

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 Wednesday, 13 July 2016
10 (The hearing starts in open session at 10.34 a.m.)
11 THE COURT USHER: [10:34:00] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [10:34:35] Good morning to everyone.
15 Good morning, Mr Witness.
16 WITNESS: CIV-OTP-P-0321 (On former oath)
17 (The witness speaks French)
18 (The witness gives evidence via video link)
19 THE WITNESS: [10:34:41] (Interpretation) Good morning, Mr President.
20 PRESIDING JUDGE TARFUSSER: [10:34:46] We are in this moment in open
21 session, just to remind you of this, and I give immediately the floor to
22 Mr O'Shea for the continuing of the questioning of this witness.
23 Yours the floor.
24 MR O'SHEA: [10:35:02] Your Honours, can I go into private session
25 for one minute, please.

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- 1 PRESIDING JUDGE TARFUSSER: [10:35:06] That's what I thought. Let's go
2 in private session.
3 (Private session at 10.35 a.m.)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
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20 (Open session at 10.36 a.m.)
21 THE COURT OFFICER: [10:36:37] (Interpretation) We are in open session,
22 your Honour.
23 PRESIDING JUDGE TARFUSSER: [10:36:55] Mr O'Shea, yours the floor.
24 MR O'SHEA: [10:36:58] Thank you, your Honours.
25 Q. [10:37:01] Mr Witness, on the basis of what you know, and at this stage

1 you don't have to say how you know, but on the basis of what you know,
2 what instructions, if any, were given to the military for the purposes of
3 securing the protection of the civilian population?

4 A. [10:37:24] The instructions given for the protection of the civilian
5 population, are you talking about these generally speaking or specific
6 instructions concerning Abobo?

7 Q. [10:37:53] Well, at the moment, I'm on a general level. At the moment
8 I'm on a general level. When there were operations which had to be
9 conducted, are you able to comment on what were the standing or usual
10 instructions in relation to the protection of the civilian population, on a
11 general level first?

12 A. [10:38:19] I would say that, generally speaking, the military authorities
13 circulate a message in which the situation is assessed and specific missions
14 are assigned to us and the methods in which those missions have to be
15 implemented.

16 Q. [10:38:56] And what would normally, if there was anything, normally
17 be said about the protection of civilians?

18 A. [10:39:15] Let me tell you that it depends on the type of mission. The
19 mission for the protection of civilians is a major mission, generally speaking;
20 the protection of their property and the population and ensure that there are
21 no acts of violence, rapes, pillaging and so on. But when it comes to a
22 specific situation, it is what is happening on the ground that determines the
23 nature of the missions to be accomplished.

24 Q. [10:40:06] And without referring to any specific incidents at this stage,
25 what about in the context of a march?

1 A. [10:40:19] For a march, you would be in, you would be informed that
2 there is a march, the situation would be explained to you, that certain people
3 would be marching from such a location to another location and that your
4 mission is to provide security for that march, which means you will have to
5 guide the march from point A to point B.

6 Q. [10:41:17] Now, during the course of your testimony, you spoke about
7 the fact that in a time of crisis, the chef d'état-major would, would be
8 essentially the head of operations. When you use the word "operations,"
9 were you talking about only military operations or were you talking about
10 military and non-military operations?

11 A. [10:41:57] When I talk about head of operations, this means everything
12 that relates to the defence and security forces, the responsibility would be that
13 of the chief of general staff. That is the person who directs all the actions that
14 have to be taken.

15 Q. [10:42:31] Now, on a slightly different aspect, when we were at the
16 time of the post-electoral crisis, did there come a time when there were
17 difficulties of communication with Mangou or others in high authority?

18 A. [10:43:00] I can say that there are or there were unit commanders who
19 were not able to contact their hierarchical leaders. There were also internal
20 communications between the networks and the VHF systems which were
21 disrupted.

22 Q. [10:43:54] By who?

23 A. [10:43:56] Well, I do not know, but I know that it was no longer
24 possible to communicate with the entire hierarchy using the VHF system.
25 We were compelled to use a local channel with a range of between 1.5 and

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1 3 kilometres maximum.

2 Q. [10:44:36] Again, if we focus ourselves on that period of the
3 post-electoral crisis, were there at all any concerns that information was being
4 passed from within military ranks towards rebel ranks?

5 A. [10:45:23] Yes, indeed. I gave an example of that in private session.

6 MR O'SHEA: [10:45:34] And at this stage, I'd like to go back into private
7 session, your Honours.

8 PRESIDING JUDGE TARFUSSER: [10:45:38] Yes, please. Court officer, can
9 we go in private session.

10 (Private session at 10.45 a.m.)

11 (Redacted)

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9 (Open session at 11.00 a.m.)

10 THE COURT OFFICER: [11:00:27] (Interpretation) We are in open session,
11 your Honour.

12 PRESIDING JUDGE TARFUSSER: [11:00:32] Mr O'Shea.

13 MR O'SHEA: [11:00:33] Thank you, Mr President.

14 Q. [11:00:35] Now, as a result of attacks or ambushes which may have
15 taken place during the course of the events in 2010 and 2011, so far as you
16 know, Mr Witness, what measures were taken by the high command of the
17 military to ensure the safety of vehicles when they moved in convoy?

