

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Tuesday, 14 June 2016
10 (The hearing starts in open session at 11.02 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 to everybody in the court.
15 Before giving the floor to the Prosecutor, I think on Rule 74, so that's an email
16 we received a short while ago, I would just – I wanted just to read out the
17 decision on the in-court protective measures. This is the oral ruling on the
18 Prosecutor's application for protective measures for Witness P-520.
19 All files, I just want to tell you, have been filed as confidential filings, of
20 course, but the ruling has been drafted in such a way that the information can
21 be given in public session.
22 On 15 April 2016, the Prosecutor filed an application for Witness P-520 to give
23 testimony by means of video technology. I'm referring to filing 486.
24 On 9 May 2016, the Prosecutor filed a request for in-court protective measures
25 for the witness; namely, face distortion and voice distortion, use of

1 pseudonym, and use of private sessions in order to protect the witness's
2 identity vis-à-vis the public, as well as special measures given the witness's
3 conditions, filing 507.

4 The Blé Goudé and Gbagbo Defence filed on 18 and 20 May 2016 their
5 responses opposing to the request, filings 555 and 557.

6 The Chamber authorised the testimony of P-520 via video link in a previous
7 oral ruling on 27 May 2016. On the same day, it directed the Registry to
8 submit its assessment and any observations in relation to the protective
9 measures sought for P-520 by 3 June 2016.

10 On 2 June 2016, via email to the Chamber, the VWU recommended the use of
11 in-court protective measures.

12 Moreover, on 6 June 2016, the VWU also submitted via email a vulnerability
13 assessment to the Chamber recommending special measures, including
14 in-court support, possible breaks during the hearing sessions, and adapted
15 sitting hours. A further assessment recommending the protective measures
16 was emailed to the Chamber on 13 June 2016.

17 Pursuant to paragraph 56 of the directive on the conduct of the proceedings,
18 the Chamber ruled that it will generally grant protective measures,
19 protective and special measures sought by any party which are supported by
20 a favourable assessment and recommendation by the VWU.

21 In its assessment, the VWU has recommended the requested protective
22 measures on the basis of the witness's own concerns and fears and his
23 specific personal circumstances as well as the general situation in Côte
24 d'Ivoire.

25 The Chamber is also aware, particularly in light of events that surrounded

1 the testimony of the previous witness, that there is an effort by persons in
2 Côte d'Ivoire and elsewhere to interfere with this trial proceedings,
3 particularly via social media outlets.

4 Given the particular and personal circumstances of P-520, the Chamber
5 hereby grants the requested protective and special measures.

6 So this was the oral ruling. I will now to give the floor to the Office of the
7 Prosecutor for the Rule 74 issue in public session I think, of course. Thank
8 you. You have the floor.

9 MR DEMIRDJIAN: Yes, your Honours. Good morning, your Honours.
10 Good morning to everyone in and around the courtroom.
11 Your Honours may have seen our witness examination sheet in respect to the
12 topics that this witness will testify about. The witness was interviewed
13 pursuant to Article 55(2) and was given his rights, so we believe that the line
14 of questioning that we will be proceeding with this morning will not
15 necessarily raise concerns of self-incrimination.

16 However, given the witness's position, we believe, and given his position
17 during the conflict, we believe that it may be, out of an abundance of caution,
18 it may be safe to give the witness the assurances against self-incrimination.

19 And, of course, during the testimony, again if the need arises, I believe
20 counsel is on standby for the witness.

21 So that is all we have, your Honours. Thank you.

22 PRESIDING JUDGE TARFUSSER: Thank you very much. There is nothing
23 to say, well, by the Defence, I hope.

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Trial Hearing
WITNESS: CIV-OTP-P-0520

(Private Session)

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21 (Open session at 11.23 a.m.)

22 THE COURT OFFICER: (Interpretation) We are in open session, your
23 Honour.

24 PRESIDING JUDGE TARFUSSER: Thank you very much.

25 Now, Mr Witness, you are obviously aware that this Chamber here at the

1 International Criminal Court has been established to try the case of the
2 Prosecutor against Mr Gbagbo and Mr Blé Goudé. You in your capacity as a
3 witness, you are called to assist the Chamber in the search of the truth. You
4 will be asked questions by the Office of the Prosecutor, by the Defence teams,
5 the Defence of Mr Gbagbo and Mr Blé Goudé, and if needed also by the
6 judges.

7 If at any point you have concerns, you are tired, you have any need, just ask
8 me and we will try to accommodate them accordingly.

9 I know that you are testifying in French. You know that this Court
10 is working languages are English and French. So all what you are saying in
11 French has to be translated in English. So please speak slowly. Please
12 before answering, let a couple of seconds go so that the interpreters and the
13 court reporters can translate and write the report in a way which is exact,
14 which exactly reports what you are saying.

15 The protective measures that you have in place there, the Chamber ordered
16 protective measures for you, are as I said before voice distortion and face and
17 image distortion. So you cannot be seen and your voice cannot be heard
18 outside this courtroom. So everything what is broadcasted is broadcasted in
19 a distorted way.

20 You have also obviously to help us in protecting your identity by obviously
21 not going -- not saying things which could lead to your identification. If you
22 think that something could do so, please advise us so that we can go in
23 private session. So you have to collaborate in this endeavour to protect your
24 identity.

25 As far as Rule 74 is concerned, and I understand that you have been duly

1 informed by your lawyer on what Rule 74 is, as I said, you have been
2 assigned a lawyer by the Court, who will give you and probably has given
3 you all necessary legal advice about possible self-incrimination.
4 OTP, but you as well, have requested to be given by the Chamber certain
5 assurances for in case of self-incrimination by the Chamber. The Chamber
6 will rule on this request shortly. In the meantime we will start your
7 testimony with the questions by the Office of the Prosecutor, who just before
8 you have been brought in assured that he is not, at least at the beginning,
9 making questions which could lead to your self-incrimination. So we will
10 start this way and then we will rule on this later.
11 Before starting, you have to as a witness in the proceedings before starting
12 your testimony, you obviously know that you have the duty to tell the truth.
13 So before I start giving -- before I give the floor to the Office of the
14 Prosecutor, who will start his questioning, you are required by law to make a
15 solemn undertaking.
16 So I would ask you to please repeat with me the following words: I
17 solemnly declare that I will speak the truth.
18 THE WITNESS: (Interpretation) I solemnly declare that I will speak the
19 truth.
20 PRESIDING JUDGE TARFUSSER: The whole truth and nothing but the
21 truth.
22 THE WITNESS: (Interpretation) The whole truth and nothing but the truth.
23 PRESIDING JUDGE TARFUSSER: Thank you.
24 Now, last thing --
25 THE WITNESS: (Interpretation) Thank you.

