

Trial Hearing
WITNESS: CIV-OTP-P-0560

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Monday, 13 February 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:10] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:32:31] Good morning. We left last week
15 while the Prosecutor had to still to finish his questioning and with a promise that we
16 will have an overlook also for the benefit of the Defence on the timing.
17 So please, Mr Prosecutor.
18 MR GARCIA: [9:33:11] Good morning Mr President, your Honours. And indeed,
19 the Prosecution did have the chance to look over the material, will not have for more
20 than 10, 15 minutes this morning, quite brief actually.
21 PRESIDING JUDGE TARFUSSER: [9:33:22] That's very good. Thank you very
22 much.
23 Good morning, Mr Witness.
24 WITNESS: CIV-OTP-P-0560 (On former oath)
25 (The witness speaks French)

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1 THE WITNESS: [9:33:36] (Interpretation) Good morning, Mr Prosecutor.

2 PRESIDING JUDGE TARFUSSER: [9:33:38] Good morning. I just wanted to say
3 that, as you have heard, as you have heard, there is still the Prosecutor to finish his
4 questioning and then we start immediately with the questioning by the two Defence
5 teams, probably first Mr Gbagbo, and then the Defence team for Mr Blé Goudé, okay.

6 THE WITNESS: [9:34:07] (Interpretation) Yes, thank you, Mr President. I thought
7 it was the Prosecutor who was saying good morning to me. I do apologise.

8 PRESIDING JUDGE TARFUSSER: [9:34:13] No problem at all. I give the floor to
9 the Office of the Prosecutor.

10 QUESTIONED BY MR GARCIA: (Continuing) (Interpretation)

11 Q. [9:34:27] Good morning, Mr Witness. As you heard, I have not got much to go
12 with you this morning, 10 to 15 minutes, just a few questions.

13 Now firstly, I would like to know whether at the time in December 2010 until March,
14 until you left, whether you had any meetings with the commissioners who were
15 under your jurisdiction or under your control at the time?

16 A. [9:34:46] Yes, on one or two occasions because, at that moment in time, I had
17 started to become ill, so I was not very present in the office. But I think on one or
18 two occasions I did meet with them.

19 Q. [9:35:05] And on the occasion of those one or two occasions in fact, who were
20 present? Was it just you and the commissioners or were there any other people
21 present?

22 A. [9:35:15] I do believe that the meetings were between myself and the
23 commissioners of said divisions.

24 Q. [9:35:27] When you had those meetings with the commissions, were there any
25 minutes taken?

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1 A. [9:35:38] No. I did not report back to the hierarchy.

2 Q. [9:35:46] I also noted that at one given moment in time you spoke of -- I do have
3 a few questions, Mr Witness, about the daily information bulletins, the BQI, if I
4 understand correctly. Could you please explain to us what a BQI consisted of, a
5 bulletin quotidien d'information?

6 A. [9:36:18] A BQI was a daily information bulletin comprising -- or, it enabled us
7 to report back to our hierarchy on information or happenings, information that we
8 were able to glean or happenings that occurred within our district and to succinctly
9 report back on events that occurred or information that we were privy to.

10 Q. [9:36:55] And during said period in the month of December 2010 until the
11 month of March when you left, did you report back to your hierarchy to the préfet de
12 police in Abidjan in the format of BQIs?

13 A. [9:37:13] No, not on a daily basis. Surely, it is very possible that I did fill out
14 BQIs during my period there in order to report back with regard to things that
15 occurred. It is quite possible but I do not recall. It might be that I did do it on a
16 daily basis or whenever I was privy to information, but I can't remember now.

17 Q. [9:37:38] Now, for things to be clear for the record, a BQI is in fact a written
18 report, is that exact?

19 A. [9:37:49] Yes, it is a written report but is very succinct, it's very brief in nature.

20 Q. So I would like for us to show to the witness and this is item, it's at tab 18,
21 CIV-OTP-0045-0735. Please, could that be shown to the witness.

22 Could you please look at your screen, Mr Witness, there is a document that should be
23 brought up in a few moments.

24 Could I please request that the court officer assist me or the usher? I do also have a
25 document, and this might be useful because it is three pages in length, and could it

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1 please be handed over to the witness. It is a virgin document.

2 So, Mr Witness, you've had an opportunity to look at this document briefly, have
3 you?

4 A. [9:39:50] Yes.

5 Q. [9:39:50] So we can read on this document the BQI number 249 of Thursday,
6 17 December 2010. Am I right in saying that when we look at the contents of said
7 document on the first and second pages thereof where it is indicated Adjamé it is
8 indeed a copy of the report that you, yourself, handed in to the préfet de police on 16
9 December 2010; is that correct?

10 A. [9:40:22] Yes, that is correct.

11 THE INTERPRETER: [9:40:25] Message from the interpreter: Could a pause please
12 be observed and could counsel please slow down. Thank you for the record.

13 MR GARCIA: [9:40:33] (Interpretation)

14 Q. [9:40:35] Mr Witness, when we look at the third page of this document, this is
15 0045-0735 until 0737, it is indeed the name and the signature of the division
16 commissioner, that is the préfet de police of Abidjan that we see on this third page, is
17 it not?

18 A. [9:40:58] That is correct.

19 Q. [9:40:59] Thank you, Mr Witness. Another question with regard to the same
20 topic, Mr Witness: The simplified reports, could you please tell us what a simplified
21 report is all about?