18 A. [11:01:18] First of all, there were not many convoys travelling, not
19 many military vehicles moving about because the Invisible Commando could
20 strike a vehicle at any moment. So in terms of the safety of convoys towards
21 Abobo, security was stepped up, particularly military convoys.

22 Q. [11:02:04] As far as you know, were any decisions taken about the size
23 of a convoy or a minimum number of vehicles that should be in a convoy or
24 the nature of the vehicles that should be in a convoy for the purpose of
25 securing that convoy?

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1 A. [11:02:19] Yes, we could see that when vehicles moved towards Abobo,
2 the defence and security forces would have the armoured battalion vehicles
3 first and then there would be the vehicles of the Republican Guard, and then
4 after that you would have the armoured vehicles from the gendarmerie, and
5 then after that the vehicles for transportation of personnel, including pickup
6 trucks, and then at the end of the convoy, you would have the riot police
7 armoured vehicles.

8 Q. [11:03:23] Obviously every situation is different, but in terms of the
9 description you've just given, what kind of numbers of vehicles would one
10 expect to see in a convoy like that?

11 A. [11:03:38] Well, assuming normal operations, you would have at least
12 one armoured vehicle from the Republican Guard, then two, you would have
13 one armoured vehicles from the gendarmerie, and then, well, there are two
14 personnel carriers, and perhaps at the height of the crisis two or three pickup
15 trucks with heavy weapons mounted on them, as well as one armoured
16 vehicle from the Republican Guard.

17 So, generally speaking, the convoy would contain between eight and ten
18 vehicles during normal operations.

19 MS PACK: [11:04:57] Could we go briefly into private session, your Honour?

20 PRESIDING JUDGE TARFUSSER: [11:05:02] Can we go into private session,
21 please.

22 (Private session at 11.05 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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21 (Open session at 11.06 a.m.)

22 THE COURT OFFICER: [11:06:32] (Interpretation) We are in open session,
23 your Honour.

24 PRESIDING JUDGE TARFUSSER: [11:06:38] Mr O'Shea.

25 MR O'SHEA: [11:06:40] Thank you, your Honours.

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1 Q. [11:06:43] Now, Mr Witness, we're in open session again, and I'm going
2 to move on to a new topic, which is the question of the DDR, the
3 disarmament, demobilisation and reintegration. So I will take you through
4 chronologically, if I may, through the years that are relevant to us and see
5 what you can do to help us on this topic.

6 Now, we know there was the agreement of Linas-Marcoussis in 2003 and in
7 that agreement there were dispositions with regard to DDR. And if I can
8 situate you in time, if we move in the same year, 2003, to the 11 of July, 2003,
9 is it right there was installed in Bouaké a headquarters for trying to put into
10 effect and implement the DDR?

11 A. [11:08:05] I don't know the specific date, but I do know that the Bouaké
12 department for the DDR was established during that year, namely, 2003-2004.

13 Q. [11:08:38] And I understand you've said you're not that good with
14 dates, and that's okay, and I'm just trying to help you situate yourself and also
15 trying to help the Chamber follow the sequence of my questions. So don't
16 worry too much about the specific dates which I give you, but they're there to
17 situate you. If any particular date is in dispute, the Prosecution will tell me.
18 On 16 July 2003, did you hear that there was a committee that was put in
19 place, again, with a view to implementing the disarmament process?

20 A. [11:09:29] Yes.

21 Q. [11:09:37] And do you know how that committee was composed and
22 anything about its operation?

23 A. [11:09:52] No, I don't. Mr Ouattara, Mr Ouattara was the person
24 responsible for that committee, the DDR committee, namely, DDR for the
25 former combatants. And regarding the recruitment of personnel, well, that's

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1 all. I know that there was a gendarmes who was part of that structure.

2 There was Captain Nanga, Captain Nanga from the gendarmerie, and

3 Colonel N'Guessan who took part -- well, he was part of another committee

4 or something of the like, the CCI.

5 Q. [11:10:48] CCI standing for?

6 A. [11:10:54] The integrated command centre.

7 Q. [11:11:06] And its mandate as far as you know?

8 A. [11:11:11] The integrated command centre, generally speaking, had a

9 mandate to merge the two commands, namely, the command of the New

10 Forces at the time and ensure coordination with the defence and security

11 forces. So as part of that, you see, General Kouakou Nicolas was designated.

12 And during the elections, there was a government order and the CCI was

13 requisitioned and in actual fact that centre was working with soldiers from

14 the two armies.

15 THE INTERPRETER: [11:12:06] Interpreter correction. The general

16 mentioned was General Kouakou Nicolas.

17 MR O'SHEA:

18 Q. [11:12:15] Now, one of the other aspects which was included in the

19 agreements of Linas-Marcoussis was the idea in order to facilitate this process

20 that there should be amnesty for rebels who could then disarm and

21 reintegrate. Can you confirm that there was an amnesty process that was

22 put in place?

