?

25 Q. Of course, but if you could just answer the question.

1 A. Very well. Very well. I'm answering your question, but you can see what I'm
2 getting at. I think I also have the right to put a question to you.
3 What I'm saying is that when you say that the president might be against somebody or
4 some personal -- some ethnic group, well, you can't be an enemy of an ethnic group and
5 then marry somebody from that ethnic group. My wife is from the north. The president
6 is not a racist.
7 I've said this already here that he did a lot of good to the country; he was part of the
8 people who was sent to -- he helped send people to the Mecca on a yearly basis, he shared
9 rice with people throughout the country.
10 But when you go to Bassam in the south you will find Muslims there as well, which is a
11 Christian place. But you have mosques in the north in Kourou, everywhere in the centre.
12 Where there are Christians you will also find mosques there. In small Christian villages
13 to the south near Abidjan you'll find mosques. And you'll have churches in the north,
14 even in Mankono which is a fanatic Islamist area where there are marabouts. There are a
15 lots, there are a number of churches there. There are -- there is a Catholic Church,
16 another church. Wherever you go in Côte d'Ivoire, in the villages, in the large towns
17 throughout the country you will find both churches and mosques.
18 So in Côte d'Ivoire there is not a war of religion or an inter-ethnic war, sir. We live
19 together. And that's what I've already said here. It is politics that gave rise to this crisis.
20 That's what I said. And in Côte d'Ivoire there is no Bété, there's no Guéré, there's no
21 Dioula, there is no Christian, there is no Muslim, we are all Ivorians together. In all
22 families from the north and the south you will find in each family somebody who had a
23 child with a Bété, or Baoulé, or a Dioula, or a Dioula who married an Agni, or Baoulé who
24 married a Burkinabé.
25 So it really is a mixed pot and we all live together. That is -- it is all about political

1 interest. And I would repeat to you that the president is not a racist.

2 Q. And does that include with respect to the Dioula?

3 A. His wife is Dioula.

4 Q. And you've explained the Dioula as being people from the north. Do they also
5 have a relationship with the commerce?

6 A. Yes, the people from the north are major trades people.

7 Q. And what kind of contribution do these Dioula make to the economy of Ivory
8 Coast?

9 A. Well, it's not only the contribution of the Dioulas, it's also all of the Ivorians who
10 contribute to the economy of Côte d'Ivoire.

11 Q. And in terms of the people in Ivory Coast who support, who supported
12 President Gbagbo during the period in question, what ethnicities and religions did they
13 belong to, the supporters?

14 A. Thank you, Counsel. Let things be crystal clear. As I've already said here, in
15 Côte d'Ivoire there is no political-ethnic group. I said this yesterday. You will see that
16 there is the FPI, Gbagbo's party, there is what you call the Dioula as a whole, you will find
17 Tagbana, Sénofou, Malinké, people who hail from the north, or Baoulé, or Guéré, or
18 Yacouba in the party, in Gbagbo's party itself.

19 And in Alassane's party, which is the RDR, you will even find Bété people in that party
20 who come -- they are in Alassane's party -- you will find Dioula and Baoulé in Alassane's
21 party. The Yacouba, the Guéré, Wobé, Appolo, Agni, you will find them all in that party.

22 And at the same time the PDCI, which is the founding party of President

23 Houphouët-Boigny, who is under President Bédié, well, you will also find Bété from

24 Gbagbo in that party. A lot of Bété in that party. In the PDCI, you will find Dioula,

25 many Dioulas who are PDCI members. Let me give you an example --

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1 MR MACDONALD: Your Honours, I'm interrupting and I'm objecting because all of
2 that was said yesterday already in the examination by Mr Altit. The witness is repeating
3 himself, or also in cross-examination. So, I mean, there is consistency of responses. I
4 think we can move on.

5 PRESIDING JUDGE TARFUSSER: Yes, I would really ask you not to repeat questions
6 which, or make questions which answers our -- already given by the witness yesterday. I
7 mean he is here now, the fourth day, most of the things are already said. So, please.

8 MR O'SHEA: Yes, I understand, your Honours, that he's covered a lot of ground
9 obviously, but I don't think the relationship between the president and the population
10 ethnically is something that has actually been specifically covered. I understand that he
11 has through his answers covered a lot of material, of course.

12 Q. Now, to get a picture of Abidjan at the time, and I know, as Mr President has
13 indicated, there's a lot of things that you've said during the course of your testimony,
14 you've been in the box a long time, and you've already spoken about the situation at
15 Abidjan, you've spoken about the hôtel du Golf and the presence of military at the hôtel
16 du Golf. Can you describe, to your knowledge, the extent to which there was, if I can put
17 it this way, an opposition government attempting to operate from the hôtel du Golf?

18 A. Thank you, Counsel. When President Ouattara was acknowledged or recognized
19 as president elect, he had his relations, he had his partners who were powerful, as I said,
20 and they were managing Côte d'Ivoire from what I called the smallest republic because at
21 the hôtel du Golf there was everything, there was a government, there was ministers and
22 they were governing Côte d'Ivoire. From there they were working with, outside of
23 Côte d'Ivoire as well. And that's what I said to you. That's how they were managing
24 things, they were governing.

25 Q. When there were difficulties in the past, you've spoken about 2000 and 2002, before

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1 the crisis, was there a time when President Gbagbo actually called on the United Nations
2 for assistance?

3 A. Well, it's -- makes no sense to call them because everything was okay. Everything
4 was working well in the country. The country was not divided, it was not at war and
5 there were people working throughout the country, civil servants throughout the country
6 who were functioning. So everything was okay. It was during the war that the
7 president called upon the UN.

8 Q. And you were following to the extent that you could, I suppose, what was going on
9 on the television during the crisis and the period before, to the extent that you could?

10 A. What are you talking about? Which period? Towards the end?

11 Q. So -- so from what you can perceive when he did call on the United Nations what
12 was their reaction?

13 A. To my knowledge, I believe they came, they came to intervene, they came to set up
14 in Côte d'Ivoire. They had a headquarters there, they had a number of bases, logistical
15 bases, they set themselves up throughout the country. That's what I can say to you about
16 that.

17 Q. Now, you were not a personal witness of events on 3 March, were you?

18 A. What year?

19 Q. 2011. The women's march, as it's called. You were not a personal witness to
20 that -- those events?

21 A. Well, on location, no. I saw the images over the television, on the television.

22 Q. And did you form an impression from the images that you saw on the television?

23 MR MACDONALD: Objection. Completely out of line. The witness is not on
24 the -- on site. Whatever he may say is complete opinion. The Chamber will hear
25 evidence. The witnesses will be tested in cross-examination. It doesn't matter what this

1 witness thinks. What is important is what the witnesses that have direct evidence or real
2 information to provide.

3 PRESIDING JUDGE TARFUSSER: I think --

4 MR O'SHEA: Well, may I respond? If someone sees an event in real life, obviously
5 they're a direct witness. If someone sees an event unravelling on the television, they are
6 also a witness, albeit indirectly. So I'm asking his perception of what he saw on the
7 television with respect to those events. I can put the question in a different way, I can
8 say this:

9 Q. What did you see on the television relating to the women's march on 3 March?

10 A. What I saw on the television was that the women's march took place and that there
11 was shelling and many women died. That's what I saw.

12 Q. And did you see other activities amongst these women?

13 A. No, no. As I said to you, I was not there on location. This was information that
14 came to my ears and what I saw on the television. They said on the television that many
15 women died on that day.

16 Q. Did you hear of any attempts to exaggerate the situation?

17 A. Counsel, with regard to the women who died or who were killed in Abobo, as to
18 whether it was exaggerated I do not know because I was not there. I believe that women
19 were killed, but as to whether there was an exaggeration I do not know. I do not know
20 what you mean by that. I was not there when it happened, but everyone was talking
21 about it. I don't know.

22 Q. Did you hear any suggestion of a mise en scène?

23 A. Yes, Counsel, and I even saw that the images were screened. I said what I saw. I
24 saw images of mise en scène. As to whether it's true or not I do not know because we're
25 talking about the death of women here. As to whether it's a mise en scène and whether

1 it's true or not I don't know. Women died. Were they all killed? Or just one, or two,
2 or three, or five were killed? Or were they -- did they all die, or part of them? I really
3 don't know. I can't answer that sincerely. The women's march did occur, women died,
4 but as to whether it's a mise en scène, or whether it's a montage, or whether it's true or
5 false I do not know.

6 Q. Did you speak to the Prosecutor about this subject?

7 A. I believe so. I -- if I remember correctly, I think it is the same answer that I gave.

8 Q. When you spoke to the Prosecutor, this is at CIV-OTP-0076-1310, transcription
9 CIV-OTP-0071-0012, track one, it's on page 26.

10 MR MACDONALD: Sorry, the line would be more useful actually.

11 MR O'SHEA: Thanks. Thank you for your help, Mr MacDonald.

12 MR MACDONALD: Or the actual page, ERN page number, not the page --

13 MR O'SHEA: With the page ERN is the bottom one and that's CIV-OTP-0076-1284. You
14 were asked by the interviewer at line 938:

15 There was an incident at Abobo.

16 And you responded for the women there, you explained that you weren't at Abobo, you
17 explained that you saw all this on the television.

18 And then at page 28, of this part of the interview, line 990 - and madam interpreter I'm
19 about to go into French - you say:

20 (Interpretation) "Yes, it is a mise en scène."

21 (Interpretation) "According to you it was a mise en scène?"

22 And you respond: (Interpretation) "Yes, yes. It was a mise en scène."

23 And the interviewer: (Interpretation) "Are you sure about that?"

24 And your response: (Interpretation) "Yes, yes, a mise en scène because we had just

25 learnt that the woman who was burnt in front of the president, that Alassane owed her

1 money, she doused herself in petrol and set herself on fire. It is the same woman who
2 pretended to die."

3 (Interpretation) "On 3 March?"

4 You, yourself: (Interpretation) "No, no, no, very recently, it's not up to six or eight
5 months ago. There was a woman who doused herself in petrol and then she set herself
6 on fire and died. It appears that it is the same woman."

7 (Interpretation) "Yes, it is the same woman as which one?"

8 (Interpretation) "Which one, the one who was pretending to be dead?"

9 (Interpretation) "On 3 March?"

10 (Interpretation) "Yes."

11 This is what you told the Prosecutors.

12 A. Can I answer now?

13 Q. Yes, of course.

14 A. Yes, that is what I said a short while ago. That was the same thing. I said I was
15 not in the field. I was not on the ground. I saw the images on the television. I saw
16 images of women dead in Abobo. And I said we received information stating that the
17 woman who set herself on fire in front of the palace saying that she was owed money and
18 that she had not been paid -- she set herself on fire. So people were saying that it was the
19 same woman. So if it was the same woman it would have been a mise en scène. That is
20 what I said. So she could not have been killed one or two years ago and then come back
21 two years later and set herself on fire. And that is if it is that same woman. And I want
22 to repeat that, if it is that same woman.

