

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 Monday, 11 July 2016
10 (The hearing starts in open session at 10.32 a.m.)
11 THE COURT USHER: [10:32:18] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [10:33:02] Good morning. Good
15 morning to everybody here inside and in the public gallery.
16 I think we have this half an hour to spend in questions by the OTP.
17 Good morning to you, Mr Witness. Can you hear me?
18 WITNESS: CIV-OTP-P-0321 (On former oath)
19 (The witness speaks French)
20 THE WITNESS: [10:33:29] (Interpretation) Good morning, Mr President.
21 Yes, I can hear you. Thank you.
22 PRESIDING JUDGE TARFUSSER: [10:33:34] Yes. Today we have another
23 bit of questioning by the Office of the Prosecutor and then we start with the
24 questioning by the Defence of Mr Gbagbo, okay?
25 THE WITNESS: [10:33:51] (Interpretation) Very well, Mr President.

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1 PRESIDING JUDGE TARFUSSER: [10:33:53] So I give the floor immediately

2 to the Office of the Prosecutor for the questioning. Yours the floor.

3 MS PACK: [10:33:58] Thank you, your Honour. Good morning.

4 QUESTIONED BY MS PACK: (Continued)

5 Q. [10:34:03] Good morning, Mr Witness.

6 A. [10:34:12] Good morning, Ms Pack.

7 Q. [10:34:14] Now, we left off on Friday and I was going to play you a

8 video which I'll play you now.

9 And if we can have control of the technology going to the Office of the

10 Prosecutor, please, to my colleague Ms Chubin.

11 I'll play you a video that relates to the incident on 3 March 2011, and I would

12 ask you just to watch it and I'm going to ask you to identify the vehicles that

13 you see after.

14 A. [10:34:46] Very well.

15 MS PACK: [10:34:49] It's CIV-OTP-0082-0357. And, for the record, we want

16 to start at 3 minutes and 36 seconds and we'll conclude at 4 minutes and 32

17 seconds. And I should just note for the record also that this is a better

18 quality version of CIV-OTP-0003-0716.

19 (Viewing of the video excerpt)

20 MS PACK: [10:36:30]

21 Q. [10:36:42] Now, I think you've seen a less high quality version of that

22 video before; is that right?

23 A. [10:36:57] Well, I believe that the quality of the video that I had seen

24 with the investigators was a lot better than this one. It's a shaky image, and

25 the image isn't very clear in terms of the movement of the vehicles.

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1 Q. [10:37:15] What I'll do is I'll pull up some stills and then you can just
2 see the vehicles just still, in photos. So let's just start with the first one. It's
3 CIV-OTP-0079-5973.

4 And can we have the control back to the Registry, please, for these images.
5 Thank you very much.

6 You needn't worry about the order in that case. I'll just ask you just to
7 identify, these are stills from the moving image that you just saw.

8 A. [10:38:02] Very well, ma'am. Well, here I can see that it is a BTR-80
9 belonging to the Republican Guard.

10 Q. [10:38:34] Yes. And you were shown this earlier in your testimony.
11 So we can just move on to the next image, please, which is
12 CIV-OTP-0079-6054.

13 A. [10:38:59] The image has not yet changed. This is the same BTR-80
14 from the Republican Guard.

15 Q. [10:39:07] It will just take a couple of moments to come up. I think it's
16 appearing now.

17 A. [10:39:13] This is a four-by-four vehicle. By virtue of the colour, I can
18 say that it belongs either to the surface artillery battalion, or to the BASA, or
19 to the Republican Guard, or to the armoured battalion. Those are the three
20 units who often have such vehicles mounted with a 14.5 millimetre.

21 Q. [10:40:02] You referenced a 14.5 millimetre. Is that the weapon you're
22 saying is mounted there on the vehicle?

23 A. [10:40:09] Yes, I'm distinctly under the impression that it is a
24 14.5 millimetre.

25 Q. [10:40:25] Thank you. We'll go to the next image which is

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1 CIV-OTP-0079-6177. We can deal with that briefly.

2 A. [10:40:59] Well, I believe that the same four-by-four vehicle that I
3 described earlier is there, and then just behind it I can see a white vehicle
4 resembling an ambulance by virtue of the siren and the rotating light on top
5 of it.

6 Q. [10:41:24] And then the next image at CIV-OTP-0079-6157.

7 A. [10:42:05] Here is a troops transport vehicle, blue in colour, but I
8 cannot say which unit it might belong to, this troops transportation vehicle.
9 But by virtue of its colour, it would seem that it is a gendarmerie vehicle.

10 Q. [10:42:28] And the next one, 0079-6349, can you identify that vehicle?

11 A. [10:43:15] Yes, yes. It is an RG-12 armoured vehicle belonging to the
12 national police. It is the riot brigade. It belongs to the riot brigade.

13 Q. [10:43:37] Now, when you were listening to the video just now, did
14 you hear gunshots?

15 A. [10:43:41] Yes, I did hear gunfire.

16 Q. [10:43:51] And can you tell from listening to the shots, and please say if
17 you can't, but can you tell from listening from which weapon those shots
18 came, which type of weapon?

19 A. [10:44:00] Well, if we could play it again because I was concentrating
20 on the images more and I didn't really listen.

21 Q. [10:44:25] We'll play it again then.

22 Can we have control going back to the OTP, please. And we'll just play
23 again the -- the same, excuse me, the same video which is CIV-OTP-0082 ...
24 (Viewing of the video excerpt)

25 MS PACK: [10:45:15] Apologies, just a little technical issue, but it will be

1 resolved. Now, I was just going to say the number was 0082-0357.

2 MR KNOOPS: [10:45:55] Mr President, good morning.

3 PRESIDING JUDGE TARFUSSER: [10:45:57] Yes, please, Mr Knoops.

4 MR KNOOPS: [10:46:00] Observation, the witness here is not examined as
5 an expert on ballistical issues. So the question of the Prosecution, although
6 understandable, I think is crossing the border of going to a witness of fact to
7 an expert, and I think on this reason the questions should not be put to the
8 witness because it also triggers the witness to speculate on what he might
9 have heard.

10 PRESIDING JUDGE TARFUSSER: [10:46:32] I'm not of this opinion. I think
11 it's a fact to which he can in any case say what he -- what he thinks, what he
12 knows and what he hears and give his factual answer.

13 So please go ahead.

14 (Viewing of the video excerpt)

15 MS PACK: [10:47:39] So it was played to 4.32.07.

16 Q. [10:47:56] Now, just having heard that again, are you able to decipher
17 shooting?

18 A. [10:48:03] Mr President, I believe that when I listen I would not like to
19 get things wrong. I believe that I'm not in a position to specifically identify
20 on the basis of sound the type of weapon that was firing because the noise
21 that I heard might be the noise of an AK-52 or 14.5 millimetres, but it might
22 have been -- obtained such a noise by three Kalashnikovs being fired at the
23 same time. So I don't want to commit myself on this ground on the basis of
24 sound.

25 PRESIDING JUDGE TARFUSSER: [10:48:55] Mr Witness, I think this is

1 legitimate and understandable, so do not apologise. And we continue with
2 the questioning by the Office of the Prosecutor.

3 MS PACK: [10:49:07] Thank you.

4 Q. [10:49:08] To whom would you expect an incident involving civilian
5 demonstrators like this to be reported?

6 A. [10:49:16] Madam, looking at the image that you presented, I know
7 that the Ivorian army was professional enough at the time of the events,
8 which would lead me to believe that were I to interpret the image before me, I
9 would say that there must have been -- they must have been in a situation of
10 legitimate defence, or maybe amongst those people marching there were
11 people with heavy weaponry for the army to be in a position to then fire on
12 the crowd. Otherwise it might be a method --

13 Q. [10:50:13] Pause a moment. Well, continue, continue what you were
14 saying and then pause. I want to ask you a question.