23 A. [11:12:46] Yes, there was an amnesty process and thus many rebels

24 were not prosecuted. But I realised that (Redacted) that it was a

25 kind of amnesty that was limited in nature. Because in 2002, the death of

1 Guéï Robert was also part of the amnesty issue because people were talking
2 about all the events that occurred in 2002 and the collateral damage, so to
3 speak. (Redacted)
4 (Redacted)
5 (Redacted).

6 Q. [11:14:04] Was it right that those crimes which were excluded were,
7 first of all, human rights violations? Human rights violations were excluded
8 from the amnesty, weren't they?

9 A. [11:14:31] I haven't quite understood.

10 Q. [11:14:38] Well, you've just said that the amnesty did not apply to all
11 crimes. Is it right that the crimes --

12 A. [11:14:44] Yes.

13 Q. [11:14:44] -- that it did not apply to included human rights violations?

14 A. [11:14:50] Truly, I don't want to analyse the criterion, (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [11:15:22] Just to correct myself for the record, I should have said grave
18 violations of human rights, not just human rights violations.

19 And with respect to the period that it covered, it included from the 17 of
20 September 2000 to the 19 of September 2002. Would that accord with your
21 recollection of the period that the amnesty would cover in terms of crimes?

22 A. [11:15:56] Yes, counsel.

23 Q. [11:16:12] So the actions which were taken in order for the rebels to
24 secure the north of the territory of Côte d'Ivoire and to install themselves, I
25 say install themselves partially in Abobo, all of those actions would have been

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1 covered by the amnesty because they would be covered by that period.

2 Would that be right?

3 A. [11:16:57] Yes, normally that would be the case except for crimes
4 involving bloodshed.

5 Q. [11:17:16] And just for completion on this topic, there was actually a
6 law which was passed, wasn't there, a law on amnesty, the date being
7 6 August 2003. You may not know the detail, but it was actually passed into
8 law through the national parliament.

9 A. [11:17:50] Yes.

10 Q. [11:17:54] And was there a quid pro quo from the rebels, did the rebels
11 disarm in 2003?

12 A. [11:18:10] Yes. Now, normally going by my understanding of what
13 happened, it was a process whereby they were granted amnesty. They were
14 told they would not be prosecuted, and they in return took part in the
15 disarmament process and -- which the state authorities had established
16 throughout the entire country.

17 Q. [11:18:50] And what was the reality in 2003 with regard to control of
18 the state over the entire territory of Ivory Coast?

19 A. [11:19:07] Between 2003 and 2011, the state did not have authority
20 throughout the entire country. The state had authority over two areas, one
21 area where the rebels -- well, there were, you see, there were demarcation
22 lines that went through Bouaké that divided the country in two, between the
23 west and the east.
24 So nothing was done until 2011, when the post-election crisis broke out. So,
25 you see, state authority was not established throughout the entire country.

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1 Q. [11:19:58] So there was a significant proportion of rebels, was there,
2 that did not disarm during that whole period?

3 A. [11:20:09] Yes, definitely. That's quite clear.

4 MR O'SHEA: [11:20:26] Can I go into private session for a moment please,
5 Mr President.

6 PRESIDING JUDGE TARFUSSER: [11:20:29] Can we go in private session.
7 Thank you.

8 (Private session at 11.20 a.m.)

9 (Redacted)

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4 (Open session at 11.25 a.m.)

5 THE COURT OFFICER: [11:25:55] (Interpretation) We are in open session,
6 your Honour.

7 PRESIDING JUDGE TARFUSSER: [11:26:10] Mr O'Shea.

8 MR O'SHEA: [11:26:12] Thank you very much.

9 Q. [11:26:17] Now, you've given the broad picture with regard to the
10 disarmament process. Just to go a little bit further forward in the chronology
11 of that process, we had the agreements in Pretoria in 2005 whereby this DDR
12 aspect was revisited with more determination. Now, did you hear about the
13 steps which were taken to implement the agreements in Pretoria for the
14 purposes of making this PNDDR, this national plan for disarmament,
15 demobilisation and reintegration a reality?

16 A. [11:27:24] I don't have the details about the Pretoria agreement. I've
17 given you a general overview of what was understood by DDR. But I really
18 don't have the specific details or what specific measures were taken with a
19 view to obtaining the DDR.

20 Q. [11:27:45] What about a meeting in 2005 between the FDS and the
21 Forces Nouvelles with a view to creating one army, is that something you
22 have any knowledge of?

23 A. [11:28:01] I made mention of the integrated command centre, the CCI,
24 led by General Kouakou Nicolas, because you see, the CCI was, well,
25 something along those lines.

1 Q. [11:28:26] And in terms of what you know, did the situation improve at
2 all with regard to the implementation of DDR once this organ had been
3 created?

4 A. [11:28:54] To be quite frank, there was a ceremony in Bouaké with a
5 flame of peace. And there were weapons, these weapons were destroyed.
6 But they were old weapons, and there really were no probative results, no
7 effective results in terms of disarmament. They burnt some old weapons.

8 Q. [11:29:42] You've already spoken quite a lot about the weapons of the
9 rebels. You've just said that the ones that you saw destroyed were old arms,
10 old weapons. When you encountered the rebels, and when your units
11 encountered the rebels, were they using new arms, new weapons?