23 Q. On page 27 --

24 PRESIDING JUDGE TARFUSSER: Excuse me, we should break.

25 We'll take the break and we come soon after 11.30.

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- 1 THE COURT USHER: All rise.
- 2 (Recess taken at 11.04 a.m.)
- 3 (Upon resuming in open session at 11.35 a.m.)
- 4 THE COURT USHER: All rise.
- 5 Please be seated.
- 6 PRESIDING JUDGE TARFUSSER: Maître Altit, you have the floor, I was about to say.
- 7 You have the floor, Maître Altit.
- 8 MR ALTIT: (Interpretation) Thank you, Mr President.
- 9 Mr O'Shea is a few metres away from here. He's on his way, and he'll be here right in the
- 10 next few moments.
- 11 PRESIDING JUDGE TARFUSSER: But this gives -- doesn't give you these minutes after,
- 12 so just to --
- 13 MR ALTIT: (Interpretation) I promise that.
- 14 PRESIDING JUDGE TARFUSSER: Okay.
- 15 (Pause in proceedings)
- 16 PRESIDING JUDGE TARFUSSER: Welcome, Mr O'Shea.
- 17 MR O'SHEA: Sorry, your Honour, I was locked out of the Court.
- 18 PRESIDING JUDGE TARFUSSER: So you would say that it is our fault, the fault is the
- 19 Court's fault?
- 20 MR O'SHEA: No, it's my fault for --
- 21 PRESIDING JUDGE TARFUSSER: Okay.
- 22 MR O'SHEA: -- mislaying my pass.
- 23 PRESIDING JUDGE TARFUSSER: Okay. Good.
- 24 MR O'SHEA:
- 25 Q. Okay. Sir, so you, in relation to this issue which we were discussing before the

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1 break, your position is that you saw something on TV and you say "which appears like a
2 mise en scène." So can you tell us exactly what you saw which makes you say "appeared
3 like a mise en scène"?

4 A. Let me repeat what I said when the Prosecutor mentioned this matter. I said, I'm
5 not a technician in the domain of montage or editing. What I saw was someone who was
6 lying down and they tried to stand up and someone told her, "lie down." That is what I
7 heard. I know you have the footage. That is what I was told because I was not there.
8 And that it was being said, that the woman who had set herself on fire was this same
9 woman. So in my answer, I said if it is, indeed, true that it is the same woman, then it
10 would be a mise en scène. That is what I said because I was not present there.

11 Q. Yes, I understand. And this voice, just to be clear for the record, this voice that you
12 heard saying you have to get up, this voice was coming from the same television images?

13 A. Yes.

14 Q. Now, this expression that's been used during the course of this trial that you've also
15 explained, this expression "Galaxie Patriotique," where does this word "galaxie" come
16 from? Is this a journalist who's coined this or who's coined this phrase?

17 A. I heard that phrase, but I believe that it was the leaders who got together --

18 Q. But you don't -- you don't remember what the origin -- why this word "galaxie" --

19 PRESIDING JUDGE TARFUSSER: Mr O'Shea, please.

20 THE INTERPRETER: Mr O'Shea, please.

21 MR O'SHEA: My apologies to the interpreters.

22 THE INTERPRETER: The witness said I believe it was the leaders who gathered together
23 and were known as the Galaxie Patriotique.

24 MR O'SHEA:

25 Q. So you don't remember the origin of, the use of that word in particular, you just

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1 know that it was used?

2 A. That is correct. I simply know that the -- that phrase was used everywhere.

3 People talked about Galaxie Patriotique on the television and elsewhere. I did not know
4 whether it is a French phrase or not. I really do not know, but it was being used.

5 Q. And you've explained that the expression refers to all the supporters of
6 President Gbagbo. How many organisations would you say, approximately, have
7 sprung up under that umbrella in the period immediately before the crisis or before then?

8 A. That is the organisation known as Galaxie Patriotique?

9 Q. Well, let me put it -- let me put the question this way because you've already
10 explained that Galaxie Patriotique refers to all the supporters of President Gbagbo. How
11 many organisations existed at the beginning of the crisis which were there for the
12 purposes of supporting or campaigning for President Gbagbo?

13 A. There were many of us. There were many organisations, many movements, many
14 political movements, many civil society movements, and many groups referred to --

15 Q. Could it be in the hundreds?

16 A. -- as Galaxie Patriotique?

17 THE INTERPRETER: Mr O'Shea, once again.

18 THE WITNESS: (Interpretation) I do not know how to answer. It could have been 100
19 or more or less.

20 MR O'SHEA:

21 Q. And you're the leader of -- you were the leader of your organisation, NACIP.
22 When did NACIP become a political party?

23 A. After the crisis, when I was released from prison.

24 Q. So at the time of the crisis, it was an organisation for supporting, for campaigning
25 for President Gbagbo; is that right?

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1 A. That's correct. It was a movement, a political movement.

2 Q. And this political movement at the time of the crisis had how many members other
3 than yourself, active members, not honorary members?

4 A. Are you referring to the bureau, the founding members?

5 Q. Well, I've read the statute of your organisation, and you have founders, you have
6 members, and you make a distinction between honorary members and active members.
7 So my question is how many active members were there in NACIP at the time of the
8 crisis?

9 A. There were many of us. I can say there were many active members. We had
10 representatives everywhere. I cannot say 1,000, 500, 2,000. We had representatives
11 everywhere in the neighbourhoods of Abidjan. And in each region there were militants
12 and members there. Maybe I can say 1,500, 2,000 or even maybe 3,000.

13 Q. And with respect to the activities of your organisation, you were the chief, right?
14 You were the person who -- where the buck stopped with respect to your organisation.
15 There was no one who would tell you what to do in terms of what you did in your
16 organisation. You were the leader.

17 A. Yes, I was the leader.

18 Q. So as far as the activities, campaigning activities of NACIP, you, together with those
19 who were under you, made the decisions and you took instructions from nobody with
20 regard to your campaigning activities, right?

21 MR MACDONALD: I think the question is a bit compounded, your Honour. There is
22 multiple questions in one question. Maybe it should be broken down so that we have a
23 clear answer.

24 PRESIDING JUDGE TARFUSSER: Mr Witness. Mr Witness, have you understood the
25 question?

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1 THE WITNESS: (Interpretation) No.

2 PRESIDING JUDGE TARFUSSER: Mr O'Shea.

3 MR O'SHEA:

4 Q. The activities of your organisation, it was about campaigning, wasn't it? That's
5 what the organisation was doing?

6 A. Yes.

7 Q. And with respect to those activities, you took instructions from nobody; is that
8 right?

9 A. No.

10 PRESIDING JUDGE TARFUSSER: But now I do not understand what no means because
11 the question was formulated in a way which now "no" could be both. Did you --

12 MR O'SHEA: I'll move on.

13 PRESIDING JUDGE TARFUSSER: No, just did you have instructions from somebody,
14 yes or no? This is the question, I would say, so I would understand.

15 MR O'SHEA: Yeah. No, I'll move on, your Honour, if that's all right.

16 PRESIDING JUDGE TARFUSSER: That's okay.

17 MR O'SHEA:

18 Q. There were obviously other youth organisations that were doing similar activities to
19 you, campaigning like your organisation. So you made the decisions as to what activities
20 your organisation would do. You would not take instructions from other youth
21 organisations, would you?

22 A. Yes, of course. I didn't take decisions from someone else in relation to my own
23 movement. I was the president, I had my bureau, we had a political bureau, and we met
24 together to issue instructions. I did not receive instructions from elsewhere relating to
25 my own movement.

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1 Q. So the various organisations which were under Galaxie Patriotique were essentially
2 independent from each other, or at least that's the case with your organisation?

3 A. Yes, I believe each one worked independently in their own way.

4 Q. Now, you've made it very clear in your testimony the level of support that Gbagbo
5 had in Ivory Coast. Would you say that that level of support -- among the supporters,
6 there were those who were fanatically in support of Gbagbo? Did such people exist?

7 A. Yes. People loved him. There were people who really supported him. There
8 were fanatical supporters.

9 Q. And were these fanatical supporters of Gbagbo capable of taking their own
10 initiatives to protect their own president?

11 A. I believe that would be quite normal. Many Ivorians were ready to lay down their
12 lives for him. This is the truth. Many.

13 Q. And sometimes they would take their own initiatives?

14 A. Yes, but during the crisis you would have realised that many people died for him.

15 Q. When you had your meetings between the different organisations under Galaxie
16 Patriotique, these were meetings between various youth groups which all had the
17 objective of campaigning; is that right?

18 A. Yes.

19 Q. And during the course of the meetings that you attended with other groups of this
20 nature, there were never any military authorities present at those meetings, were there?

21 A. Never.

22 MR O'SHEA: Mr President, I'm going to move on to another subject. And for your
23 information, I don't intend to be much longer with this witness. I'd like to go into closed
24 session for one moment to deal with some personal matters with the witness.

25 PRESIDING JUDGE TARFUSSER: Yes. What do you mean by "not much longer," just

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- 1 to have an idea?
- 2 MR O'SHEA: Before -- before the break.
- 3 PRESIDING JUDGE TARFUSSER: Okay.
- 4 So in closed session or private session?
- 5 MR O'SHEA: Private session.
- 6 PRESIDING JUDGE TARFUSSER: Okay.
- 7 Please, court officer, could you call private session. Thank you.
- 8 (Private session at 11.55 a.m.)
- 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 (Open session at 11.56 a.m.)
- 25 MR O'SHEA: Now --

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- 1 THE COURT OFFICER: (Microphone not activated). We are now back in open session.
- 2 PRESIDING JUDGE TARFUSSER: Thank you.
- 3 Yours the floor.
- 4 MR O'SHEA: Thank you, your Honours.
- 5 Q. Now, it's no secret, Mr Jichi, that there was a period of time towards the end of the
- 6 crisis when you went into prison; is that right?
- 7 A. Yes.
- 8 Q. Do you remember at which point in time you went to prison?
- 9 A. Counsel, are you talking about at the end of the crisis when Mr Gbagbo was
- 10 arrested?
- 11 Q. Absolutely, yes.
- 12 A. Thank you. I had explained here that I didn't give details. I said when
- 13 Mr Gbagbo was arrested, two or three weeks later I was a victim of attacks, and I called on
- 14 authorities in the Golf Hotel under Mr Alassane. Mr Isiakka Ouattara sent a team to
- 15 guard me for a period of two, three days. And after that, I was taken to the hôtel du Golf.
- 16 On that day, they were trying to lynch me, people tried to beat me up, but we were well
- 17 protected, and we were taken to the hôtel du Golf.
- 18 On that day, we were not able to meet with the people that we had to meet with, and
- 19 someone was called. I don't know whether it was Mr Soro or not, but I was asked to call
- 20 Mr Affi, who was at the Pergola Hotel.
- 21 Security had been provided there, and all the people from the FPI who were being hunted
- 22 down had been put there. And Affi asked me what was happening. I gave the names of
- 23 the people who were with me, and he said "You can come." Since there was still shooting
- 24 in Abidjan, I was taken to Port Bouët. And around 8 p.m. we were taken to the Pergola.
- 25 And as far as we were concerned, the Pergola was supposed to be a secure place, but two

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1 or three weeks later, things changed and the government in power transformed that hotel
2 into a prison for political prisoners. I was on the list of political prisoners --

3 Q. All right. So if I understand you correctly, in your -- your situation --

4 A. -- and I was -- each of us was even interviewed.

5 Q. Sorry. If I understand you correctly, your situation, as it were, improved
6 progressively while you were detained?

7 A. Yes, of course. Things were complicated at the beginning. And over a six-month
8 period, we were actually prisoners. No access to telephones, no visitors and what have
9 you. But after six months things began to change gradually, and it was so until the
10 government decided to bring all the detainees from that location who were FPI members
11 and who were political prisoners to take them to other prisons across the country. That
12 is how things happened.

13 Q. During those initial six months, did you have access to a lawyer?

14 A. No, no.

15 Q. When was the first time you had access to a lawyer?

16 A. I didn't see any lawyer.

17 Q. And was it during your period of detention that you had your first contact with the
18 Office of the Prosecutor?

19 A. Yes.

20 Q. When you were in detention, were you concerned about what might happen to you,
21 or did you know how it was going to -- were you confident that you were going to be
22 released? What was your state of mind at that time?

23 A. I was not the only one in that particular state of mind. We were all very worried
24 and concerned about what was happening in town. From time to time, we were able to
25 get information about what was happening in town, and I was very worried. I was

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1 extremely worried. We were all extremely worried. I did not even see the day when I
2 would be released from the Pergola like that.

