

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 Tuesday, 12 July 2016
10 (The hearing starts in open session at 10.34 a.m.)
11 THE COURT USHER: [10:34:58] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [10:35:34] Good morning. Good
15 morning to everybody. Good morning to everybody in the public gallery.
16 Good morning, Mr Witness.
17 WITNESS: CIV-OTP-P-0321 (On former oath)
18 (The witness speaks French)
19 (The witness gives evidence via video link)
20 THE WITNESS: [10:35:44] (Interpretation) Good morning, Mr President.
21 PRESIDING JUDGE TARFUSSER: [10:35:46] Good morning to you.
22 THE WITNESS: [10:35:48] (Interpretation) Good morning, Mr President.
23 PRESIDING JUDGE TARFUSSER: [10:35:51] We start now with one session
24 of one hour and a half, and as yesterday, we continue after half an hour break
25 with one hour. Then we have a lunch break of one hour and a half, and then

1 we continue from 3 to 5 on a two-hour session, if need be.

2 So I give immediately the floor again to the Defence of Mr Gbagbo, so

3 Maître Altit.

4 MR ALTIT: [10:36:21] (Interpretation) Thank you, Mr President. Good
5 morning, Mr President, your Honours.

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

7 Q. [10:36:38] Good morning, Mr Witness.

8 A. [10:36:39] Good morning, Counsel.

9 Q. [10:36:41] Were you able to rest?

10 A. [10:36:43] Yes. Thank you.

11 Q. [10:36:44] Very well.

12 MR ALTIT: [10:36:50] (Interpretation) Mr President, with your leave I would
13 like to go to private session to begin and very briefly.

14 PRESIDING JUDGE TARFUSSER: [10:36:58] Okay. Let's go briefly in
15 private session.

16 (Private session at 10.37 a.m.)

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16 (Open session at 10.44 a.m.)

17 THE COURT OFFICER: [10:44:56] (Interpretation) We are in open session,
18 your Honour.

19 PRESIDING JUDGE TARFUSSER: [10:45:06] Maître Altit.

20 MR ALTIT: [10:45:10] (Interpretation) Thank you, your Honour.

21 Q. [10:45:12] There was a certain Mr Montoya who supplied military
22 equipment to Ivorian authorities; is that correct?

23 A. [10:45:31] Yes.

24 Q. [10:45:32] Do you know whether Mr Montoya had a military
25 background?

1 A. [10:45:43] I'm not aware of any such military background, but I know
2 that he supplied materials in 2002-2003 with the Bielorussians.

3 Q. [10:46:06] Very well. Do you know whether this Mr Montoya was
4 linked to the French secret services?

5 A. [10:46:11] I do not know.

6 Q. [10:46:13] Very well. There was also a certain Mr Lafont who
7 apparently supplied ammunition to the Ivorian authorities; is that correct?

8 A. [10:46:38] Yes.

9 Q. [10:46:39] Do you know whether Mr Lafont had a military
10 background?

11 A. [10:46:46] Mr Lafont was one of the first French légionnaires who came
12 to Côte d'Ivoire; that is, he was a member of the first detachment that came to
13 Côte d'Ivoire.

14 Q. [10:47:03] Very well. And if I understand you correctly, once he
15 returned to civilian life he became a director of a security company; is that
16 correct?

17 A. [10:47:19] When he completed his duties as a member of the first
18 detachment, he returned to France, and then he came back to Côte d'Ivoire. I
19 do not know whether he resigned completely, and he started a relationship
20 with an Ivorian lady, and so he became the director of a security company
21 called Sophia, Sophia.

22 PRESIDING JUDGE TARFUSSER: [10:48:02] Can you please not overlap.
23 Thank you. I anticipate the interpreters.

24 THE INTERPRETER: [10:48:08] From the interpreters: Thank you,
25 Mr President.

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1 MR ALTIT: [10:48:11] (Interpretation) I will repeat my question.

2 Q. [10:48:22] To your knowledge, is Mr Lafont still in Côte d'Ivoire?

3 A. [10:48:26] No. I heard that he was in Togo, and after that I heard that
4 he was in Morocco with one of his colleagues. But I do not believe that he's
5 still in Côte d'Ivoire.

6 Q. [10:48:46] Are you talking about Mr Lafont or Mr Montoya?

7 A. [10:48:57] I'm talking about Mr Lafont.

8 Q. [10:48:59] Very well. What about Mr Montoya, is he still in
9 Côte d'Ivoire?

10 A. [10:49:09] I have no idea.

11 Q. [10:49:15] Now, Mr Lafont, do you know whether he is linked to the
12 French secret services?

13 A. [10:49:24] I did not have any official information, but I cannot confirm
14 that. But I wouldn't be surprised if he had relations with French secret
15 services.

16 Q. [10:49:45] Very well.

17 MR ALTIT: [10:50:10] (Interpretation) Mr President, I would like to go in
18 very briefly to private session with your leave, and then in a few minutes we
19 will revert to open session.

20 PRESIDING JUDGE TARFUSSER: [10:50:22] Let's go in private session
21 again.

22 (Private session at 10.50 a.m.)

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19 (Open session at 10.55 a.m.)
20 THE COURT OFFICER: [10:55:33] (Interpretation) We are in open session,
21 Mr President.
22 PRESIDING JUDGE TARFUSSER: [10:55:37] Maître Altit.
23 MR ALTIT: [10:55:38] (Interpretation) Thank you, Mr President.
24 Now, since we are in open session, and I'm addressing myself to my learned
25 friend opposite, I will not refer to the transcript. I have the references, but to

1 avoid going into private session, the references are easy to find. So what I
2 am going to say will be very clear. This is just to notify you about what I am
3 going to do. So if you have any questions, I will answer them when we go
4 back to closed or private session. I hope there is no problem with that.

5 MS PACK: [10:56:34] Of course there is no problem. If my friend could just
6 give me the page references to the French transcript without -- if the detail is
7 the worry, then at least we have that. That would be helpful.

8 MR ALTIT: [10:56:58] (Interpretation) Very well. Let us try it this way.
9 The transcript of 7 July, page 19, line 27.

10 Q. [10:57:15] Now, Mr Witness, you remember talking about the Agban
11 camp. And if I understood you correctly, you told us that in that camp
12 during the post-election crisis there were about 3,000 to 3,500 people, because
13 a large number of civilians had sought refuge there. And if I understood you
14 correctly, the number was about 2,000; is that correct?

15 A. [10:58:05] Yes. I said between 3,000 to 3,500 people were in those
16 barracks during the post-election crisis.

17 Q. [10:58:17] Very well. And amongst those people, how many civilians
18 were there approximately?

19 A. [10:58:29] I can say 1,500 to 2,000 civilians.

20 Q. [10:58:37] Very well. Now, this camp that we are talking about, was it
21 attacked?

22 A. [10:58:44] Yes. That attack -- or rather, that camp was shelled by
23 ONUCI and the French army, specifically on Sunday, 10 April. And after
24 that, as a result there was a young girl of 14 years old called Andrea.

25 Q. [10:59:25] Very well. You talked about ONUCI shelling. How did

1 this happen? What equipment was used?

2 A. [10:59:34] With two Gazelle-type helicopters.

3 Q. [10:59:47] Very well. So the ONUCI helicopters shelled the camp
4 where there were gendarmes and civilians; is that correct?

5 A. [10:59:54] Yes.

6 Q. [10:59:55] When was that?

7 A. [10:59:58] Sunday, 10 April.

8 Q. [11:00:03] Very well. Now before that, the ONUCI helicopters had not
9 attacked that camp?

10 A. [11:00:16] Yes. They had overflowed the camp on several occasions,
11 but before 10 April they had not yet attacked the camp.

12 Q. [11:00:24] Very well. The little girl that you talked about was killed by
13 virtue of this bombing by the -- shelling by the ONUCI?

14 A. [11:00:38] Yes. She -- they had not managed to achieve their
15 objectives. And they started with a 12.7, 14.5 heavy weaponry, the 12.7,
16 14.5 weapons that were in a helicopter. And it was that shelling the
17 buildings that harboured the families, and this little girl was inside her house.
18 A bullet went through the house on the kitchen side, and she was actually cut
19 in two.

20 Q. [11:01:22] Very well. Do you know the name of this little girl?

21 A. [11:01:25] I said that her name was Andrea Kobéna, may she rest in
22 peace.

23 Q. [11:01:37] Very well. To your knowledge during the post-election
24 crisis the ONUCI helicopters, or more generally speaking the war equipment
25 of the UN, did they attack other government centres or the police or the

1 gendarmerie?