12 A. [11:30:19] I really couldn't say new weapons, but they were using
13 operational weapons. When I mentioned old weapons that had been burnt, I
14 believe that the images exist. If you look at the images, you will see some
15 rifles that had been used in the First World War in 1914 and MAT-49s that
16 were used during the Second World War. Those weapons were burnt,
17 destroyed. Maybe a few Kalashnikovs, but they were quite old, obsolete
18 weapons. So you could see from the images that yes, those weapons were
19 destroyed. They were burnt, and you can see for yourself and confirm what
20 I've said.

21 Q. [11:31:28] And this observation that you've just made, was this shared
22 by the military generally? Was this well known?

23 A. [11:31:38] I'm not in a position to say. I do not know what everyone
24 thought. But those images are very clear. If you see them, you will know.
25 During that ceremony, I believe that President Laurent Gbagbo and Charles

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1 Blé Goudé were there, I believe.

2 Q. [11:32:18] What level of confidence existed for yourself and your close
3 colleagues that the disarmament process would actually work?

4 A. [11:32:44] We were convinced of the contrary.

5 Q. [11:32:59] Thank you. I'm going to move on to another topic now.

6 Witness, if you could please cast your mind back to 16 December 2010, the
7 time when there were movements or activities towards the RTI. Does that
8 place you well within the context of what I'm about to talk about?

9 A. [11:33:48] Yes, yes. 16 December 2010, that was the march of the
10 supporters of the RHDP on the RTI.

11 MR O'SHEA: [11:34:09] May I go into private session for one moment,
12 please.

13 PRESIDING JUDGE TARFUSSER: [11:34:14] Let's go into private session.

14 (Private session at 11.34 a.m.)

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13 (Open session at 11.36 a.m.)
14 THE COURT OFFICER: [11:36:33] (Interpretation) We're in open session,
15 your Honour.
16 PRESIDING JUDGE TARFUSSER: [11:36:39] Mr O'Shea.
17 MR O'SHEA:
18 Q. [11:36:42] What instructions were given to those members of the FDS
19 who were active on 16 December at the time of the movements towards the
20 RTI, what instructions were given to those members of the FDS with regard to
21 how professional or how reglementary they should be?
22 A. [11:37:32] On that day everything was clear. The idea was to disperse
23 the march. And I remember very well that General Bi Poin or General
24 Kassaraté Édouard, both of them made it clear that it was only the law and
25 order brigade that had to intervene on that day. It is for that reason that in

1 the town it was only those law and order units which acted with tear gas
2 canisters.

3 Q. [11:38:28] And those forces for maintaining security and order, what
4 instructions did they have with regard to the civilian population?

5 A. [11:38:51] In relation to the civilian population, well, we know that the
6 FDS has a mission to protect the civilian population. But if there is a march
7 that disrupts public order, the orders given were to disperse the march by
8 using tear gas.

9 Q. [11:39:31] With respect to the use of tear gas, can tear gas be fired from
10 a grenade launcher?

11 A. [11:39:45] No, no, no.

12 Q. [11:39:54] How is it, how is it fired?

13 A. [11:40:00] Well, you have what the gendarmes call the FLGs that are
14 grenade launching rifles. Then there is a small gadget known as the stopper,
15 which is used to shoot the F2 types of grenades.

16 MR O'SHEA: [11:40:58] Can I go into private session for one moment please,
17 your Honours.

18 PRESIDING JUDGE TARFUSSER: [11:41:02] Yes, please.

19 (Private session at 11.41 a.m.)

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22 (Redacted)

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4 (Open session at 11.41 a.m.)

5 THE COURT OFFICER: [11:41:50] (Interpretation) We are in open session.

6 PRESIDING JUDGE TARFUSSER: [11:42:00] Mr O'Shea.

7 MR O'SHEA: [11:42:03] Thank you, Mr President.

8 Q. [11:42:04] Mr Witness, as far as you know, can tear gas be fired from a
9 vehicle?

10 A. [11:42:13] Yes, this can be done from a vehicle. It cannot be mounted
11 on the vehicle, but someone who has the two weapons that I've described to
12 you can be seated in a vehicle and then fire off those F2 canisters. But the
13 weapon cannot be mounted like those that are usually mounted
14 on four-by-four vehicles. It is a weapon that is carried by a single individual.
15 It is not a heavy weapon. So you can sit in a vehicle or you can be on the
16 ground and use that weapon.

17 Q. [11:43:15] Now, you have stated that the security forces were the ones
18 who were -- the normal security forces were the ones involved. Can you
19 confirm that the territorial army was in no way involved?

20 A. [11:43:33] In any case, from my position, which I specified to you in
21 private session, I did not see the infantry intervene. And of course, when I
22 talk about my position, I heard that at the Golf Hotel area there was a
23 confrontation between the land forces and the rebels at the Golf Hotel, and
24 this was known as the "Golf war". But on the ground where we were talking
25 about, I did not see or hear about any military intervention.

