

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Thursday, 7 July 2016
10 (The hearing starts in open session at 10.36 a.m.)
11 THE COURT USHER: [10:36:35] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [10:37:10] Good morning. Good
15 morning, everybody.
16 We are in this moment in open session. I would like to ask the Prosecutor
17 what is the intention for the next future, in relation to the open, closed or
18 private session?
19 MS PACK: [10:37:40] Your Honour, I anticipate, let's say, up to half of this
20 session, perhaps even less, continuing in private, with your permission, and
21 then going into public after that for the remainder of this session.
22 And as to the next session, we'll just have to take stock after that and see how
23 we're doing, but it may be that the following session we might have to move
24 back into private. But at least part of this session should be in public.
25 PRESIDING JUDGE TARFUSSER: [10:38:09] Okay. So we have to re-move

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- 1 in private session for some time. Please, court officer.
- 2 (Private session at 10.38 a.m.)
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22 (Open session at 11.34 a.m.)

23 THE COURT OFFICER: [11:34:48] (Interpretation) We are in open session.

24 PRESIDING JUDGE TARFUSSER: [11:35:03] Thank you very much.

25 The floor is back to you. Now I just wanted to say that normally a minister

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1 is reporting to ...

2 MS PACK: [11:35:08] Of course, your Honour. I completely understand.

3 And we have a lot to get through.

4 PRESIDING JUDGE TARFUSSER: [11:35:12] Yeah, that's it. So I think we
5 should, we know all these things.

6 MS PACK: [11:35:16] Of course, of course.

7 PRESIDING JUDGE TARFUSSER: [11:35:17] Thank you.

8 MS PACK: [11:35:19] Noted, your Honour.

9 Q. [11:35:19] Now let's move on to another topic. I want to ask you about
10 overall command of the FDS during the post-electoral crisis. Who exercised
11 that command during the post-electoral crisis?

12 PRESIDING JUDGE TARFUSSER: [11:35:45] Can we also put on the record
13 for one time what FDS is also.

14 MS PACK: [11:35:51] Of course, yes. We have a list of acronyms but it was
15 remiss of me not to state that for the record, of course.

16 Q. [11:35:55] The FDS, let me ask you, what does that stand for, please?

17 A. [11:36:11] F stands for forces, D stands for Defence, and S stands for
18 security; Defence and Security Forces. It's an acronym that covers all the
19 police, the gendarmerie, the army and the paramilitary forces.

20 Q. [11:36:34] And in the formal hierarchy of the FDS, who was at the top?

21 A. [11:36:41] Well, the normal way of operating was the minister of
22 defence had under his command the national gendarmerie through the high
23 command of the gendarmerie and the chief of general staff. And the
24 minister of the interior has responsibility over the national police. Thus,
25 during the crisis during that time, our constitution states that command is

1 exercised by the chief of general staff for operational matters.

2 Q. [11:37:41] And who was that during the post-electoral crisis?

3 A. [11:37:45] It was General Philippe Mangou.

4 Q. [11:37:59] Now, you said that during the crisis, that this was how
5 things worked during that time. How long had it been that he had exercised
6 command for operational matters? Was it just during the crisis or had it
7 been in the years before that?

8 A. [11:38:18] When General Mangou Philippe took the reins of the general
9 staff, we were already at war and, thus, naturally everything was under his
10 command.

11 Q. [11:38:43] When did General Mangou, when did he take command
12 then, when did he -- when was he appointed to that position?

13 A. [11:38:52] Ma'am, I think it must have been back, back in the 19 -- 2003
14 or 2004, I would say.

15 Q. [11:39:15] And you've spoken about the FDS from the ministers down,
16 with the minister of defence and the minister of interior, who was it who was
17 above both of those ministers? Who was at the top of the FDS during the
18 post-electoral crisis?

19 MR O'SHEA: [11:39:39] That question, with respect, is a bit odd. Who is at
20 the top of the FDS above the ministers? The FDS is below the ministers.
21 The ministers are not part of the FDS. So the question doesn't make sense.

22 MS PACK: [11:39:56] Sorry. And I'm very grateful to my friend for
23 clarifying, actually. It's very helpful. Can we just clarify then just who is
24 above the minister of defence and the minister of interior?

25 PRESIDING JUDGE TARFUSSER: [11:40:05] Yes. But also this is a

1 question, I think --

2 MS PACK: [11:40:07] Okay. I'll leave it.

3 PRESIDING JUDGE TARFUSSER: [11:40:09] We should know who is it.

4 MS PACK: [11:40:10] We'll leave it.

5 Q. [11:40:12] Now, I want to ask you, please, a little further about how
6 General Mangou, how the chief of the general staff exercised command over
7 FDS operations. How did he do that?

8 A. [11:40:40] The chief of general staff, through the operational plan in
9 place, well, he had a particular structure. The CPCO, the CPCO. And that
10 stands for operational improvement and command centre, CPCO. And the
11 CPCO, that was the unit responsible for leading within the theatre of
12 operations.