2 A. [11:02:00] Are you saying during the post-election crisis or during the
3 post-election crisis? During the post-election crisis the shelling was
4 conducted on the residence of the head of state, also the barracks of the navy
5 in Yopougon was shelled, Locodjro, Yopougon Locodjro, the maritime base
6 there.

7 Q. [11:02:33] Very well.

8 A. [11:02:37] And also the barracks in Akouédo, the new barracks in
9 Akouédo.

10 Q. [11:02:43] Do you know whether there were any deaths after these
11 attacks, and in particular were there any civilian attacks?

12 A. [11:02:56] I was not privy to that information, counsel.

13 Q. [11:02:58] Very well. Now, that is with regards to the ONUCI
14 helicopters. Now, at an earlier stage you were telling us that on Agban camp
15 there were attacks. And if I understand you correctly, they were French
16 helicopters. Is that what you said?

17 A. [11:03:19] Yes, they were Gazelle helicopters.

18 Q. [11:03:21] Very well. Now, when did those attacks take place?

19 A. [11:03:25] I said that those attacks on the barracks took place on
20 10 April.

21 Q. [11:03:35] Very well. So if I understand you correctly, you are telling
22 us that there was a concerted ONUCI French army attack on the Agban camp
23 on such and such a date; is that correct? On 10 April, is that correct?

24 A. [11:03:52] Yes.

25 Q. [11:03:52] And to your knowledge during the post-election crisis, were

1 there other attacks led by French troops or by French soldiers against Ivorian
2 army positions of the police or the gendarmerie?

3 A. [11:04:15] During the entire crisis, well, all the locations from Duékoué,
4 and this is on the basis of the report that we had, until quartier Tiébissou, the
5 Tiébissou neighbourhood, all of those locations that had been deserted by the
6 defence and security forces were deserted because the rebel attacks were
7 always preceded by a shelling on the part of ONUCI or the French army,
8 generally speaking.

9 Q. [11:04:56] Now, sir, I'm sorry to interrupt you. I do apologise. It's
10 very important for us to understand what happened during this crisis. Now,
11 I want you to clarify here for us to understand correctly. What you have just
12 said to us is that when the rebel forces came down from the north to the south
13 of the country, as they progressed on each occasion when they felt that they
14 were coming under attack in a town or position or a fortified position, the
15 men of the governmental army could not defend themselves because they
16 had been previously attacked either by ONUCI helicopters or by French
17 helicopters, is that what you are telling us?

18 PRESIDING JUDGE TARFUSSER: [11:05:41] Maître Altit, Maître Altit, you
19 are always summarising and going far beyond what was said. You are
20 summarising really a little bit too much, I would say. Yes, yes, indeed.
21 Because always when you say "in order for us to understand better," I think
22 we have already understood. So this is an occasion for you to summarise
23 better the concept. But I mean, I just think that especially in this case you
24 went a little bit too far.

25 MR ALTIT: [11:06:13] (Interpretation) Well, Mr President, I shall start again

1 point by point. But this is indeed what the witness said, but I shall go
2 through it point by point. And I do understand your intervention, entirely.
3 Q. [11:06:24] So, Mr Witness --
4 PRESIDING JUDGE TARFUSSER: [11:06:26] Yes, but if the witness already
5 said what you are then repeating, I don't know why you should repeat. This
6 is obviously a technique of questioning. I do understand, of course, but I
7 think one should a little bit be more careful when summarising, and I would
8 say we could also stay without summarising because we understand. We
9 hear the same things. Thank you.
10 MR ALTIT: [11:06:56] (Interpretation) Mr President, very well.
11 Q. [11:07:08] So I shall be putting the questions to you point by point. No
12 more summary is allowed. But we'll home in on what you say point by
13 point, okay?
14 A. [11:07:17] Very well.
15 Q. [11:07:17] So you talked about a prior attack on the part of the UNAN
16 and the French army on the Ivorian positions. And I wanted to bring to the
17 fore the various points of these attacks. And now where on the national
18 territory did these attacks occur? Please, go ahead.
19 A. [11:07:42] Very well. Now, the beginning of the attack, in terms of
20 chronology, I -- I'm not ready. But I know that when the attacks started
21 throughout the territory, they started in Duékoué. And in Duékoué, there
22 was a first -- the defence and security forces fired back. And then when the
23 Forces Nouvelles realised that they could not advance on this Duékoué
24 territory, it was the ONUCI and the French army who shelled the first
25 positions in Duékoué and who opened the sluice gates, if you like, and

1 enabled the Forces Nouvelles to move forward to Duékoué. And then they
2 attacked the civilians who took refuge behind the Duékoué Catholic church,
3 which is located approximately 300 metres from the ONUCI base.

4 And that is where I heard that approximately 800 people were massacred.

5 Now, the ONUCI army and the French army shelled things, and the Forces
6 Nouvelles were then able to move forward. And the same scenario applied
7 in Daloa. In Daloa, where they also opened up the sluice gates.

8 And the same thing happened in Tiébissou. And when this scenario
9 unfolded in Tiébissou, the Abobo barracks, well, the soldiers of that area
10 were frightened when they heard the ONUCI helicopters flying over and
11 they left the location in order not to come under shelling.

12 So generally speaking, the attacks that occurred on the part of the ONUCI
13 and the French army unfolded like this. But there were also such attacks in
14 Abidjan, as I said at an earlier stage. There was the Koumassi barracks that
15 came under attack by the armoured, the French armoured unit. There was
16 one gendarme who died on that occasion. There was also the attack on the
17 national marines, and there was the attack on the Akouédo camp. The
18 attack on the Agban barracks. So those are the various attacks that were
19 made by the foreign units that I've just mentioned.

20 Q. [11:11:15] You talked to us about the attack on Koumassi by French
21 armoured vehicles. Can you tell us a little bit more and tell us when it
22 happened, approximately?

23 A. [11:11:35] I am not able to provide you with a specific date. I know
24 that it was between 5 and 11 April that this attack took place. And a young
25 officer by the name of Captain Lobognon, who was the commander of that

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1 squadron --

2 Q. [11:12:06] Mr Witness, don't say too much about who was doing what.

3 I shall put questions to you if the need arises. Do not forget that you are in
4 open session.

5 A. [11:12:17] Very well.

6 Q. [11:12:17] So people died during the attack on Koumassi by the French
7 armoured unit, did they?

8 A. [11:12:31] Yes. There was a young gendarme who was posted on a
9 mirador who was -- who came under fire, didn't know whether it was
10 80 millimetres or 90 millimetres.

11 Q. [11:12:46] And why did they attack Koumassi?

12 A. [11:12:52] Well, as the Agban barracks, they -- the Koumassi had
13 remained on the defensive.

14 Q. [11:13:04] So the aim was what, precisely?

15 A. [11:13:07] The aim was to flush them out.

16 Q. [11:13:13] Very well. And that attack conducted by French armoured
17 vehicles, was that supported by rebel forces to your knowledge or were there
18 only French armoured vehicles?

19 A. [11:13:27] I do not have the details.

20 Q. [11:13:28] Very well. You spoke to us, if I understood you correctly, of
21 the attack by the French forces on the national marine base; is that correct?

22 A. [11:13:44] Yes.

23 Q. [11:13:44] And when was that?

24 A. [11:13:45] I believe that that attack occurred during 10 to 13 or 14 April,
25 around those dates.

1 Q. [11:13:56] And what was the equipment used by the French forces?

2 A. [11:14:02] It was still their aviation.

3 Q. [11:14:06] When you say "aviation," do you mean helicopters?

4 A. [11:14:10] Yes, helicopters specifically.

5 Q. [11:14:13] And did anybody die?

6 A. [11:14:22] I do not know. I do not know.

7 Q. [11:14:26] And why did they attack that marines HQ in your opinion?

8 What was the strategic aim?

9 A. [11:14:39] I am not conversant in the French army strategies, so I don't
10 know what their operational aim was. I don't know what they aimed to
11 attain.

12 Q. [11:14:51] Mr Witness, you talked to us about the attack on the
13 Akouédo camp. During which period did this attack occur?

14 A. [11:15:04] I could say that it was on 10 April, on 10 April. But I think it
15 resumed on 11 April. And the Akouédo camp was shelled before the Agban
16 barracks, so I might say that it was on 10 April that that shelling commenced.