15 A. [10:50:19] Very well. Also it might have been, in another case, a case
16 of firing into the air in order to disengage. So when I see or watch this video,
17 I can see that these situations must have unfolded, these two situations.
18 I wanted to describe those two situations because the first situation, if there
19 was gunshot, gunshot on a military cortège, protocol says or stipulates that
20 when you move around and when you come under enemy fire, you then
21 respond and then you report back to your immediate hierarchy, that is the
22 commander of the operational area.

23 Now, the second scenario, if there was no shots fired and were you to have
24 to fire into the air, then you also report back to the commander of the
25 operational zone to -- who gives you authorisation to open fire.

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1 In both cases, reports -- they report back to the commander, who then reports
2 back to the CPO.

3 Q. [10:51:58] Yes, Mr Witness, I didn't ask you to speculate what
4 happened but simply the reporting lines. Now, you've told us the reporting
5 line is to the commander, who then reports to the CPO. That's the -- that's
6 Sakho, is that right, you mentioned earlier?

7 A. [10:52:19] Yes.

8 Q. [10:52:21] Then he reports to who?

9 A. [10:52:26] Yes, yes.

10 MR KNOOPS: [10:52:30] Mr President, I'm sorry to interrupt, but the
11 questioning of the Prosecution suggests that the firing was conducted within
12 the context of an official force within a reporting line, which is not
13 established. So I think the question to the witness whether this should have
14 been reported and to whom suggests an official reporting line. There is a
15 possibility that the shooting was conducted by in-official forces without
16 reporting line. So the question is somewhat misleading.

17 MS PACK: [10:53:07] I don't think it's at all misleading, actually.

18 PRESIDING JUDGE TARFUSSER: [10:53:10] No, I don't think it's misleading
19 also because the question was to whom such incident would have been
20 reported. So that's a legitimate question and we are expecting the answer.

21 MS PACK: [10:53:31]

22 Q. [10:53:31] I'll repeat the question then. So who did -- who would
23 Sakho report to?

24 A. [10:53:36] In the hierarchy, the -- Sakho reports to General Mangou
25 Philippe, the chief of general staff of the army.

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1 Q. [10:53:55] And General Mangou would report to whom?

2 A. [10:53:58] As I said to you, he might either report to the minister of
3 defence, who -- well, the rest of the circuit, that's down to the political actors.

4 Q. [10:54:16] Now, you suggested two, two scenarios that might explain
5 this shooting. What if there was no shot on the convoy? Is it normal to
6 shoot at demonstrators?

7 MR O'SHEA: [10:54:39] That's a question of opinion.

8 PRESIDING JUDGE TARFUSSER: [10:54:41] This is a question of opinion. I
9 would say the same.

10 MS PACK: [10:54:43]

11 Q. [10:54:44] Now, let me just round off on this. At this time, and you've
12 mentioned some units who were asked to provide equipment to the Abobo
13 operational zone, at this time, 3 March, what equipment was based at Camp
14 Commando to your knowledge?

15 A. [10:55:07] At the Camp Commando of the Abobo squadron, there were
16 armoured vehicles, the BTR-80s with a 14.5 millimetre gun, and -

17 THE INTERPRETER: Inaudible.

18 THE WITNESS: - and there was also an RG-12, as indicated earlier. Also
19 there was an NML -- an AML of 90 millimetres. And there was also a shell
20 team or mortar team. It might have been 90 or 120 millimetres, I'm not sure.
21 And then, of course, there were troops armed with Kalashnikovs and with
22 PKMs.

23 Q. [10:56:19] And just briefly with the 90-millimetre AML, what's that?

24 A. [10:56:26] It is an armoured vehicle which is mounted with a gun of
25 90 millimetres. It was an armoured vehicle belonging to the Akouédo

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1 armoured battalion.

2 Q. [10:56:48] Now, I'm moving topic and we'll have to be -- I'll have to be
3 quick. Now, you testified on 8 July, that's Friday, you testified about
4 someone called Alcide Djédjé, who you said was, in French, I use the French
5 word, "un homme de confiance" of the president --

6 A. [10:57:14] Oui.

7 Q. [10:57:15] -- Laurent Gbagbo. What did you mean by that, "un homme
8 de confiance" in French?

9 A. [10:57:21] I don't know quite what explanation to furnish. I mean, "Un
10 homme de confiance" is an "un homme de confiance," this is somebody you
11 can trust.

12 Q. [10:57:41] Were there others around the president, to your knowledge,
13 whom he could trust?

14 A. [10:57:47] Yes, somebody like Mr Sangaré Abou Dramane. You know,
15 these were trustworthy individuals.

16 MR N'DRY: [10:58:11] (Overlapping speakers)

17 THE INTERPRETER: [10:58:17] Overlapping speakers, Mr President.

18 PRESIDING JUDGE TARFUSSER: [10:58:20] Mr Witness. Yes, I know.

19 Mr Witness, can you a moment hold on because Maître N'Dry is going to say
20 something on this.

21 You have the floor.

22 MR N'DRY: [10:58:27] (Interpretation) Mr President, I believe that we are
23 here entering into an area of pure speculation. How can we ask a witness
24 who is not close to the president to say who the trustworthy individuals
25 around him are? We are really entering, or up against an approach here that

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1 will have the witness say things that he really is not in a position to know.

2 Trustworthiness is something that is built over time. It is the person to

3 whom -- or it is the person to whom trust is invested and the person who

4 vests that trust who can say whether yes or no.

5 PRESIDING JUDGE TARFUSSER: [10:59:33] I do quite agree. That's why I

6 think if you reformulate or --

7 MS PACK: Yeah.

8 PRESIDING JUDGE TARFUSSER: -- put it another way, but I think without

9 putting the witness in front of possible speculations. Thank you.

10 MS PACK: [10:59:49] Thank you.

11 Q. [10:59:50] Now, you mentioned -- you mentioned before Bertin Kadet.

12 Were you aware from your direct experience what the president's

13 relationship was with this man?

14 A. [11:00:07] I said that Mr Bertin Kadet was the minister of defence and

15 as such he was the -- he was in charge of the Ministry of Defence. He is a

16 family member of Mr Laurent Gbagbo. He hails from the same village, and

17 he is in charge of an association of managers in the town of Mama.

18 MS PACK: [11:00:59] Your Honour, in order to deal with this more

19 effectively, I think I will need to go into private session, if I may.

20 PRESIDING JUDGE TARFUSSER: [11:01:07] Can we go into private session,

21 please.

22 (Private session at 11.01 a.m.)

23 (Redacted)

24 (Redacted)

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23 (Open session at 11.11 a.m.)
24 THE COURT OFFICER: [11:11:35] (Interpretation) We are in open session,
25 your Honour.

1 PRESIDING JUDGE TARFUSSER: [11:11:50] Please go ahead.

2 MS PACK: [11:11:51] Thank you, your Honour, thank you.

3 Q. [11:11:53] Now, we're back in open session now. Let me just ask you
4 then, just in relation to the list that you gave us of persons in the "carré
5 décisionnel" around Mr Gbagbo. So you had talked about Vagba
6 Faussignaux, and I just wanted to ask you in reverse order, Désiré Tagro, who
7 was that?

8 A. [11:12:21] Désiré Tagro was the minister of the interior.

9 Q. [11:12:28] And do you know the ethnicity of this person?

10 A. [11:12:36] He's from the d'Issia region, and in the d'Issia region, well,
11 you see, that is somewhat to the west, the western part of Côte d'Ivoire.

12 Q. [11:12:53] Are you able to state his ethnicity or not?

13 A. [11:12:58] Yes, he's a Bété. He's Bété from d'Issia.

14 Q. [11:13:11] And then you mentioned other people. You also mentioned
15 Mr Alain Lobognon, Lobognon - I'm sorry - who was he?

16 A. [11:13:26] Mr Alain Lobognon -- no, it's not Alain -- Alain Dogou. I
17 beg your pardon. Not Alain Lobognon. Alain Dogou. Not the other
18 Alain.