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1 PRESIDING JUDGE TARFUSSER: Last thing is that I have to inform you
2 that giving false testimony is an offence before the Court and can be
3 punished. You understand this?

4 THE WITNESS: (Interpretation) Yes, your Honour.

5 PRESIDING JUDGE TARFUSSER: So now I will give the floor to the
6 Prosecutor for his questioning. I really ask you to say what you know in a
7 truthful way and so we can release you as soon as possible from the seat, so
8 hopefully within the three days you are requesting.

9 The floor is to the Office of the Prosecutor.

10 MR DEMIRDJIAN: (Interpretation) Thank you, Mr President. We're
11 talking at the same time.

12

13 QUESTIONED BY MR DEMIRDJIAN: (Interpretation)

14 Q. Good morning, Witness.

15 A. Good morning, counsel.

16 Q. My name is Alexis Demirdjian, and we met very briefly yesterday
17 afternoon, and I'd like to put some questions to you for the Office of the
18 Prosecutor. You heard the instructions provided to you by the Presiding
19 Judge. I shall not repeat them.
20 We shall start with a brief session in private session and we shall broach your
21 professional background, after which we shall go back into open session for
22 the rest of your testimony. And if at any moment in time some questions
23 might be identifying, we would then very briefly go back into private session
24 just with a view to protecting your identity.
25 So at this juncture I would request that we go into closed session.

26 PRESIDING JUDGE TARFUSSER: Private?

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- 1 MR DEMIRDJIAN: Private session, yes.
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17 (Open session at 11.44 a.m.)

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

19 President.

20 PRESIDING JUDGE TARFUSSER: Prosecutor.

21 MR DEMIRDJIAN: (Interpretation) Thank you, Mr President.

22 Q. Mr Witness, could you please tell us how many special advisers
23 worked for President Gbagbo?

24 A. No, I do not know how many.

25 Q. I imagine that you do not have a specific figure in mind, but could you

1 provide us with an approximate figure?

2 A. No. I'm sorry, I can't.

3 Q. Very well. Could you please tell us in what fields these advisers
4 worked?

5 A. In various socio-professional, economic, social and cultural fields.

6 Q. And to your knowledge, could you tell us what these titles
7 represented? You know, special adviser for what?

8 A. I'm sorry?

9 Q. Could you please provide us the titles of these various special advisers,
10 which fields they worked in?

11 A. Well, there are a number of them, as I said, in a various number of
12 fields. You could have a special adviser in economic and financial matters.
13 You might have a special adviser in security and defence. You had special
14 advisers in the cultural field. You had special advisers in social matters.
15 Those are what I referred to earlier on as the various socio-professional
16 groups.

17 Q. Thank you very much for that point of clarification.

18 You told us that there were advisers in security and defence. Could you
19 please tell us who the special adviser was for defence?

20 A. Yes. It was Minister Kadet Bertin.

21 Q. And do you know how often these special advisers were consulted by
22 President Gbagbo?

23 A. Whenever necessary. Otherwise, there was not a specific rhythm to
24 my knowledge.

25 Q. Very well.

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1 MR DEMIRDJIAN: Now, for the next question I would need to go back, Mr

2 President, into private session.

3 PRESIDING JUDGE TARFUSSER: Yes, please. Can we go to private

4 session.

5 (Private session at 11.47 a.m.)

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9 (Open session at 11.52 a.m.)

10 THE COURT OFFICER: (Interpretation) We are in open session, Mr
11 President.

12 THE INTERPRETER: Correction from the interpreter: He was talking
13 about director general, not regional director.

14 PRESIDING JUDGE TARFUSSER: Mr Prosecutor.

15 MR DEMIRDJIAN: (Interpretation) Thank you, Mr President.

16 Q. Now, Mr Witness, you say that the ANSI was set up with a view to
17 replacing a defunct structure. Could you please tell us why the ANSI was
18 set up to create that former structure?

19 A. (Redacted)

20 (Redacted)

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- 9 MR DEMIRDJIAN: Your Honours, we need to go briefly in private session,
- 10 please.
- 11 (Private session at 11.56 a.m.)
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16 (Open session at 12.01 p.m.)

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

18 Honour.

19 PRESIDING JUDGE TARFUSSER: The floor is back to you.

20 MR DEMIRDJIAN: (Interpretation) Thank you, Mr President.

21 Q. Mr Witness, in practise, what were the tools used by ANSI to carry out
22 its duties?

23 A. If by "tools" or "instruments" you mean collaborators to gather
24 information, I would say there were various departments within ANSI.

25 Q. Before we go into the structure or composition of ANSI, how did it go

1 about gathering information?

2 A. ANSI received copies of reports from the other intelligence services.

3 The organisation had two information or intelligence gathering services also,
4 and it was based on those briefs that a summary was made, analysed and
5 then sent to the president.

6 Q. Now regarding this intelligence that (Redacted), what was the type
7 of information that was of interest to ANSI in its daily activities?

8 A. (Redacted)

9 (Redacted) and they also had their representatives on the ground, and
10 they worked on activities relating to attempts to destabilise the country,
11 because general intelligence was not really within the ambit of ANSI's work.
12 So I would say that they were more focused on external activities rather than
13 internal activities when it came to anything that related to attempts to
14 destabilise the country.