17 Q. [11:15:29] And which French forces led the attack and what was their
18 equipment?

19 A. [11:15:40] It was the two Gazelles who conducted the attack on the
20 Agban barracks, and it was those same two Gazelles who attacked the
21 Akouédo camp.

22 Q. [11:15:58] And did people die?

23 A. [11:16:00] I do not know. But I know that they flattened everything
24 that was in terms of heavy equipment, the armoured vehicles, the VDAs, et
25 cetera.

1 Q. [11:16:14] And to your knowledge, were there any civilians present at
2 the Akouédo camp?

3 A. [11:16:21] Yes. In the barracks, civilians are always present. There
4 weren't many at the Akouédo camp, but there were some. There were
5 several soldiers living there in the studios with their small families.

6 Q. [11:16:41] Very well. Do you recall any further attacks by the French
7 either by their armoured units or by the helicopters?

8 A. [11:16:57] Apart from those attacks, of course, there was the attack
9 upon the presidential palace, where there was some shelling. And there was
10 the residence of the head of state, where there was also a firework display on
11 11 April.

12 Q. [11:17:17] What do you mean by "firework display"?

13 A. [11:17:20] Well, in terms of intensity after Akouédo there was more
14 intensive fire at the residence of the head of state, if you like.

15 Q. [11:17:36] And who was leading the attacks?

16 A. [11:17:40] It was those same two Gazelles. They conducted a
17 triangular attack system in Akouédo, in the Agban barracks, and then they
18 homed in on the residence. I forget -- there was also the DMIR that was
19 shelled, and it was during that shelling that Colonel Babri died.

20 Q. [11:18:21] And the shelling of the presidential residence took place on
21 what dates?

22 A. [11:18:25] I believe it occurred on 10 April, and then, I apologise, well, I
23 think that it was finished off on the 11 April.

24 Q. [11:18:34] When you say "finished off," what do you mean precisely?

25 A. [11:18:40] Well, that was the last shelling. When -- maybe it's a bit of a

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1 defamation in professional terms. You know, it was as if the finale had
2 occurred there.

3 Q. [11:19:07] And amongst the helicopters who were bombing the
4 presidential palace, were there any ONUCI helicopters?

5 A. [11:19:15] Those two Gazelles are the ones that I saw. I don't know
6 whether there were any ONUCI helicopters present. It was the two Gazelles
7 of the French helicopters that I saw.

8 THE INTERPRETER: [11:19:29] Indiscernible. Can the witness please be
9 requested to slow down.

10 PRESIDING JUDGE TARFUSSER: [11:19:34] Mr Witness, can you please
11 slow down in speaking for the interpreters to understand you better and to
12 translate better. Thank you.

13 THE WITNESS: [11:19:48] (Interpretation) Thank you, Mr President. I
14 shall be making an effort now.

15 MR ALTIT: [11:19:59] (Interpretation)

16 Q. [11:20:00] We're going to be showing you a few images, Mr Witness.
17 We are looking at video CIV-D15-0001-3945, and for the parties it is item 180
18 on our list. There is no time code, Mr President, because we are going to
19 show the video in its entirety. It lasts approximately 25 seconds.
20 Mr Witness, please have a close look at the video and I shall put questions to
21 you subsequently, all right?

22 A. [11:20:50] Okay.

23 (Viewing of the video excerpt)

24 MS PACK: [11:21:33] Could we just have a source and a date for this?

25 MR ALTIT: [11:21:43] (Interpretation) So the date indicated is 4 April 2011.

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1 Now, I'm going to answer you with regard to what it is, but I would like to
2 ask the witness first and foremost whether he recognizes the location. And
3 once he has said so, then I'll give you the details. That seems more logical to
4 me than the contrary.

5 Q. [11:22:32] Now, Mr Witness, do you recognize the location that is the
6 back drop of this video?

7 A. [11:22:39] No. I have not seen the town for quite some time, so I do
8 not have any points of reference.

9 Q. [11:22:52] So you do not know where the events filmed here took
10 place?

11 A. [11:22:58] No, I do not. I do not see.

12 Q. [11:23:01] Very well.

13 MR ALTIT: [11:23:15] (Interpretation) Very well. So that said, I can now
14 answer you. This is a document, a YouTube document filmed by a civilian
15 living 500 metres away from the Akouédo camp. It is the bombing of the
16 Akouédo camp. Their ammunition dump is coming under shelling.

17 MS PACK: [11:23:45] Thank you, Mr Altit, for giving evidence there. But I
18 don't think the witness can speak to this.

19 PRESIDING JUDGE TARFUSSER: [11:23:50] He already said he cannot, so
20 the problem is solved.

21 MR ALTIT: [11:23:54] (Interpretation) Yes, it's clear. That's why I wanted
22 to ask him first and foremost. It's clear that he has not recognized it, and I
23 can provide the reference. Mr President, I don't see very well, and neither do
24 you apparently, where the problem lies.

25 PRESIDING JUDGE TARFUSSER: [11:24:12] No, there is no problem. Just

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1 go ahead.

2 MR ALTIT: [11:24:16] (Interpretation)

3 Q. [11:24:35] Now, Mr Witness, you know, I'm going to be putting a few
4 questions to you, but I'm going to put a question to you still with regard to
5 this shelling, to these attacks.

6 MR ALTIT: [11:24:53] (Interpretation) And with a view to taking no risk at
7 all, I think that with your leave, Mr President, we will go into closed session
8 and come back into open later, all right?

9 PRESIDING JUDGE TARFUSSER: [11:25:06] Okay. Then let's go in private
10 session.

11 (Private session at 11.25 a.m.)

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

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- 13 (Open session at 11.27 a.m.)
- 14 THE COURT OFFICER: [11:27:41] (Interpretation) We are in open session,
- 15 Mr President.
- 16 PRESIDING JUDGE TARFUSSER: [11:27:53] Thank you very much.
- 17 Maître Altit.
- 18 MR ALTIT: [11:27:55] (Interpretation) Thank you, Mr President.
- 19 Q. [11:27:58] Mr Witness --
- 20 A. [11:28:02] Yes.
- 21 Q. [11:28:05] -- mention was made of an attack on Tuesday 5 April from, if
- 22 I understand correctly, the Agban camp, and you will tell me if I am mistaken
- 23 or not, by Chérif Ousmane's soldiers; is that correct?
- 24 A. [11:28:24] Yes, that is correct.
- 25 Q. [11:28:25] So first and foremost, shells were launched on the Agban

1 camp and the surrounding area from a launch point close to the lycée
2 technique. Now in your opinion this launch point, was it within the lycée,
3 was it within the immediate vicinity, or in the surrounding area?
4 A. [11:29:04] I cannot provide you the specific point, but it was in the
5 surrounding area around the lycée technique or even within the lycée
6 technique, because subsequently we heard, after 12 or 13 April, we heard
7 women shouting, women who had been raped and who had sought refuge in
8 the lycée. They had been raped by the rebel forces and they were shouting
9 out, "Help, help. We've been raped. I've just given birth." And these were
10 voices that we could hear distinctly.

11 Q. [11:29:56] When you heard those women being raped, calling out for
12 help, what did you do?

13 A. [11:30:10] Well --

14 Q. [11:30:14] Be careful, Mr Witness. Don't forget, we're in open session.

15 A. [11:30:18] Well, what we did? Well, in private session I could explain
16 that.

17 Q. [11:30:23] Very well. I'll put the question to you again in private
18 session. However, I'm going to move on for us to avoid going in and out of
19 closed or private and open session.

20 So that attack of 5 April, was that the first attack that the camp came under to
21 your knowledge?

22 A. [11:30:52] Yes, yes, yes. It was during that period that the attacks
23 commenced on the Agban barracks.

24 Q. [11:31:03] And who is Chérif Ousmane?

25 A. [11:31:06] Chérif Ousmane was a former sergeant chef of the Ivorian

1 army who was imposed at the first BCP, that is the parachutist commando
2 battalion. And after having been arrested for having threatened the security
3 of the state, he was able to escape just before the attack of 2002 and he fell into
4 the hands of the Forces Nouvelles.

5 Q. [11:31:56] Very well. And in 2011, what was his role?

6 A. [11:32:11] In 2011 he was a commander of a detachment of special
7 forces of the Forces Nouvelles based in Bouaké. So he participated in the
8 attack on Abidjan with his force known as les Guépards or the Cheetahs.