19 Q. [11:13:48] And Alain Dogou was who?

20 A. [11:13:52] At the time of the events, he was the minister of defence.

21 Q. [11:14:05] And then, please, you also in that list, I think then, the other
22 two were Bertin Kadet. If you could just tell us, please, you mentioned him
23 before, he -- what his position had been or were at the time?

24 A. [11:14:34] Yes, yes. He was the minister, well, that was before the
25 post-election crisis. He was at the presidency. But, well, he was more of an

1 advisor. At the time of the events he was an advisor, an advisor to the
2 defence ministry.

3 Q. [11:14:57] And previously had he been the minister of defence at one
4 time?

5 A. [11:15:01] Oh, yes, before the crisis.

6 Q. [11:15:08] Was he minister after Lida Kouassi?

7 A. [11:15:17] Yes, he was the minister after him and then after that there
8 was Minister Amani, René. And then there were other ministers, Assoa
9 Adou. There were several other ministers.

10 Q. [11:15:34] And for Alain Dogou, what was -- going back to him, sorry,
11 what was his ethnicity?

12 A. [11:15:41] I don't know what his ethnicity was.

13 Q. [11:15:52] Bertin Kadet, do you know his ethnicity?

14 A. [11:15:56] He is a Bété person.

15 Q. [11:16:03] You mentioned also Alcide Djédjé. Do you know his
16 ethnicity?

17 A. [11:16:12] Yes, yes. I think he's a Bété person as well.

18 Q. [11:16:18] Do you know, you mentioned before in your testimony,
19 Katina Koné.

20 A. [11:16:29] Oh, yes. That person was the minister of the -- responsible
21 for the budget. Minister Katina Koné, Tagbana, from Katiola region
22 somewhat to the north.

23 Q. [11:16:47] Do you know his ethnicity?

24 A. [11:16:49] I said that he was Tagbana, Tagbana. That's an ethnic group
25 somewhat to the north of Côte d'Ivoire. After Bouaké.

1 Q. [11:17:05] Do you recall mentioning previously a Désiré Dallo?

2 A. [11:17:17] Oh, yes, Désiré Dallo.

3 Q. [11:17:23] And who was that?

4 PRESIDING JUDGE TARFUSSER: [11:17:25] Maître Gbougnon.

5 MR GBOUGNON: [11:17:27] (Interpretation) Your Honour, now, the
6 witness mentioned this "carré décisionnel," this group of decision-makers.

7 And I believe there was mention made of perhaps four people. But, really, I
8 think -- I don't know exactly where we are here because this witness has
9 mentioned several names. So what is the link between this -- all these

10 various names and the group of decision-makers, the "carré décisionnel"?

11 PRESIDING JUDGE TARFUSSER: [11:18:04] The Prosecutor.

12 MS PACK: [11:18:05] The witness can tell us that.

13 Q. [11:18:06] Could you tell us, please, the link, all these people that
14 you've named and the group of decision-makers? What's the link?

15 PRESIDING JUDGE TARFUSSER: [11:18:17] Is there a link, first of all?

16 MS PACK: [11:18:19]

17 Q. [11:18:19] Is there a link between them and the group of
18 decision-makers?

19 A. [11:18:23] Yes, I just wanted to say that those were the people who
20 were around the president. That's what I meant. And I mentioned those
21 various names. I omitted, I didn't mention Mr Désiré Dallo and I was going
22 to tell you about that person.

23 Q. [11:18:47] Were these people in the group of decision-makers that you
24 had spoken about?

25 A. [11:18:52] Oui, oui.

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1 MR GBOUGNON: [11:18:59] (Interpretation) Your Honour, your Honour,
2 we are dealing with two things here. Initially the witness spoke about the
3 "carré décisionnel," the group of decision-makers. And now he's talking
4 about a group of people within the inner circle or around the witness. So I
5 think we have two different things here. I think we need to be clear about
6 terminology. Either we talk about the decision-makers or we talk about the
7 people around the president.

8 PRESIDING JUDGE TARFUSSER: [11:19:31] Agreed. It's a bit of a
9 confusing scenario.

10 MS PACK: [11:19:35] Okay. Well, I've just asked the witness the question
11 and he said yes. Were these people in the group of decision-makers that you
12 had spoken about? And his answer was yes.

13 Q. Just to clarify that you're not talking about another group, you're
14 talking about the group of decision-makers, and the people you have
15 described to us, were they within that group?

16 A. [11:19:59] Yes.

17 Q. [11:20:05] And was there a group of decision-makers also around the
18 first lady, Mrs Gbagbo?

19 A. [11:20:12] Well, I gave you a number of names, and I added the
20 various --

21 PRESIDING JUDGE TARFUSSER: [11:20:30] Mr Witness, just a moment
22 because Mr O'Shea is having the floor.
23 Please.

24 MR O'SHEA: [11:20:39] Two points, your Honour, which are interlinked.
25 The first is the point which Mr Altit addressed a moment ago. Your

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1 Honours will remember Mr MacDonald at the beginning of this witness
2 standing up and making the point that under no circumstances can this
3 witness be split. And it's in that context that we have been very careful
4 about time.

5 We, of course, on the side of the Defence, we are confronted with 500 pages
6 of interviews.

7 PRESIDING JUDGE TARFUSSER: [11:21:11] I do get a bit irritated with the
8 OTP which, after 30 minutes now it's nearly an hour taking, so I really urge
9 the OTP to finish in 8 minutes time, okay, because I give you 8 minutes and
10 then it's finished.

11 MR O'SHEA: [11:21:27] The other point is this, I'm not sure we have notice
12 of this. We've got 500 pages of interviews which I've read through, and
13 maybe my friend can help me to locate where this is in the interviews because
14 if she is going outside the scope of the interviews, then that's another issue,
15 then she's addressing issues we don't have notice of.

16 MS PACK: [11:21:48] No, well, I'll give -- I'm reading, actually reading from
17 the transcript as I ask the question. So it's transcript 16, item number 16 on
18 the list of material for my friend, and it's 0046-0932, and the questioning on
19 this topic starts at 0950 and goes on for the next couple of pages, and all those
20 names are listed.

21 PRESIDING JUDGE TARFUSSER: [11:22:08] Okay. Please go ahead. 7
22 minutes.

23 MS PACK: [11:22:10] If there are no objections, I hope --

24 PRESIDING JUDGE TARFUSSER: [11:22:14] Just go ahead. 7 minutes
25 instead of --

1 MS PACK: [11:22:19]

2 Q. [11:22:20] Okay. I'm going to ask you please: Mrs Gbagbo, was there
3 a group of decision-makers around her, please? We can just deal with this
4 quite quickly.

5 A. [11:22:30] Yes, I said there was a group of people who made decisions,
6 but I think that amongst the names that I gave you, I mixed up the two
7 groups. Because in the last days, you see, all those people were at the
8 residence of the chief of -- head of state, and I think I merged those two
9 groups. Those people were close to the president, particularly towards the
10 end when a number of decisions were being taken. So I must admit I did
11 merge those two groups of decision-makers or I combined them.

12 Q. [11:23:17] I'd just ask you to list briefly, please, who in particular was in
13 the group of decision-makers around the first lady.

14 A. [11:23:33] The first lady's group of decision-makers, Tagro,
15 Minister Désiré Tagro, minister of the interior of course, Mr Séka, and -- well,
16 those are the names that I remember when it comes to the first lady.

17 Q. [11:23:51] You mentioned earlier in your testimony someone called
18 Pastor Koré. What about him? Was he in that group?

19 A. [11:23:58] Pastor Koré, well, rather, he was more with Mr Gbagbo, not
20 with the first lady.

21 Q. [11:24:18] Now, these two groups of decision-makers that you have
22 spoken about today, did they have a formal position in the institutions,
23 within the institutions of the state?

24 A. [11:24:33] Some did, some didn't, except for Moïse. The others, other
25 than Pastor Koré Moïse, when you look at the other people, you'll see that

1 those people did have an official function. Désiré was minister of the
2 economy and there was the minister of the budget.