15 Q. You have said that the organisation was interested in information relating to
16 attempts to destabilise the country. So if (Redacted) had information
17 about a group in this case, what type of details would (Redacted) want to have from
18 this group? What would be the important information (Redacted)

19 A. I really do not understand the question, because the idea was to
20 identify the ways and means in which those attempting destabilisation were
21 operating. There would be attempts to identify them and to see whether
22 they had accomplices outside or inside. And this information would be
23 transmitted or shared with the various other services given that ANSI could
24 not itself intervene.

25 Q. Thank you, Mr Witness. And, in fact, you did understand the

1 question.

2 Now, going back to 2010, before the elections of 2010, can you tell us

3 approximately how many people worked within ANSI?

4 A. I do not know to be precise, but there would have been about 100 to
5 150 from different socio-political groups. You had policemen, soldiers,
6 gendarmes, there were also civilians.

7 Q. Very well. Can you tell us where ANSI would be located in the
8 organigram of the state?

9 A. ANSI was not a state organ. It was an intelligence service answerable
10 personally to the president of the republic.

11 Q. Very well.

12 MR DEMIRDJIAN: (Interpretation) I think that for the next series of
13 questions we need to return to private session, Mr President.

14 PRESIDING JUDGE TARFUSSER: We are out of court officer. We are
15 running out of court officers. Here he comes.

16 MR DEMIRDJIAN: I know I'm very demanding today, but it's for a good
17 cause.

18 (Private session at 12.08 p.m.)

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- 19 (Open session at 12.14 p.m.)
- 20 THE COURT OFFICER: (Interpretation) We are in open session, Mr
- 21 President.
- 22 PRESIDING JUDGE TARFUSSER: The floor is to you, Mr Prosecutor.
- 23 MR DEMIRDJIAN: Thank you, Mr President.
- 24 Q. (Interpretation) Mr Witness, can you see the document on the screen?
- 25 A. Yes.

1 Q. It is a decree dated 24 February 2011 to organise the functioning of the
2 presidency of the republic.

3 A. 2011?

4 Q. It is at the top of the page, if that can be scrolled up for the witness.

5 Now you can see decree number this, this, this of 24 February 2011.

6 Before you look at this decree I would like to ask you, when it comes to the
7 organisation and functioning of the presidency of the republic, was there a
8 decree in relation to this before February 2011, that is, before this particular
9 decree?

10 A. Yes, I believe so.

11 Q. Very well. Now, this is a 10-page document, but I would like to show
12 you just certain excerpts. You can see on the first page that the presidency is
13 organised as follows, and there are three sections mentioned: The general
14 secretariat, the civil cabinet, and the military cabinet of the president of the
15 republic. Does this faithfully reflect this real situation during that period?

16 A. Yes.

17 Q. Very well. There are two sections in this decree, and the first section
18 deals with the secretariat general of the presidency, and we are going to go to
19 page 7. That is CIV-OTP-0025-0977. Thank you.

20 And we are talking here about the civil cabinet of the president of the
21 republic. That is section 2. I would like to draw your attention to article 21.

22 Can you see the document well or do you want it to be zoomed for you?

23 A. Yes, please, if you can zoom into the article. I have some problems
24 with my eyesight.

25 Q. Is it better now?

1 A. Can we zoom in a little bit more? Yes. Yes, I think I can see it now.

2 Q. Article 21, the civil cabinet will have as its head the director of the civil
3 cabinet, and Article 22 stipulates that the director of the civil cabinet -- and
4 you can see some bullet points here. The second bullet point states that he
5 shall coordinate the activities of the special advisers and technical advisers of
6 the president of the republic.

7 Once again I would like to ask you to answer generally. So does that reflect
8 the reality at that time? Did the director of civil cabinet coordinate activities
9 of the special advisers and the technical advisers?

10 A. Yes.

11 Q. Very well. Now, let us move on to page 9. And it ends with
12 0025-0979. If it can be blown up a little bit to go to Article 34.

13 And here mention is made of the military cabinet of the president of the
14 republic. And the head of this cabinet is the chief of the military staff of the
15 president of the republic. And you just told us that it was General Touvolvy;
16 is that correct?

17 A. Yes.

18 Q. Now, we have just seen that there was a cabinet --

19 MR DEMIRDJIAN: (Interpretation) I think we need to go into private
20 session for that, your Honour. I'm sorry.

21 PRESIDING JUDGE TARFUSSER: Yes, let's go into private session.

22 (Private session at 12.20 p.m.)

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22 (Open session at 12.23 p.m.)

23 THE COURT OFFICER: (Interpretation) We are in open session, Mr

24 President.

25 PRESIDING JUDGE TARFUSSER: The floor is to you. I just remind you

1 that we have about 5 minutes to go until the break. Thank you.

2 MR DEMIRDJIAN: Thank you, Mr President.

3 Q. (Interpretation) Mr Witness, talking about the chief of the military
4 staff, and we said it was General Touvol, did he have any people working
5 under him?

6 A. Yes, he had his collaborators. He had his own cabinet.

7 Q. And within the presidency, who was responsible for the physical
8 security, the safety of President Laurent Gbagbo when he was president?

9 A. There was the Republican Guard, the GSPR, that is the presidential
10 security group which was directly responsible for the personal security of the
11 president, and this was all coordinated by the chief of military staff.

12 Q. Thank you, Mr Witness.

13 During that period, that is in 2010 at the time of the election, do you
14 remember who headed those two units, the Republican Guard and the GSPR?

15 A. The commander of the Republican Guard was General Bruno Dogbo
16 Blé, and GSPR was under the command of late Colonel Ahouma.

17 Q. Can you explain to us what was the difference between the Republican
18 Guard and the GSPR?

19 A. The Republican Guard is a military unit responsible for the security of
20 the presidency of the republic and other high-ranking officials of the state.
21 The GSPR is a composite group which includes police officers, gendarmes,
22 soldiers, and civilians responsible for the close protection of the president of
23 the republic.

24 Q. Thank you, Mr Witness. I would like to show you a document, and
25 this is CIV-OTP-0071-0150. It shall shortly be displayed on your screen, Mr

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1 Witness.