9 Q. [11:32:39] As far as you know, did these Guépards perpetrate attacks
10 on civilians?

11 A. [11:32:55] I cannot confirm that. For that period of 2011, I did not
12 observe any crimes that he allegedly committed.

13 Q. [11:33:02] But the rapes that you were talking about a short while ago,
14 and we are going to revisit the details, but who committed those rapes?

15 A. [11:33:21] By whom? I didn't understand you.

16 Q. [11:33:25] I will repeat. The rapes that you have just talked about, the
17 women that were rescued, who raped those women?

18 A. [11:33:39] I do not know.

19 Q. [11:33:43] But you say, unless I'm mistaken, and I'm quoting you,
20 "raped by the rebel elements," is that correct?

21 A. [11:33:57] Yes. Yes, by the rebel elements, but I cannot tell you
22 precisely which group they belonged to. In the Forces Nouvelles there were
23 many units and many commanders, so I cannot tell you specifically that it
24 was the soldiers of Wattao or Ousmane and so on and so forth. But they
25 were rebels.

1 Q. [11:34:29] Very well. Now this attack of 5 April, how long did it last?

2 A. [11:34:50] The first attacks started at half past 12 p.m. to around 5 to
3 5.30 p.m., and then it resumed at night around 10 to 11 p.m., right up to the
4 early hours of the morning, 2, 3, 4 a.m.

5 Q. [11:35:13] To your knowledge, were there any losses suffered by those
6 defending the camp?

7 A. [11:35:29] Regarding those defending the camp, well, the attacks
8 continued. I talked about the 5th, Tuesday the 5th, but they went on until
9 Friday. There was a ceasefire signed between the rebels and the gendarmes.
10 But amongst the gendarmes, apart from the young girl Andrea Kobéna who
11 was killed, I'm not aware of any gendarme who died during that incident. I
12 was told that other gendarmes died during an ambush outside of the Agban
13 barracks.

14 Q. [11:36:29] Very well. Now we are in open session, so do not tell us
15 how you were informed of those facts, but can you tell us something about
16 the ambush that you just mentioned? When was it and what happened?

17 A. [11:36:53] The gendarmes went to procure resupplies in food. There
18 was no longer any food left. So they went to Bingerville to procure food. So
19 they passed through the Agban barracks towards the small suburb of
20 Bingerville. And when they reached the Riviera II intersection, there was the
21 ambush and the five gendarmes were killed.

22 Q. [11:37:37] Thank you. Do you know which weapons were used by
23 those who carried out the ambush?

24 A. [11:37:59] There were RPGs and heavy weapons, the AA-52s and
25 PKMs; that is, according to the gendarmes.

1 Q. [11:38:11] Very well. Which weapons were used by those who
2 attacked the Agban camp as from 5 April?

3 A. [11:38:28] I have said that there were shells. The attack started with
4 the launching of 42- and 60-millimetre shells. So they had mortars, they had
5 RPGs, they had PKMs, they had AA-52s. In any case, the bulk of the
6 weaponry used by Chérif Ousmane were using -- when the gendarmes
7 neutralised them, they were able to seize some of those weapons. So there
8 was a bit of everything; RPGs, AA-52s, Kalashnikovs, and so on.

9 Q. [11:39:24] Very well. You're telling us that the gendarmes started
10 neutralising Chérif Ousmane's men; is that correct?

11 A. [11:39:38] Yes, some of them.

12 Q. [11:39:40] You explained to us a short while ago the *modus operandi* in
13 the other parts of the countries. When the Forces Nouvelles came up against
14 resistance, the French forces intervened. Now, you talked of the shelling of
15 the Agban camp. Now, was this because of the resistance of the Agban
16 camp?

17 A. [11:40:17] Yes, indeed. As I have said, they started fighting on 5 April
18 up until Friday when there was a ceasefire, a ceasefire between the
19 gendarmes and the rebel forces. And it was on Sunday that the shelling of
20 the French army started.

21 Q. [11:40:55] Are you telling us that it was during the ceasefire?

22 A. [11:40:59] Yes, yes. But since the ceasefire was signed between the
23 gendarmes and the rebels, it did not concern the French army. That is how
24 come they shelled the barracks and the gendarmes were compelled to
25 surrender.

1 Q. [11:41:25] Very well. Who negotiated the ceasefire on the side of the
2 rebels?

3 A. [11:41:37] It was Koné Zaccaria and General Kassaraté who negotiated.
4 General Kassaraté on behalf of the gendarmes.

5 Q. [11:41:47] Do not give specific details. Now, who is Koné Zaccaria?

6 A. [11:41:57] Koné Zaccaria is a rebel leader, and I believe that currently
7 he is the deputy commander of the surface to air battalion, artillery battalion.

8 Q. [11:42:20] And where did he come from before he arrived Abidjan?

9 A. [11:42:25] Koné Zaccaria, well, at the beginning of the rebellion, he
10 commanded the Vavoua region. At one point, he fell into disgrace and then
11 he retreated to Burkina Faso before coming back.

12 Q. [11:42:56] Why disgrace?

13 A. [11:43:03] He had a disagreement. There was a disagreement amongst
14 themselves, so he was compelled to go and seek refuge for some time in
15 Burkina Faso.

16 Q. [11:43:14] Very well. When you say problems amongst them, you
17 mean amongst the rebels; is that correct?

18 A. [11:43:23] Yes, amongst the rebels.

19 Q. [11:43:24] Can you tell us what type of problems?

20 A. [11:43:35] No, I'm not aware of the problems that they had.

21 Q. [11:43:44] Very well. Who decided about this disagreement?

22 A. [11:43:56] I do not know.

23 Q. [11:43:57] Very well. And you told us that he retreated to Burkina.
24 Why to Burkina?

25 A. [11:44:08] I do not know, but I received confirmation following

1 intelligence that I received that he had a ranch in Burkina.

2 Q. [11:44:24] Very well. Now, we are going to do the same exercise, if
3 you wish. With the leave of the Chamber, I'm going to put some questions
4 to you in private session, and then we will revert to open session and I will
5 ask you questions based on those initial questions. Do you agree?

6 A. [11:45:27] Yes.

7 MR ALTIT: [11:45:29] (Interpretation) Mr President, with your leave, we
8 can go to private session.

9 PRESIDING JUDGE TARFUSSER: [11:45:33] Yes. Please let's go to private
10 session, court officer.

11 (Private session at 11.45 a.m.)

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- 16 (Open session at 11.52 a.m.)
- 17 THE COURT OFFICER: [11:52:08] (Interpretation) We are in open session,
- 18 Mr President.
- 19 PRESIDING JUDGE TARFUSSER: [11:52:13] Thank you, court officer.
- 20 The floor is to Maître Altit.
- 21 MR ALTIT: [11:52:19] (Interpretation) Thank you, Mr President.
- 22 Q. [11:52:23] Mr Witness, mention was made of the Invisible Commando.
- 23 Can you tell us what was this Invisible Commando?
- 24 A. [11:52:34] The Invisible Commando started its activities initially by
- 25 setting up roadblocks. At that time, they were considered as civilians

1 erecting roadblocks, burning tires on public roads. But after the roadblocks,
2 they went on to attack police stations, specifically the Abobo police stations.
3 And it was after those attacks that reinforcements from the riot squad were
4 brought in, particularly at the Abobo intersection. They attacked this
5 position of the security and defence forces, and it was at that time that they
6 killed about 32 policemen.

7 Q. [11:53:47] Very well. A short while ago you told us, and I quote you:
8 "They were considered like civilians setting up roadblocks ..."
9 What do you mean by that?

10 A. [11:54:04] I said that initially when the activity started, the word on the
11 street was that they were setting up roadblocks. And the defence and
12 security forces came to dismantle the roadblocks. And when they were
13 trying to dismantle those roadblocks, they were fired upon by the enemies.
14 So the roadblocks were used as a sort of a trap for the security forces to be
15 ambushed.
16 So they so they behaved like civilians setting up roadblocks so as to check
17 people passing by.

18 Q. [11:55:06] Very well. You have said that when the forces of law and
19 order started dismantling these roadblocks, they were fired upon by the
20 enemy. Is that what you said?