3 Now, for the first six, eight months, these were very bothersome times. I was very
4 frightened.

5 MR O'SHEA: Can I just have one moment to consult with my colleagues?

6 PRESIDING JUDGE TARFUSSER: Of course.

7 MR O'SHEA: Thank you.

8 (Counsel confers)

9 MR O'SHEA: Yes, I'm almost done with my questioning. I just want to go back to
10 something I was saying in the last topic because, apparently, the translation didn't come
11 through very clearly. So with your Honour's permission, I would just like to put the
12 question again to see if we get a clearer answer in the French.

13 PRESIDING JUDGE TARFUSSER: Please go ahead. Yes.

14 MR MACDONALD: Sorry. Sorry. Maybe we can simplify things by, first of all,
15 identifying what was not clear in the answer because I've been following the transcript in
16 French, so -- or do you just want to ask the question again on something that you've
17 already covered?

18 MR O'SHEA: Yes, I'll just ask the question again. I think it will be quicker.

19 Q. The question I put to you before, Mr Jichi, about these youth organisations and the
20 supporters of Galaxie Patriotique - we were talking about that - the supporters of Gbagbo,
21 sorry, that fell under the umbrella of Galaxie Patriotique, that the question was this:
22 Amongst those fanatical supporters, were they capable of taking their own initiatives
23 without any instructions from anybody in order to protect their president?

24 MR O'SHEA: That was the question, which I'm told did not come through very clearly in
25 French.

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1 THE INTERPRETER: The witness's microphone, please.

2 THE WITNESS: (Interpretation) Thank you, Counsel. I think I answered the question.

3 I said yes, of course, in order to protect their president. Many were ready to die for him,

4 and I said yes.

5 MR O'SHEA:

6 Q. The question was less whether they were prepared to die as to whether they were

7 prepared to take their own initiatives to protect him without instructions from anybody?

8 A. I said yes.

9 MR O'SHEA: Those are all my questions. Thank you.

10 PRESIDING JUDGE TARFUSSER: Thank you very much.

11 MR ALTIT: (Interpretation) Mr President, I want to reassure you by saying that this

12 will be the end of the cross-examination by the Gbagbo Defence.

13 PRESIDING JUDGE TARFUSSER: Thank you very much. This was a very good stand

14 up.

15 And I would ask now the Defence of Mr Blé Goudé at least to start. We have an hour, a

16 little bit less than an hour, but I think we can start now.

17 MR MACDONALD: Just before starting, your Honour, can I verify something because

18 we received late documents from the Defence team of Mr Blé Goudé that we haven't had a

19 chance to look at. I'm not making a formal objection as to the lateness or -- I want things

20 to move forward as much as the Chamber wants to, but I just ask the indulgence of my

21 colleagues when it comes to the use of some of this material because it is less than 24

22 hours.

23 PRESIDING JUDGE TARFUSSER: Yes, but it will not probably come in this next 55

24 minutes --

25 MR MACDONALD: Yeah, yeah.

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- 1 PRESIDING JUDGE TARFUSSER: -- so --
- 2 MR MACDONALD: Because we have 40 --
- 3 PRESIDING JUDGE TARFUSSER: Of course.
- 4 MR MACDONALD: -- 50 minutes left.
- 5 PRESIDING JUDGE TARFUSSER: Yeah. So I think we should take this into
- 6 consideration. Maître Altit, Mr Altit, please -- sorry, Mr Knoops. I was used to you. It
- 7 is too long that I've seen you on your feet.
- 8 Mr Knoops, yours the floor.
- 9 MR KNOOPS: Thank you, Mr President. Well, the alternative could be if that would
- 10 help the Prosecution that we'd use the break now and start later, but I'm ready to start
- 11 now.
- 12 PRESIDING JUDGE TARFUSSER: I would invite you to start now. And --
- 13 MR KNOOPS: Thank you.
- 14 PRESIDING JUDGE TARFUSSER: -- without the use of these documents --
- 15 MR KNOOPS: Yes.
- 16 PRESIDING JUDGE TARFUSSER: -- I think we have some hours in front of us, so you
- 17 can use them also.
- 18 MR KNOOPS: I will use in my portion just three videos, one of which was already
- 19 mentioned in the opening statement, but I will --
- 20 PRESIDING JUDGE TARFUSSER: When you say your portion --
- 21 MR KNOOPS: Yes.
- 22 PRESIDING JUDGE TARFUSSER: -- what do you mean by that?
- 23 MR KNOOPS: That's the introduction. I will deal today, Mr President, with the
- 24 contextual elements of the case, after which Maître Gbounon will deal with the
- 25 phenomenon of the Galaxie Patriotique, and Maître N'Dry will close with the topic of the

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1 aspect or aspects of the peace process.

2 And I note the observation by Mr MacDonald, but our team, because we were facing a
3 huge amount of materials, has, in light of those materials, divided the three topics.

4 So for now I hope the Court will allow the Defence that we conduct our examination by
5 the non-calling party such that I will conclude my part at least today. Maître Gbougnon,
6 he prefers to start tomorrow morning and -- but I can assure you that our team will finish,
7 for sure, on Tuesday. That's the assurance we can give you.

8 PRESIDING JUDGE TARFUSSER: What do you mean on Tuesday?

9 MR KNOOPS: The 22nd.

10 PRESIDING JUDGE TARFUSSER: No, no, no. On Tuesday it has to be finished the
11 whole questioning.

12 MR MACDONALD: Re-examination.

13 PRESIDING JUDGE TARFUSSER: Also the re-examination included.

14 MR KNOOPS: But --

15 PRESIDING JUDGE TARFUSSER: I mean -- I mean --

16 MR KNOOPS: Yeah, I understand --

17 PRESIDING JUDGE TARFUSSER: I do understand --

18 MR KNOOPS: Yeah.

19 PRESIDING JUDGE TARFUSSER: I do understand that you're two teams, but I would
20 think that many things have been covered already by -- many things which are in
21 common. So I would really ask you not to come back to things which we already
22 discussed during the questioning --

23 MR KNOOPS: No.

24 PRESIDING JUDGE TARFUSSER: -- by the Prosecutor --

25 MR KNOOPS: No.

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- 1 PRESIDING JUDGE TARFUSSER: -- the questioning by the --
- 2 MR KNOOPS: Of course.
- 3 PRESIDING JUDGE TARFUSSER: -- because then I have to stop you. If we -- things we
- 4 know already, plenty -- of course I leave you all the possible time --
- 5 MR KNOOPS: Thank you.
- 6 PRESIDING JUDGE TARFUSSER: -- but we really should not come back to things which
- 7 are -- have been debated --
- 8 MR KNOOPS: Of course.
- 9 PRESIDING JUDGE TARFUSSER: -- and questioned --
- 10 MR KNOOPS: Of course.
- 11 PRESIDING JUDGE TARFUSSER: -- sufficiently. Yeah.
- 12 MR KNOOPS: Mr President, I agree with your view. We will prevent as much as
- 13 possible overlap, but I hope the Court will accept that this is, for our team, a very
- 14 important moment. And in the protocol, we have been allocated with the double
- 15 amount of time as the Prosecution.
- 16 PRESIDING JUDGE TARFUSSER: No. Well, the Defence.
- 17 MR KNOOPS: Yes.
- 18 PRESIDING JUDGE TARFUSSER: Not each Defence team, the Defence --
- 19 MR KNOOPS: Well --
- 20 PRESIDING JUDGE TARFUSSER: -- as a whole.
- 21 MR KNOOPS: That's not my understanding, Mr President.
- 22 PRESIDING JUDGE TARFUSSER: No, that's clearly the understanding.
- 23 MR KNOOPS: Oh.
- 24 PRESIDING JUDGE TARFUSSER: It is not each Defence team, otherwise it would be
- 25 really -- the Defence.

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- 1 MR KNOOPS: Well, that wasn't specified in the protocol, with due respect, so --
- 2 PRESIDING JUDGE TARFUSSER: I do -- I do know that it wasn't specified because we
- 3 thought that it was no need --
- 4 MR KNOOPS: Okay.
- 5 PRESIDING JUDGE TARFUSSER: -- to specify it, but -- so --
- 6 MR KNOOPS: Each party sets a protocol, that's true. But anyway, I will not waste time
- 7 and I will move forward and we do what we can, Mr President, but I hope that the Court
- 8 will understand that our team also has the right to use the time. We need to mount a
- 9 proper and fair Defence for Mr Blé Goudé.
- 10 PRESIDING JUDGE TARFUSSER: Absolutely, yes.
- 11 MR KNOOPS: Thank you. Thank you.
- 12 PRESIDING JUDGE TARFUSSER: But obviously in this --
- 13 MR KNOOPS: Yes, I understand.
- 14 PRESIDING JUDGE TARFUSSER: -- in these --
- 15 MR KNOOPS: Yeah.
- 16 PRESIDING JUDGE TARFUSSER: -- terms.
- 17 MR KNOOPS: Maybe I can ask my colleagues to give me the lectern. That would be
- 18 handy.
- 19 MR MACDONALD: Just to be helpful to the Chamber, your Honour, on the question of
- 20 the three lawyers questioning from the same team, for this witness we don't have any
- 21 issue because -- but it is something that, in due course, needs to be addressed.
- 22 PRESIDING JUDGE TARFUSSER: And we will address.
- 23 MR MACDONALD: Thank you. But just to reassure my colleague for this witness,
- 24 it's -- Prosecution is not objecting.
- 25 PRESIDING JUDGE TARFUSSER: We will address this issue.

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1 Maître Altit.

2 MR ALTIT: (Interpretation) Mr President, with your leave, I would like to address the
3 issue of the manner in which each team, Defence and Prosecution, conducts its
4 examination or cross-examination. Each team can look at the same event, the same fact
5 from a specific angle depending on what -- and what I'm trying to say is that each
6 team -- there's no reason for stopping any team from -- you know, but I believe we are
7 agreed on this. There's no -- just for purposes of clarification, there is no reason to stop a
8 team from revisiting a particular point when it approaches it from its own point of view
9 and strategy.

10 Quite naturally, it is not repeating the same thing over and over again, but it might simply
11 be that items that have already been dealt with can be tackled from different angles,
12 slightly different angles, depending on the case of each team, and that is how we
13 understand what cross-examination is.

14 PRESIDING JUDGE TARFUSSER: But I'm --

15 MR ALTIT: (Interpretation) Furthermore --

16 PRESIDING JUDGE TARFUSSER: Sorry.

17 MR ALTIT: (Interpretation) Just a word to make things -- I'm trying to make things as
18 clear as possible so that we can all agree. Accused persons have different interests.
19 They are not coming at things from the same point of view or from the same angle. So
20 quite naturally, therefore, each team, each Defence team will have its own specific
21 approach to the issues.

22 PRESIDING JUDGE TARFUSSER: Yes, but I'm a little bit astonished that you are telling
23 us things we obviously know. I mean, there is nothing new you have said.

24 If you say that every -- each Defence team has his point of view, his angle, we know that.

25 I mean, I don't think there is a need to repeat these things.

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1 I just asked the Defence of Mr Blé Goudé to consider that many things have been said
2 already which are absolutely clear, said in a clear manner because of the questioning of
3 the Prosecutor, because of your questioning, that -- and that there is no need sometimes
4 if -- unless it is needed for the strategy, of course, to come back to things which are
5 absolutely clear, so -- and therefore, I would say that we need to give now the floor to
6 Mr Knoops otherwise we continue to lose time in discussions.

7 MR ALTIT: (Interpretation) Thank you, Mr President. We only needed your
8 assurances. That's what I wanted to state for the record.