2 Thank you. If we can go to the top of the page. At the top right-hand
3 corner we have Abidjan, 13 October 2010, and it is a mission order for
4 Brigadier General Brunot Dogbo Blé that you have just talked about. And
5 this mission order is for a corporal to travel to several locations in Côte
6 d'Ivoire. We can see the names of the locations: Abidjan, Man, Guiglo, and
7 so on.

8 Can we scroll down a little, please.

9 The purpose of the mission is to provide security for Mr Konaté Navigué.

10 PRESIDING JUDGE TARFUSSER: Mr Altit.

11 MR ALTIT: (Interpretation) Thank you, Mr President. I'm sorry for interrupting.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) so maybe we should go into private session for me to elaborate.

17 PRESIDING JUDGE TARFUSSER: Can we elaborate after the break?

18 MR ALTIT: Yes, of course.

19 PRESIDING JUDGE TARFUSSER: Because if we start to elaborate now, I think we
20 will go much further.

21 So, Mr Witness, we have now half an hour break, so you can have this break.

22 We come back at 1 o'clock for us, it would be 11 o'clock for you, to continue
23 with the questioning by the Prosecutor. We will have another two sections
24 of one hour and a half today, and then we have the break until tomorrow.

25 Just for your information.

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- 1 So the hearing is adjourned to 1 o'clock.
- 2 THE COURT USHER: All rise.
- 3 (Recess taken at 12.29 p.m.)
- 4 (Upon resuming in private session at 1.02 p.m.)
- 5 (Redacted)
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- 11 (Open session at 1.37 p.m.)
- 12 THE COURT OFFICER: [13:36:56] (Interpretation) We are in open
- 13 session, your Honour.
- 14 PRESIDING JUDGE TARFUSSER: [13:37:04] Go ahead, Mr Prosecutor.
- 15 MR DEMIRDJIAN: [13:37:06] Thank you.
- 16 Q. [13:37:08] (Interpretation) Mr Witness, I would like to show you a
- 17 document, and this is CIV-OTP-0045-0144.
- 18 PRESIDING JUDGE TARFUSSER: [13:37:27] Number on the list?
- 19 MR DEMIRDJIAN: [13:37:28] Number 35.
- 20 PRESIDING JUDGE TARFUSSER: [13:37:31] 35.
- 21 MR DEMIRDJIAN: [13:37:39] And if we can enlarge it? Very well.
- 22 Q. [13:37:46] (Interpretation) Mr Witness, can you see that document?
- 23 I believe you can see that document on the screen?
- 24 A. [13:38:04] Yes.
- 25 Q. [13:38:07] Are you familiar with this type of document, that is a daily

1 summary of information from the Ministry of the Interior?

2 A. [13:38:21] Yes. They would send (Redacted) systematically.

3 Q. [13:38:28] Let me look or take an overview of the titles with you

4 before going to the contents. At the top we have closing down of the

5 headquarters of the CNCE at the Plateau.

6 And scroll down now to the very bottom of the page, and then there is

7 mention of the presence of suspect individuals in the Azaguié forest.

8 Now the next page, please. At the top of the page, the topic is "Proposal of a

9 part of the population for the impartial forces to leave."

10 Now scrolling down to the bottom, "Skirmish between the students of the

11 university campus number 3 of Port-Bouët and the gendarmerie."

12 Now the next page, middle of the page, "Social disruption in Yopougon."

13 And at the bottom, "Meeting initiated by the préfet of the San Pedro division

14 or department with the population that is favourable to RHDP."

15 And then the last page, at the middle of the page, "A plan to capture San

16 Pedro concocted by the rebellion," and then at the end, "Pillaging of the

17 residences of certain personalities."

18 And at the very bottom of the page, you see addressee DGPN: 01. Are you

19 familiar with that acronym, Mr Witness?

20 A. [13:40:57] Yes, yes. It means the directorate general of the national

21 police.

22 Q. [13:41:10] Thank you.

23 MR GBOUGNON: [13:41:12] (Interpretation) Mr President, I think that

24 the normal procedure here as per your directives would be that a document

25 that does not belong to the witness, when dealing with that, that witness has

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1 to be asked whether he or she has seen that document before.

2 And secondly, this document is not signed by anyone. We can see the
3 letterhead, but we don't know what it is. I think the witness should have
4 been asked whether he has seen the document before, whether he's familiar
5 with that document, because at the end the witness is certainly going to be
6 asked to give an opinion on the document.

7 PRESIDING JUDGE TARFUSSER: [13:42:11] I don't know what he's going
8 to be asked, but it was asked if he is familiar with this document and the
9 witness said yes. So that's what I heard.

10 MR GBOUGNON: [13:42:24] (Interpretation) He was asked whether he
11 knew what was DGPN on the last page of the document. The Prosecutor
12 asked him whether he was familiar with the DGPN, and he said yes. It is an
13 acronym for the directorate general of the national police.

14 PRESIDING JUDGE TARFUSSER: [13:42:58] Yes. But excuse me, I'm
15 reading in English, and:

16 "Are you familiar with this type of document that is a daily summary of
17 information from the Ministry of the Interior?

18 "Yes. They would send it to (Redacted) systematically."

19 So please go ahead.

20 MR DEMIRDJIAN: [13:43:15] Thank you, Mr President.

21 Q. [13:43:17] (Interpretation) Mr Witness, you told us that (Redacted) would
22 sometimes receive this type of document. Can you explain to the Chamber
23 under which circumstances would the police or the DGPN deem it important
24 for (Redacted) to receive such a document?

25 A. [13:43:52] The fact is that they would send this type of document to

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1 the ANSI because the ANSI was responsible for the coordination of a unit in
2 which most or all intelligence services are represented, and they carry out an
3 analysis of the intelligence gathered during the week by the various
4 intelligence services.

5 So this document is referred to as the daily information report, which is a
6 compilation of all the intelligence briefs submitted to the ministry of security
7 by the police departments. They prepare a summary, and anyone can
8 identify what is of interest to them.