21 A. [11:55:22] Yes.

22 Q. [11:55:22] Which type of weapons were used to attack the security
23 forces?

24 A. [11:55:31] The Invisible Commando used heavy weapons like those I
25 described in private session, the LERC. They also had RPGs, they had

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1 PKMs. They had automatic weapons, the AA-52s. They also had
2 Kalashnikovs. In fact, those were the typical weapons usually used by a
3 combat section.

4 Q. [11:56:21] Very well. Do you know approximately how many
5 combatants could the Invisible Commando mobilise in Abobo?

6 A. [11:56:37] No, no, no.

7 Q. [11:56:41] Not even an approximate number?

8 A. [11:56:44] No, no, no. They were striking everywhere in small groups,
9 so I did not have any intelligence information on the numbers.

10 Q. [11:56:59] Very well.

11 Mr President, it is almost 12 o'clock. I believe we can stop here. I think it's
12 an appropriate moment.

13 PRESIDING JUDGE TARFUSSER: [11:57:19] Okay. So we take the half an
14 hour. We come back at 12.30 for one hour. Thank you very much.

15 THE COURT USHER: [11:57:27] All rise.

16 (Recess taken at 11.57 a.m.)

17 (Upon resuming in open session at 12.35 p.m.)

18 THE COURT USHER: [12:35:01] All rise.

19 Please be seated.

20 THE COURT OFFICER: [12:35:07] (Interpretation) We are in open session,
21 Mr President.

22 PRESIDING JUDGE TARFUSSER: [12:35:16] Good afternoon now. We are
23 in open session. I give immediately the floor back to Maître Altit for his
24 questioning.

25 You are okay, Mr Witness?

1 THE WITNESS: [12:35:31] (Interpretation) Yes, I'm fine. Thank you, Mr
2 President.

3 PRESIDING JUDGE TARFUSSER: [12:35:34] Okay. So Maître Altit.

4 MR ALTIT: [12:35:43] (Interpretation) I thank you, Mr President.

5 Q. [12:35:56] Now, Mr Witness, we shall start over, all right?

6 A. [12:36:00] Yes.

7 Q. [12:36:01] We are still in open session, so please avoid providing any
8 identifying information, all right? Before the break you were talking to us
9 about the modus operandi of the Invisible Commando, were you not?

10 A. [12:36:21] Yes.

11 Q. [12:36:22] And you said to us that the Invisible Commando had
12 attacked police stations. Could you tell us something more about that?

13 A. [12:36:31] Yes. They commenced the attack on the Abobo police
14 station, Derrière -- behind the rails, Derrière rails is what it's called. It's the
15 Derrière Rails neighbourhood. It came under attack on one occasion, and
16 then on a second occasion it came under attack by day. So I do not know
17 whether anybody died, but it was completely burnt down. Subsequent to
18 which, two or three further police stations within Abobo came under attack.
19 And after that, it was the fixed positions of the law enforcement that came
20 under attack, for example, the riot squad, and this was after they had been
21 attacked in ambushes when they attempted to take away the barricades.
22 They occupied the Abobo station roundabout, and at that specific fixed
23 position the Invisible Commando came using taxis, using common taxis that
24 we call wôrô-wôrô in Côte d'Ivoire. And in those common taxis, they then
25 opened fire on the policemen who were stationed at the Abobo town hall

1 roundabout.

2 So they attacked the police station and they mixed themselves in with the
3 crowd posing as demonstrators. And when the demonstrators arrived and
4 opposed the law enforcement, they then sort of used these taxis in common
5 and -- these shared taxis, and attacked. And then they also set up a number
6 of roadblocks against the supply and relief convoys. These are the methods
7 that were used by the Invisible Commando.

8 Q. [12:39:24] Just one point. You know that everything that you're saying
9 is transcribed. For there to be no doubt, for everything to be crystal clear,
10 you were talking about an ambush and I presume you are talking about the
11 ambush laid by the members of the Invisible Commando?

12 A. [12:39:52] Yes, I was talking about the Invisible Commando
13 throughout.

14 Q. [12:39:55] Now, what did the policemen do when they came under
15 attack, and what became of them? Can you tell us a little bit of what
16 happened? What happened subsequently, if you like?

17 A. [12:40:14] I would say that 32 policemen lost their lives. They fell in
18 the attacks perpetrated by the Invisible Commando. I can't tell you how
19 many civilians. But as to the number of policemen who lost their lives, there
20 were 32. And a ceremony was organised for them at the esplanade of the
21 army staff headquarters. So there was retaliation to these ambushes, and
22 some of the policemen did come out alive.

23 But, you know, none of the members of the security forces wanted to provide
24 a service when it was a combat group that was being sent, because this
25 creates a climate of fear. That is why they -- they fled those various points

1 in order to then become an operational area under the command of the
2 operational zone.

3 Q. [12:41:46] If I understand you correctly, you are telling us that the
4 defence and security forces, in particular the policemen that you mentioned,
5 abandoned their positions; is that correct?

6 A. [12:41:58] Yes.

7 Q. [12:42:00] How many of these positions remained in the hands of the
8 defence and security forces in Abobo towards the end of the crisis?

9 A. [12:42:11] I said that in Abobo, even after the operational zone had
10 been set up, Abobo zone fell into the hands of the rebels with the exception of
11 the Abobo squadron, where it was known that it was the defence and security
12 forces who held it.

13 The other Abobo areas, whether it be PK18 and everywhere else up to
14 Anyama, were in the hands of the rebellion.

15 Q. [12:42:54] Very well. So to be clear, you are telling us that there were
16 no further locations where the security forces were to be found with the
17 exception of the commando camp; is that correct?

18 A. [12:43:13] Yes, that is correct.

19 Q. [12:43:14] And you told us something a moment ago which is clear
20 about those days. Don't provide too much information that could be
21 identifying. We are in open session. I understand from what you have just
22 said that in reality, setting up this operational zone that you mentioned is a
23 response to the fact that the FDS support points had disappeared. Is that
24 what you mean?

25 A. [12:43:50] Yes, that is what I mean. As these locations had sort of

1 dissipated because of the climate of fear, the forces wanted to be regrouped
2 within an operational zone, and that is why the Abobo squadron was retained
3 by the staff headquarters with a view to concentrating the forces at that
4 location.

5 Q. [12:44:20] Very well. At an earlier stage you were talking about the
6 Abobo station roundabout. And I believe that you were saying that there
7 were policemen stationed there, that they came under attack by rebels who
8 arrived in taxis. Now to your knowledge, did the rebels then take up
9 position at that Abobo station roundabout?

10 A. [12:44:54] Yes, at the height of the crisis the town hall roundabout was
11 entirely in rebel hands. And in terms of (Redacted) that -- within the
12 Abobo squadron, one of the places to avoid was the Abobo town hall
13 roundabout.

14 Q. [12:45:22] For us to understand correctly, the town hall roundabout
15 and the station roundabout are one and the same thing?

16 A. [12:45:33] Yes. The roundabout of -- that is one and the same place,
17 the station roundabout, the town hall roundabout, and the roundabout that is
18 next to the market is one and the same place.

19 Q. [12:45:43] You were saying that there were many rebels in many
20 locations. Now, I would like to know where those rebels were located? Did
21 they live in the neighbouring area, or were they grouped together as soldiers
22 in camps? Were they grouped by unit? Can you see what I'm saying?

23 PRESIDING JUDGE TARFUSSER: [12:46:03] Slow. Slowly. Please pause.
24 Thank you. Now go.

25 THE WITNESS: [12:46:11] (Interpretation) Very well. The Abobo mairie,

1 town hall, was a base for the rebellion, and it was from the Abobo town hall
2 that they had set up another neighbourhood. And they were holding the
3 various axis going towards the roundabout.

4 MR ALTIT: [12:46:47] (Interpretation)

5 Q. [12:46:48] Do you mean that there were rebel soldiers who were
6 stationed at the roundabout on each of the roads leading away from the
7 roundabout?

8 A. [12:47:05] Well, the base was the town hall. But all the high points
9 that enabled people to hold onto those various roads giving access to the
10 roundabout were occupied by the rebels.

11 Q. [12:47:24] Very well.

12 MS PACK: [12:47:26] Your Honours, could we have a timeframe for this
13 quite broad evidence?

14 MR ALTIT: [12:48:05] (Interpretation)

15 Q. [12:48:08] Now, I would like to be able to continue as I wish, because
16 there is a logical progression to things, without necessarily being interrupted,
17 but I do understand what you are saying. And it is a question that was to
18 come a little bit afterwards, but I'm going to put it now. It's not a bother.