9 MR N'DRY: (Interpretation) Mr President, Mr Charles Blé Goudé's Defence team
10 would like things to be very clear, at least, so that it understands them clearly too. In
11 order to be in a position to be properly -- proceed with our cross-examination, we would
12 like to know when we are supposed to stop our cross-examination, at what time, and we
13 need to know this from the Presiding Judge.

14 PRESIDING JUDGE TARFUSSER: Well, first of all, I call it the examination by the
15 non-calling party and not cross-examination, but what do you mean by stopping it?
16 Now, at 1 o'clock, then we continue -- you mean today? I didn't understand what you
17 mean by when it has to stop.

18 Quel jour?

19 MR N'DRY: Oui.

20 PRESIDING JUDGE TARFUSSER: Ah, okay.

21 MR N'DRY: Quel jour, exactement (Interpretation) What day.

22 PRESIDING JUDGE TARFUSSER: Well, if we say that on maximum on Tuesday we
23 have to close, that means that probably we have to give Tuesday to the Prosecutor for the
24 re-examination, I assume. In my probably not enough wisdom, I would have thought
25 that by Friday, having -- you could finish so we could give the floor on Monday to the

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1 Prosecutor and then conclude maybe already on Monday, but say this was my planning,
2 but obviously it is very subjective.

3 So the ideal would be that on Friday the Defence finishes, that on Monday we have the
4 re-examination and then we close. But this could be -- could go until say sometime into
5 Tuesday. So this is the plan. But for sure on Tuesday we have to close.

6 Now, Mr Knoops.

7 MR N'DRY: (Interpretation) Thank you very much, Mr President. Now, when it
8 comes to the allotment of time, we should take it then that in principle we should
9 conclude on Tuesday. Now, mindful of the parameters that you have just put forth, we
10 will make an effort to conclude before, but otherwise when it comes to the time allotment
11 for each team, for each counsel, we are supposed to wrap up everything on Tuesday. We
12 will do our level best to ensure that we comply with what you have directed. Thank
13 you.

14 PRESIDING JUDGE TARFUSSER: Okay, thank you.

15 Now again, Mr Knoops. Now we should start.

16 MR KNOOPS: Thank you, Mr President.

17 QUESTIONED BY MR KNOOPS:

18 Q. Good morning, Mr Witness. My apologies that we kept you so long in this
19 courtroom. My name is Knoops. I'm a lawyer from The Netherlands. I'm
20 representing Mr Blé Goudé. On my left side, Maître Claver N'Dry of the Bar in Abidjan,
21 and on my right side, Maître Serge Gbounon of the Bar in Abidjan, and they will conduct
22 after my examination the examination on two topics. So thank you again for your
23 indulgence.

24 And my topic deals with some clarifications on the context of the events, and my first
25 question goes to the transcript of 9 March, page 14, where you talked about the situation

1 that after the negotiations ended, the military phase entered.

2 (Interpretation) "After the negotiations failed, they then moved to the military phase."

3 The next few questions will deal with the transference of the phase of the negotiations into
4 the military phase, and my objective is to obtain from you also a perspective of time. So I
5 will ask you some questions on to project these phases in time, these phases of the
6 negotiation and the phases of the military actions.

7 First question to you, Mr Witness, is: Who was willing to continue with any
8 negotiations? We are now speaking about the negotiations you refer to in the transcript I
9 just cited.

10 A. Thank you, Counsel. I have already provided an answer to that question here. I
11 said that President Gbagbo always opted and always opts for negotiations and dialogue.
12 He's the one who always said "Let us sit down and have a discussion and reason
13 together." He's the one who always said that. He always called for negotiations. So it
14 was President Gbagbo. And I've already given that answer repeatedly here.

15 Q. Was there any party or individual in those days who didn't want to negotiate and
16 wanted to go into the military phase?

17 A. No. Maybe things didn't happen that quickly and that automatically. If I were to
18 say that things automatically moved to the military phase, that would not be correct.
19 Now, when the two presidents were elected or declared to have been elected, things took
20 on a different turn, and that's how people began to intervene, the ECOWAS, AU,
21 mediators, there were meetings, even outside of Côte d'Ivoire in other countries on the
22 Ivorian crisis, and negotiations were ongoing in that regard.

23 So what I said was that it was towards the end during the last meeting of AU in
24 Addis Ababa that certain proposals were made and that the mediators or those who had
25 left Abidjan for that meeting came back and updated us on everything. But then nothing

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1 came of it. It is after that failure that things moved into the military phase towards the
2 end.

3 Q. Thank you, Mr Witness. Are you able to provide us with some references in time?

4 MR MACDONALD: Your Honour, just on this point I think the -- I don't want to give
5 the answer, but the witness has mentioned a date this morning to my colleague, Mr Altit,
6 in relation specifically to that. And if you want to, I can give it but, I mean, it's on the
7 record in-chief, it's in now on the record in examination by Mr Altit.

8 MR KNOOPS: Yes, but my perspective --

9 PRESIDING JUDGE TARFUSSER: It doesn't help if you raise, if he gives just the answer
10 again, I mean, it interrupts the whole flow. I --

11 MR KNOOPS: Yeah. Mr President -- Mr President, with all due respect, my
12 perspective is different. I'm not --

13 PRESIDING JUDGE TARFUSSER: Yes, but the date is one. I mean, the dates are one.
14 It's --

15 MR KNOOPS: Yes.

16 PRESIDING JUDGE TARFUSSER: From each perspective you see the date --

17 MR KNOOPS: But my question --

18 PRESIDING JUDGE TARFUSSER: -- the timeline.

19 MR KNOOPS: -- to the witness is specifically in which time frame the phase of
20 negotiations went into a military phase. The witness said it was not automatically. So
21 my question is --

22 PRESIDING JUDGE TARFUSSER: Please, go.

23 MR KNOOPS: -- which -- how much time it took in your perspective and on which time
24 frame, on which time frame we are referring to?

25 THE WITNESS: (Interpretation) Towards the end of March or early April, but I can't

1 give you an exact date, it was in that time frame when things happened that way. As
2 soon as the mediators came back from the Addis Ababa meeting, people were expecting
3 an outcome, an outcome, but there was no -- no answer, and that is when the decision was
4 taken to move to the military phase towards the end of March and early April, I believe.

5 MR KNOOPS:

6 Q. And you just stated that this was not an automatic phenomenon, it took some time
7 in your perspective. How much time it took to go from the negotiations phase into the
8 military phase? Was it a question of hours, days, weeks?

9 A. I already told you, but maybe you did not understand me. Things do not move
10 automatically into the military phase. That is what I said. It is after the two presidents
11 were declared presidents of Côte d'Ivoire that things took a different political turn within
12 the country with tensions mounting. But negotiations were still ongoing. Discussions
13 had started with other countries and other powers. There were meetings. Heads of
14 State used to come and leave. They met Laurent Gbagbo, President Gbagbo, and
15 Mr Ouattara. And each of them gave their opinions. And this happened every day.
16 So what I have told you is that after the last meeting at the AU in Addis Ababa, that was
17 not followed by any other meeting, and it is during that time that the decision was taken
18 to move to the military phase towards the end of March or early April, when there was no
19 expectation of an outcome from the negotiations. That is when things moved into the
20 military phase, and it is in that time frame that the transition was made to the military
21 phase. I can't give you an exact date.

22 Q. No. But you're referring to the month of March?

23 A. Yes, end of March, early April.

24 Q. And according to your testimony, who took that decision?

25 A. Which decision?

1 Q. To go into the military phase.

2 A. Thank you for that question. This, I have already provided an answer to this
3 question several times and I'm going to answer you as well. You have the documents,
4 you have the videos. I have told you here that Mr Alassane Ouattara's government and
5 his prime minister, Mr Soro Guillaume, answered questions from journalists where he
6 said that all options were on the table for dislodging Mr Gbagbo and that the military
7 option was not excluded.

8 This was a statement from the prime minister, who is today the speaker of the national
9 assembly. I think you have the evidence with you, you have the video. I think that this
10 is what was said and you have that evidence with you. Thank you, Counsel.

11 Q. Thank you, Mr Witness. In your testimony of 14 March, page 46, French transcript,
12 line 11 and 12, you say that at a certain moment one arrived at the stage of a guerilla.
13 (Interpretation) "As I told you, there came a time where there was guerilla, guerilla,
14 when there was the guerilla."

15 I see your confirmation with the nodding.

16 Now, my question is you speak about there was a moment in time when there became a
17 guerilla. To which moment you are referring here?

18 A. I was referring to guerilla warfare, so to speak, generally speaking, during the
19 elections period. I talked about the Commando Invisible, for example, which I used
20 guerilla warfare tactics to attack here and there and disappear and then move on to
21 another position and then disappear and so on and so forth. That is the guerilla warfare
22 I was referring to that took place during that period.

23 Q. When you used the words "qu'il était arrivé un moment," can you specify this
24 moment for us more precise in time, in a perspective of time?

25 A. I'm speaking of the point in time when there was the crisis, the period of three

1 months if -- if I might put it that way, from January to the end of April. That is the
2 period that I am referring to, the period of the crisis itself. And I think that it was during
3 that period that people were conducting guerilla operation.

4 Q. And one moment, please.

5 Mr Witness, why did you use here specifically the word "guerilla warfare" or "guerilla
6 operations"?

7 A. I use that word because to my mind it is a matter of the mode of operation.
8 "Guerilla" refers to military operations where you have an operation there, and then you
9 move and conduct another operation elsewhere; or where you see soldiers, you shell them,
10 you disappear. That is my understanding of "guerilla." I'm not sure if that's the same
11 understanding for a French speaker, but that's how I understand it. This is what I'm
12 referring to.

13 Q. You testified that the tension within the country and specifically Abidjan gradually
14 built up. Can you remember testifying this?

15 A. Yes. Yes, Counsel, I've said it on a number of occasions.

16 Q. Can you put this statements of you in the perspective of time, how much time it
17 took in your estimation for the tension to have been built up such that it resulted in a
18 guerilla warfare?

19 A. Well, I've indicated a number of times here that each time there was fighting,
20 tensions would rise time and again in Abidjan, each time there were -- now, when it
21 comes to the tension in relation to the guerilla, as I said before, this was taking place over
22 a period of three months, and tensions rose tremendously given the absence of solutions.
23 And as the people of Côte d'Ivoire understood that the African Union had taken its
24 decision and that Laurent or President Gbagbo was in a very difficult position, that's
25 when things really turned badly in Abidjan.

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- 1 The fact of the matter is that the decision taken by the African Union, vis-à-vis
2 President Gbagbo, was not to the taste of the people of Côte d'Ivoire.
- 3 MR KNOOPS: Mr President, we were willing to show two videos, but there are some
4 technical problems, so I suggest we show them after the lunch break.
- 5 PRESIDING JUDGE TARFUSSER: You object to?
- 6 MR KNOOPS: Sorry?
- 7 PRESIDING JUDGE TARFUSSER: You said we are subject to what? I didn't --
- 8 MR KNOOPS: Technical problems.
- 9 PRESIDING JUDGE TARFUSSER: Okay.
- 10 MR KNOOPS: I think the Registry and the case manager still have to set up the laptop
11 for the videos. So I will show them after the lunch break.
- 12 MR MACDONALD: Would you be so kind as to provide us with the ERNs of those
13 videos you would like to show so that we can prepare accordingly? Thank you very
14 much.
- 15 MR KNOOPS: The first one, the first one is CIV-D25-0001-2104, timestamp 0.00.38 till the
16 end.
- 17 And the second one, the second one is CIV-D25-0005-0001.
- 18 And the third one is the video the Prosecution displayed on the last day of the
19 examination concerning a presentation by Mr Blé Goudé on 14 March 2011. That's the
20 third one.
- 21 MR MACDONALD: Much appreciated.
- 22 MR KNOOPS: Thank you. You're welcome.
- 23 Q. Mr Witness, this morning you testified in the English transcript, page 7, line 1 till 2, I
24 quote:
25 "Civil war means that each and every person is protecting themselves and attacking order

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1 in order to get the upper hand."