22 A. [9:41:27] Well, I heard speak of this, but personally speaking I do not know what
23 this means.

24 Q. [9:41:41] I would like for us to bring up on the screen for the witness, this is at
25 tab number 20, CIV-OTP-0045-0750, please.

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1 MR AOUN: [9:42:30] Your Honour, just to mention that this is the first time that
2 personally I see these documents. Thank you.

3 PRESIDING JUDGE TARFUSSER: [9:42:47] But you're not the witness, I would say.
4 Mr Prosecutor.
5 It was a joke.

6 MR AOUN: [9:42:58] Yes, I understand, your Honour, but I understood that I got all
7 the file from the Prosecution.

8 PRESIDING JUDGE TARFUSSER: [9:43:03] Okay.

9 MR AOUN: For that reason I am putting that on the transcript.

10 PRESIDING JUDGE TARFUSSER: [9:43:10] Okay.

11 MR GARCIA: [9:43:10] Just for the record that is correct. It's not a document that
12 was shown to the witness initially.

13 Q. [9:43:15] (Interpretation) Now, Mr Witness, I can see you've had the
14 opportunity now to have a look at that document. And it's just for information I
15 would like to have some explanation from you with regard to this simplified record.
16 I'm not going to look at the contents in too much detail.

17 Now, the stamp at the bottom of the page, is that indeed your stamp and your
18 signature appended to said document?

19 A. [9:43:43] That is correct.

20 Q. [9:43:45] So the simplified report, I don't know whether this is of assistance to
21 you or not, but could you please tell us what the objective of the simplified reports
22 was?

23 A. [9:44:04] Thank you. I can see a little bit now. This is in fact a document that I
24 would say -- it is a document that was new to me. And when I arrived in Adjamé on
25 an occasion when I met with the préfet de police, he explained to us somewhat what

1 this simplified report was all about and he provided us with a model saying that the
2 simplified report enabled us to report on a given situation as an emergency before
3 giving an extensive report with regard to what happened.

4 So I think it is on the basis of the model that he provided us with that he would have
5 liked us to draw the document up. But I would admit that I did forget about it
6 afterwards, and that's why I didn't remember. There we are.

7 So the BQI was what I was in the habit of doing and reports in general, but I think
8 that the simplified report I only furnished on one occasion, this occasion.

9 Q. [9:45:28] Are you in a position to tell us when the préfet talked to you about this
10 specifically? Mr Witness, when did the préfet talk to you about this, the préfet of
11 Abidjan, about these simplified reports?

12 A. [9:45:44] When I entered service, the first meeting that we had with him, that
13 was when he explained this to us; the type of documents that we were to draw up
14 when given events occurred, and he explained to us a little bit about when we had to
15 draw up a report, when we were to draw up a BQI, and when we were supposed to
16 provide a simplified report. And I think the simplified report comes into play, I
17 believe, if my memory serves me correctly, when we have a piece of information, or
18 we've just gleaned a piece of information, that we then provide this simplified record
19 or report that gives information on the event and then after that we provide a
20 lengthier report or maybe a BQI.

21 Q. [9:46:43] Just a last question with regard to this topic: The difference between
22 the BQI and a report, could you please explain that to us somewhat? I do
23 understand that you talked to us about the simplified report or -- initially to give us
24 an overview, then you talked to us about the BQI, could you please explain the
25 difference between the two?

1 A. [9:47:04] As I said to you, a BQI -- a BQI, as I said to you, enabled us to give a
2 succinct report with regard to events. But it might not be produced immediately.
3 A BQI might be drawn up on a number of events on the same day or the next day.
4 But generally speaking, the BQI brings together a number of items of information.
5 So for example if I decide to draw up a BQI, if certain events have occurred in a given
6 commissariat or different zones of Abidjan -- or, sorry, Adjamé, then I can compile the
7 events in the various divisions of the commissariat in a succinct manner. I might do
8 it on the same day or I might do it on the next day.

9 Now, this simplified report is something that I would do immediately. If we glean a
10 certain piece of information or an event occurs, we produce that report rapidly in
11 order to rapidly report back and then later on we furnish a more detailed report.

12 Q. [9:48:35] And if I understand you correctly, what you've just said to us,
13 Mr Witness, and correct me if I am wrong, the report, if I understand you correctly,
14 the report itself was regarding just one incident on a given day, is that the difference
15 between the report and the BQI?

16 A. [9:48:55] Yes. The simplified report, that's the simplified report, yes.

17 MR GARCIA: [9:49:05] (Interpretation) One moment, please, Mr President.

18 (Counsel confer)

19 MR GARCIA: [9:50:40] (Interpretation)

20 Q. [9:50:45] Thank you, Mr Witness. I have no further questions for you.

21 Mr President.

22 PRESIDING JUDGE TARFUSSER: [9:50:51] Thank you. Thank you very much.

23 The Office of the Prosecutor has finished its questioning. It can be that after the
24 questioning by the Defence teams there is a requestioning, brief requestioning by the
25 Office of the Prosecutor. But now I give the floor to the Defence teams and to Maître

1 Altit, Defence for Mr Gbagbo.

2 MR ALTIT: [9:51:20] (Interpretation) I thank you, Mr President.

3 QUESTIONED BY MR ALTIT: (Interpretation)

4 Q. [9:52:20] Good morning, Mr Witness.

5 A. [9:52:22] Good morning, Counsel.

6 Q. [9:52:23] My name is Emmanuel Altit, and I am the lawyer for Mr Laurent

7 Gbagbo, I am counsel for Mr Laurent Gbagbo. Now, I shall also in turn be putting

8 questions to you and I would be grateful if you answer them in a precise and rapid

9 manner, all right?