19 But, however, if we were to respect logical thinking, then --

20 Anyway, sir, you said at a given moment in time that -- there we are.

21 You said and I quote a few moments ago:

22 "... at the height of the crisis the town hall of the Abobo roundabout was in
23 rebel hands entirely."

24 And then you went onto talk about (Redacted) being that

25 this Abobo roundabout should be avoided.

1 A. [12:49:16] Yes.

2 THE INTERPRETER: [12:49:17] Message from the interpreter: Could

3 Maître Altit please be requested to slow down. He is speaking at the speed

4 of light when he quotes. Thank you.

5 PRESIDING JUDGE TARFUSSER: [12:49:25] Maître Altit, from the

6 interpreter booth: When you quote, quote slowly. Thank you.

7 MR ALTIT: [12:49:35] (Interpretation) Very well, Mr President.

8 Q. [12:49:43] So now I've lost my train of thought. My line, in fact. Oh,

9 yes. At the height of the crisis, and when you say "at the height of the crisis,"

10 can you tell us more or less what moment in time during the crisis you situate

11 these events?

12 A. [12:50:13] I could situate them after the installation of the operational

13 zone of Abobo, so I would say that it was more or less in the month of

14 January.

15 Q. [12:50:33] Very well. Now, who commanded this Invisible

16 Commando?

17 A. [12:50:52] The Invisible Commando came under IB's men, Ibrahim

18 Coulibaly.

19 Q. [12:51:04] Could you tell us a little bit more about IB? Did he have a

20 role or had he had a role in the rebellion?

21 A. [12:51:14] IB always boasted that he was one of the major pawns of the

22 success of the rebellion that had commenced in 2002. And during that

23 period he -- during that post-election period, he was in exile in Benin, and he

24 came home and he said that he had very well specialised troops who could

25 come up with a solution for a rebellion to be put together in the face of this

1 war. So that's what I know about him. And I had contact with him. And
2 were I to have to talk about this, we would be obliged to move into private
3 session.

4 MR ALTIT: [12:52:27] (Interpretation) We will, with your leave, go into
5 private session, if the president authorises it.

6 THE INTERPRETER: [12:52:36] Microphone please, Mr President.

7 PRESIDING JUDGE TARFUSSER: [12:52:38] Sorry. We should go into
8 private session, please.

9 (Private session at 12.52 p.m.)

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6 (Open session at 12.59 p.m.)

7 THE COURT OFFICER: [12:59:22] (Interpretation) We are in open session.

8 MR ALTIT: [12:59:33] (Interpretation) Thank you, your Honour.

9 Q. [12:59:35] Mr Witness, IB, when did he die and how did he die?

10 A. [12:59:45] IB died after the arrest of Mr Gbagbo, and it was during an
11 intervention by the French army at PK18. That is what I learned.

12 Q. [13:00:12] Just to make sure we are on the same wavelength, are you
13 saying that it was the French army that intervened and French soldiers killed
14 him?

15 A. [13:00:24] Yes, yes. That's what they did.

16 Q. [13:00:27] Very well. And when was that?

17 A. [13:00:37] I can't give you a specific time, but it was after the arrest of
18 Mr Gbagbo.

19 Q. [13:00:40] Very well. And what became of IB's troops after that time?

20 A. [13:00:57] I don't know. I don't know what decision was made about
21 them. But what I heard from people, it would appear that those people were
22 integrated into the republican forces of Côte d'Ivoire.

23 Q. [13:01:16] Very well. I'd like to briefly hark back to the question of the
24 attacks that the security forces were subject to in Abobo, and I'd like to play
25 some video -- ah, no.

1 MR ALTIT: [13:01:45] (Interpretation) Could we go into private session,
2 your Honour, for this particular part of my questioning.

3 PRESIDING JUDGE TARFUSSER: [13:01:55] Let's go again in private.

4 Thank you.

5 MR ALTIT: [13:02:03] (Interpretation) If you please --

6 (Private session at 1.02 p.m.)

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- 1 (Open session at 1.05 p.m.)
- 2 THE COURT OFFICER: [13:05:31] (Interpretation) We are in open session.
- 3 PRESIDING JUDGE TARFUSSER: [13:05:40] Thank you.
- 4 MR ALTIT: [13:06:12] (Interpretation) If I could address the Chamber?
- 5 PRESIDING JUDGE TARFUSSER: [13:06:15] Of course you can.
- 6 MR ALTIT: [13:06:16] (Interpretation) Thank you.
- 7 PRESIDING JUDGE TARFUSSER: [13:06:26] With the witness in hearing or
- 8 without the witness?
- 9 MR ALTIT: [13:06:29] (Interpretation) Oh, yes. Yes, yes. I will continue
- 10 my examination, my questioning.
- 11 Q. [13:06:46] I was just looking for one particular phrase that he used so I
- 12 can put my question. While we look for that particular excerpt -- well, we'll
- 13 move ahead for the time being. I believe we are in -- yes, we are in open
- 14 session, so please avoid mentioning any item of information that might
- 15 identify you.
- 16 Now, Mr Witness, I would like to know something. You explained to us
- 17 what happened, those attacks by the Invisible Commando upon the security
- 18 forces. That was very clear.
- 19 A. [13:07:35] Yes.
- 20 Q. [13:07:38] Did the Invisible Commando attack civilians?
- 21 A. [13:07:45] Well, I must acknowledge that I was paying more attention
- 22 to what was happening to us.
- 23 Q. [13:08:01] You're in open session. I remind you of that, sir.
- 24 A. [13:08:05] I don't remember.
- 25 Q. [13:08:08] Very well. Very well. Now, do you know whether some

1 or the entire population fled Abobo?

2 A. [13:08:20] Yes. In Abobo many people were on the move, so to speak.
3 They were heading out to other neighbourhoods, in particular Anonkoua
4 neighbourhood, Anonkoua-Kouté neighbourhood. That was -- but I don't
5 know whether it was the Invisible Commando or the coalition of armed
6 rebels that were conducting those particular attacks.

7 Q. [13:08:50] Very well. Now, this particular neighbourhood that was
8 under attack?

9 A. [13:09:04] Yes, Anonkoua-Kouté neighbourhood.

10 Q. [13:09:07] Just a moment. I'm just glancing at the interpretation booth
11 to see if everything is fine.

12 Now, this neighbourhood was under attack you said a few moments ago,
13 and I believe you mentioned various rebel groups. And how many attacks
14 occurred to your knowledge?

15 A. [13:09:30] In Abobo?

16 Q. [13:09:32] No, in Anonkoua-Kouté.

17 A. [13:09:35] I believe there were two attacks there, but I remember the
18 most violent attacks, the ones during which the most people died. The
19 bloodiest attacks.

20 Q. [13:09:51] And those deaths, did civilians die?

21 A. [13:09:54] They were all civilians. You see, it's a village. It's a village
22 located around the Sotra bus depot in Abobo. So they were all civilians.

23 Q. [13:10:12] Very well. And when did those two attacks occur, do you
24 remember?

25 A. [13:10:19] In open session? Well, the first attack I don't remember. I

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1 really can't give you a timeframe. But the second attack, the attack that we
2 mentioned in private session earlier, that was on 6 March, 6 or 7 March.

3 Q. [13:10:42] Very well. And do you know why the people living in that
4 village were attacked?

5 A. [13:10:52] No, no. I don't, counsel.

6 Q. [13:10:55] Now, who were living in that village?

7 A. [13:11:16] They were Ébrié people.

8 Q. [13:11:19] Very well. Now, was this village partly or entirely
9 destroyed?

10 A. [13:11:32] Some houses were looted, but the entire village of -- was not
11 destroyed, no.

12 Q. [13:11:41] Very well. And the church of Anonkoua-Kouté was hit
13 during the attack?

14 A. [13:11:53] I don't remember very well. I think so. I do think that the
15 church was damaged because some people --

16 THE INTERPRETER: [13:12:05] Inaudible.

17 THE WITNESS: [13:12:06] (Interpretation) -- from around that church.

18 MR ALTIT: [13:12:12] (Interpretation)

19 Q. [13:12:12] To your knowledge, and please be careful, we are in open
20 session right now, what happened to those people living in Anonkoua-Kouté
21 after those attacks?