2 You remember this, saying this this morning?

3 A. Yes, I recall saying that. I said that's what civil war is.

4 Q. Right. In this strive to get the upper hand, did you notice that barricades were set
5 up as part of this system?

6 A. Thank you, Counsel. I'll answer that question. I can't say as regards that period.
7 When the civil war started, I was no longer going out into town. But I do believe that
8 each camp did set up barricades to protect themselves, each camp.

9 Q. You testified on 15 March, the French transcript it is line 7 till 8, about the protection
10 of the residence of the president in Cocody?

11 A. Oui.

12 Q. And that everyone was willing to protect the president to prevent the military from
13 attacking his residence?

14 A. The French soldiers?

15 Q. Mmm-hmm.

16 A. Yes, yes, that's what I said.

17 Q. Can you remember whether in those actions where the people who were willing to
18 protect the president, barricades was set up to prevent the French soldiers from coming to
19 the residence? We're speaking about November 2004.

20 A. You're referring to the hôtel Ivoire operation; is that right?

21 Q. Oui.

22 A. Thank you, Counsel. Yes, that's what I said. And I repeat that day there weren't
23 barricades with corridors or what have you. Rather, there were people, there were
24 citizens of the Ivory Coast who were there taking action, people who volunteered and
25 who came to block the way so that the French army couldn't make headway. They were

1 moving towards Cocody and the president's residence. That's the information which we
2 had.

3 So we were very surprised. There was this tremendous turnout. We went to the
4 hôtel Ivoire. But that was not on the road to the residence of the president. The people
5 turned out in massive numbers to block the way so that the French army could not get
6 through.

7 And so the French army remained at the hôtel Ivoire, where they opened fire on the
8 people who were singing and dancing, and I repeat that, they were singing and dancing
9 in front of the French troops. That's all they were doing, just singing to the glory of God
10 and dancing, as we do when there's a lot of emotion.

11 Their objective was to heed the progress of the French army. But I don't know what
12 happened, nobody knows what happened, but the French opened fire. The people didn't
13 have weapons. There was no risk threatening the army. The soldiers were extremely
14 well armed. They had combat tanks.

15 Q. Can you remember whether any call for those corridors, that type of protection was
16 given to the people by anyone?

17 A. Well, honestly I don't recall, but I received a phone call from my friends and from
18 my representatives who were in Cocody, and they told me that there was a movement,
19 and that a number of French armoured vehicles were on the move heading for Cocody
20 and the French -- or the president's residence to dislodge him. And so there was a need
21 to take action to block the way, and that's what happened.

22 But I didn't have the time to see if it was being reported on the TV or what have you, no.
23 I received a phone call and then I jumped into action.

24 And what I'd like to say is that in that period, all the people in the Ivory Coast were very
25 vigilant, were very alert. So as soon as something suspicious happened, one would take

1 action because one wanted to defend, defend the president, Gbagbo.

2 Q. Yeah. So there wasn't any order necessary for people to go on the streets to defend
3 the president?

4 A. No. To my knowledge, no. Really, to my knowledge, no.

5 Q. And your --

6 A. I don't know if there was, but to my knowledge, no.

7 Q. And your response you just described after the call of your friend, was it a
8 spontaneous response you had: I have to defend the president?

9 A. Yes, that's the basics. One is -- we were always ready to defend him. That was
10 really a starting point for us. We simply could not accept what was happening, what
11 had happened. We, the young people --

12 Q. Yeah.

13 A. -- could not accept that.

14 Counsel, if I might continue.

15 Q. Of course.

16 A. I would like to finish.

17 Q. Sure.

18 A. Thank you. We could not accept this conduct of the French army which we felt
19 was unacceptable, and it made the people of the Ivory Coast want to rise up. Even in
20 another country if you -- when there is such behaviour, a country can't accept that. It's
21 not a matter of Mr Gbagbo or not, it's a matter of principle and dignity. That's what
22 we're talking about. One cannot accept that an army of another country decide to head
23 for the residence of the president, the head of State of a country, to go and get him.
24 Really, I just don't know what to say. It's unacceptable. Nobody, I mean nobody on
25 this earth could accept such behaviour, and that's what would drive people to take action.

1 And that's why young people were constantly rebelling, if you like. It was all provoked
2 by this conduct. It's not because the people of Ivory Coast don't like the Europeans or
3 what have you. No. Go see how we live in the Ivory Coast. What they did not like,
4 however, was the action of the government in question.

5 Q. Mr Witness, would you agree with me if I would say to you that those type of
6 actions were spontaneous without any concrete order or any concrete call was necessary
7 for the people to go out on the streets to defend the president?

8 A. Yes. Sometimes people took action and went to the streets without any call
9 because they felt that their country was under attack, and they could not accept that. No
10 country in the world could accept that.

11 Q. Mr Witness, you have lived, as I recall, your whole life in Côte d'Ivoire from a child?

12 A. Yes. Ivory Coast is my country.

13 Q. Right. If you look into the history of Côte d'Ivoire, and I ask you also to look back
14 before 2004 we just alluded to, did such reactions occur, or did such reactions occur in the
15 past before, meaning people going on the streets protecting a president or a political
16 leader and using roadblocks, barrages or corridors, no matter how you qualify them?

17 A. I'd like to answer that question in the terms in which I've understood it. You
18 referred to before 2004. I'm not sure if you're thinking of the beginning of the crisis.
19 Yes. When the attack took place, the population mobilised against the attack. Or if you
20 might be referring to the elections and when General Guéï did not want to cede power,
21 then, too, the people descended into the streets.

22 Q. Can you recall that in 1995 a similar phenomenon happened where people went on
23 to the streets to raise barricades to fight the government?

24 A. In 1995? Could you throw further light on that because I'm -- could you refresh my
25 memory?

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1 Q. Where the opposition went on the streets to raise barricades, the opposition to the
2 government in 1995. (Interpretation) It was the active boycott.

3 A. Okay. You're talking about the elections of 1995, right? Is that right, where there
4 was a call? Mmm-hmm. People went out into the streets, but I don't think that was in
5 such great numbers. There were elections in 1995, but there wasn't a mass movement on
6 the streets.

7 Q. But can you recall that the opposition made use of barricades in those days?

8 A. I'm afraid I don't recall. I don't recall that.

9 Q. In your testimony on 9 March, that's the French transcript, Mr President, page 54,
10 line 21, 22, and 27, 28, you say, Mr Witness, that the erection of corridors was an habit
11 (Speaks French).

12 MR MACDONALD: No. No, no, no. I think it's better to read the quote because at
13 line 21 it's not a question of corridor that is --

14 MR KNOOPS: Mobilisation.

15 MR MACDONALD: Yes.

16 MR KNOOPS: Okay. I'll rephrase the question.

17 Q. In the transcript, we find a reference, transcript of 9 March, where you say that
18 when it concerns mobilisation of individuals, people going on the streets, this was a kind
19 of a habit. And in lines 27, 28, you say that the mobilisation for protection was
20 considered normal. So you use here the words "habit" and "normal." Can you please
21 explain to the Court why you have used these words?

22 A. Thank you, Counsel. I used those words because, as I understand things and I
23 understand the situation, we were already in alert mode. We were already ready to go.
24 Each time that we felt that there was a danger or that a danger was threatening Ivory
25 Coast, all young people who felt affected and who felt that there was a duty bearing upon

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1 them would rally.

2 As you know, in Africa one can communicate rapidly; one, two, three, rumours spread
3 rapidly and people jump into alert mode and will take up their positions.

4 As soon as the message goes out, everybody takes to the streets. That's what I meant.

5 One was always ready to defend our country, to defend our country, that's what I mean to
6 say.

7 Q. But were any official calls necessary, or you just referred "I just got a call from a
8 friend, he said the president is in danger" and people move?

9 A. Yes. Yes.

10 Q. When you were up in the north during your campaign, and I believe you testified
11 that you even gave an interview on the RTI in those days where you referred -- did you
12 refer in your interview to the barrage which was set up by the pro-Ouattara forces? Can
13 you recall?

14 A. I recall. Are you referring to the televised discussion, is that --

15 Q. Yes.

16 A. -- what you're referring to? Yes, I think we discussed lots of things; what had
17 happened, what I had experienced and all of that. Yes, I remember well. I remember
18 having said a number of things.

19 Q. Did you see those barrages yourself up in the north?

20 A. In the north? Yes, there were barricades. I think I said that, I believe, and that's
21 the case. I believe I said that.

22 Q. And what was your experience with these barrage there? What happened when
23 you were there?

24 A. To my knowledge, well, not a lot. I don't know what you want to address with me
25 there. To my knowledge, not a lot.

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1 Q. Do you have knowledge why these barrages were set up by the pro-Ouattara forces
2 in the north?

3 A. I'm not sure we're talking about the same barricades. You know, because of the
4 crisis every town, be it in the south or the north, each town had barricades at entry and
5 exit points. These were checkpoints. That was the situation in every town in Ivory
6 Coast. If you want to enter a town, you had to pass a checkpoint, a barricade, the same if
7 you wanted to leave a town. There were barricades everywhere.

8 Q. Yeah. And these were barricades by civilians?

9 A. Well, in the north of the country you can't really tell who is a civilian, who is a
10 soldier, who is a gendarme. Practically everybody was walking around in camouflage.
11 It's hard to know who was FRC, who was a civilian. One couldn't know at that time.

12 Q. Did you notice at that time that barricades were set up by the rebels?

13 A. Well, as we were saying earlier, in the north there was always NPCIs, military
14 people, the rebellion, as you call them, always. It was their territory, and that's why they
15 kept it under control.

16 Q. Thank you.

17 MR KNOOPS: Mr President, I think it is a correct moment to pause because after the
18 break I will start with a new topic.

19 PRESIDING JUDGE TARFUSSER: I would have interrupted you now in one, two
20 minutes. Okay. So we -- we go for the lunch break, and we will be back at 2.30.

21 THE COURT USHER: All rise.

22 (Recess taken at 12.59 p.m.)

23 (Upon resuming in open session at 2.33 p.m.)

24 THE COURT USHER: All rise.

25 Please be seated.

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1 PRESIDING JUDGE TARFUSSER: Good afternoon.

2 The floor is to Mr Knoops.

3 MR KNOOPS: Good afternoon, Mr President.

4 Q. Mr Witness, good afternoon. Before the break we spoke, as you might recall, about
5 the negotiation phase entering the military phase.

6 A. Yes, Counsel.

7 Q. You told the Court that this, in your recollection, might have occurred in the month
8 of March?

9 A. Yes, I said towards the end of March and early April.

10 MR KNOOPS: With the permission of the Court, and I look also at my learned friend if
11 he has no objections to the video, we would like to show a video, which is
12 CIV-D25-0001-2104, starting at 00.38 seconds till the end.

13 Q. Mr Witness, I show you first the video and I will come back to you with some
14 questions after you have seen the video.

15 A. Thank you, Counsel.

16 THE COURT OFFICER: I'll invite --

17 (Viewing of the video excerpt)

18 THE COURT OFFICER: I'm sorry, thank you. I'd invite the parties and participants to
19 press on the evidence 2 button, please.

20 (Viewing of the video excerpt)

21 MR KNOOPS:

22 Q. Mr Witness, did you see this clip before today?

23 A. Yes.

24 Q. Would you agree with the analysis made in this clip by Mr Blé Goudé?

25 MR MACDONALD: I'm a bit uneasy with first of all showing prior statement of an

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1 accused while the accused in view of testimony because the Prosecution cannot cross a
2 video and then asking the opinion of the witness if he agrees with what the accused is
3 saying. I don't think that's very orthodox in way of proceedings, by the way. And so
4 that's the first issue.