10 A. [9:52:45] Very well.

11 Q. [9:52:46] Thank you. So let us commence. Now, firstly with your leave I have

12 a question with regard to what you just said to the representative of the OTP, you

13 said that "at that moment in time I had started to get ill," if I understood what you

14 said. And that moment in time in December 2010. Did I understand you correctly,

15 2010, did I understand you correctly?

16 A. [9:53:33] Yes. I did start to fall ill in November 2010, yes.

17 Q. [9:53:40] Very well. So you were ill at the time of the events of 16 December

18 2010; is that correct?

19 A. [9:53:48] Yes. I had started to develop the symptoms of my illness and on

20 occasion I would go to the hospital in order to seek treatment. And then I would

21 come back to continue my work in my district.

22 Q. [9:54:06] Very well. When you say continue your work, you said at an earlier

23 stage "so I wasn't very present at the office," and if I understand you correctly, your

24 illness had an impact upon your presence; is that correct?

25 A. [9:54:26] Well, not exactly, because if I said that, it's not as if I was constantly

1 absent, but when I did leave, it was just with a view to seek treatment and then I
2 would always come back to the office to continue with my work.

3 Q. [9:54:52] Very well. So you were present every day in the office; is that correct?

4 A. [9:55:00] Apart from the days when I would go to seek treatment or conduct
5 examinations, apart from those days, the rest of the time I was in the office.

6 Q. [9:55:11] Very well. You said to us that you ceased to perform your functions
7 on 9 March 2011; is that correct?

8 A. [9:55:29] Yes, that is correct.

9 Q. [9:55:30] What did you do subsequently, that is to say just after that on
10 10 March?

11 A. [9:55:38] On 10 March I went to the direction of the criminal police in order to
12 take up my service and give in or hand in medical papers so that I could have sick
13 leave and continue with my treatment.

14 Q. [9:55:56] And were you granted that sick leave?

15 A. [9:56:06] Unfortunately not, until 21 days later, and that is when the events took
16 a turn in Abidjan. And until coming back I could make the most of that time in
17 order to seek treatment.

18 Q. [9:56:30] In order to clarify the situation somewhat, because we're attempting to
19 understand, are we not, from the day when you were appointed on 17 December 2010
20 as the district police chief until 9 March 2011, you were in post in normal terms with
21 the reservation that you've just voiced that you were on occasion absent for seeking
22 treatment; is that correct?

23 A. [9:57:03] That is correct.

24 Q. [9:57:04] Very well. And from 10 March 2011, you took up another position,
25 but that is when I need further clarification. You occupied that position and you

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1 went to your office on a daily basis, did you? Or are you saying to us that from 10
2 March you were not in a position to go to your work on a daily basis? I don't really
3 understand.

4 A. [9:57:30] *I conducted the handover of power at the Adjamé Police District on 9 March,
5 and back home when you are told that you leave a post, you then have to enter your new
6 post and this counts as your furtherance of your career. So on 10 March I went to the
7 police directorate to hand in the documents saying that I had ceased to occupy my
8 position in Adjamé, and I was dropping off the *handover of power document so that
9 this could be taken into account and officially it could be said I had taken up
10 my position in the criminal division. That's what I did on 10 March.

11 So I handed those papers in, those treatment papers in to the director of the criminal
12 division, who said to me: "All right, as you've just entered service, you then need to
13 ascertain whether you can come two or three times so that you can come up to speed
14 with the work here at the directorate for criminal police and then subsequently I shall
15 see whether I can grant you sick leave for you to go and seek treatment."

16 So it was in that context that we were when on 31 March the events took a different
17 turn in Abidjan, and I went home, and it is thenceforth when things calmed down
18 somewhat, *I was receiving some traditional medicine and when we started working
19 again I then sought treatment at the hospital.

20 Q. [9:59:36] So if I understand you correctly, on 10 March you presented yourself in
21 order to take up your new position as you were due to do, but thenceforth you did
22 not come back to the office again. In reality you did not fulfil your functions, you
23 went to your office only on one or two occasions during that entire period until the 11
24 April or a little time thereafter; is that correct?

25 A. [10:00:08] No. I said that when I took service on 10 March at the directorate of

1 criminal police, I had an understanding with the director, to whom I had explained
2 my health situation, and he said to me, "All right, I shall authorise you to come once a
3 week for you to get into the swing of things and get into the way of -- that we work,
4 and the other days you will go and seek treatment."

5 So that is how I managed things. And he said: "You need to come for at least three
6 weeks to a month, and then when you are used to our way of working, I shall have
7 you posted to a specific unit, and I will have you freed up for you to be able to seek
8 treatment."

9 So that was how I juggled things with him. I would come to work on occasion.

10 And on 31 March when things took a turn for the worse in Abidjan, I went home in
11 order to come back on 18 or 20 April 2011.

12 *So, for that entire duration, until I resumed from 18 to 20 April, this enabled me to
13 receive traditional medicine, as we couldn't go out at the time, there was a lot going
14 on in town, so I continued to receive traditional medicine, because I was spending
15 time with the family.. And when we heard that things had took a
16 turn for the better, if you like, I would continue that treatment until the month of une,
17 when I came back to work.