1 Q. [11:44:40] And with respect to what happened at the Golf Hotel, was
2 there an armed confrontation?

3 A. [11:44:49] Yes, there is footage of that, video footage. And I have
4 watched that footage. There was a confrontation between soldiers and the
5 rebels. And there was a Dioula word that was used. The person who took
6 the RPG was saying "adjiga doné, adjiga doné," (phon) which means to lower
7 it a little bit, something like that.

8 Q. [11:45:38] Was there permission for a march that day?

9 A. [11:45:48] No. Because the march had to be dispersed, no.

10 Q. [11:46:03] And was permission required in order to march?

11 A. [11:46:12] In every civilised country, well, in any case, since President
12 Laurent Gbagbo was the initiator of marches in Côte d'Ivoire, he would be in
13 a position to tell you that.

14 Q. [11:46:42] Who to your knowledge organised, who at a high level, to
15 your knowledge, organised this march?

16 A. [11:46:58] I believe that it was the RHDP, and in the video that I saw,
17 KKB was practically -- or, rather, KKB. I think his name, KKB is Kouamé
18 Bertin. He is well known and I believe he is the MP for Port-Bouët right
19 now. He made himself practically the leader of that march.

20 Q. [11:47:54] What association, if any, did he have with the rebels?

21 A. [11:47:59] KKB was a member of the RHDP. In fact, it would be very
22 difficult to distinguish between the RHDP and the rebels. It is really difficult
23 to make any distinction between them.

24 Q. [11:48:44] And what relationship, if any, did KKB have with Guillaume
25 Soro?

1 A. [11:48:51] They were both members of the RHDP. So they were
2 colleagues in that group.

3 Q. [11:49:14] Just before we break, I'm going to show you a video now.

4 And it's CIV-OTP-0092-0535. And it's number 271 on the Defence list.

5 PRESIDING JUDGE TARFUSSER: [11:49:55] From when to when? The
6 whole video?

7 MR O'SHEA: [11:49:58] Actually, the video is tiny, so yes, the whole video.

8 PRESIDING JUDGE TARFUSSER: [11:50:02] Okay. Thank you.

9 MR O'SHEA: [11:50:08] And there is also a transcript, your Honours. And
10 the transcript is CIV-D15-004-1500.

11 MS PACK: [11:50:23] Your Honours, I'm not going to make an issue of this,
12 but this -- because it's fine. I can deal with it, but this was just only added to
13 the list, I think, it was this morning or last night. It's fine, and I'm not going
14 to make an issue out of it, but it would be -- we would be grateful if we could
15 just have a complete list within the time that is ordered by your Honours.

16 MR O'SHEA: [11:50:45] My apologies to the Chamber for the tardiness of the
17 disclosure, of the disclosure of the transcript. The video, however, was
18 disclosed in time.

19 PRESIDING JUDGE TARFUSSER: [11:51:03] It was the transcript disclosure.

20 MS PACK: [11:51:04] My mistake. It was the transcript that just arrived this
21 morning. So I apologise to my learned friend.

22 PRESIDING JUDGE TARFUSSER: [11:51:09] Then it's not as bad.

23 MS PACK: [11:51:10] Not as bad.

24 PRESIDING JUDGE TARFUSSER: [11:51:13] No. So we can show the
25 video. Who has the power of the machines?

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1 MR O'SHEA: [11:51:22] We do.

2 PRESIDING JUDGE TARFUSSER: [11:51:23] The technology, okay.

3 MR O'SHEA: [11:51:25] Not me personally, I would never be trusted with
4 that, but we do.

5 PRESIDING JUDGE TARFUSSER: [11:51:30] Okay. Thank you.

6 THE INTERPRETER: [11:51:31] From the interpreters, they will attempt a
7 sight translation.

8 (Viewing of the video excerpt)

9 THE INTERPRETER: [11:51:39] (Interpretation) "The young people who
10 had come to accompany for the march of the 16th, about 300, and some
11 remained and now they have just been made to leave. They were the ones
12 who were on the ground because they were physically fit, well trained and
13 that is it. Go to the ground because it is with them that they had to go and
14 liberate the television. And so these were not weaklings. Everything
15 explains itself. So they were liberated and they were told, 'Go to the field
16 and go and make things move there.'"

17 MR O'SHEA:

18 Q. [11:52:32] Who was that gentleman?

19 A. [11:52:43] It was written "Ahoussou Jeannot" at the bottom of the
20 screen. And at that time, he was minister of state responsible for presidential
21 affairs or something like that.

22 Q. [11:53:00] What event did you understand him to be talking about?

23 A. [11:53:06] He was talking about the march of the 16 December 2010.
24 And it shows that they mobilised young people for the march on the RTI, and
25 these were people who were prepared and trained, and they had to go to the

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1 field. That is why I said that it was rather difficult to make any distinction
2 between the rebels and the RHDP.

3 Q. [11:53:53] In terms of what you knew at the time, what are we talking
4 about when we're talking about young people who are well formed? What
5 does that mean exactly?

6 A. [11:54:03] I believe that it is very clear. It means that they are the ones
7 who trained the rebels, because the rebels were young civilians who had been
8 well trained at the rear base. This is common knowledge. They were well
9 trained in the rear base in Burkina.