3 Q. [11:25:05] One moment. Pause there. Pause. You're calling them
4 decision-makers. What were they deciding?

5 A. [11:25:10] Well, there were problems, economic problems, for example.
6 There was the economic problems with the banks being closed down during
7 the post-election crisis, and thus there was that group of people that would
8 meet and analyse the various ways and means to continue to pay the public
9 servants.

10 Q. [11:25:50] And just --

11 A. [11:25:51] There was that.

12 And then --

13 Q. [11:25:57] Staying with this, staying with this group of
14 decision-makers, please, how did they -- were you aware if they interacted
15 with the FDS?

16 MR O'SHEA: [11:26:14] That question is so incredibly vague. We have no
17 context.

18 PRESIDING JUDGE TARFUSSER: [11:26:20] Also because I think that the
19 minister of the interior and minister of the defence would naturally interact
20 with the FDS, I would assume, but what do you mean by "interacting"?

21 MS PACK: [11:26:33] Can we go into private session? It's probably easier to
22 be specific.

23 PRESIDING JUDGE TARFUSSER: [11:26:38] Let's go into private session.

24 (Private session at 11.26 a.m.)

25 (Redacted)

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(Private Session)

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1 (Redacted)

2 (Open session at 11.39 a.m.)

3 THE COURT OFFICER: [11:39:25] (Interpretation) We are in open session,
4 Mr President.

5 PRESIDING JUDGE TARFUSSER: [11:39:37] Mr Witness, we are now in
6 open session again.

7 And the floor goes to the Defence of Mr Gbagbo. But always if you think
8 that you have to go in closed session by answering a question, you just tell
9 me and we will deal with it.

10 Maître Altit.

11 MR ALTIT: [11:40:07] (Interpretation) Thank you, Mr President.

12 QUESTIONED BY MR ALTIT:

13 Q. [11:40:22] Good morning, Mr Witness.

14 A. [11:40:24] Good morning, Counsel.

15 Q. [11:40:25] I am Emmanuel Altit, I am lead counsel for
16 President Gbagbo and I am going to be putting a number of questions to you,
17 okay?

18 A. [11:40:35] Yes.

19 Q. [11:40:35] According to me -- after me Maître O'Shea will be also
20 putting a number of questions to you. He works alongside me. And when
21 you answer these questions, please avoid giving indications that might be
22 identifying in nature.

23 A. [11:40:54] Very well.

24 Q. [11:40:56] And if you feel that there is a risk of identification or if you
25 feel more comfortable answering a question in private session, tell us and

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1 then we will come back into what is called private session or closed session,
2 which means that contrary to what is happening now, you will be able to
3 express yourself without anybody knowing what you're saying because
4 nobody inside this Court or outside of this Court will know what you have
5 said. Is that clear?

6 A. [11:41:41] That is clear. Thank you.

7 Q. [11:41:43] I'd also like to take a little bit of time between my questions
8 in order to enable the interpreters to interpret what we are saying because
9 there is always a little bit of a lag between what I say or what you say and the
10 interpretation of the matter. So between our exchanges, we will be observing
11 a pause and then the lag will enable us not to overlap each other. Is that all
12 right?

13 A. [11:42:11] Yes, very well. Thank you.

14 Q. [11:42:15] So with your leave, I'm going to start. We're going to
15 remain in open session, which means that everybody can hear what you are
16 saying. So you need to be careful not to say anything identifying, all right?

17 A. [11:42:28] Yes.

18 Q. [11:42:30] I'm going to start off by picking up on what the OTP just said
19 with regard to the video that was just shown to you, okay?

20 A. [11:42:44] Yes.

21 Q. [11:42:46] So we are going to --

22 MR ALTIT: (Interpretation) I'm talking to the court officer, we are going to
23 show video CIV-OTP-0077-0411, time code 3.32 to 3.41, and then 3.58 to 4.28.

24 And we are going to do -- we are going to stop the image or do screenshots.

25 We are in the driving seat, are we not? Very well.

1 Q. Now, Mr Witness, I'm going to show you a video and I am going to
2 put some questions to you on it, okay?

3 A. [11:43:31] Yes.

4 (Viewing of the video excerpt)

5 MR ALTIT: [11:44:31] (Interpretation)

6 Q. [11:44:32] Mr Witness, can you see the image correctly?

7 A. [11:44:35] Yes, I can see it clearly.

8 Q. [11:44:38] Can you see armoured vehicles on the picture?

9 A. [11:44:45] Yes. In the background, it would seem to me after that
10 white vehicle on the left-hand side, right ahead of me I can see an armoured
11 vehicle.

12 Q. [11:44:57] Very well. Can you tell us what this armoured vehicle is?

13 A. [11:45:04] Even if it is a little bit far off, it looks like a BTR-80.

14 Q. [11:45:13] And is it armed, this vehicle? Does it have a weapon?

15 A. [11:45:22] A BTR-80 normally has a 14.5-millimetre gun on it.

16 Q. [11:45:30] Very well. And can you see the people around the vehicle?

17 A. [11:45:32] Yes, I can see the people around and in front of the vehicle.

18 Q. [11:45:36] Very well. And can you describe to us rapidly, this is for
19 the record, what these vehicles are doing?

20 A. [11:45:46] I am under the impression that the person standing in
21 white -- there are three people wearing white in the forefront of the image, it
22 seems to me that they are applauding the way in which they are gesturing. I
23 don't know whether they're applauding something, but they have their hands
24 up in the air, whether it be the person on the right or the person in the
25 middle. It was as if they were clapping.

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1 Q. [11:46:17] Very well. Let's continue somewhat.

2 PRESIDING JUDGE TARFUSSER: [11:46:25] Can we have the timestamp
3 of the image. Thank you.

4 MR ALTIT: [11:46:28] (Interpretation) Yes, Mr President. It is 3 minutes,
5 37 seconds.

6 PRESIDING JUDGE TARFUSSER: [11:46:36] And just to have the floor, in
7 line 2 of page 34 of the English transcript, I think the word "vehicles," I just
8 guess from the answer should be not vehicles but persons. I don't know if
9 this is correct. Not what vehicles are doing, but what the persons are doing;
10 is that right?

11 THE INTERPRETER: [11:47:03] Yes, apologies from the English booth,
12 Mr President.

13 PRESIDING JUDGE TARFUSSER: [11:47:06] Thank you.
14 (Viewing of the video excerpt)

15 MR ALTIT: [11:47:47] (Interpretation)

16 Q. [11:47:48] Mr Witness, have you seen the images?

17 A. [11:47:51] Yes. Up to now, yes.

18 Q. [11:47:54] Were you able to decipher anything in particular, a reason
19 why the people would start running?

20 A. [11:48:01] Could we please play that bit again? Not the question, but
21 the image itself.

22 (Viewing of the video excerpt)

23 MR ALTIT: [11:48:20] (Interpretation)

24 Q. [11:48:21] You've seen the images now?

25 A. [11:48:24] Yes. We heard a noise before people started running

1 helter-skelter.

2 Q. [11:48:37] My question is simple, do you believe, or according to what
3 you can see here, people -- the fact that people are starting to run, is it linked
4 to the armoured vehicle or is it -- can it be put down to another reason?

5 A. [11:48:51] I can't answer that question.

6 Q. [11:48:53] Very well. I'm going to be putting another question to you
7 now. There are comments made by the people in the crowd during this
8 mini-scene here. Did you recognize what they were saying? Did you
9 understand the gist of what they were saying?

10 A. [11:49:23] In the image that you have just presented to me, no. I didn't
11 hear anything. I can hear noise, but I didn't hear anything distinctive.

12 Q. [11:49:34] Very well. Let's move forward.

13 Mr President, we are going to move on to minute 3.58.

14 (Viewing of the video excerpt)

15 MR ALTIT: [11:50:12] (Interpretation)

16 Q. [11:50:20] Now, Mr Witness, you can see a first vehicle here, can you
17 not?

18 A. [11:50:26] Yes.

19 Q. [11:50:29] You described it to us at an earlier stage. Could you please
20 remind us what this vehicle is very briefly?