9 So with regard to ANSI, they would send it to (Redacted) that we should be able to
10 identify what is of interest to (Redacted) to the unit concerned. They would
11 make a summary of all these types of reports and then send it to the president
12 of the republic.

13 I hope I wasn't too long.

14 Q. [13:45:44] No, Mr Witness. You did not speak for too long.

15 For example, on the last page, the note talks about a plan to capture San
16 Pedro, which was concocted by the rebellion. Would the ANSI find this type
17 of information important?

18 A. [13:46:08] Yes.

19 Q. [13:46:11] Now let us move back to the previous page, that is page 3,
20 middle of the page. There is talk of a demonstration in Yopougon on Friday
21 4 March 2011. The Young Patriots attacked the shops of some Senegalese
22 nationals, and this is because they were reproaching the Senegalese soldiers
23 of the ONUCI of having supported the rebels.

24 Would such information be considered important for the ANSI?

25 A. [13:47:05] No.

1 Q. [13:47:06] So how would (Redacted) distinguish between these two
2 types of information?

3 A. [13:47:15] There is information that could be of interest to the ANSI,
4 that is, when it concerns a breach of the internal or external security of the
5 state. But when it comes to street demonstrations or other sorts of protest
6 movements, (Redacted) could receive copies for information. But this is not
7 something that falls under (Redacted) authority. These are things that are dealt with
8 by the internal security service or the gendarmerie and so on.

9 Q. [13:48:04] If I have understood you correctly, you say that
10 demonstrations were not of interest to ANSI; is that correct?

11 A. [13:48:21] Yes. It is possible (Redacted)
12 (Redacted) -- well, but ANSI would have no role to play. ANSI could look or
13 examine that information but would not intervene.

14 Q. [13:48:44] Very well. I understand that ANSI would not interfere
15 with demonstrations. But if (Redacted) received information relating to
16 demonstrations, would that have an impact on (Redacted) terms of reference within
17 ANSI?

18 A. [13:49:07] If (Redacted) receive information?

19 Q. [13:49:08] Yes, if (Redacted) receive information. (Redacted) talked about
20 demonstrations, would such information be part of (Redacted) terms of reference?

21 A. [13:49:35] Which type of demonstrations?

22 Q. [13:49:37] Well, let us go directly to the relevant period, that is the
23 post-election crisis period. You are aware that there were demonstrations; is
24 that correct?

25 A. [13:49:49] Yes.

1 Q. [13:49:50] Which type of demonstrations took place during the
2 post-election period, that is based on the intelligence that (Redacted) received?

3 A. [13:50:07] Street demonstrations? Well, this type of information was
4 simply sent (Redacted) to be aware. (Redacted) were not requested to play any role
5 or to participate.

6 I don't know whether I've answered your question.

7 Q. [13:50:38] Very well. A short while ago you said that in (Redacted)
8 information gathering activities, national security and destabilisation were
9 part of (Redacted) responsibilities. Now, this document talks about a protest
10 movement organised by the Young Patriots. What type of information did
11 the ANSI have in its possession relating to the Young Patriots?

12 A. [13:51:22] Everyone knows about the Young Patriots. These were
13 young people who were resisting in their own way. They were saying no to
14 certain decisions. They would demonstrate in the streets just like others
15 demonstrations across the world. They would have an objective, and they
16 would demonstrate any time they thought a decision had to be protested
17 against or approved.

18 Q. [13:52:21] You have mentioned issues or decisions that prompted the
19 Young Patriots to demonstrate. According to (Redacted) information, what were
20 their missions in relation to those decisions?

21 A. [13:52:39] I do not know. I really do not know.

22 Q. [13:52:45] Of what interest to the ANSI were the activities of the
23 Young Patriots?

24 A. [13:52:59] Okay.

25 Q. [13:53:04] Did the ANSI prepare intelligence briefs or analysis on the

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1 activities of the Young Patriots?

2 A. [13:53:11] I do not remember. It is possible.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 THE WITNESS: [13:53:49] (Interpretation) Thank you, Mr President.

9 MR DEMIRDJIAN: [13:53:55] (Interpretation)

10 Q. [13:53:57] Very well. You said that you no longer remember whether

11 ANSI prepared any intelligence briefs on the issue of the Young Patriots. In

12 relation to (Redacted) mandate, which focuses on state security and

13 destabilisation, the Young Patriots were of no interest; is that correct?

14 A. [13:54:26] Well, it depends of what you understand by "interest."

15 Q. [13:54:32] Were the Young Patriots of interest at any particular point

16 in time for the ANSI?

17 A. [13:54:41] No.

18 Q. [13:54:46] Very well. Mr Witness, I would like to move on to the

19 election period itself, that is from October 2010.

20 And I would like us to go into private session, please.

21 PRESIDING JUDGE TARFUSSER: [13:55:06] Let's go into private session

22 please. Thank you.

23 (Private session at 1.55 p.m.)

24 (Redacted)

25 (Redacted)

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12 (Open session at 2.13 p.m.)

13 THE COURT OFFICER: [14:13:23] (Interpretation) We are in open
14 session, Mr President.

15 PRESIDING JUDGE TARFUSSER: [14:13:33] Thank you. Thank you very
16 much.

17 The floor is yours.

18 MR DEMIRDJIAN: [14:13:37] Thank you, Mr President.

19 Q. [14:13:39] (Interpretation) Mr Witness, I have a last question with
20 regard to the observations on this document. We're talking here about
21 reconstitution of self-defence groups. What happened to those groups for
22 the term "reconstitution" to be used? Can you explain this to us?

23 A. [14:14:07] If my memory serves me correctly, I believe that the
24 president of the republic, after I believe an agreement on the part of Lomé
25 decided that the self-defence groups be dissolved and disarmed. I believe

1 that ceremonies were officially organised in Guiglo, in Bouaké, where
2 weapons in return for some form of retribution were gathered and burned at
3 the behest of the president. He did not want for there to be any further
4 self-defence or any armed groups because we were moving towards peace,
5 and he really wanted for there to be peace, and he wanted for elections to be
6 held.