18 Q. [10:02:03] Fine. So I understood you went back to work and you were in
19 charge of investigations in the criminal police; is that correct?

20 A. [10:02:15] That's correct.

21 Q. [10:02:16] Thank you. Could you give us an example of an investigation that
22 you were in charge of that you followed?

23 A. [10:02:33] Thank you. Well, at the directorate of the criminal police, the
24 investigations are a bit more specialised. And since I had just arrived and I had just
25 barely become familiar with the pool, I would carry out investigations with other

1 colleagues, in particular the Yves Lambelin investigation. This was an investigation
2 regarding an amount of 300 million at the police school, that's the one I remember, the
3 two investigations I remember at this point in time.

4 Q. [10:03:28] Thank you. To your knowledge, were there any murders,
5 punishments carried out by the police between March 10 and afterwards --

6 A. [10:03:46] To my knowledge, no.

7 Q. -- until 11 April? Any murders, massacres that might have occurred in
8 Abidjan, they did not come under your responsibility?

9 A. [10:04:02] I'm afraid I don't understand your question. Could you repeat it, sir.

10 Q. [10:04:06] Yes, of course. Exactions, murders, massacres, any crimes of an
11 important nature did not come under your responsibility? Do I understand that
12 correctly, that you were not in charge of investigating that type of crime?

13 A. [10:04:31] In the criminal police directorate, other than the case of Yves
14 Lambelin that I mentioned, no, because you had to have a certain amount of
15 experience in order to have that kind of investigation entrusted to you.

16 Q. [10:05:01] Thank you. Before you were the district chief in Adjamé and also in
17 several other arrondissements in Adjamé -- in Abidjan; is that correct?

18 A. [10:05:11] No. I wasn't commissioner in several arrondissement in Abidjan. I
19 was in other hinterland areas of the country, in Bondoukou, in Daloa. In Abidjan, I
20 was deputy commissioner of the 12th arrondissement. And it was after that that I
21 became district chief in Daloa, in Divo, and in Adjamé at the end, head of district,
22 district chief.

23 Q. [10:05:48] Thank you. As regards Abidjan, is it correct to say that you're
24 familiar with the city of Abidjan, but also the way society functions, in particular in
25 the various neighbourhoods where -- that you were in charge of?

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1 A. [10:06:08] Well, just a little bit because I didn't stay that long, I was only there for
2 about five months, so I didn't really have time to get really used to how the
3 neighbourhoods functioned.

4 Q. [10:06:21] Thank you. Did you work in Abengourou?

5 A. [10:06:41] No, I was never in Abengourou.

6 Q. [10:06:44] Whether in 2010 or 2011, did you ever go to the hôtel du Golf?

7 A. [10:07:22] No, I never went to the Golf Hotel.

8 Q. [10:07:26] Thank you. Did you have any contacts in the Golf Hotel during the
9 crisis?

10 A. [10:07:34] No, I didn't have any contacts.

11 Q. [10:07:39] Fine. Did you have any contacts with the military or political rebels?

12 A. [10:07:49] No. I had no contacts with them.

13 Q. [10:07:51] Fine. During the duration of the crisis, were you contacted by
14 anyone who said they represented the Ouattara camp, and if so, what did they say to
15 you?

16 A. [10:08:10] No. Throughout the crisis I was never contacted by the Ouattara
17 people.

18 Q. [10:08:18] Fine. During the period of the crisis, were you contacted by French
19 civilian or military authorities?

20 A. [10:08:27] No.

21 Q. [10:08:31] Fine. Some of your subordinates or your hierarchical superiors, did
22 any of them go over to the Ouattara camp?

23 A. [10:08:51] No, as far as I know, but in the press I could read that some of the
24 people in charge had expressed their allegiance to Ouattara, who had been declared
25 president of the republic.

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1 Q. [10:09:18] Fine. To your knowledge, none of your direct subordinates or your
2 hierarchical superiors defected in that respect during the crisis?

3 A. [10:09:34] To my knowledge, no.

4 Q. [10:09:36] Fine. You, yourself, if I understand correctly, you occupied the same
5 position under Ouattara as you had under Gbagbo; is that correct?

6 A. [10:09:55] When I was at the directorate of the criminal police, yes, until I was
7 transferred to the cabinet of the national police.

8 Q. [10:10:10] Fine. When there was a change in regime, when were you confirmed
9 in your functions and by whom when there was a change of government?

10 A. [10:10:25] I left the Adjamé district on March 9th. I took on my new position on
11 10 March 2011, and therefore afterwards, that is when Ouattara was confirmed as
12 president of the republic, I was still working at the directorate of the criminal police
13 until I went to my job at the national directorate.

14 Q. [10:11:16] No one came to see you to say you should stay here, I will take the
15 responsibility? There was no particular decision that actually confirmed you? You
16 simply continued working at your job; is that correct?

17 A. [10:11:31] That's correct.

18 Q. [10:11:35] Fine. Who were your hierarchical superiors at that point in time, and
19 I'm referring now to the new Ouattara administration?

20 A. [10:11:57] At the criminal police directorate I was under the director of the
21 criminal police.

22 Q. [10:12:03] I beg your pardon for interrupting you. I'm interested in the names.
23 So what was his name?

24 A. [10:12:14] Commissioner Niagne Honoré. And we also came under the deputy
25 director general in charge of criminal police, general --

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1 THE INTERPRETER: [10:12:31] Inaudible.