5 The second issue we're willing to admit the full video because there's 39
6 minutes -- seconds, sorry, 38 seconds missing at the beginning, but we're willing for those
7 to be admitted too on the record.

8 MR KNOOPS: Thank you.

9 PRESIDING JUDGE TARFUSSER: Can you please rephrase a bit.

10 MR KNOOPS: Yes, I can --

11 PRESIDING JUDGE TARFUSSER: Thank you.

12 MR KNOOPS: -- break down the questions of course.

13 Q. Mr Witness, the first part of the video the journalist observes that for the Ouattara
14 camp the discussions were closed. (Interpretation) "The discussions are over."
15 What's your comment on that observation by the journalist?

16 A. Thank you. Thank you, Counsel. Thank you. Everyone, all of you heard the
17 questions from the journalist and Blé Goudé's answers. I think it's the same opinion that
18 I've been expressing here. If you listen to the questions and the answers that I have
19 provided there is no discrepancy with what Blé Goudé said to the journalist. It's the
20 same thing. I said, he answered in exactly the same way I have been answering. He
21 said, for example, that the Ouattara camp had said that the agreement or negotiations
22 were over. I said that. Everything that he has said I have already said the same thing
23 here. So if you want me to say it, I have already answered that question. It's the same
24 things that I have been talking about, the same thing, the same thing I have been saying,
25 and it's exactly the same thing that I have been saying that he said.

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1 Q. Thank you, Mr Witness. Mr Witness, can you recall when this speech or this
2 interview was broadcasted in time?

3 A. I -- I don't remember the exact dates, but I think it was during that time, during that
4 period, on those last days, at those last times, that's when the decision was taken, but I
5 don't remember the date and the day.

6 MR MACDONALD: I'm willing to make an admission also on the date if that's --

7 MR KNOOPS: Yes.

8 MR MACDONALD: -- helpful, Mr Knoops.

9 MR KNOOPS: Yes. It saves time.

10 MR MACDONALD: 4 January --

11 MR KNOOPS: Yes.

12 MR MACDONALD: -- 2011.

13 MR KNOOPS: Correct.

14 MR MACDONALD: Thank you.

15 MR KNOOPS: Yes.

16 Q. Mr Witness, this interview was broadcasted on 4 January 2011. It was directly after
17 the delegation left of the African leaders. Can you recall that event?

18 A. Are you talking about the first video?

19 Q. The one we just showed, yes.

20 A. Yes. Yes. Yes.

21 Q. So you're agreeing with me that on 4 January 2011 the Ouattara camp ended any
22 discussions for further negotiations?

23 A. Yes, but I think discussions carried on. It didn't end in January. I think the
24 discussions continued further.

25 Q. Further on in the interview Mr Blé Goudé says that it's time to turn

1 the -- (Interpretation) "It is time to turn the military page."

2 A. Yes, that is what he said.

3 Q. How did you perceive this message of Mr Blé Goudé?

4 A. The message was understood in the same way. We all wanted because no one, no
5 one wanted war, everybody wanted a way out of the crisis, a peaceful way out of the
6 crisis through dialogue. That was our common position, all of us. Nobody wanted the
7 war and that is why he said it was time to turn over the military page and put an end to
8 the military dimension of that crisis and then proceed with dialogue as called for by the
9 president. Myself, no one, no one wanted war. And as I have said before, war is not a
10 good thing. War is not a good thing. I have said this over and over again.

11 Q. In the interview the answer of Mr Blé Goudé on question of the journalist is that:

12 (Interpretation) "We need dialogue. We are not afraid of anything. However, we
13 believe that we need dialogue."

14 My question to you is: The way you came to know Mr Blé Goudé is this indeed the way
15 he perceived things there at that time? We're speaking now of January 2011.

16 A. Well, you know, each individual perceived things according to the way things
17 evolved and unfolded. And as I've said before, the same answer stands. Nobody
18 wanted war. Nobody wanted war. In fact, our camp did not want war. We wanted
19 things to go through dialogue. Everybody wanted dialogue.

20 Q. I would now like to make a transition in time to March 2011 and show a second clip,
21 which is, by the way, a much shorter clip.

22 PRESIDING JUDGE TARFUSSER: Mr Knoops.

23 MR KNOOPS: Yes, Mr President.

24 PRESIDING JUDGE TARFUSSER: Can I just interrupt. Is there a translation in English
25 of this transcript somewhere? I just ask.

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1 MR KNOOPS: No. My colleagues say there is no translation unfortunately available.

2 PRESIDING JUDGE TARFUSSER: I think -- I think we should also be provided --

3 MR KNOOPS: Yeah.

4 PRESIDING JUDGE TARFUSSER: -- if possible, with an English transcript, translation of
5 the most relevant video clips.

6 MR MACDONALD: I think the -- what the Prosecution in relation to its own videos has
7 attempted to do and is still on a rolling basis disclosing transcripts in the original
8 language, mainly French. Sometimes we're able to find some with subtitles, but that's as
9 far as we've been able to go in light of competing resources within the Office. So I think
10 at the minimum, when we have an existent transcript we should provide it to the
11 Chamber and then from there it can be maybe translated by the Court services, I don't
12 know. But, for instance, I think in relation to Mr Altit's videos of the speeches of
13 Mr Gbagbo we do have transcripts and these can be provided also, not just the video itself
14 but the actual transcript.

15 PRESIDING JUDGE TARFUSSER: Sorry for this interruption. Please go ahead.

16 MR KNOOPS: It's all right, Mr President. Thank you.

17 Q. As mentioned I make a transition, Mr Witness, in time to March 2011 and I would
18 like to show you a clip which can be found in CIV-OTP-0069-0371, minutes 00.09.00 till
19 00.10.59. And I'll ask you to carefully look at this clip and I'll come back after watching
20 the clip with some questions. Thank you.

21 (Viewing of the video excerpt)

22 MR KNOOPS:

23 Q. Mr Witness, this video was already shown to you during the examination by the
24 Prosecution. The reason why I showed it to you again is the following: As mentioned
25 the time frame is April 2011 and you heard Mr Blé Goudé saying in this speech that one

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1 should not fall into the trap of a civil war. Can you recall that Mr Blé Goudé mentioned
2 these words?

3 MR MACDONALD: Just a second. The time, it's not April, it's March. The video is 14
4 March.

5 MR KNOOPS: Apologies, you're right.

6 MR MACDONALD: Yes, sorry.

7 MR KNOOPS: Sorry. Yeah, you're right, it's 14 March, yes.

8 Q. So the first clip we showed you was on 4 January, this is a second clip which deals
9 with 14 March. So you hear Mr Blé Goudé saying "We shouldn't fall to the trap of a civil
10 war." Can you recall him having -- saying this?

11 A. Yes.

12 Q. Can you recall whether he used these words on other occasions, either before or
13 after 14 March?

14 A. I believe beforehand. I believe. I believe that on television too he repeated the
15 same things, that we should not fall into the trap of people who want to bring us into civil
16 war. I believe so, yes.

17 Q. And the way you became to know Mr Blé Goudé, this was his view as to the
18 solution for the crisis?

19 A. Well, yes. And as he him -- as I said earlier, from the beginning of 2002, as he said
20 earlier, all decisions that were taken were never favourable to the regime of
21 Mr Laurent Gbagbo. When all negotiations that took place all over the world with
22 reference to this crisis in Côte d'Ivoire, they were always taken, decisions were always
23 taken against the regime of Laurent Gbagbo. Since 2002 this was the case. In meetings
24 everywhere people took varying positions against Laurent Gbagbo because France no
25 longer wanted Laurent Gbagbo in power in Côte d'Ivoire. I said that and he, himself,

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1 confirmed this, that that was the situation since 2002, and that's what I said here.

2 Q. Thank you, Mr Witness.

3 Now, I go back to my first question of this morning. You recall that I asked you to put
4 into a perspective of time the transition from the negotiations phase, so to speak, to the --

5 A. I can't really hear you very well.

6 Q. Is your microphone correct? It's working? It's better?

7 A. Mmm-hmm.

8 Q. Yeah. Now, Mr Witness, you recall that when I started this morning, my first
9 question was to you are you able to put into a perspective of time the transition of what
10 you called the negotiation phase into the military phase, and your answer was that must
11 have been around March 2011, yes?

12 A. Yes, that's what I said. Towards the end of March, the beginning of April. That is
13 what I said.

14 Q. Now, we see here Mr Blé Goudé answering the people in -- on 14 March 2011. So
15 in your estimation, that must have been in this very moment that the negotiation phase
16 was entering the military phase or close to the military phase. Would you agree with me?
17 And still Mr Blé Goudé is warning the people to not fall into the trap of a civil war. Now,
18 my question to you is did Mr Blé Goudé still had hope, in your estimation, that the
19 military phase would not be arrived at?

20 A. Thank you, Counsel. As I've always said to you, we believed that we would be
21 able to get to the end of negotiations, that they would be conclusive.

22 And none of us could have imagined that there would be a military force that could come
23 in just to dislodge President Gbagbo, but that's what happened. They put -- they
24 enforced their decision to dislodge Gbagbo with the support of the African Union, of
25 ECOWAS, of France, and this was an agreement and he had to be dislodged, and that's

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1 what happened. And as I said to you, this was in the period end of September,
2 beginning of April --

3 THE INTERPRETER: Says the witness.

4 THE WITNESS: (Interpretation) -- that this was going to come into place -- come into
5 play and he was going to be dislodged. That's what happened.

6 MR KNOOPS:

7 Q. You have used several times the word "we couldn't imagine that this type of force
8 would be endorsed by France." Do you try to say to the Court that the situation, how it
9 actually ended, was, for everyone, unpredictable?

10 A. Yes. I believe that's what I wanted to say. That is what I said. To my mind, I
11 could not have imagined because maybe I hadn't got that mindset and I hadn't yet
12 experienced it. I could not have imagined that the UN could take such a resolution and
13 give Licorne the orders to intervene in Côte d'Ivoire and dislodge President Gbagbo from
14 where he was and install President Ouattara. I could not have imagined that, but that is
15 what happened, and that is what they did, Counsel. That's what happened. That's
16 what they did. And everyone in Côte d'Ivoire knows that that's what happened and
17 that's how it unfolded. It is not an imaginary story. It's something that happened.

18 Q. Now, you have seen two speeches -- well, one interview of Mr Blé Goudé on 4
19 January 2011 and a speech broadcasted on 14 March 2011. And in both speeches or
20 comments, you see Mr Blé Goudé calling for dialogue to evade war and warn the people
21 not to fall into the trap of a civil war. What does this say to you about Mr Blé Goudé?

22 MR MACDONALD: Again, your Honour, opinion evidence.

23 THE WITNESS: (Interpretation) As for the opinion of Mr Blé Goudé, I'm not in a
24 position to be able to pass judgment. He -- this is what he said. Maybe this is what he
25 wanted, that we continue negotiations. That was his wish. That's what he said, that we

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1 should avoid civil war, that everything should be done to avoid civil war, but at one
2 moment in time it came about.

3 MR KNOOPS:

4 Q. In your testimony of 9 March, you said the following about Mr Blé Goudé in this
5 regard, that's in the French transcript, Mr President, of 9 March, line 8, and I will use the
6 French quote.

7 MR MACDONALD: Sorry, the page?

8 MR KNOOPS: You're correct. Sorry. 88. Page 88, French transcript, line 8.

9 Q. When you were examined by Mr Prosecutor you said, Mr Witness, the following:
10 (Interpretation) "Even Blé, towards the end, saw that danger was approaching."
11 My question to you is what were you referring to here?