7 And I remember that he invested himself, and he even went to Guiglo in
8 order to preside over these first disarmament ceremonies. And he even went
9 to Bouaké with the prime minister at the time, Mr Guillaume Soro, to go
10 about the disarmament and incineration of the weapons that had been
11 gathered.

12 And I believe that it was under such a context that the information came in
13 talking about the reconstitution of little self-defence groups here and there,
14 which turned out to be thugs, bandits. And I think that it was a question of
15 not letting them prosper in any way. I think that's the comment that I can
16 make here. The reconstitution came about because he had already talked
17 about dissolving and disarming these self-defence groups on the way to
18 peace and elections.

19 Q. [14:16:34] Very well. Thank you, Mr Witness.

20 You're talking to us about these self-defence groups that were dissolved and
21 disarmed. Now, for our better understanding, could you possibly tell us
22 what these groups or which these groups were? Maybe gave us their
23 names?

24 A. [14:16:55] I apologise, there were two or three at least in the west.
25 But these are names that I can no longer recall. There we are. I do

1 apologise. There must have been three or four of them that comprised many
2 young people who defended the west of the country, because the army was
3 not in a position to protect the population, and they succumbed in the face of
4 the rebellion from the north.

5 And when the peace accord was signed, the Ouaga accord, the president was
6 of the opinion that those groups be dissolved and that they be disarmed, even
7 if each weapon had to be paid for. There we are more or less. But the
8 names aren't coming back to me. If they do come back to me, I'll tell you.

9 Q. [14:18:02] Very well. You talked to us about the groups to the west
10 of the country, and you said that the Ouaga accords -- what accords are you
11 talking about here?

12 A. [14:18:18] The Ouaga accords that talk of reconciliation, disarmament,
13 election, et cetera. There were a number of accords that he worked under in
14 order to bring back peace.

15 Q. [14:18:42] When you say "Ouaga," do you mean Ouagadougou?

16 A. [14:18:45] Yes, Ouagadougou, Ouagadougou. All Ivorian parties to
17 the conflict met there and there was an accord reached that laid the
18 foundations for the disarmament, the elections, and the conditions under
19 which the elections would be organised. I do not have the details, but that's
20 what the accord was referred to as that was its name.

21 Q. [14:19:19] Very well. You say that the president even travelled.
22 And as such, who piloted this organisation after the Ouagadougou accord,
23 this disarmament?

24 A. [14:19:37] There was a structure, I believe. I do not remember the
25 name of it. I do apologise. I do apologise. There was a structure.

1 Q. [14:20:01] And do you know within said structure, which individuals
2 were part of that structure?

3 A. [14:20:14] Organs, yes, there was everybody within that structure.
4 There was the FDS, there was the MPCl. And after the accords everything
5 was done in common. I don't remember who headed up that structure, but it
6 did exist and it had been set up. It existed. It was to conduct the
7 disarmament and the reinsertion of individuals. And it was not dissolved
8 that long ago by the new authorities in place.

9 Q. [14:20:52] And to your knowledge, what did the government, the
10 Ivorian government do in order to encourage the disarmament of these
11 groups?

12 A. [14:21:01] Which government are you referring to?

13 Q. [14:21:09] The Ivorian government.

14 A. [14:21:12] That of President Gbagbo or President Alassane?

15 Q. [14:21:19] I do apologise. I'm talking about the time of the
16 Ouagadougou accords, the time of the disarmament. What did the Ivorian
17 government do at the time to encourage the disarmament of these groups?

18 A. [14:21:33] As far as I can recall, many a thing was promised, whether
19 it be reinsertion, whether it be the payment of weapons handed in, and all of
20 this was encouraged by the president. That's what I was saying, that he even
21 travelled to the west of the country in order to preside over the first ceremony
22 of disarmament and incineration of weapons. And every leader of each
23 group had been called and had been paid. And each head of a self-defence
24 group was requested to provide a list of their men, and this was done.

25 Q. [14:22:23] Mr Witness, on this question I'd like to put another

1 document to you before we take the break. It's CIV-OTP-0025-0792.

2 MR ALTIT: [14:22:44] (Interpretation) The number please?

3 MR DEMIRDJIAN: [14:22:46] (Interpretation) It's number 25. I'll soon be
4 getting hold of that reflex. I thank you.

5 Q. [14:23:15] So the document starts under the title "Analysis, complaint
6 against the chief of the MILOCI." The title says that it comes from the
7 presidency, and it is transmitted by Lieutenant Colonel Ahouma Brouha
8 Nathanaël. And if we go down somewhat, it was sent to the chef de cabinet
9 of the president of the republic.

10 And the cover letter says that, "I have the honour to transmit to you in a
11 report form the complaint lodged by the Ivorian movement for the liberation
12 of the west of Côte d'Ivoire."

13 Now, are you familiar with this group, the Ivorian Movement for the
14 Liberation of the West of Côte d'Ivoire, the MILOCI?

15 A. [14:24:16] Yes. I said at an earlier stage that the names of the
16 self-defence groups were not coming back to me, notably, the ones that had
17 been dissolved, and the MILOCI was one of those groups from the west.

18 Q. [14:24:30] Very well. If we can move on to the next page. Now, we
19 can see here the letter. At first we were looking at the cover page. Now,
20 subject: "Complaint against Mr Abdoulaye Diomandé Gouesse, otherwise
21 known as Pasteur Gammi."

22 First question, are you familiar with this name?

23 A. [14:25:04] Yes, Pasteur Gammi is one of the members of the group
24 from the west, yes.

25 Q. [14:25:14] Very well.

Trial Hearing
WITNESS: CIV-OTP-P-0520

(Private Session)

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1 MR DEMIRDJIAN: [14:25:18] (Interpretation) Now could we please go
2 into private session, Mr President.

3 PRESIDING JUDGE TARFUSSER: [14:25:23] Let's go into private session,
4 but just for a couple of minutes. Then I have a ruling on the Rule 74, and
5 then we break for lunch.