2 THE WITNESS: [10:12:33] (Interpretation) -- and above him the deputy at the time
3 was General Bredou.

4 THE INTERPRETER: Please ask the witness to repeat the second name.

5 PRESIDING JUDGE TARFUSSER: [10:12:43] Mr Witness, can you please repeat the
6 second name.

7 THE WITNESS: [10:12:53] (Interpretation) I was saying that when I was at the
8 directorate of the criminal police, the director's name was Niagne, N-I-A-N-G-N-E.

9 PRESIDING JUDGE TARFUSSER: Thank you.

10 THE INTERPRETER: [10:13:16] The interpreter would like to point out that it was
11 the second name that we missed.

12 PRESIDING JUDGE TARFUSSER: [10:13:21] There is another -- Bredou? Which
13 one? There is another name which was missed by the interpreters.

14 THE WITNESS: [10:13:37] (Interpretation) Let me give you the three names. The
15 director of criminal police, my boss was Niagne, N-I-A-G-N-E, Honoré; the deputy in
16 charge of criminal police was General Blé Tapé; and the director general when I
17 arrived at the time was General Bredou.

18 PRESIDING JUDGE TARFUSSER: [10:14:19] Thank you.

19 Maître Altit.

20 MR ALTIT: [10:14:22] (Interpretation) Thank you, your Honour.

21 Q. [10:14:25] Mr Witness, was it the same hierarchy as under President Gbagbo, the
22 three names you've just mentioned?

23 A. [10:14:38] The director of criminal police, yes. The director general of the
24 police, yes. But the deputy came after. I believe he was appointed after President
25 Ouattara was appointed. After President Ouattara, it was then that the deputy

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1 director general in charge of judiciary police, that is General Tapé, he was appointed
2 after.

3 Q. [10:15:17] Fine. Who was the minister of the interior at the time?

4 A. [10:15:23] What time exactly?

5 Q. [10:15:26] The period we're referring to, that is after April 11th when the new
6 structure, which was quite similar to the former structure, when the new structure
7 therefore was implemented?

8 A. [10:15:41] The minister of the interior is Mr Bakayoko.

9 Q. [10:15:52] Thank you. Can you tell us who Mr Bakayoko was? Was he a rebel
10 chief?

11 A. [10:15:59] No. The minister himself was not a rebel chief. He was a civilian.
12 He was a minister who had been a member of several different governments. I don't
13 think he was a rebel chief, no.

14 Q. [10:16:27] Fine. Several governments. Under which prime minister do you
15 mean when you say several governments?

16 A. [10:16:44] I don't remember the various prime ministers. There were so many
17 I'm afraid I don't remember them all.

18 Q. [10:17:04] Fine. I'm going to help you. If I give you the name Guillaume Soro,
19 does that help refresh your memory?

20 A. [10:17:10] Yes, I remember prime minister Guillaume Soro who is now the
21 president of the national assembly, yes.

22 Q. [10:17:24] And was that -- all of that was during the time when Gbagbo was
23 president; is that correct?

24 A. [10:17:28] Yes, I believe so, I'm really not 100 per cent sure because I don't, I
25 don't really know the full compositions of the governments, but I believe so, yes.

1 Q. [10:17:43] In 2012 you told us that you were appointed to the study bureau at
2 the national police; is that correct, bureau d'études?

3 A. [10:18:09] Yes, I was working in the cabinet of the director general of the
4 national police.

5 Q. [10:18:14] What exactly were you doing, what kind of studies or research were
6 you carrying out in that particular office?

7 A. [10:18:22] The DG, the director general received a lot of mail, and it was up to us
8 to deal with the mail and we would report to him so that he could evaluate what it
9 was all about and so that he could answer the mail.

10 Q. [10:18:43] Fine. In December 2015, you were appointed to a different job, you
11 were operational director of the unit in charge of fighting against organised crime; is
12 that correct?

13 A. [10:19:03] Well, I hadn't really started yet. I was still in the national cabinet.
14 I'm still in the national cabinet. And I'm still working in the cabinet of the
15 directorate.

16 Q. [10:19:18] In other words, you were appointed in December of 2015 but you still
17 had not taken on this post, this function because the structure doesn't exist yet; did I
18 understand you correctly?

19 A. [10:19:36] We're still setting it up. We have to find the premises and the budget.
20 It doesn't function yet as such so I'm still working in the cabinet of the director
21 general in charge of les études, the research, as I said earlier.

22 Q. [10:20:02] Does that mean that today you have no information regarding
23 transnational organised crime or diamond trafficking, et cetera?

24 A. [10:20:09] Just information that we get from here and there, on the Internet, in
25 order to begin preparing a document that will enable us to begin working once we

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1 become operational. But for the time being, no, we don't have any more
2 information.

3 Q. [10:20:34] Fine. Have you read the report, the reports, in fact, that various
4 experts of the United Nations have drafted?

5 A. [10:20:45] No. I receive documents that I read occasionally about drugs for
6 example, but these are regional reports.

7 Q. [10:21:03] Fine. Let me come back to your testimony. You referred to January,
8 on January 10, February 10, you gave us a list of individuals who were under your
9 orders in 2011. Tell me if I am mistaken. Let me give you a list. In the 1st
10 arrondissement, Touré Mabonga; 3rd arrondissement, Guigui Ignali Jean-Bedel;
11 7th arrondissement, Gnakoua Charles; the 10th arrondissement, Bakayoko;
12 the 11th, Ossohou Léopold. Is that correct thus far?