10 Apart from this footage, there is another video footage where there are
11 young people who had been trained, and Soro Guillaume gave instructions
12 relayed by Wattao and they said, "They did not mark our rebellion, but we
13 are going to make a mark on theirs."

14 Q. [11:55:17] And from what you observed, what was the objective that
15 day with respect to the RTI?

16 A. [11:55:26] For a long time, the rebels thought that power was to be
17 found at the gendarmerie and at the RTI. So the objective was obviously to
18 take over power.

19 Q. [11:55:52] How?

20 MS PACK: [11:55:59] I'm just not sure --

21 THE WITNESS: [11:56:03] (Interpretation) How?

22 MR O'SHEA:

23 Q. [11:56:11] I think you can continue. My friend has sat down.

24 MS PACK: [11:56:13] No. I just wonder how, how, how this witness is
25 going to be able to answer if it's a line of questioning about the strategies and

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1 methods and whatnot. I wonder whether these questions are appropriate.

2 PRESIDING JUDGE TARFUSSER: [11:56:27] Yes. I can agree with you. I'd
3 only thing that this witness is absolutely able and he has shown that he is able
4 to say "I don't know, I have no idea," something like this.

5 MS PACK: [11:56:42] Of course he is, and that's why I haven't stood up
6 before. Of course he is.

7 PRESIDING JUDGE TARFUSSER: [11:56:46] Yeah. That's why I think we
8 can admit because the witness is quite able to do and to say and to give
9 answers appropriately. Thank you.
10 Please go ahead.

11 MR O'SHEA: [11:56:56] Yes.

12 Q. [11:56:57] Please do so, Witness. How, how was from your
13 observations, how was it intended to take power?

14 A. [11:57:09] My answer overlapped with the reaction of
15 Madam Prosecutor. I was saying that I did not know how.

16 Q. [11:57:31] I'm going to --

17 PRESIDING JUDGE TARFUSSER: [11:57:34] Did you see? Well, okay.

18 MR O'SHEA: [11:57:40] I'm going to show, I'm going to show one more
19 video, and then I may have some good news for your Honours?

20 PRESIDING JUDGE TARFUSSER: [11:57:52] That's good. Please go ahead.

21 MR O'SHEA: [11:57:57]

22 Q. [11:57:58] We're going to show you another video, which is
23 CIV-OTP-0064-0101. And the transcript is CIV-D15-0004-1199, and it's 213
24 on the list. The time code starts at 32 minutes and 47 seconds.

25 PRESIDING JUDGE TARFUSSER: [11:59:11] To the end?

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- 1 MR O'SHEA: [11:59:13] We're still --
- 2 PRESIDING JUDGE TARFUSSER: [11:59:15] Oh, you don't know yet.
- 3 MR O'SHEA: [11:59:17] We're still getting the end part.
- 4 PRESIDING JUDGE TARFUSSER: [11:59:19] Okay. Good.
- 5 MS PACK: [11:59:20] Also, could we have the date as well for the record.
- 6 MR O'SHEA: [11:59:25] I thought my friend was going to immediately know
- 7 exactly what video we were talking about, but here we go.
- 8 MS PACK: [11:59:32] I do, but just for the record.
- 9 MR O'SHEA: [11:59:38] 30 December 2010.
- 10 (Viewing of the video excerpt)
- 11 MR O'SHEA: [12:00:53] For the record, we ended at 33 minutes and 39
- 12 seconds.
- 13 Q. [12:01:04] Just one aspect, we can go back a little bit if you wish,
- 14 Mr Witness, but I just wanted to ask you: Those weapons that we saw in the
- 15 hands of those rebels, are you able to comment on how modern or
- 16 operational they are?
- 17 MS MASSIDDA: [12:01:29] Sorry, microphone is not activated, Mr O'Shea.
- 18 PRESIDING JUDGE TARFUSSER: [12:01:33] Your microphone.
- 19 MR O'SHEA: [12:01:35] Thank you.
- 20 PRESIDING JUDGE TARFUSSER: [12:01:36] Thank you to the legal
- 21 representative.
- 22 MR O'SHEA: [12:01:39] Yes. Thank you very much to the legal
- 23 representative.
- 24 Q. [12:01:46] So yes, just -- we can go back a bit if it's necessary so you can
- 25 have another look, but were you able to see how modern or operational the

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1 weapons in the hands of those soldiers were?

2 A. [12:02:04] Yes, they were modern. I don't know exactly what kind of
3 weapons they were, but what I saw were indeed modern weapons.

4 Q. [12:02:23] And the gentleman who was talking. For the record, we all
5 know who he is, but for the record, who is he?

6 A. [12:02:29] Mr Wattao, whom I mentioned earlier.

7 Q. [12:02:42] Yes. And the gentleman before that?

8 A. [12:02:49] That person is Soro Guillaume, Charles Blé Goudé's friend.

9 MR O'SHEA: [12:03:02] Seems there are a lot of friends of Blé Goudé.
10 Yes, so your Honours, I will consult with the team over the break and then
11 we'll see where we are after the break.