22 A. [13:12:29] The people living there, all the people who had the resources
23 to flee fled the village, and those who were not in a position to leave - for
24 example, women, children, and the elderly - were evacuated by the defence
25 and security forces. They were taken to St Amboise parish and the injured

1 were taken to the military hospital.

2 Q. [13:13:04] Very well.

3 MR ALTIT: [13:13:12] (Interpretation) Your Honour, I'll be asking some
4 more pointed questions about this event, so if we could please go into private
5 session.

6 PRESIDING JUDGE TARFUSSER: [13:13:19] Yes, please, court officer.

7 (Private session at 1.13 p.m.)

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14 (Open session at 1.21 p.m.)
15 THE COURT OFFICER: [13:21:29] (Interpretation) We are in open session.
16 PRESIDING JUDGE TARFUSSER: [13:21:34] Maître Altit.
17 MR ALTIT: [13:21:38] (Interpretation) Thank you, your Honour.
18 Q. [13:21:40] So, Mr Witness, there was talk about the white horse coup
19 d'état. Do you remember that, the attempt to overthrow the government?
20 A. [13:21:57] The white horse, the open war? Yes.
21 Q. [13:22:02] I'm not asking you what role you might have played because
22 we're in open session right now. I won't ask you anything along those lines.
23 But I merely, merely would like you to explain to us what was this all about?
24 Who was attacking whom? Or what were the issues at stake? So we can
25 understand the succession of events and the crisis.

1 A. [13:22:26] Very well.

2 Q. [13:22:27] Could you respond? If I've understood, this was an attack
3 upon General Guéï when he was the president?

4 A. [13:22:40] Yes. The attack, this attempt to overthrow the government,
5 which was referred to as the white horse plot, occurred in the night of 17 to 18
6 September in the year 2000. Let me repeat: That was during the night of 17
7 to 18 September in the year 2000. A group of soldiers including -- well, the
8 names of those people are to be found amongst the names of the rebels in the
9 FRC.

10 Well, basically it was a group of soldiers who decided to overthrow the
11 government, the government of General Guéï Robert. And the movement
12 attacked the residence of General Guéï Robert.

13 THE INTERPRETER: [13:23:48] Correction: Robert.

14 THE WITNESS: [13:23:51] (Interpretation) And the security and defence
15 forces intervened, first of all to get General Guéï Robert out of there; and
16 secondly, to restore security at his residence and at the headquarters of the
17 RTI. Because, you see, during the intervention the white horse of the general
18 died subsequent to gunfire, and that is why the entire event was referred to as
19 the white horse plot.

20 MR ALTIT: (Interpretation)

21 Q. [13:24:42] And who were these men who tried to overthrow
22 General Guéï?

23 A. [13:24:56] Now, I may have mentioned some people -- well, you see, it's
24 difficult. General Guéï worked with people who are now part of the New
25 Forces or the FSI, so the people I identify -- well, there was Tuo Fozie in

1 particular. I could mention that name. And there was another corporal
2 who was referred to as the grenade. That was his nickname.

3 Q. [13:25:34] Very well. Now to your knowledge, what is Tuo Fozie
4 doing now?

5 A. [13:25:47] Tuo Fozie, he was the head of the rebels in a zone, a zone -- a
6 zone in the north. He and Fozie, they were the commanders of a zone in the
7 north, and I don't know what has become of them now.

8 Q. [13:26:08] Very well. A few moments ago you told us, and I quote:
9 "It was a group of soldiers whose names are now to be found amongst the
10 rebellion and the FRCI."

11 Now, who else were you thinking of other than the name you mentioned
12 Tuo Fozie?

13 A. [13:26:47] Well, the whole group, Cherif Ousmane and -- pour, pour,
14 pour -- well, the person who would be in the best position to tell you about
15 that, well, there was a retired commander, Oulata Gaoudi.

16 Q. [13:27:12] And why would he be the best person to tell us about that?

17 A. [13:27:15] Because not only did he work with, en symbiose, with
18 General Guéi Robert, but also he was the one who was able to identify that
19 person in the field.

20 Q. [13:27:52] Very well. Cherif Ousmane, what is he up to now?

21 A. [13:27:56] I may be wrong, but I believe he is in the GSPR these days.

22 Q. [13:28:02] And that is the presidency's security and protection group,
23 the GSPR. So basically he's in charge of President Ouattara's security?

24 A. [13:28:18] Currently, yes.

25 Q. [13:28:19] Very well. And all these men who attacked General Guéi in

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1 September 2000, who were they working on behalf of?

2 A. [13:28:39] I don't know. I don't know. If they had succeeded, I don't
3 know whom they would have handed power to afterwards.

4 Q. [13:28:55] Is it possible or could it be stated that the people who were
5 in the driver's seat at the time in this attempt to overthrow General Guéï were
6 also at the steering wheel, so to speak, in 2010, at the helm against
7 President Gbagbo?

8 A. [13:29:20] Yes, that would be fair to say because these are the same
9 people, basically, who found themselves within the Forces Nouvelles, and
10 then -- and then at the attack upon Abidjan, the widespread attack from the
11 north heading south all the way down towards the city of Abidjan.

12 Q. [13:29:47] Very well.

13 Yes, your Honour, I do realise what time it is.

14 PRESIDING JUDGE TARFUSSER: [13:30:00] I think now we break for lunch.

15 We are in open, yes. We break for lunch until 3 o'clock in the afternoon, and
16 then we have a two hour session. Thank you.

17 THE COURT USHER: [13:30:09] All rise.

18 (Recess taken at 1.30 p.m.)

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

20 THE COURT USHER: [15:03:49] All rise.

21 Please be seated.

22 PRESIDING JUDGE TARFUSSER: [15:04:14] Good afternoon.

23 Good afternoon, Mr Witness.

24 THE WITNESS: [15:04:22] (Interpretation) Good evening.

25 PRESIDING JUDGE TARFUSSER: [15:04:27] Bonsoir. We are in open

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1 session, and I give the floor to Maître Altit.

2 MR ALTIT: [15:04:43] (Interpretation) Thank you, your Honour.

3 Q. [15:04:56] Good afternoon once again, Mr Witness.

4 A. [15:04:58] Good afternoon, Mr Altit.

5 Q. [15:05:02] And how are you?

6 A. [15:05:03] Very well. Thank you.

7 Q. [15:05:09] Now before the lunch break, we were discussing the white
8 horse attempt to overthrow the government. Now, Mr Witness, just for the
9 purposes of the court record, now you were saying, and it was just before we
10 left off, just before the end of the hearing, you were saying, and I quote,
11 since -- "As I was telling you, it would have been practically the same people
12 with the names that I gave you who found themselves amongst the ranks of
13 the Forces Nouvelles and then involved in the attack upon Abidjan. Well, in
14 actual fact that attack started in the north and headed down south in direction
15 towards the city of Abidjan."

16 Now I don't want to go back to what you said, but just so that later on when
17 people read over the transcript, I would like everything to be very clear,
18 because you said practically the same people with the names that I gave; that
19 is to say, those same people who were behind the white horse attempt to
20 overcome the government. Was that it?

21 A. [15:06:52] Yes.

22 Q. [15:06:55] Who found themselves amongst the ranks of the Forces
23 Nouvelles and then part of the attack from the north to the south upon
24 Abidjan. Which year was that?

25 A. [15:07:07] 2011.

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1 Q. [15:07:08] Very well. Thus, after this attempt to overthrow General
2 Guéï, mention was made of an attempt to overthrow General Guéï in October
3 the year 2000.

4 THE INTERPRETER: [15:07:45] Correction: An attempt -- a coup d'état by
5 General Guéï.

6 MR ALTIT: [15:07:45] (Interpretation)

7 Q. [15:07:46] Do you remember?

8 A. [15:07:53] In October --

9 THE INTERPRETER: [15:07:54] Overlapping speakers.

10 MR ALTIT: [15:07:56] (Interpretation)

11 Q. [15:07:57] Allow me to rephrase so it will be perfectly clear. Mention
12 was made of an attempt to overthrow the government on the part of
13 General Guéï.

14 A. [15:08:07] Yes.

15 Q. [15:08:09] During the --

16 THE INTERPRETER: [15:08:11] Overlapping speakers.

17 PRESIDING JUDGE TARFUSSER: [15:08:14] Please, the problem is that we
18 overlap -- you overlap all the time. So just wait until the question is finished
19 and then start the answer, and otherwise we do not get it.