13 A. [10:22:06] Yes.

14 Q. [10:22:10] We need the 27th and the 28th, which are missing from this list.

15 A. [10:22:42] The 27th, I don't remember the name. But as for the 28th it was --

16 THE INTERPRETER: Inaudible.

17 THE WITNESS: (Interpretation) Let me spell it H-I-E-N-Y-E F-I-N-I. As for the
18 27th, I'm afraid I just don't remember his name. Maybe Angui (phon) or
19 Angué (phon), but I really don't remember the name.

20 MR ALTIT:

21 Q. [10:23:23] Amongst those commissioners, to your knowledge, which ones are
22 still in their positions?

23 A. [10:23:31] They're all still in their posts working.

24 Q. [10:23:43] Fine. Thank you. To your knowledge, when were there the first
25 attacks against police commissariats in 2010? When did they start being attacked?

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1 A. [10:24:03] Do you mean in the 17th or throughout Abidjan?

2 Q. [10:24:20] Well, let's take it one at a time. First of all in the area that you were
3 in charge of in your district.

4 A. [10:24:38] I think it was only the 10th that was attacked, the 10th
5 arrondissement.

6 Q. [10:24:48] Fine. There was no incident in or around the 7th arrondissement
7 police commissariat, police station?

8 A. [10:25:09] I don't really remember. But I think it was the police station in the
9 7th that told me that men from the GPP had attacked their station. That's the only
10 incident that I remember.

11 Q. [10:25:28] Thank you. The police in the 7th arrondissement did not have to
12 deal with violent demonstrations on the part of the RHDP?

13 A. [10:25:54] No, I have no information about that.

14 Q. [10:25:57] But you didn't, you didn't give me a date from when, from when?

15 A. [10:26:08] It's difficult to indicate a date. You know, it was five years ago, so
16 it's extremely difficult. I believe it was in January in both cases. I think it was
17 starting in January.

18 Q. [10:26:24] Well, let me take a step backward if you will. Out of your, out of the
19 zone you're responsible for, to your knowledge, how many police stations or police
20 units on the ground were attacked during the crisis?

21 A. [10:26:52] I don't know. I don't know.

22 Q. [10:26:59] Fine. Do you know whether any policemen were killed in your
23 district, and if so, how many?

24 A. [10:27:21] Well, to my knowledge, no policeman from the 17th was killed.

25 Q. [10:27:39] Fine. Earlier the OTP showed you a report entitled BQI 249 dated

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- 1 17 December 2016. Do you remember that report?
- 2 A. [10:27:58] Yes.
- 3 Q. [10:28:03] Can we have it on the screen once again. The reference is as follows
- 4 CIV-OTP-0045-0735.
- 5 Thank you, court officer.
- 6 Witness, can you see the document on the screen?
- 7 A. [10:28:48] Yes.
- 8 Q. [10:28:51] Could we go to the third page. This is page 0737.
- 9 Can you see it, Witness?
- 10 A. [10:29:15] Yes.
- 11 Q. [10:29:16] Fine. Now, you can see there is a box with 10 o'clock to the left and
- 12 then in the second column "Abobo"?
- 13 A. [10:29:33] Yes.
- 14 Q. [10:29:33] In order to save time perhaps I can read out what is written here.
- 15 That will perhaps help us save time. So after 10 o'clock Abobo there is a title
- 16 underlined "Clashes between FDS and demonstrators from the RHDP at PK18." Can
- 17 you see that? Can you follow?
- 18 A. [10:30:00] Yes.
- 19 Q. [10:30:00] Let me read it. "Today 16 December 2010, there were clashes
- 20 between demonstrators from the RHDP and the FDS, the report refers to 3 police
- 21 officers killed and 2 kidnapped; 3 soldiers were said to have been" -- or the text says
- 22 "were said to be," but it might mean "were kidnapped and burned alive at PK18."
- 23 End of quote.
- 24 Do you remember having been informed of this, Witness?
- 25 A. [10:30:52] No.

1 Q. [10:31:11] So let me know if you're following. In other words, within the police
2 no one referred to this? No one talked about these things regarding the fact that
3 police officers had been killed during demonstrations or clashes; is that correct?

4 A. [10:31:35] Well, if you read it yourself, it is written, 10 o'clock Abobo. Abobo
5 was another district. There was another police there. So this report is from the
6 chief of district in Abobo who made it for the chief of police and who compiled it in
7 his headquarters. So we might have gleaned that information subsequently, but we
8 did not get it on the same date. Each person was managing their own district. So if
9 I did glean a piece of information, it might have been later.

10 Q. [10:32:08] Very well. And it was after what?

11 A. [10:32:23] When I say afterwards, there is no specific date, because it is the
12 information that we would glean here and there, not in a specific period, saying that
13 policemen had allegedly been killed, that soldiers had been killed. This is
14 information that we received on the grapevine. I can't tell you specifically whether
15 at a specific date such and such a thing happened. I can't.

16 Q. [10:32:55] Very well. But you were informed in the weeks to follow of the
17 events that policemen had indeed been killed; is that correct?

18 A. [10:33:05] Yes. But as everybody was, because the information was circulating
19 within the police.

20 Q. [10:33:15] But you're not any old person. You are the person in charge of the
21 police. You are a recipient of said information.