12 PRESIDING JUDGE TARFUSSER: [12:03:13] Now this is the good news, that
13 you consult with the team?

14 MR O'SHEA: [12:03:18] Well, I'm in a hiérarchie, so I will consult with my
15 superior commander.

16 PRESIDING JUDGE TARFUSSER: [12:03:27] No, because I already thought
17 that we can extend half an hour if you say you need another 15, half an hour
18 and then make the two hours now.

19 MR O'SHEA: [12:03:34] Yes.

20 PRESIDING JUDGE TARFUSSER: [12:03:35] But it's okay.

21 MR O'SHEA: [12:03:36] I'll check with the general, but it won't be -- but if
22 there is anything, it wouldn't be long.

23 PRESIDING JUDGE TARFUSSER: [12:03:40] Okay. So we suspend now for
24 the break for half for an hour and we'll be back at 12.30. Thank you.

25 THE COURT USHER: [12:03:45] All rise.

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- 1 (Recess taken at 12.03 p.m.)
- 2 (Upon resuming in open session at 12.34 p.m.)
- 3 THE COURT USHER: [12:34:34] All rise.
- 4 Please be seated.
- 5 PRESIDING JUDGE TARFUSSER: [12:35:03] Mr O'Shea.
- 6 MR O'SHEA: [12:35:04] Yes, Mr President, your Honours. I have --
- 7 PRESIDING JUDGE TARFUSSER: [12:35:07] Very curious, curious.
- 8 MR O'SHEA: [12:35:09] I have arrived at la gare du Nord.
- 9 Q. [12:35:13] And, Mr Witness, thank you very much for your cooperation
- 10 to the parties and the Chamber, which allows me to keep things short for you.
- 11 I'm finished with my cross-examination. Thank you.
- 12 PRESIDING JUDGE TARFUSSER: [12:35:28] Maître Altit.
- 13 MR ALTIT: [12:35:33] (Interpretation) Thank you, your Honour. This
- 14 concludes questioning by Mr Laurent Gbagbo's Defence team.
- 15 PRESIDING JUDGE TARFUSSER: [12:35:43] I thank you very much. I give
- 16 then the floor to the Defence team of Mr Blé Goudé. Mr Witness, you have
- 17 heard the Defence team of Mr Gbagbo has finished its questioning and now
- 18 the Defence team of Mr Blé Goudé is going to put questions to you.
- 19 MR KNOOPS: [12:36:07] Mr President, the first part will be conducted by
- 20 Mr N'Dry, the second part by myself.
- 21 PRESIDING JUDGE TARFUSSER: [12:36:13] Okay. Thank you very much.
- 22 I see the OTP on the feet.
- 23 MS PACK: [12:36:19] Yes. Your Honour, can I deal with a quick matter in
- 24 private session, please.
- 25 PRESIDING JUDGE TARFUSSER: [12:36:24] Yes. Let's go in private

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1 session before.

2 MS PACK: [12:36:31] And perhaps it would be prudent also, if possible, to

3 take off the witness's sound.

4 PRESIDING JUDGE TARFUSSER: [12:36:39] The audio?

5 MS PACK: [12:36:40] Yes.

6 (Private session at 12.36 p.m.)

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9 (Redacted)

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14 (Redacted)

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7 (Open session at 12.42 p.m.)

8 THE COURT OFFICER: [12:42:01] (Interpretation) We are now in open
9 session, your Honour, and I can confirm that the people in the remote
10 location can now hear us.

11 PRESIDING JUDGE TARFUSSER: [12:42:16] Mr Witness, you can hear me
12 now?

13 THE WITNESS: [12:42:19] (Interpretation) Yes, I can, your Honour.

14 PRESIDING JUDGE TARFUSSER: [12:42:26] So thank you very much for
15 waiting. We had just a small problem to deal with in private session without
16 you hearing.

17 Now I give the floor to the Defence of Mr Blé Goudé, and I know that Maître
18 N'Dry is starting his questioning for the Defence team of Mr Blé Goudé.
19 Yours the floor.

20 MR N'DRY: [12:42:57] (Interpretation) Thank you, your Honour.

21 QUESTIONED BY MR N'DRY:

22 Q. [12:43:14] Mr Witness, good afternoon.

23 A. [12:43:18] Good afternoon, counsel.

24 Q. [12:43:19] My name is Mr N'Dry Claver Kouadio. I'm a member of the
25 Côte d'Ivoire bar and co-counsel within the Defence team of Mr Charles Blé

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1 Goudé.

2 Your Honour, if I could address the Bench and say that for the most part or if
3 not the entire part of the first component of my questioning of the witness
4 will be in closed session. So I would like if we could go into that particular
5 mode.

6 PRESIDING JUDGE TARFUSSER: [12:44:13] So can we say that until the
7 break at 1.30 we are in private session?

8 MR N'DRY: [12:44:27] (Interpretation) Yes, your Honour.

9 PRESIDING JUDGE TARFUSSER: [12:44:31] So we are now going in private
10 session for the rest of this session, which terminates at 1.30 and then we
11 resume at 3 o'clock.

12 (Private session at 12.44 p.m.)