21 A. [11:50:37] The vehicle on the screen is a four-by-four mounted with a
22 collective weapon. It is not an armoured vehicle, it is a four-by-four.

23 Q. [11:50:52] Very well. Is the vehicle firing?

24 A. [11:50:59] No. On the image, I can't see the gun positioned in a
25 position of fire or firing position.

1 Q. [11:51:10] Very well.

2 This second vehicle you also described to us earlier.

3 A. [11:51:22] Yes, as a BTR-80.

4 Q. [11:51:25] But can you tell us whether it is -- it has a weapon or not?

5 A. [11:51:36] The BTR-80, I said that the weapon is incorporated into the
6 vehicle itself. But here I cannot say whether the weapon, the barrel was out
7 or not. If we move the image on a bit, we can see whether the weapon is in
8 place or not.

9 Q. [11:52:07] If I understand you correctly, from this angle or vision, it is
10 not possible to know whether this vehicle has a gun or not because if I
11 understand correctly the gun is something that can be removed; is that what
12 you are saying to us?

13 A. [11:52:26] Yes, it can be removed.

14 Q. [11:52:28] And for the record, at the time when this vehicle appears on
15 the image, what are the people around doing?

16 A. [11:52:43] Well, I can see a lady in black who seems to be talking to the
17 other people. It would seem as if the other people are talking to each other.
18 There is a lady on the left-hand side who seems to be going somewhere. She
19 seems to be fleeing.

20 Q. [11:53:20] And the other people, are they fleeing?

21 A. [11:53:24] No, no. In particular, the lady dressed in black and yellow,
22 carrying a blue bag, it would seem that she is talking to the group of women.

23 Q. [11:53:40] Very well.

24 PRESIDING JUDGE TARFUSSER: [11:53:42] Yes, but also here we have the
25 timestamp, otherwise we will not find this image again.

1 MR ALTIT: [11:53:54] (Interpretation) Yes. Apologies, Mr President. It is
2 4 minutes and 4 seconds, 4 minutes, 4 seconds.

3 (Viewing of the video excerpt)

4 MR ALTIT: [11:54:02] (Interpretation)

5 Q. [11:54:21] Mr Witness.

6 A. [11:54:25] Yes, Counsel.

7 Q. [11:54:28] You talked to us of this third vehicle that we can see in the
8 video. I'm going to put a question to you in a moment, but I'm going to say
9 that this is minute 4.12. This is for the record, 4 minutes, 12 seconds.

10 Now that that has been done, you said that -- at an earlier stage, you said that
11 this was a troop transportation vehicle; is that correct?

12 A. [11:54:54] Yes. It belongs to the national gendarmerie.

13 Q. [11:54:58] Belonging to the national gendarmerie. Now, if you look
14 attentively at the image, what is this lorry transporting?

15 A. [11:55:09] It is transporting army staff seated in the back of the lorry. I
16 can see men seated in the back.

17 Q. [11:55:22] And tell me, you who know the location, where are they
18 coming from and where are they going to, in your opinion?

19 A. [11:55:34] Counsel, I can't say because I'm not really into TV, you
20 know. Sometimes when I watch TV I have to ask my kids whether we're
21 looking at one and the same person. So it's difficult for me to tell you from
22 where they're going to and their destination. You know, I've been here for
23 some time now, and the reality of the field is, you know, I've lost it a bit.

24 Q. [11:56:16] Very well. So we shall continue.

25 (Viewing of the video excerpt)

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1 MR ALTIT: [11:56:34] (Interpretation)

2 Q. You also earlier on described this to us. How can you -- how can you
3 describe this white vehicle to us?

4 A. [11:56:46] I said that this white vehicle that we see here makes me think
5 of an ambulance. We can't really see the insignia, but there is something
6 lengthy written on the back of it which would seem to me that it says
7 "ambulance." And there's also the rotating beacon on its roof.

8 Q. [11:57:13] Now, Mr Witness, I think we have seen the entire convoy
9 vehicle by vehicle, have we not?

10 A. [11:57:20] Yes.

11 Q. [11:57:24] Are the vehicles that we see here, according to what you can
12 ascertain, driving fast or slowly?

13 A. [11:57:36] I think they are driving quite slowly. It doesn't seem -- they
14 don't seem to be in any haste to me.

15 Q. [11:57:43] Did you see any firing coming from the convoy?

16 A. [11:57:50] No. I heard firing, but I did not see any firing.

17 Q. [11:57:57] Now, for this to be clear for the record, you did not see any
18 firing on the images presented to you by the OTP and subsequently by the
19 Defence; are we in agreement?

20 A. [11:58:08] Yes. I did not see any gunfire looking at these two images.
21 I just heard gunfire.

22 MR ALTIT: [11:58:25] (Interpretation) Mr President, I forgot to provide you
23 with a time code of the last image concerning the white vehicle. It's an
24 ambulance according to what the witness has said. It is minute 4.14,
25 4 minutes, 14 seconds.

1 Q. [11:58:49] Now, this convoy that we have just been talking about, that
2 we have just been looking at, what was it doing there?

3 A. [11:58:57] Counsel, I wouldn't be able to answer that because it was the
4 commander of the operational zone -- well, he would be in a position to tell
5 you because these vehicles were under his command. He would be able to
6 tell you what they were doing there.

7 Q. [11:59:20] Now, I'm going to put my question to you somewhat
8 differently. You spoke to us on Friday evening of a supply convoy. Do you
9 recall?

10 A. [11:59:34] Yes.

11 Q. [11:59:37] This convoy that we are talking about here and now, does it
12 resemble a supply convoy that you were familiar with?

13 A. [11:59:47] It might be a relief convoy, but it is not a supply convoy
14 because a supply convoy is accompanied with something a little bit more
15 heavy duty. Because in view of the ambiance at the time, you know that
16 every time you relieve people, then the commando, the Invisible Commando
17 will approach you. So you will make sure that you take the necessary
18 measures and have --

19 Q. [12:00:28] In order for us to understand what you are saying very
20 specifically, you are telling us, and you said this on Friday, that there were
21 supply convoys that regularly went to supply the camp; is that what you are
22 saying? But you also told us and you are being even more specific today that
23 these convoys, these supply convoys were -- regularly came together with the
24 Invisible Commando. What do you mean by that?

25 A. [12:01:09] Well, each time, well, (Redacted)

- 1 (Redacted) each time there was a departure from that zone, the convoy
2 would come under enemy fire, firing from the Invisible Commando. They
3 would be involved in skirmishes, you see. They would start to shoot at the
4 convoy, and that's what I meant. I'm speaking of skirmishes. That's the
5 technical word.
- 6 Q. [12:01:48] Very well. Would it be correct to say that this convoy here
7 that we've been talking about, and it's either a supply convoy or a convoy
8 bringing in fresh troops, is it quite likely that it would be subject to some kind
9 of skirmish and the people would know so?
- 10 A. [12:02:09] Yes.
- 11 Q. [12:02:11] And then what would they do to avoid --
- 12 PRESIDING JUDGE TARFUSSER: [12:02:15] Maître Altit, just because of the
13 timing, what would they do to avoid is speculative.
- 14 But I'll stop it here. I think we have to break for the break normally. I
15 would just suggest that we go now until 12.30, then we make one hour, from
16 12.30 to 1.30, in order to have lunch, to have the possibility to have lunch
17 before they close down the canteen, and then from 3 to 5, two hours. If this
18 is agreeable also to the interpreters: One hour now and then two hours,
19 okay? So if this is okay, I would now suspend until 12.30. Then from 12.30
20 to 1.30 and then go to lunch, okay.
- 21 Thank you very much. The hearing is adjourned.
- 22 THE COURT USHER: [12:03:12] All rise.
- 23 (Recess taken at 12.03 p.m.)
- 24 (Upon resuming in open session at 12.33 p.m.)
- 25 THE COURT USHER: [12:33:02] All rise.