6 MR DEMIRDJIAN: [14:25:33] Yes.

7 (Private session at 2.25 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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Trial Hearing
WITNESS: CIV-OTP-P-0520

(Private Session)

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- 23 (Open session at 2.29 p.m.)
- 24 THE COURT OFFICER: [14:28:54] (Interpretation) we are in public session,
- 25 Mr President.

Trial Hearing
WITNESS: CIV-OTP-P-0520

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [14:29:16] Thank you.

2 Mr Witness, this morning before we started you requested to be given

3 assurances pursuant to Rule 74. You seem to be very familiar with Rule 74.

4 Also, the Prosecutor made this request. Now the Chamber gives you the

5 assurance pursuant to this Rule 74(3) that your testimony will not be used

6 either directly nor indirectly against you in any subsequent proceedings by

7 this Court, except obviously under Article 70, 71, which are the offences

8 against the Court if you don't say the truth.

9 Accordingly, if any question is asked that could lead to your

10 self-incrimination, we will hear your answer in private session and keep this

11 answer absolutely confidential.

12 The questioning party is responsible for requesting private sessions prior to

13 asking questions that may lead the witness to incriminate himself.

14 And obviously duty counsel should be alert to intervene if he deems it

15 appropriate.

16 So now you are assured and we take now the break.

17 THE WITNESS: [14:30:45] (Interpretation) Thank you, Mr President.

18 PRESIDING JUDGE TARFUSSER: [14:30:47] We take now the break, one

19 hour break. And then we have another one hour of questioning, and then

20 not one hour and a half as I by mistake said before. So now you can have an

21 hour of rest. Thank you very much, and see you in an hour.

22 THE COURT USHER: [14:31:03] All rise.

23 THE WITNESS: [14:31:16] (Interpretation) Thank you, Mr President.

24 (Recess taken at 2.31 p.m.)

25 (Upon resuming in open session at 3.33 p.m.)

Trial Hearing
WITNESS: CIV-OTP-P-0520

(Open Session)

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- 1 THE COURT USHER: [15:33:16] All rise.
- 2 Please be seated.
- 3 PRESIDING JUDGE TARFUSSER: [15:33:38] Good afternoon.
- 4 Good afternoon, Mr Witness.
- 5 THE WITNESS: [15:33:45] (Interpretation) Good afternoon, Mr President.
- 6 PRESIDING JUDGE TARFUSSER: [15:33:50] Before giving the floor again
- 7 to the Office of the Prosecutor for the continuing of his questioning, I would
- 8 like to see, we all would like to see Maître Seydou Doumbia, who should be
- 9 your counsel, your legal adviser. So just to have it on the record. I hope
- 10 you didn't fall. What's happening there?
- 11 MR DOUMBIA: Can you see me?
- 12 PRESIDING JUDGE TARFUSSER: [15:34:58] No, I can't see you. Maître
- 13 Doumbia? Okay. Just hello.
- 14 MR DOUMBIA: [3:35:00] (Interpretation) Good afternoon, Mr President.
- 15 PRESIDING JUDGE TARFUSSER: [15:35:07] Hello. Good afternoon to
- 16 you. You have been there during the whole testimony since this morning, I
- 17 think, and you have heard the ruling of the Chamber on Rule 74, on the
- 18 assurance, and your client is absolutely aware of his rights and his duties; is
- 19 this so?
- 20 MR DOUMBIA: [3.35.39] (Interpretation) I so do confirm, Mr President.
- 21 PRESIDING JUDGE TARFUSSER: [15:35:53] Thank you very much.
- 22 So now we continue with the questioning by the Office of the Prosecutor.
- 23 Thank you very much, Mr Doumbia.
- 24 MR DOUMBIA: (Interpretation) Thank you very much.
- 25 PRESIDING JUDGE TARFUSSER: [15:35:58] I give the floor again to the

1 Office of the Prosecutor for his questioning.

2 MR DEMIRDJIAN: [15:36:06] Thank you, Mr President.

3 Q. [15:36:16] (Interpretation) Good afternoon, Mr Witness.

4 A. [15:36:19] Thank you, Mr Prosecutor.

5 Q. [15:36:20] You remember that before the break we saw the document
6 relating to the MILOCI group. You had said that you did not remember
7 certain names. During the break did you remember the names of some of
8 those groups in the west of the country?

9 A. [15:36:47] I admit that I did not think about it. But if you have some
10 names, I can confirm.

11 Q. [15:36:55] The FLGO, does that mean anything to you?

12 A. [15:37:00] Yes.

13 Q. [15:37:03] Do you know who was the leader of that group?

14 A. [15:37:09] I don't remember, but FLGO is the Liberation Front of the
15 Greater West area. Well, he was a chef de canton, but I no longer remember
16 the name.

17 Q. [15:37:28] Very well. If I understood you well before the break,
18 during that period it was important for President Gbagbo to travel to the
19 west, as you explained, in relation to the disarmament process; is that correct?

20 A. [15:37:48] Yes.

21 Q. [15:37:48] I am being asked to slow down, so I will be as slow as
22 possible for the interpreters.

23 PRESIDING JUDGE TARFUSSER: [15:38:03] May I? If you after the
24 question you switched off the microphone and then switch it on, that could be
25 a help.

1 MR DEMIRDJIAN: [15:38:12] Thank you very much, your Honour.

2 Q. [15:38:19] (Interpretation) Very well. Please bear in mind what we
3 said regarding disarmament in the west.

4 You also remember the document of the ANSI about its concerns regarding
5 the reconstitution of those groups. My question is: What was, for the
6 president of the republic, what was his interest in the reconstitution of those
7 groups?

8 A. [15:38:55] No, he really had no interest in those. On the contrary, he
9 had decided on the dissolution of these groups, that those groups should be
10 dissolved, and they were described as thugs, uncontrollable groups. So the
11 president really did not have any interest in that, I do not think so.

12 Q. [15:39:28] I'm the one who expressed myself poorly. My question
13 was really this: The reconstitution of these groups, the information itself,
14 was it of any interest to the president of the republic as indicated in (Redacted)
15 information note?