13 Q. [11:41:24] So how did that work? How did this centre, how did it lead
14 operations?

15 A. [11:41:38] The CPCO or the -- I beg your pardon. It's the planning and
16 command centre, would hold meetings and assess the situation. And the
17 unit commanders would be summoned to these meetings, and each person
18 would give his opinion. And then an operational order would be issued,
19 and this commander of the CPCO would present an action plan to the chief of
20 general staff. And once the chief of general staff had approved it, they
21 would then send off this plan signed, this message, and the message would
22 be sent to the various units.

23 Q. [11:42:41] And just pausing for a moment, who was the commander
24 that you're talking about of the centre? Who was the commander at the time
25 of the post-electoral crisis?

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1 A. [11:42:49] Colonel Sakho. Colonel Sakho, S-A-K-H-O, Sakho.

2 Q. [11:43:12] The process you're describing, his meetings, you're saying he
3 met with unit commanders. How was it that a -- for example, let's think
4 about one sort of document, an operational order was constructed?

5 MR GBOUGNON: [11:43:40] (Interpretation) Your Honour.

6 PRESIDING JUDGE TARFUSSER: [11:43:47] Just a minute, Mr Witness.

7 Maître Gbougnon.

8 MR GBOUGNON: [11:43:52] (Interpretation) Your Honour, I think it
9 would be fairer, because we're asking the witness some questions about
10 organisational matters, and I think it would be fairer to ask the witness
11 whether he attended these meetings.

12 MS PACK: [11:44:13] Well, I think he --

13 PRESIDING JUDGE TARFUSSER: [11:44:15] No.

14 MS PACK: [11:44:16] Sorry.

15 PRESIDING JUDGE TARFUSSER: [11:44:17] I just think if he knows, he
16 knows. If he does not know, because he was quite (Redacted)
17 (Redacted) person, so that's fair to say.

18 MS PACK: [11:44:28] Yes. And I think --

19 PRESIDING JUDGE TARFUSSER: [11:44:28] I mean, he always can say "I
20 don't know," so please go ahead.

21 MS PACK: [11:44:33] I do plan to get to sources of knowledge in private
22 session, if that's -- if appropriate.

23 PRESIDING JUDGE TARFUSSER: [11:44:39] Yes. Do so, please.

24 MS PACK: [11:44:40] Thank you.

25 Q. [11:44:41] Now, I just want to just ask you broadly how things work,

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1 and we'll go into more detail later, but you're talking about meetings and that
2 being the basis upon which action plans are prepared. So thinking about one
3 particular type of document, an operational order, what would be the process
4 around preparing that document, to your knowledge?

5 A. [11:45:02] I'll give you a practical example, namely, the post-election
6 crisis. I attended one meeting at --

7 Q. [11:45:19] Just pause a moment. Just pause a moment, please.
8 Can we go into private session, your Honour?

9 PRESIDING JUDGE TARFUSSER: [11:45:25] Let's go into private session.
10 (Private session at 11.45 a.m.)

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6 (Recess taken at 12.03 p.m.)

7 (Upon resuming in open session at 1.33 p.m.)

8 THE COURT USHER: [13:33:01] All rise.

9 Please be seated.

10 THE COURT OFFICER: [13:33:19] (Interpretation) Mr President, we are in
11 open session.

12 PRESIDING JUDGE TARFUSSER: [13:33:22] Good afternoon.

13 Good afternoon, Mr Witness.

14 THE WITNESS: [13:33:29] (Interpretation) Good afternoon, Mr President.

15 PRESIDING JUDGE TARFUSSER: [13:33:33] I give immediately the floor
16 back to the Office of the Prosecutor. We are in open session, so you know.
17 Please go ahead. Thank you.

18 MS PACK: [13:33:47] And, your Honours, just so that you're aware in terms
19 of planning private versus public sessions, I would propose trying to block
20 together the evidence that should go into private session, and perhaps if I can
21 just try and do that in the next two sessions, it might take a couple of things
22 out of order, but just to block that evidence together, just so that your Honour
23 is aware, and perhaps even the public gallery. I would ask to go back into
24 private session now and would anticipate it would take me through the next
25 two sessions, perhaps maybe halfway through the next session back into

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1 public, but there it is.

2 PRESIDING JUDGE TARFUSSER: [13:34:20] So it was to me confusing. So

3 I didn't understand.

4 MS PACK: [13:34:23] Private session probably for most of the next two

5 sessions. Just so everyone is aware.

6 PRESIDING JUDGE TARFUSSER: [13:34:28] So we go into closed session. I

7 mean, we do the whole thing in -- we are in closed session since the beginning

8 of this witness. So if we go now to the next sessions, we had already

9 yesterday one, then this morning, another two means that half of the -- what

10 can I say? I mean, let's go in private session.

11 (Private session at 1.35 p.m.)

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