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1 Please be seated.

2 PRESIDING JUDGE TARFUSSER: [12:33:31] Once again -- well, no. Good
3 afternoon just. We start, we continue with the Defence, questioning of the
4 witness by the Defence, one hour, then we have the break, the lunch-break.
5 Thank you. The floor is yours.

6 MR ALTIT: [12:33:53] (Interpretation) Thank you, Mr President.

7 Q. [12:34:02] Mr Witness, can you hear us?

8 A. [12:34:04] Yes, I can hear you, Counsel.

9 Q. [12:34:06] Sir, I'd like to say hello to you again. I'm going to continue,
10 if you will. Still with the regard to the video that we were talking about, I'm
11 going to show an image to you, and I'm going to put a question to you with
12 regard to this image, all right?

13 A. [12:34:37] Yes, yes.

14 Q. [12:34:38] So the time code is 3.32 to 3.41.

15 (Viewing of the video excerpt)

16 MR ALTIT: [12:35:22] (Interpretation)

17 Q. [12:35:26] Have you seen the image?

18 A. [12:35:30] Yes, Counsel.

19 Q. [12:35:34] Now, you will recall that in the playing of the image that was
20 shown to you, this image precedes the passage of the other vehicles, does it
21 not?

22 A. [12:35:51] Uh ...

23 Q. [12:35:51] I'm going to put it differently. This image is at the outset of
24 the video, and then afterwards we see images of the vehicles that we talked
25 about abundantly, whether you talked about it with the OTP or whether I put

1 questions to you. Do you remember that?

2 A. [12:36:07] Yes, yes.

3 Q. [12:36:08] And you remember that these vehicles that we're talking
4 about, the ones that we described in detail?

5 A. [12:36:15] Yes.

6 Q. [12:36:16] So everything is clear to you?

7 A. [12:36:17] Yes.

8 Q. [12:36:20] So my question, this vehicle that you have before you, this
9 one right here, in your opinion, is it part of the convoy that we've talked
10 about that you said might be a supply convoy but more specifically a relief
11 convoy, if I understand what you said correctly? Is this part of the convoy
12 we're talking about?

13 MS PACK: [12:36:48] I'm objecting.

14 PRESIDING JUDGE TARFUSSER: [12:36:50] Excuse me. Not in his
15 opinion. If he knows or he doesn't know.

16 MR ALTIT: [12:36:57] (Interpretation) I shall rephrase.

17 PRESIDING JUDGE TARFUSSER: Okay, thank you.

18 MS PACK: [12:36:59] Because, of course, the -- he is speculating at the
19 moment because he's not there.

20 PRESIDING JUDGE TARFUSSER: [12:37:02] Yes, that's what I said.

21 MS PACK: [12:37:04] Thank you, your Honour.

22 MR ALTIT: [12:37:05] (Interpretation) I shall rephrase.

23 Q. [12:37:06] Mr Witness, I shall rephrase. So this vehicle that you have
24 before you, is it part of the convoy, the convoy that you described to us at an
25 earlier stage?

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1 A. [12:37:22] It would seem so, yes, it's a BTR-80.

2 Q. [12:37:26] What type of vehicle?

3 A. [12:37:27] BTR-80.

4 Q. [12:37:31] Very well. You said to us during the questioning by the
5 Office of the Prosecutor that this vehicle of the -- or that the vehicles of the
6 Republican Guard were stripy. I think that's what you said, isn't it?

7 A. [12:38:05] Yes, yes.

8 Q. [12:38:06] My question to you is: Does this vehicle before us have
9 stripes?

10 MS PACK: [12:38:20] I mean, maybe get a clearer (Overlapping speakers).

11 THE WITNESS: [12:38:27] (Interpretation) I'm waiting for the image to be
12 shown to us. From this viewpoint, we can't distinguish it. But the second
13 or third image that you showed subsequent to this, it makes it possible for
14 this to be seen.

15 MR ALTIT: [12:38:42] (Interpretation)

16 Q. [12:38:42] Very well. You said to us this morning in response to
17 questions put to you by -- questions put to you that gunshot or gunfire could
18 be heard in that video shown to you but that you could not distinguish this
19 gunfire; is that correct?

20 A. [12:39:09] Yes, sir.

21 Q. [12:39:10] And you went on to say, if I understood you correctly, and
22 that's why I'm putting the question to you, that the noise could be
23 one -- could be that produced by one or several automatic weapons; is that
24 correct?

25 A. [12:39:27] Yes, I said that it could be gunfire from a 14.5 millimetre or it

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1 could -- this noise could have come from gunfire from a number of
2 Kalashnikovs at the same time.

3 Q. [12:39:43] And my question to you is: Did the Invisible Commando
4 have automatic weapons and did it have Kalashnikovs?

5 A. [12:39:52] Yes. The Invisible Commando had everything. They had
6 Kalashnikovs. They had RPGs. They had heavy weaponry. They had
7 practically everything.

8 Q. [12:40:03] Very well. Then you answered this morning when another
9 hypothesis was put to you, notably that the gunfire came from the convoy,
10 that there were two possibilities. And tell me if I got this wrong. Firstly,
11 that were the convoy to have come under attack, then it was in the case of
12 legitimate defence. And secondly, if the convoy was surrounded, it could
13 fire into -- it could fire into the air in order to disengage itself. Is that what
14 you said?

15 A. [12:40:46] Yes, that is correct, that's what I said.

16 Q. [12:40:48] And you talked to us about a protocol that is applicable
17 within the Ivorian army and that provides for such a situation. Could you
18 tell us a little bit more about that?

19 A. [12:41:03] Yes. In our training schools --

20 Q. [12:41:08] I'm sorry, I'm just going to interrupt you for a second,
21 Mr Witness. Do not forget that we are in open session so do not provide any
22 identifying information.

23 A. [12:41:21] Yes, indeed.

24 Q. [12:41:23] Please, go on. Sorry.

25 A. [12:41:27] I was saying that in our training academies in Ivory Coast, in

1 the conduct of all operations, all combat operations in combat zones, we are
2 taught that when you come under fire, enemy gunfire, you may -- you can
3 repost and then you take guard and then you defend yourselves. And
4 nobody can say that you're going to defence position. This is a protocol. If
5 you come under fire, you fire back and then you take cover and then you go
6 into defence position. You can shoot back.

7 So, in the second situation, when if you are -- if you come under attack but
8 there is no situation of legitimate defence, here, for example, it is a military
9 convoy that is not conducting a law enforcement mission, then it can fire into
10 the air, and have people scatter, and make the most of people fleeing in order
11 to move on.

12 Q. [12:43:05] If I understand you correctly, you are saying to us that these
13 pictures can be read in three different ways. So, you know, correct me if I
14 am wrong in what I am saying. You are at freedom -- you are free to say
15 whatever you like here.

16 So first scenario, the gunshot comes from the convoy on to the crowd
17 gratuitously, you understand? Secondly, there is gunfire from the convoy
18 against assailants and the convey is in a case of legitimate defence. And
19 third scenario, they're firing into the air from the convoy and they're trying to
20 get themselves out of the situation, or it's warning shots.

21 And, fourthly, there is attack and gunfire coming from attackers without the
22 convoy answering.

23 Are those the four ways in which these images can be read?

24 MS PACK: [12:44:16] Objection.

25 PRESIDING JUDGE TARFUSSER: [12:44:19] Just a minute, Mr Witness,

1 because we have the OTP on her feet.

2 MS PACK: [12:44:26] Yes, I object. I don't think that, your Honours, that it
3 is for the witness to give his conclusory opinion as to the four hypotheses or
4 the three -- four hypotheses advanced by Mr Altit. I mean, ask him about
5 facts, he can identify vehicles, but asking for a hypothesis.