16 A. [15:39:53] Yes. He needed to be informed about that because he
17 absolutely wanted those groups to be dissolved. So he needed to know
18 about that so that he should issue the necessary orders for this to happen.

19 Q. [15:40:10] Very well.

20 MR DEMIRDJIAN: [15:40:15] (Interpretation) For the next three questions
21 I would like to go into private session, please.

22 PRESIDING JUDGE TARFUSSER: [15:40:19] Let's go in private session,
23 please.

24 (Private session at 3.40 p.m.)

25 (Redacted)

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WITNESS: CIV-OTP-P-0520

(Private Session)

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25 (Open session at 3.43 p.m.)

Trial Hearing
WITNESS: CIV-OTP-P-0520

(Open Session)

ICC-02/11-01/15

1 THE COURT OFFICER: [15:43:18] (Interpretation) We are in open
2 session.

3 PRESIDING JUDGE TARFUSSER: [15:43:28] Thank you.
4 The floor is to you.

5 MR DEMIRDJIAN: [15:43:32] (Interpretation) Thank you, Mr President.
6 Could we call up the document CIV-OTP-0045-0124.

7 Q. [15:44:07] Mr Witness, there is another document displayed on the
8 screen. The letterhead is the same, that is ANSI, the title is "Soit transmis."
9 (Redacted)

10 A. [15:44:29] Yes.

11 Q. [15:44:30] You can see on the right Abidjan 03 March 2011, and the
12 document is sent to the Inspector General Bredou M'Bia.

13 A. [15:44:47] Yes.

14 Q. [15:44:48] (Redacted)

15 (Redacted)

16 A. [15:44:57] Yes.

17 Q. [15:44:59] Can we turn to the next page, please. Thank you.

18 You can look at the subject: "Situation report by sector in the Abidjan district
19 from 1 to 2 March." So this page is divided into sectors. And let us scroll
20 down to the bottom of the page. And we look at the last sector, the last
21 section, and it is "Plateau." Mention is made of the young people of the
22 Sorbonne solidarity who attacked the ONUCI soldiers in front of the Tiama
23 hotel Tuesday, 1 March.

24 Now, first of all, can you tell us who are the young people of the Sorbonne
25 solidarité?

1 A. [15:46:17] The Sorbonne is a public location where young people
2 referred to themselves as this group. And they would come and give their
3 ideas, appeal for resistance or make observations on the events happening in
4 the town. So this is how they referred to themselves. And there were many
5 such groups.

6 Q. [3:47:05] When I pause, please know that it is for the interpretation. I
7 observe a 5-second pause.

8 A. [15:47:18] Yes, very well.

9 Q. [15:47:19] In the next paragraph, it is stated that a young man was
10 injured on the head with the butt of a gun of an ONUCI soldier, and that the
11 weapon of a UN soldier was grabbed by a young man who fled with the
12 weapon.

13 Now, if we scroll to the top, to the next page, the first sentence states as
14 follows: "The police officers of the first arrondissement police station did not
15 intervene, and that was appreciated by the young people of the Sorbonne."
16 So how do you explain this non-intervention of the police centre of the first
17 arrondissement?

18 PRESIDING JUDGE TARFUSSER: [15:48:27] Mr Witness, wait a minute
19 before replying. Just wait, because there is an intervention by the Defence of
20 Mr Blé Goudé.
21 Please.

22 MR GBOUGNON: [15:48:43] (Interpretation) Mr President, there are two
23 things that concern me in this question. Maybe it is a semantic problem, but
24 when the Prosecutor asks the witness whether he is familiar with this
25 document, I do not know how it was translated into English, but it should be

1 as whether the witness has seen this document before, because it is -- it

2 has -- does not have the same meaning as being "familiar with."

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MR GBOUGNON: [15:50:03] (Interpretation) Can I proceed?

7 PRESIDING JUDGE TARFUSSER: [15:50:09] Wait. Wait a minute.

8 Wait a minute. We want to cut off the sound from...

9 Maître Gbougnon.

10 MR GBOUGNON: [15:50:31] (Interpretation) If I understood the

11 question well, the witness is being asked why the police station of the first

12 arrondissement did not intervene. So the witness is being asked to interpret

13 or to comment on the decision of the police commissioner or superintendent

14 of the first arrondissement police station. I do not think that he is in a

15 position to do that. So if there is a specific fact, then that is understandable.

16 But if he's being asked to interpret the action or inaction of the police

17 commissioner, I don't think he's in a position to do so.

18 PRESIDING JUDGE TARFUSSER: [15:51:27] But if he's not in a position to

19 do so, he will say, "I'm not in a position to do so" as he said also in other

20 moments. So I think we should just go ahead, and I think the witness is

21 well in place to say what he knows or what he does not know.

22 Please go ahead.

23 MR DEMIRDJIAN: [15:51:47] Thank you. If we can go back. And in the

24 future, perhaps we should make sure that objections are always done in the

25 absence of the witness's -- well, without him hearing it really.

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(Open Session)

ICC-02/11-01/15

1 Q. [15:52:29] (Interpretation) Can you hear us, Mr Witness?

2 A. [15:52:35] Yes.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

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11 PRESIDING JUDGE TARFUSSER: [15:56:17] We are in public, I think. But

12 now we redact. Don't worry, we redact.

13 I say this to the witness, we will redact everything.

14 THE WITNESS: [15:56:51] (Interpretation) Thank you, Mr President. It

15 would be better.

16 MR DEMIRDJIAN: [15:56:57] (Interpretation)

17 Q. [15:57:00] Now, at the top of page 3, the observation there, do you

18 know why in that document it is stated that that inaction or non-intervention

19 was appreciated by the young people of the Sorbonne?

20 PRESIDING JUDGE TARFUSSER: [15:57:19] I would like to go in private

21 session, because otherwise how can we pose this question to somebody from

22 the street? I mean, I think we have to go in private session for all these

23 questions related to the document which comes from high. Thank you.

24 (Private session at 3.58 p.m.)

25 (Redacted).

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- 16 (The hearing ends in private session at 4.33 p.m.)