12 A. I was referring to the end of the crisis when the republican forces of
13 Mr Alassane Ouattara had taken over the entire Côte d'Ivoire and Abidjan was remaining
14 and he saw the danger approaching and he left because God knows what would have
15 happened to him if he had remained behind, but it wouldn't have been good. That's
16 what I said.

17 Q. Mr Witness, you -- in your examination, you refer to a meeting in, I believe, 2004
18 where Mr Blé Goudé met with the Forces Nouvelles. Can you recall that meeting?

19 MR MACDONALD: I think it is 2007. And I don't want to be mistaken on the date --

20 MR KNOOPS: Yes.

21 MR MACDONALD: -- but I think it's -- you said 2004 --

22 MR KNOOPS: Yeah.

23 MR MACDONALD: -- but I think it's 2007. Caravan de la paix, to be more specific.

24 THE WITNESS: (Interpretation) Yes, that is what I said. I said that when we started
25 to negotiate, there was the peace flame, flamme de la paix, that took place in Bouaké, and

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1 then the caravan de la paix, the peace caravan, was organised by Blé Goudé and he went
2 all around Côte d'Ivoire. He visited the major cities to announce the good news that
3 Côte d'Ivoire was reunited and that there were the Ouagadougou accords and that the
4 country was reunited and that peace had been restored and that each and every one of us
5 could go where we wanted. This was all organised by Blé Goudé, and that's what I said,
6 yes. I think that you will probably also have access to images of what I said.

7 MR KNOOPS:

8 Q. Yes. Yes. My colleague, Mr N'Dry, he will come back on this issue. This was
9 just a question to verify whether you are aware of the potential details.

10 Now, Mr Witness, going back to the -- and you are, apparently. Thank you. Going back
11 now to the two events which were - it's okay. Going back now to the two events we refer
12 to with the videos, 4 January 2011 and 14 March 2011, these were public speeches or
13 appearances by Mr Blé Goudé. And in your testimony it's the -- I have here the English
14 transcript of 10 March, page 65, line 13, you say:

15 "Whenever Mr Blé Goudé had to issue a call, it was not in hiding, it was usually done over
16 the national television."

17 A. Yes, I did say that.

18 Q. To your knowledge, the calls you have seen on television of Blé Goudé or heard all
19 dealt with the same topic he raised in the speeches of 4 January and 14 March calling for
20 peace?

21 A. Yes. You saw the images and heard his speeches yourself when he made these
22 calls, and you heard what he said. He didn't hide anything. Everything that he did
23 was -- virtually all of it was made public. It was broadcast over the television.

24 Q. Mr Witness, in this regard, you informed the Court during the explanation by the
25 Prosecution on 9 March that you were aware that Mr Blé Goudé has a -- what you called,

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1 a communications service, and this was embedded into a private enterprise.

2 It's for the Court, transcript 9 March, page 73, the French version, lines 13 till 16.

3 Can you recall, Mr Witness, that you informed the Court that you are aware that

4 Mr Blé Goudé has a communications service embedded into private enterprise?

5 A. Yes, that is what I said.

6 Q. Yes. And you told the Court that this enterprise delivered services to everyone?

7 A. Yes, that's what I said.

8 Q. And the time we're dealing with here, that's the electoral crisis and even, say, one,

9 two years before, were there more communications services such as the one Mr Blé Goudé
10 had?

11 A. Two communications services in Abidjan, in Côte d'Ivoire?

12 Q. Yes, I will be more specific. You had the national television, the RTI. Were there
13 in those days more private communication services than the one Blé Goudé possessed?

14 A. Thank you, Counsel. I think I shall clarify here by saying that there were other
15 private companies that also provided communication services similar to that of Blé Goudé.
16 I believe that's what I said, that there were others. I do recall that, yes.

17 Q. Can you give an estimate, have you any idea in those days how many there were in
18 Abidjan?

19 A. I'm sorry, really, as to the number I don't know. I was working with Blé and the
20 RTI. There were others, but I don't know how many.

21 Q. Were there more political parties which had their own communication service?

22 A. Yes, I believe it is possible, I think.

23 Q. And to your knowledge was there any connection between those companies and the
24 government?

25 A. I believe that there were communication services that had contracts with the RTI. I

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1 do believe so because those communication services often broadcast messages or video
2 clips, so they must have had some kind of partnership with the RTI, I believe, but I didn't
3 work for the RTI so I was not in a position to know who had a contract with them, but I
4 believe that many did.

5 Q. But you would agree with me if a contract is required, then we're dealing here with
6 two separate organisations, RTI and private companies?

7 A. Yes, that is what I said.

8 MR KNOOPS: Mr President, I have just a few questions left for the witness.

9 Q. Mr Witness, my last question is a question which I will try to summarise your
10 evidence when it concerns the context and the origin of the crisis. If I've understood you
11 well, Mr Witness, and you should correct me if I'm not correct, if I'm not summarising you
12 correctly, you actually say that the origin of the crisis was a combination of external
13 interference which culminated in armed interference by France and United Nations, while
14 at the same time this resulted in an internal guerilla warfare, which was the result of this
15 external interference also from the north, and this guerilla warfare was ignited by the
16 forces of Mr Ouattara. Is this actually the combination of all the elements which it's, in
17 its entirety, caused the tragic result of 3,000 and even more civilians and soldiers? Is this
18 a fair summary of your evidence on this topic?

19 A. Yes, Counsel, that's what we've always said here. You have got it right, yes. Yes,
20 you are correct, that is what has been said here.

21 Q. And finally, Mr Witness, you talked about the guerilla warfare in Abidjan and
22 elsewhere. What did this do with you and your family as a human being?

23 A. Well, what do you think that we feel during wartime? Fear. Everybody was
24 afraid. War is a source of fear. War is a source of misery. Everything is destroyed.
25 Nothing is built during wartime and war makes you feel very frightened, makes everyone

1 feel very frightened. That's why I said to you that there were rumours of forthcoming
2 attacks of the African Union troops and that's why everyone was fleeing Abidjan,
3 everyone was going back to their villages in order to feel some form of safety because the
4 city of Abidjan had become unlivable because of attacks, because of rumour mongering,
5 because everyone was very frightened. I personally was extremely frightened. I am
6 afraid of war and I am afraid of violence.

7 Q. Mr Witness, this atmosphere of fear, was this in your perception a reason why
8 people resorted to self-defence measures such as the barrage?

9 A. No, I don't think so. It was part of the crisis. And when things started out and
10 the -- there was no agreement in place and people saw that people were coming down
11 upon Abidjan and war was starting, well, the war had started already, there weren't any
12 roadblocks, people were just attacking each other in the neighbourhoods. You know,
13 you couldn't move around as you liked because war had broken out. There were no
14 more roadblocks at the time, there was a war going on. It's not the roadblocks that are of
15 importance, it is the fact that war had broken out during that period. That is what is of
16 importance. It was already war at that time. And beginning of April, when shelling
17 began, that's when the war truly started.

18 Q. So actually, Mr Witness, you're saying now to the Chamber that the roadblocks had
19 nothing to do any more at a certain point in time with the war?

20 A. Yes, that's what I'm saying. You know, you're going into little details here and
21 there, but those roadblocks that you are referring to, that was at a given moment in time
22 when people no longer felt safe. Let me give you an example. In a neighbourhood, you
23 know, if there's a large commune, people on the western side or people on the southern
24 side don't get on with each other, and those to the north and the east are living on that
25 side, that's what -- that's how things started out.

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1 You know, we were saying that Yopougon was pro-Gbagbo, such-and-such a commune is
2 pro-PDC, another commune is pro-Ouattara. There were certain neighbourhoods where
3 certain individuals could no longer live and some people who belonged to a specific
4 ethnic group could no longer live in such-and-such a neighbourhood or another
5 neighbourhood. And there were also some people who just had to quite simply stay at
6 home, and that's how a lot of people were killed. That's what I said to you. It was war.
7 How can I explain to you what war is? You know only too well what a war is. You
8 know what a civil war is. It is a civil war amongst civilians, amongst different groups,
9 amongst different people. That is what a civil war is. We were already at war.

10 Q. Mr Witness, my final request to you is to look at a video excerpt and ask you, after
11 you've seen it, whether you recall the images you will see on the video, maybe not exactly
12 on the date because we don't know yet whether you were there, I can assume you weren't,
13 but you just alluded to the fear which was installed at people and the video we are going
14 to show you might explain the Chamber, with your help, how the situation was at that
15 time in Abidjan because words I realise are very difficult to use to express this type of fear
16 you must have endured.

17 And I ask with the permission of my colleague to play a short clip which is
18 CIV-D25-0005-0001.

19 MR MACDONALD: Could you provide a source and date, please?

20 MR KNOOPS: The date is 22 April 2011. That's the date of the video.

21 MR MACDONALD: But it's uploaded on YouTube, right?

22 MR KNOOPS: Yes.

23 MR MACDONALD: But you don't know when the footage is filmed?

24 MR KNOOPS: No.

25 MR MACDONALD: Okay.

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- 1 MR KNOOPS: We know --
- 2 MR MACDONALD: Because there's a distinction between --
- 3 MR KNOOPS: Yeah.
- 4 MR MACDONALD: -- upload on YouTube --
- 5 MR KNOOPS: Yeah.
- 6 MR MACDONALD: -- and the date of when it was filmed. But it's open source?
- 7 MR KNOOPS: Yes, sir.
- 8 MR MACDONALD: Okay.
- 9 MR KNOOPS: And you can deduce from the video that --
- 10 MR MACDONALD: We can argue that later.
- 11 MR KNOOPS: Okay.
- 12 PRESIDING JUDGE TARFUSSER: Which channel? Two. Channel 2.
- 13 (Viewing of the video excerpt)
- 14 MR KNOOPS:
- 15 Q. Mr Witness, I -- maybe it's an open door, but I have to ask you did you see this video
- 16 before?
- 17 A. I saw this video, but I saw a longer excerpt of it.
- 18 Q. When did you see it, this video?
- 19 A. I saw it on TV when I was in hiding at home, when I was in hiding at home at the
- 20 time.
- 21 Q. Right. Can you for the Chamber position the time of the images you saw,
- 22 approximately?
- 23 A. This happened when people had returned to Abidjan when war had broken out
- 24 already, so it was during the wartime, the very last days it must be been, in April, I think,
- 25 sometime in April.

1 Q. So just before Mr Gbagbo was arrested?

2 A. Well, maybe, or maybe after, but those people were at the police prison opposite the
3 Pergola hotel. And that young man, he was a leader of the operation in that area and
4 what was referred to as Tonnerre (phon).

5 Q. In the video the -- it's referred to the fact that the chef, the boss of this group, he
6 works for the ministry of interior of Mr Ouattara. Do you know the name of the minister
7 in that time?

8 A. I think President Ouattara had set up his government and I think it was Bakayoko
9 that was appointed at that time. He was the minister of the interior at that time.

10 Q. Mr Witness, you -- we started this morning with your testimony where you say
11 there was at a certain point in time guerilla warfare and we ended this afternoon with
12 your observation that people were very much afraid. The images you just saw on this
13 video clip, do they reflect the experience you have endured during the crisis up to the
14 dislodging of the president?

15 A. Yes, yes. I have already told you that it was guerilla warfare. Blé Goudé talked
16 about it in his speech. They too have also talked about guerilla warfare. So this is very
17 clear and it is exactly what I told you. So, you see, when you have evidence you can see
18 that it confirms what I am telling you to be the truth. This was my personal experience.
19 Let me, let me give you an example, and this will be about my family. Before they
20 returned to Abidjan and as I had told you, I knew, I knew that if we didn't give up, if we
21 didn't withdraw since we had agreed to the Addis Ababa agreement and if we didn't
22 withdraw, things would not be good. I knew. I knew.