6 PRESIDING JUDGE TARFUSSER: [12:44:49] I think this is correct. And I
7 want also to say, add something. If the translation is correct always, the
8 translation came out, "you are here free to say whatever you like," something
9 like that. "You are free to say whatever you like here."
10 You're not free to say whatever you like here. You are obliged to say the
11 truth. So which is something different. This is -- and then I think it's quite
12 speculative what the question you put to the -- and it's not for the witness to
13 say which are the four hypotheses. Thank you.

14 MR ALTIT: [12:45:45] (Interpretation) With regard to the freedom of the
15 witness, of course, it is within the scope of what was -- the limits that were set
16 at the outset. But it is a good idea to reassure him on occasion, you know,
17 especially under such circumstances, such difficult circumstances that we're
18 aware of.

19 And secondly, had I been able to respond, I would have said to my learned
20 colleague in view of her objection that I am not requesting that he provide us
21 with hypothesis. I'm not asking him for his opinion. I'm asking whether
22 we have correctly understood the possibilities of interpreting what we have
23 seen. And he's in a good position to tell us. And I didn't ask him and I
24 made sure not to ask him what his opinion was, but I am going to follow
25 what you said and I shall move on.

1 Q. [12:47:04] Mr Witness, to your knowledge, was there any application or
2 did this protocol come into play, was it applied during the post-election
3 crisis?

4 A. [12:47:30] Well, you're talking about the entire post-election crisis. I
5 can say that when I was saying to you with regard to the attacks that were
6 perpetrated, those soldiers who were out in the field shot back and defended
7 themselves before then reporting back to their hierarchy. So I would say that
8 this type of reaction to an attack was indeed in application during the crisis.

9 Q. [12:48:11] Very well. Thank you.
10 I'm going to now show you a number of images again -- or, rather, I'm going
11 to show you a few images. So the time code that's still the same video, time
12 code 4.08 to 4.15. And before showing it, Mr Witness, I'm going to ask you
13 to listen to what is said, very clearly to what is said in the video, okay?

14 A. [12:48:44] Very well.
15 (Viewing of the video excerpt)

16 MR ALTIT: [12:49:09] (Interpretation) Mr President, we do have a little bit
17 of a technical issue. We'll come back to this later. I'll try and move on so
18 that we don't lose any time.

19 Q. [12:49:22] Mr Witness, at an earlier stage you told us that the Invisible
20 Commando had a great deal of weapons. This is just before we took the
21 break. And I can't recall whether you provided us any detail or not. Did
22 you provide us with any details of the weapons they had, you know, heavy
23 weaponry, major weapons? Can you tell us a little bit about that?

24 A. [12:49:50] Very well. The first attack against the FDS, they used
25 anti-tank rocket launchers. So I can say that they did have anti-tank rocket

1 launchers.

2 Q. [12:50:18] I'm sorry, I'm just interrupting you. What are these
3 anti-tank rocket launchers? Do you know what make they were?

4 A. [12:50:27] Yes. These anti-tank rocket launchers are 89 millimetres
5 and they're French make, they're a French make. So that's all that I can tell
6 you about that weapon.

7 Q. [12:50:43] Wait, wait. Let's remain talking about this weapon. So
8 they have this weapon that you have just described to us. You know, we're
9 not specialists in the field, we need to understand. This weapon enabled
10 them to attack armoured vehicles; is that correct?

11 A. [12:51:06] Yes. Could we go into closed session for me to provide you
12 with more detail.

13 MR ALTIT: [12:51:17] (Interpretation) Very well. Yes, we'll move into
14 closed session. Just wait a couple of minutes, please, Mr Witness.

15 PRESIDING JUDGE TARFUSSER: [12:51:24] Private should be enough.
16 Can we go into private session. Thank you.

17 (Private session at 12.51 p.m.)

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15 (Open session at 1.12 p.m.)

16 THE COURT OFFICER: [13:12:06] (Interpretation) We're in open session,
17 your Honour.

18 PRESIDING JUDGE TARFUSSER: [13:12:12] Thank you very much.
19 Maître Altit.

20 MR ALTIT: [13:12:15] (Interpretation) Thank you, Mr President.

21 Q. [13:12:19] You have told us, and I'm not going to say why you told us
22 that, but you've told us that a certain person, a certain white person using an
23 anti-tank weapon between -- during the fighting between the Invisible
24 Commando and the FDS was seen; is that correct?

25 A. [13:13:05] Yes, that is correct.

1 Q. [13:13:07] To your knowledge, was this person wearing a uniform?

2 A. [13:13:17] No, no. That person was not wearing a uniform.

3 Q. [13:13:33] To your knowledge, the equipment that was being used by
4 this person, was it sourced from the French army? And don't tell us why.
5 Is it used by the French army?

6 A. [13:13:57] Yes. This weapon is part of the weaponry of the French and
7 the Ivorian armies.

8 Q. [13:14:06] Now, let us come back to our video footage. We had not
9 completed that footage. And I had an image to show you. It is still the
10 same footage but a little bit further on, 4.08 to 4.15. And I will ask you to
11 listen very carefully to what is being said in this video. Is that okay?

12 A. [13:14:37] Yes.

13 (Viewing of the video excerpt)

14 MR ALTIT: [13:14:59] (Interpretation)

15 Q. [13:15:00] Did you hear what those people were saying?

16 A. [13:15:04] No. I heard noises, but I didn't hear what was being said.
17 Will you repeat it?

18 Q. Yes, we'll repeat it. But I have a question for you: Do you
19 understand Dioula?

20 A. [13:15:24] No, I don't understand Dioula.

21 Q. [13:15:28] We will move on to something completely different, and I
22 think for that purpose it would be preferable for us to revert to private
23 session because we'll be talking about you.

24 PRESIDING JUDGE TARFUSSER: [13:15:53] Thank you. Can we go in
25 private session. Thank you.

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6 (Recess taken at 1.32 p.m.)

7 (Upon resuming in open session at 3.03 p.m.)

8 THE COURT USHER: [15:03:01] All rise.

9 Please be seated.

10 PRESIDING JUDGE TARFUSSER: [15:03:32] Good afternoon.

11 I give the floor to the Office of the Prosecutor reminding that you are in open
12 session.

13 Good afternoon, Mr Witness. Now the questioning continues by
14 the -- sorry, by the Defence for Mr Gbagbo.

15 THE WITNESS: [15:03:57] (Interpretation) Good afternoon, your Honour.

16 PRESIDING JUDGE TARFUSSER: [15:03:59] Thank you very much.

17 MR ALTIT: [15:04:01] (Interpretation) Thank you, your Honour.

18 Q. [15:04:15] Good afternoon once again.

19 A. [15:04:18] Good afternoon.

20 MR ALTIT: [15:04:37] (Interpretation) Your Honour, it seems to me that
21 when we ended we were in private session, and since I wish to continue the
22 same line of questioning, I would like to ask if we could go into private
23 session.

24 PRESIDING JUDGE TARFUSSER: [15:04:49] Of course we can. Please, can
25 we go into private session.

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- 25 (Open session at 16.13 p.m.)