22 A. [10:33:23] No. That's not how things work in Abidjan within the police. The
23 information that we would receive is information that we would have word of mouth.
24 Officially speaking there is no information coming from the hierarchy. It might
25 come from another source that would informally inform the people in charge of the

1 police of such and such an event. It might have been within the directorate general
2 itself that all the information was then compiled because they have all the
3 information.

4 In the district, however, we do not have all the information, the official information,
5 apart from what we glean on a word-of-mouth basis.

6 Q. [10:34:11] Very well. And word of mouth, via that mode, do you know, did
7 you hear how or at the hands of whom those policemen were killed?

8 A. [10:34:26] No. We were told that it was during clashes. That's all we were
9 told. They went to attend an intervention and that is quite frankly all that we were
10 told.

11 Q. [10:34:46] Clashes with whom?

12 A. [10:34:48] We were not told with whom. We were just told that it was during
13 an intervention that they died. That's all we were told.

14 Q. [10:35:01] I'm going to put the question to you in another manner. You are a
15 person in charge or you were in charge of police at the time, were you not?

16 A. [10:35:11] Yes.

17 Q. [10:35:11] So you have a number of policemen under your orders, do you not?

18 A. [10:35:16] That is correct.

19 Q. [10:35:20] You were recipient or recipient of reports, were you not?

20 A. [10:35:27] I was a recipient of reports and reports within my district.

21 Q. [10:35:35] And other policemen, did they speak to you by word of mouth?

22 A. [10:35:41] When I talked to you of policemen who were talking to me word of
23 mouth, these were either policemen or colleagues from my district. But this is not
24 formal information. Well, they said, "Well, this is what we heard here and there, this
25 is what is being said." That is what they said. This was not formal.

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1 Q. [10:36:04] And today you still do not know who attacked and killed those
2 policemen; is that your position?

3 A. [10:36:10] That is not my position. I'm telling you the truth. I'm not told that
4 it was such and such an individual or such and such a structure or such and such
5 people who did that. I was not told that, so I have no news to the effect.

6 Q. [10:36:25] And even to date you still do not know?

7 A. [10:36:33] No.

8 Q. [10:36:36] Very well. The Invisible Commando, the Commando Invisible, does
9 that ring a bell?

10 A. [10:36:51] I heard speak of it in the newspapers.

11 Q. [10:36:58] Very well. And the Anonkoua-Kouté attack, does that ring a bell?

12 A. [10:37:09] Yes.

13 Q. [10:37:13] Who attacked whom?

14 A. [10:37:22] I do not know who attacked the village, but what the villagers said to
15 the effect was that the rebels had attacked them. That's what they said. But I don't
16 know exactly who attacked them or under what circumstances this occurred.

17 Q. [10:37:40] Very well. Sir, did you have any family or friends in that village of
18 Anonkoua-Kouté?

19 A. [10:37:50] Yes.

20 Q. [10:37:54] You said yes. So it might be that you have information secondhand,
21 if I might say, or whatever the case may be, information that was given to you by the
22 victims themselves who furnished you with details or information?

23 A. [10:38:10] No, because many of them, according to what they told me, when the
24 village came under attack, they all fled. There we are. So, well, what they said to
25 me was that they came under attack by the rebels. That's what they said. But they

1 didn't go into any further detail, because each and every one of them was attempting
2 to flee, flee the village, and that's what I heard.

3 Q. [10:38:38] Very well. Before the beginning of the attacks upon the policemen,
4 did you know whether there were any armed groups which had infiltrated Abidjan?

5 A. [10:38:57] No.

6 Q. [10:39:01] Very well. Were you informed at a given moment in time of the
7 existence of any arms depots?

8 A. [10:39:12] No.

9 Q. [10:39:14] Very well. You said to us during your testimony that you on 16
10 December in the morning received a message from the PC radio who was giving the
11 instructions from the préfet de police who was requesting that you go and verify
12 whether there were any groups of individuals on their way to the RTI. Is that
13 correct?

14 A. [10:39:48] That is correct.

15 Q. [10:39:51] And I understood from your testimony that you did not talk directly
16 to the préfet de police on that day; is that correct?

17 A. [10:39:59] That is correct.

18 Q. [10:40:03] Very well. Now, with regards to radio, you gave us your call sign
19 and that of the préfet de police. Could you give us any further call signs that were
20 being used on the police network?

21 A. [10:40:20] Well, in the police each service and each person in charge has their
22 call sign. And on that day, because everyone was talking, all the call signs were
23 being used. But I can't tell you specifically who was being called, who was informed,
24 because everyone was calling and everyone had their call signs.

25 Q. [10:40:52] Do you remember some of the call signs? Could you give them to us

1 amongst those in charge, of course?

2 A. [10:41:02] On that day, those that were in use on that day?

3 Q. [10:41:06] Used during that period on the police network and on that day, if you
4 like, for an example.

5 A. [10:41:14] Well, I believe I remember that on that day, because there was a lot of
6 interventions, the police, well, as I said, every person in charge had their own call sign.
7 For example, the commissioners had the Kara call signs. So Kara 1 is the 1st
8 arrondissement. Kara 3 is the 3rd arrondissement. The 10th arrondissement is
9 Kara 10. And then there is the head of districts. And as I was in charge of district
10 number 4, my call sign was Damien 4. And the one in charge of the 1st district was
11 Damien 1. So all of those call signs were calling or intervening, if you like, during
12 that entire period.