20 MR ALTIT: [15:08:32] (Interpretation)

21 Q. [15:08:33] I shall rephrase to make sure that everything is very clear
22 and you will be able to answer calmly and everything will be clear in the
23 transcript.

24 Thus, mention was made of a coup d'état, an attempt to take over power by
25 force by General Guéï during the election in the October the year 2000; is that

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1 correct?

2 A. [15:09:05] Yes, that's correct.

3 Q. [15:09:06] You explained to us what it was all about. Could you
4 remind us, this time in open session, and I reiterate we are in open session,
5 how did events unfold? Please tell us very simply so that we can understand
6 this new attempt to overthrow the government.

7 A. [15:09:32] It was in the year 2000. In October there was a presidential
8 election. General Guéï Robert was head of state at that time, and the results
9 were announced by the independent Electoral Commission, and those results
10 began to appear -- seemed to point towards Mr Gbagbo winning. And at
11 that time, general -- the general interrupted the broadcasting of the election
12 results.

13 He had the president of the independent electoral committee -- or rather
14 commission detained, and he declared himself to be the president of the
15 republic. And when he made that announcement, the people took to the
16 streets and called for order to be re-established within the republic. And
17 thus, the voice of the people prevailed and the security and defence forces
18 went out to restore peace and order by driving out the men of General Guéï
19 Robert, who was at the RTI, at the station, the radio and broadcasting station,
20 and at the palace.

21 And thus, the president of the independent Electoral Commission was able
22 to give the results, and the newly elected -- and the new president of the
23 republic, Mr Gbagbo, gave his first speech. So that is my summary of the
24 events that occurred in September of the year 2000.

25 Q. [15:11:42] Very well. Thus, now let us move to the following attempt

1 to overthrow the government. I'm making reference to, well, in particular,
2 page 46, line 14 of the transcript of 7 July, and I make reference to the French
3 language transcript.

4 Now my learned friend put a question:

5 "Do you remember that on 7 July you told us about an attempt to overthrow
6 the government, an attempt to overthrow Laurent Gbagbo, and that occurred
7 in the year 2001?"

8 Now, I remind you we are still in open session. Could you tell us more
9 about this attempt to overthrow the government? Who was behind it?
10 What happened? Could you please give us a general idea in simple terms
11 of what happened?

12 A. [15:12:59] The 7, 8 January 2001, that was the attack, the Agban
13 barracks attack, because the attackers had a strategy, and they thought that
14 the barracks, which were defending the new government, the gendarmes, the
15 attack was only upon the Agban barracks.

16 So you see, as I was telling you, and I was not incorrect when I said that it
17 was the same people, the same soldiers from the white horse plot, because it
18 was the same people taking part in that attack, Tuo Fozie, and in particular
19 amongst the intelligence that we received there was there was a former
20 sergeant by the name of Ouattara, Ouattara Youssouf, Ouattara Youssouf,
21 also referred to as Kobo. And today, well, he was with the prime minister,
22 Prime Minister Soro, and now I believe he still is working with Prime
23 Minister Soro. So it was the same people as the ones -- the same ones
24 involved in this attack on the barracks as the people I mentioned regarding
25 the first attack, the first attempt to overthrow the government.

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1 Q. [15:14:57] Very well. And what was their objective?

2 A. [15:15:09] Their objective as expressed by the Ouattara I mentioned,
3 Kobo, was to keep the -- well, they basically were trying to retain control over
4 the barracks and then conduct an attack on the residence and then abduct the
5 president of the republic. That was the strategy that they had set for
6 themselves.

7 Q. [15:15:37] Very well. Thus, if I've understood correctly, they wanted
8 to abduct President Gbagbo?

9 A. [15:15:49] Yes, yes, that's right.

10 Q. [15:15:51] Very well. And who would they put in place to replace
11 him?

12 A. [15:16:00] I don't know.

13 Q. [15:16:00] Very well. Mr Witness, were there any deaths during that
14 attack?

15 A. [15:16:17] In 2001? No. No, there were no deaths. There were no
16 deaths. No deaths, well, I mean, amongst the defence and security forces.
17 But the attackers had a few casualties, maybe 10, approximately 10.

18 Q. [15:16:41] Very well. If you don't mind, we will now move onto
19 something else, namely, the attack of 18 and 19 September 2002. Now, I
20 believe you remember we spoke of this here on 7 July.

21 MR ALTIT: [15:17:05] (Interpretation) And for parties and the Chamber
22 and in particular my learned friend, I make reference to page 46, line 16 of the
23 French transcript of 7 July; page 47, line 15, to page 48, line 2 of the French
24 transcript of the hearing held on that date, 7 July; as well as page 47, line 19,
25 once again the French transcript of the hearings held on 7 July 2016.

1 Q. [15:17:45] Now, sir, we are in open session. I stress, we are in open
2 session. And mention was made of the attack. You see, these attempts to
3 overthrow the government in 2000 -- well, the attack on the Agban barracks,
4 was I correct when I -- I thought it was in 2002?

5 A. [15:18:20] Yes, 2002. Not only was there the attack on the barracks,
6 but also there was the attack on a number of men on the residences of people
7 who were thought to be very close to President Laurent Gbagbo; namely, the
8 Minister of State Boga Doudou Émile, Boga Émile, who died subsequent to
9 that attack. There was also an attack upon the residence of the minister of
10 defence of that day, Lida Kouassi Moïse.

11 Q. [15:19:06] Very well.

12 A. [15:19:18] And you see, it was the retaliatory response from the
13 security and defence forces that made it possible to repel the attackers, and
14 they retreated -- well, they withdrew towards Bouaké and began an armed
15 rebellion from there.

16 Q. [15:19:41] Very well. And who were these attackers?

17 A. [15:19:46] I've been saying right from the very beginning, it's the same
18 people who were involved in the white horse plot, the same people.

19 Q. [15:20:01] Just to be certain that it's crystal clear, you're saying that it
20 was the same --

21 A. [15:20:06] The same. The same peoples. Chérif Ousmane, Wattao,
22 the people who I know. It is true.

23 Q. [15:20:19] Very well. And who were they going to put in power and
24 replace -- have President Gbagbo replaced?

25 A. [15:20:36] I don't know.

1 Q. [15:20:36] Very well. I believe we're going to have to go into private
2 session very briefly, because I'd like to ask you one or two questions more
3 specific.

4 MR ALTIT: [15:21:15] (Interpretation) If you don't mind, your Honour, with
5 your leave.

6 PRESIDING JUDGE TARFUSSER: [15:21:17] Of course. Let's go in private
7 session, please.

8 (Private session at 3.21 p.m.)

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Open session at 3.43 p.m.)

4 THE COURT OFFICER: [15:43:13] (Interpretation) We are in open session,
5 your Honour.

6 PRESIDING JUDGE TARFUSSER: [15:43:19] Maître Altit.

7 MR ALTIT: [15:43:33] (Interpretation) Much obliged, Mr President.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

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17 (Redacted)

18 (Redacted)

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21 (Redacted)

22 (Redacted)

23 MS PACK: [15:45:33] Could we go into -- I'm sorry, could we go into private
24 session just for a moment?

25 PRESIDING JUDGE TARFUSSER: [15:45:43] Let's go into private session.

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

ICC-02/11-01/15

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Trial Hearing
WITNESS: CIV-OTP-P-0321

(Open Session)

ICC-02/11-01/15

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6 (Open session at 4.32 p.m.)

7 THE COURT OFFICER: [16:32:51] (Interpretation) We are in open session,
8 your Honour.

9 PRESIDING JUDGE TARFUSSER: [16:32:55] Thank you very much.

10 Maître Altit.

11 MR ALTIT: [16:32:57] (Interpretation) Thank you, Mr President.

12 Q. [16:33:03] Mr Witness, we talked about events at l'hôtel Ivoire in
13 November 2004. What types of weapons did the French forces at the l'hôtel
14 Ivoire use to fire on the crowd around the l'hôtel Ivoire?

15 A. [16:33:42] They used cannons.

16 Q. [16:33:47] Very well. Now, let's move on to something else.

17 And very honestly, Mr President, I'm not quite certain about whether we
18 should do this in open session or in a brief private session. I believe I will
19 have to ask for private session. I'm sorry about that.

20 PRESIDING JUDGE TARFUSSER: [16:34:32] Let's go back to private session.

21 (Private session at 4.34 p.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CIV-OTP-P-0321

(Private Session)

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- 22 (The hearing ends in private session at 4.53 p.m.)