- 1 THE COURT OFFICER: [16:13:32] (Interpretation) We are in open session,
2 Mr President.
- 3 PRESIDING JUDGE TARFUSSER: [16:13:34] Thank you very much.
4 Mr Witness, we are in open session, so please be aware of that and help us.
5 And the floor is back to Maître Altit.
- 6 MR ALTIT: [16:13:44] (Interpretation) Thank you, Mr President.
- 7 Q. [16:13:46] So, Mr Witness, I'm going to continue in the same vein
8 putting questions to you of this ilk. But you can answer these questions but
9 not telling us how you came about the information because it could be
10 identifying, could it not?
- 11 A. [16:13:59] Very well.
- 12 Q. [16:14:00] And if you are doubtful, then we will go straight back into
13 private session, all right?
- 14 A. [16:14:06] Very well.
- 15 Q. [16:14:09] So we're talking about the CECOS here. Yopougon sector 1
16 was under the responsibility of Commissioner Loba, was it not?
- 17 A. [16:14:17] Yes.
- 18 Q. [16:14:18] Whose ethnic origin is?
- 19 A. [16:14:21] He is Ébrié.
- 20 Q. [16:14:28] Adjamé, sector 2, and I'm looking to see if I'm not going too
21 fast, is under Commissioner ...
- 22 A. Djokoué (phon)
- 23 Q. And his ethnic origin?
- 24 A. [16:14:45] I do not know.
- 25 Q. [16:14:47] Very well. And sector 3 of Abobo under Captain Ouattara;

- 1 is that correct?
- 2 A. [16:15:01] Yes, yes.
- 3 Q. [16:15:02] And his ethnic origin?
- 4 A. [16:15:05] Captain Ouattara hails from the north in the Malinké
- 5 groupement. I don't know.
- 6 Q. [16:15:16] And the Koumassi sector was under Captain Lobognon; is
- 7 that correct?
- 8 A. [16:15:26] Yes, Captain Lobognon, yes.
- 9 Q. [16:15:28] And what is he?
- 10 A. [16:15:29] Lobognon I do not know specifically. Lobognon. He's a
- 11 mixture.
- 12 Q. [16:15:36] And mention was made of the law enforcement brigade of
- 13 the CECOS under the command of Lieutenant Fofana; is that not correct?
- 14 A. [16:15:51] Yes, Lieutenant Fofana.
- 15 Q. [16:15:53] And what is he, what is his origin?
- 16 A. [16:15:56] He is a Malinké from the north.
- 17 Q. [16:15:58] Very well. We were talking about Captain Zoh Loua, were
- 18 we not?
- 19 A. [16:16:07] Yes.
- 20 Q. [16:16:07] And his origin?
- 21 A. [16:16:09] He hails from the west. He must be Guéré and Yacouba.
- 22 Q. [16:16:18] Mm-mm. And General Bi Poin was in command of the
- 23 CECOS, was he not?
- 24 A. [16:16:25] Yes.
- 25 Q. [16:16:26] And his origin?

1 A. [16:16:27] He's a Gouro and he comes from Vavoua.

2 Q. [16:16:37] I'm going on, I'm sort of -- I'm shooting things at you here.

3 So I'm just asking simple questions here. We're not going into the, into detail
4 here. And if you need to give more information, we can go into private
5 session, all right?

6 A. [16:16:59] Yes.

7 Q. [16:17:02] Was there not a gendarmerie unit of intervention under the
8 responsibility of an officer by the name of Bassanté; is that correct?

9 A. [16:17:13] Yes. The unit of intervention of the national gendarmerie.

10 Q. [16:17:18] Yes. And his origin?

11 A. [16:17:20] Bassanté is from the north, and he is Malinké.

12 Q. [16:17:26] CPCO, the CPCO was under the command of Colonel Sako;
13 is that correct?

14 A. [16:17:36] Yes.

15 Q. [16:17:36] His origin?

16 A. [16:17:38] I do not know.

17 Q. [16:17:39] Very well. We were talking about Colonel Doumbia who
18 headed up the first battalion, did he not?

19 A. [16:17:59] Yes.

20 Q. [16:17:59] What was his origin?

21 A. [16:18:03] He's a Malinké from the north.

22 Q. [16:18:04] We were talking about Colonel Toualy from the first BPC of
23 the land army; is that correct?

24 A. [16:18:11] Yes.

25 Q. [16:18:11] What is his, what are his origins?

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- 1 A. [16:18:14] Toualy is a Bété.
- 2 Q. [16:18:16] And the commander of the BAE. Kouka is his name, is it
- 3 not?
- 4 A. [16:18:34] Yes, he is the former commander of the BAE. Otherwise it's
- 5 Loba who was, because Kouka died.
- 6 Q. [16:18:44] And his ethnic origin?
- 7 A. [16:18:46] Kouka, I really don't know. I think he must be --
- 8 THE INTERPRETER: Indiscernible.
- 9 THE WITNESS: (Interpretation) -- but I do not know.
- 10 MR ALTIT: (Interpretation)
- 11 Q. [16:18:54] And the chief of staff at the time, chief of general staff at the
- 12 time was called Mangou, was he not?
- 13 A. [16:19:02] Yes.
- 14 Q. [16:19:03] And what was his ethnic origin?
- 15 A. [16:19:09] Jean Mangou Philippe is an Ébrié.
- 16 Q. [16:19:15] Colonel Ahouman or Ahouman is the commander of the
- 17 GSPR. What was his ethnic origin?
- 18 A. [16:19:24] He comes from, he must be Godiés or something like that.
- 19 Q. [16:19:35] Very well. Colonel Konan Boniface, who I believe was
- 20 commander of the DMIR; is that correct?
- 21 A. [16:19:50] Yes.
- 22 Q. [16:19:50] And what was his ethnic origin?
- 23 A. [16:19:53] He is a Baoulé, and he comes from Bouaké, Brobo
- 24 Botrogba (phon).
- 25 Q. [16:20:09] Admiral Vagba Faussignaux, what was his origin?

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1 A. [16:20:16] He is Bété from Gagnoa.

2 Q. [16:20:19] Bredou M'Bia?

3 A. [16:20:28] He is an Agni, he comes from the --

4 THE INTERPRETER: [16:20:33] Indiscernible . Could the witness please be
5 requested to articulate.

6 MR ALTIT: [16:20:38] (Interpretation)

7 Q. [16:20:39] Commander Alla, what was his origin?

8 A. [16:20:46] He's a Baoulé.

9 PRESIDING JUDGE TARFUSSER: [16:20:50] Could, Mr Witness, can you
10 please, when you say names, articulate them a little bit better so for the
11 interpreters to understand better? As you did this morning. Without
12 spelling them, but just articulating them in a more clear way. Thank you.

13 THE WITNESS: [16:21:14] (Interpretation) I thank you, Mr President. As I
14 said Commander Alla Kouassi is a Baoulé.

15 MR ALTIT: (Interpretation)

16 Q. [16:21:32] Very well. Very well. Now, I believe that, thanks to you,
17 we have a more complete and certainly more balanced view of things. You
18 told us and you have just told us that the officers were of various ethnic
19 origins. Now, this sample that you have just provided us with, does it seem
20 to you to be representative of the army itself and maybe we should, well,
21 maybe not just yet, but be careful, Mr Witness, of anything that might be
22 identifying, if you see what I mean. Now, this very, you know, extensive
23 sample of the officers in command of the various units, is it representative of
24 the army as it existed at the time and during the crisis of 2010-2011?

25 A. [16:22:37] Yes, it is a mixture, you know, it's representative of the

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1 whole setup.

2 Q. [16:22:43] Very well. Very well. Now, let us move on to another

3 subject area, if you will allow. And in private session, Mr Witness.

4 Under your control, Mr President.

5 PRESIDING JUDGE TARFUSSER: [16:23:14] Can we go again in private

6 session? Thank you.

7 (Private session at 4.23 p.m.)

8 (Redacted)

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- 25 (Open session at 4.58 p.m.)

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- 1 THE COURT OFFICER: [16:58:43] (Interpretation) We're in open session
- 2 your Honour.
- 3 PRESIDING JUDGE TARFUSSER: [16:59:01] Thank you very much.
- 4 Thank you, Maître Altit.
- 5 Thank you, Mr Witness, for questioning, although it was sometimes difficult
- 6 for you. But I appreciate it very much that you stayed there and you
- 7 answered the questions. Now I adjourn the hearing to tomorrow morning
- 8 at the same time as today, 10.30, for our time, and for you the same as it was
- 9 today. And we will continue with the questioning by the Defence of
- 10 Mr Gbagbo. Thank you very much. Have a nice evening. Hopefully a
- 11 relaxed, more relaxed evening than the day today.
- 12 Thank you very much. The hearing is adjourned until tomorrow.
- 13 THE WITNESS: [16:59:48] (Interpretation) Thank you.
- 14 THE COURT USHER: [16:59:50] All rise.
- 15 (The hearing ends in open session at 4.59 p.m.)