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17 (Redacted)

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14 (Recess taken at 1.29 p.m.)
15 (Upon resuming in open session at 3.02 p.m.)
16 THE COURT USHER: [15:02:40] All rise.
17 Please be seated.
18 PRESIDING JUDGE TARFUSSER: [15:03:03] Good afternoon to everyone in
19 the courtroom and in the public gallery and nowhere else, I think, I hope.
20 I give immediately the floor. Good afternoon also to you, Mr Witness. Can
21 you hear us?
22 THE WITNESS: [15:03:32] (Interpretation) I can hear you very well,
23 Mr President.
24 PRESIDING JUDGE TARFUSSER: [15:03:38] I give immediately the floor to
25 Maître N'Dry or to the Defence team of Mr Blé Goudé.

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1 MR KNOOPS: [15:03:47] Yes, Mr President.

2 PRESIDING JUDGE TARFUSSER: [15:03:49] For the continuing of the
3 questioning.

4 MR KNOOPS: [15:03:51] Yes, Mr President. We would like to deal with
5 two questions (Redacted) in private session. So we should go
6 then to private session, after which Mr N'Dry will touch upon another
7 subject.

8 PRESIDING JUDGE TARFUSSER: [15:04:07] Okay. In open session?
9 Pardon.

10 MR KNOOPS: [15:04:17] Sorry. That will also be private session, that
11 second subject.

12 PRESIDING JUDGE TARFUSSER: [15:04:21] Okay. So we have to go in
13 private session.

14 (Private session at 3.04 p.m.)

15 (Redacted)

16 (Redacted)

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5 (Open session at 4.47 p.m.)

6 THE COURT OFFICER: [16:47:19] (Interpretation) We are in open session.

7 PRESIDING JUDGE TARFUSSER: [16:47:37] Thank you.

8 Mr Knoops.

9 MR KNOOPS: [16:47:40] Thank you, Mr President.

10 Q. [16:47:41] Mr Witness, are you familiar with the abbreviation

11 ECOMOG?

12 A. [16:47:58] Ecobank?

13 Q. [16:47:59] ECOMOG. ECOMOG, E-C-O-M-O-G.

14 A. [16:48:11] ECOMOG, yes, yes, yes.

15 Q. [16:48:15] What does it stand for?

16 A. [16:48:17] ECOMOG is a West African force, a West African
17 peacekeeping force.

18 Q. [16:48:36] Mr Witness, if you're not comfortable to answer questions on
19 ECOMOG, we can go into private session. My questions will be general, but
20 if you feel any way restrained in answering those questions in public session,
21 please indicate to us and we can shift into private session.

22 A. [16:48:59] Very well.

23 Q. [16:49:03] My first question to you is, Mr Witness: Was there in your
24 recollection a point in time when it was discussed that ECOMOG forces
25 would come to Côte d'Ivoire?

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1 A. [16:49:20] Yes.

2 Q. [16:49:28] I know that you've informed the Chamber that you have
3 difficulty with dates, but are you able to make a reference to a certain time
4 frame where it was said that ECOMOG forces would -- (overlapping
5 speakers)

6 A. [16:49:56] The first period that I remember was at the beginning of the
7 first war, 2002-2003. I believe that it was President Eyadema who initially
8 proposed that idea and then after or during the post-election crisis, the idea of
9 the intervention of ECOMOG was also brought up.

10 Q. [16:50:39] Can you recall whether it was at the beginning or at the end
11 of the crisis?

12 A. [16:50:46] No. It was at the beginning of the crisis.

13 Q. [16:50:57] And how -- when you speak about crisis you speak about the
14 post-electoral crisis of 2010-2011, is it?

15 A. [16:51:17] Yes. Yes, that is correct. I'm sorry I didn't specify that. So
16 there was mention of ECOMOG coming to work alongside ONUCI.

17 Q. [16:51:40] How did you learn that ECOMOG might come to Côte
18 d'Ivoire -- sorry, I think this question should be put in private session because
19 I think when it concerns the knowledge of --

20 A. [16:51:57] No, no. It was public knowledge. It was in the public
21 domain.

22 Q. [16:52:16] For the next question, we should go to private session
23 because it can say something about the identity.

24 PRESIDING JUDGE TARFUSSER: [16:52:26] Can we go to private session,
25 please.

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- 9 (Open session at 4.59 p.m.)
- 10 THE COURT OFFICER: [16:59:57] (Interpretation) We are in open session,
- 11 Mr President.
- 12 PRESIDING JUDGE TARFUSSER: [17:00:08] We are in open session now
- 13 just to announce that we adjourn the hearing to tomorrow morning at 10.30
- 14 for the finishing of the questioning by the Defence of Mr Blé Goudé of this
- 15 witness and I think re-questioning by the OTP, and then we'll see if there is
- 16 another round of questioning by the Defence teams.
- 17 So the hearing is now adjourned, Mr Witness, and we see each other
- 18 tomorrow morning at 10.30. Thank you very much.
- 19 THE COURT USHER: [17:00:55] All rise.
- 20 THE WITNESS: [17:00:56] (Interpretation) Thank you, Mr President.
- 21 (The hearing ends in open session at 5.01 p.m.)