23 And, you see, my wife hailed from the north, so I was bound to send my entire family
24 away. It's only my granddaughter who remained, she was about 11 years old. So my
25 son, my wife, I sent them away back to the village to the north in Mankono because, you

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1 know, people from the north were coming down to dislodge President Gbagbo so it
2 would not have been safe to keep them in Abidjan.
3 I knew that people were going to -- many people were going to die and that there would
4 be problems and so for that reason I sent my family away and I stayed in Abidjan by
5 myself and with my daughter, but I had to keep her in hiding with someone else. And it
6 was a risky decision to stay back, but again let me say that I could have never have
7 imagined, and I repeat, never can imagine, I could never have imagined that
8 President Gbagbo would be dislodged, that France would use all its force to do that. I
9 continued to harbour some hope that things would change, but again you know by the
10 power of strength or force the strongest won.

11 Q. Thank you, Mr Witness. It was a privilege to examine you and I'm happy that I
12 could present a piece of evidence which confirms your experience during those days. I
13 thank you very much for answering my questions and I wish you all the best and your
14 family in the future. Thank you.

15 MR KNOOPS: My colleague Mr Gbougnon can start, Mr President. We can also maybe
16 consider to resume tomorrow because it will be a very detailed topic, if I may say so. We
17 are in the hands of the Court. We can start, but if the Court wishes to have a fresh start --

18 PRESIDING JUDGE TARFUSSER: I would start. We have 20 minutes. I think we
19 should start and then stop at 4 o'clock.

20 MR KNOOPS: Thank you.

21 PRESIDING JUDGE TARFUSSER: If the witness is -- you're okay with this? You're fine?
22 Okay. Thank you.

23 THE WITNESS: (Interpretation) Yes, President. Yes, President.

24 QUESTIONED BY MR GBOUGNON: (Interpretation)

25 Q. Good afternoon, Witness.

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- 1 A. Good afternoon, Counsel.
- 2 Q. I'm Gbougnon, Jean Serge, of the Abidjan Bar.
- 3 A. Thank you, Counsel.
- 4 THE INTERPRETER: Mr President, no pauses.
- 5 PRESIDING JUDGE TARFUSSER: Excuse me, don't touch continuously the microphone
- 6 because it goes to the ear of the interpreters. Thank you.
- 7 MR GBOUGNON: (Interpretation) Thank you, Mr President.
- 8 Q. We met at the Pergola in rather tragic circumstances.
- 9 A. Yes.
- 10 Q. Apart from being Sam l'Africain, Sam the African, apart from that name, did you
- 11 have another nickname when you were younger, when you were younger in Mankono?
- 12 A. Yes.
- 13 Q. What was your name?
- 14 A. Madou Gbe.
- 15 Q. What does it mean?
- 16 A. It means Madou the white man.
- 17 Q. Thank you.
- 18 MR GBOUGNON: (Interpretation) Mr President, I will start by showing a video to the
- 19 witness and then put some questions to him.
- 20 The first video is CIV-D25-0005-0006, from timestamp 00 to timestamp 0.45 -- 1.45, rather.
- 21 Date, 3 September 2009.
- 22 (Viewing of the video excerpt)
- 23 PRESIDING JUDGE TARFUSSER: This was the best video clip shown, I must say.
- 24 MR GBOUGNON: (Interpretation) Thank you, Mr President.
- 25 Q. Do you know the author of that song?

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- 1 A. Yes. It's The Galets.
- 2 Q. Okay. The name of the main author?
- 3 A. No.
- 4 Q. But what about the group?
- 5 A. Yes. It is The Galets.
- 6 Q. I'll show you another video.
- 7 MR MACDONALD: Objection. I mean, what is the relevance of this video?
- 8 PRESIDING JUDGE TARFUSSER: We don't know yet.
- 9 MR MACDONALD: So --
- 10 PRESIDING JUDGE TARFUSSER: I don't know yet.
- 11 MR MACDONALD: No, no, no, but the last video.
- 12 PRESIDING JUDGE TARFUSSER: I don't know.
- 13 MR MACDONALD: The one we were just shown, and now we're going to show another
- 14 excerpt?
- 15 PRESIDING JUDGE TARFUSSER: Yes, but --
- 16 MR MACDONALD: So --
- 17 PRESIDING JUDGE TARFUSSER: -- probably we'll come -- I sometimes ask myself what
- 18 is the relevance of questions. Maybe later we will find out. Please go ahead.
- 19 MR GBOUGNON: (Interpretation) Thank you, Mr President.
- 20 Q. Now I'll show you another video, CIV-D25-0005-0001, timestamp 0 to 1.45. Date of
- 21 video 19 September 2009.
- 22 (Viewing of the video excerpt)
- 23 THE COURT OFFICER: (Interpretation) I would like to cross-check the ERN number
- 24 of the video which you have just shown, please.
- 25 MR GBOUGNON: (Interpretation) Sorry. I didn't hear you.

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1 THE COURT OFFICER: (Interpretation) Can you please check the ERN number.

2 MR GBOUGNON: (Interpretation) Yes. I was going to do just that. I'm sorry. I
3 was mistaken it is CIV-D25-0005-0007.

4 Q. Mr Witness, do you recognize this video?

5 A. Yes.

6 Q. The same author as the previous one, the previous video?

7 A. Yes.

8 Q. I'll now show you a third video which was played by the OTP, CIV-OTP-0012-0003,
9 timestamp 5.45 to the end.

10 (Viewing of the video excerpt)

11 MR GBOUGNON: (Interpretation)

12 Q. Witness, can you confirm that this is the same author as in the two previous videos?

13 A. Yes, the same author.

14 Q. When I say Abu Galliets, what would you say to that?

15 A. Yes, that is it, Abu Galliets.

16 Q. The first two videos that you watched, what was the context in which they were
17 played?

18 A. It was during the African football championships.

19 Q. The African Cup of Nations?

20 A. Yes, the African Cup of Nations.

21 Q. So this singer sung on several occasions to support the Elephants of the Ivory Coast,
22 the Elephants being the football team. We saw it in the first video and in the third video
23 where he has all these songs; is that the case?

24 A. Yes, that's correct.

25 Q. In the song, at some point a number of names are mentioned.

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1 A. Yes, counsel.

2 Q. Your name was mentioned in the song.

3 A. Yes. My name was mentioned that I was on the field, always on the field or on the
4 ground.

5 Q. How did it come about that the singer mentioned your name? Is it that you go and
6 negotiate with him to sing about you, or is it that someone else does it so that your name
7 can be mentioned in the song?

8 A. Thank you for the question. I was personally extremely surprised, very, very
9 surprised, and yet honoured. I was surprised and honoured, and I was very pleased
10 when I heard the song for the very first time. It must have been at the Palais de la culture
11 at some rally.

12 We were singing and dancing, but at that time I didn't hear my name when it was
13 mentioned. And then it's a neighbour who called out to me, "Hey, your name is being
14 mentioned. Your name is being mentioned." And then I paid a little attention, and I
15 was able to hear quite attentively everything that he was saying. But I was pleased.
16 And I think they were not mistaken to have put my name into that song because to this
17 very day I am still active, and I'm still on the ground, on the field, so it is good for the
18 ambiance, for the atmosphere, and it's good for that purpose.

19 I have already said this here to the President that this type of music is music for fun, it's
20 music for campaigns. It is to bring about a cheerful atmosphere. That's how I
21 understood it. Now, counsel, I'm sorry, but this song, to this very day, is a very popular
22 song throughout Côte d'Ivoire. Everybody listens to it and everybody enjoys it, even to
23 this day.

24 MR GBOUGNON: (Interpretation) Mr President, I see that it's 4 p.m. I don't know
25 whether we can break here and continue tomorrow.

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1 PRESIDING JUDGE TARFUSSER: Break here. I just thought that maybe if you have
2 concluded this part relating to these songs I'm happy to conclude, I think, if you pass to
3 another -- I just wanted you to conclude the part relating to this, to the video shown.

4 MR GBOUGNON: (Interpretation) I have a last question on that --

5 PRESIDING JUDGE TARFUSSER: Yes.

6 MR GBOUGNON: -- but I wanted guidance from you given the time --

7 PRESIDING JUDGE TARFUSSER: No, but --

8 MR GBOUGNON: -- whether I could still put that question.

9 PRESIDING JUDGE TARFUSSER: If you put this question to conclude this part related
10 to the three videos, go ahead. I don't think it will take more than two, three minutes,
11 four minutes.

12 MR GBOUGNON: (Interpretation) Very well, Mr President, but of course it might
13 depend on the answers I receive from the witness.

14 PRESIDING JUDGE TARFUSSER: Put the question and we'll see.

15 Q. Mr Sam, you've just said that the singer in question, Mr Abu Galliets, as we agreed,
16 that he did not come to see you or --

17 A. To honour me, you mean?

18 Q. Yes, to honour you. For everything that he said in his song do you know whether
19 the same applies to you that he -- he talked about those people in his songs as well in
20 order to honour their names?

21 A. Thank you, Counsel. I'm going to be very sincere and very specific in what I say.
22 I do not believe so and I did not hear that he approached anybody within the Galaxie for
23 their names to be mentioned in the song. And as I said to you myself, I was surprised to
24 hear this song, very surprised to hear it and that it was chosen as the campaign song and
25 that my name was included in it and I was very happy about it. Of course whenever I

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1 listen to it I -- I'm pleased by what I hear.

2 Q. So you are saying that in your opinion it is not the case?

3 A. No, it is not the case.

4 Q. Mr Sam, please make sure that we don't speak at the same time.

5 So you're saying that to your knowledge you do not believe that somebody from the
6 Galaxie, and I'm repeating what you were saying, that somebody from the Galaxie
7 approached the singer in order to have the name included. It must have been of his own
8 volition. Can you confirm that?

9 A. Yes, I can confirm that, Counsel, indeed.

10 MR GBOUGNON: (Interpretation) Thank you, Mr President. I believe that we can
11 continue with the questioning tomorrow.

12 PRESIDING JUDGE TARFUSSER: Okay. Now -- yes, Mr N'Dry.

13 MR N'DRY: (Interpretation) Mr President, we wanted to broach an important subject
14 from our viewpoint at this juncture and we would like to do so in closed session and
15 without the presence of the witness. It would just be for two minutes, no longer. Two
16 minutes in order to bring to your attention a piece of information, a piece of information
17 that has absolutely nothing to do with the witness and that's why I say that he should not
18 be present.

19 And, Mr President, we also, with your leave, wanted to come to an agreement with the
20 Office of the Prosecutor -- with the Office of the Prosecutor in order to manage the rest of
21 our allocated time properly as to how much time he will need for his questions, his
22 additional questions, if he were to have any additional questions, of course.

23 PRESIDING JUDGE TARFUSSER: You think this has to be done now, or can we do it
24 tomorrow morning in the opening before we start? I'm just talking in the interest of the
25 interpreters.

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1 MR N'DRY: (Interpretation) With regard to the first point, I believe that it would be a
2 good idea for us to broach it now in view of its urgency that has been indicated to me.
3 And I think that the second issue with regard to asking the Office of the Prosecutor how
4 long they'll need, well --

5 PRESIDING JUDGE TARFUSSER: So I think we can deal with the first issue. With the
6 second you deal among yourselves and then come back to the Court tomorrow morning.
7 So can we just go in private session.

8 MR MACDONALD: In the meantime, the witness is excused, I understand?

9 PRESIDING JUDGE TARFUSSER: In the meantime the witness of course is excused.
10 Mr Witness, we see each other tomorrow at 9.30. Have a good evening and night.

11 (The witness stands down)

12 (Private session at 4.06 p.m.)

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)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (The hearing ends in private session at 4.09 p.m.)