13 Q. [10:42:06] Very well. So with regard to radio communications, did you have
14 enough equipment in order to be able to communicate in an efficient manner?

15 A. [10:42:18] Well, the district commissioners had radios in order to communicate
16 with the PC radio. But at the PC radio level, I do not know whether they had
17 enough radios or not. But as those in charge of the police, we did have our portable
18 radios that we would use to communicate with the PC, with the command post.

19 Q. [10:42:55] My question is as follows: Did your men have enough equipment in
20 order to act in an efficient manner, yes or no?

21 A. [10:43:04] Well, I can't tell you yes or no because I do not know as for others.
22 But within the Adjamé district each commissioner had a radio for example.

23 Q. [10:43:19] Very well. And to your knowledge, were your communications
24 listened to?

25 A. [10:43:28] Yes, by everybody. These were public communications, I would say.

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1 As soon as you would begin to emit, everyone would tune in.

2 Q. [10:43:39] When you say everybody, who are you thinking of?

3 A. [10:43:43] The entire police, all of those in charge, all of the elements, all you
4 need to do is have a police radio in your hand for you to be able to listen.

5 Q. [10:43:55] So I shall put an additional question to you. Were your -- your radio
6 communications were listened to by the legitimate recipient, if you like, but were the
7 rebels able to listen to your radio communications or were the French units also able
8 to listen to your radio communications?

9 A. [10:44:25] I'm not in a position to tell you because I don't know. What I do
10 know is that anybody who has a radio, police radio is in a position to listen to the
11 conversations of the national police. But I presume that it was only the police who
12 had radios at the time, but I do not know whether it is possible for other units to glean
13 any information to do with the police via that means.

14 Q. [10:44:49] Very well. I'm going to be showing a document to you. It is
15 number CIV-OTP-0045-1515.

16 And this is a document that is confidential I'm told.

17 So do you have it before you, Mr Witness?

18 THE INTERPRETER: [10:45:54] Microphone was off.

19 MR ALTIT: [10:45:57] (Interpretation)

20 Q. [10:45:58] Very well. So this document is entitled a summary of requirements
21 for the district and associated services of districts -- of district number 4. This was
22 compiled on 15 December 2010, you will agree with me. So in order for you to be
23 able to agree with me you would be able to look at page number 2?

24 THE INTERPRETER: [10:46:32] Message from the interpreter: The witness's
25 microphone seems to be off.

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1 PRESIDING JUDGE TARFUSSER: [10:46:38] Mr Witness, when you respond, please
2 open the microphone.

3 THE WITNESS: [10:46:47] (Interpretation) Well heard, Mr President.

4 MR ALTIT: [10:46:58] (Interpretation)

5 Q. [10:46:59] So can you see this second page, Mr Witness?

6 A. [10:47:02] Yes.

7 Q. [10:47:02] So who signed this report?

8 A. [10:47:08] This report was signed by myself.

9 Q. [10:47:13] Very well. And it was established on 15 December 2010; can you
10 confirm?

11 A. [10:47:20] Yes. In view of the date here.

12 Q. [10:47:24] Very well. So can we say, and stop me if you want to clarify, can we
13 say that this report gives an overview of the urgent requests for your district in terms
14 of personnel and also in terms of equipment?

15 A. [10:47:52] Yes. It was the préfet de police who requested that we give an
16 account of our needs just in case we came up against some demonstrations so that we
17 could come up with our needs on an urgent basis, and this was done on an urgent
18 basis.

19 Q. [10:48:16] Very well. So what we have before us is what you are requesting in
20 terms of your needs; is that correct?

21 A. [10:48:23] Yes. But I requested that each district or arrondissement
22 commissioner send to me their needs in terms of equipments. And if you look
23 carefully, it is the needs for each police station, and it is each commissioner who has
24 given me an account of their needs.

25 Q. [10:48:58] Very well. And when you say "needs," the needs of the service in

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1 terms of personnel, and you say 100 non-commissioned officers, is that correct, or am
2 I not reading correctly?

3 A. [10:49:17] I believe it's 108.

4 Q. [10:49:19] 108. And you mean by that that for the entire district they need
5 108 personnel; is that correct?

6 A. [10:49:31] At the time the police students were helping maintain order in the
7 various districts, and the commissioners and various police stations had personnel
8 issues, and it was with a view to beefing up their personnel.

9 Q. [10:50:01] Very well. And do you remember the number of personnel that you
10 had available to you in your district, and that is all the police stations put together?

11 A. [10:50:14] No, I do no longer have that figure in mind.

12 Q. [10:50:21] Could you give us an approximation, you know, in general terms of
13 50, 100, you know, just give us a ballpark figure because we don't really have an idea.

14 A. [10:50:34] Well, to give you a ballpark figure would be to lie, because I really do
15 not recall. I know that maybe there might have been 100 or 150 maybe, but I can't
16 certify that.

17 Q. [10:50:50] That's for the entire district?

18 A. [10:50:55] That is correct.

19 Q. [10:51:00] Very well. Would it be correct to say that if you had 100 individuals,
20 in reality, in view of the fact that people have to rest, they have to live, you only had
21 approximately 20 to 30 people available on a permanent basis in terms of the shifts;
22 could we say that?

23 A. [10:51:29] I wouldn't be in a position to confirm that to you because it would
24 depend on each police station. Each police station draws up their schedule for their
25 co-workers. So if on a given day there is a demonstration, and if we request -- if

1 personnel is requested, and if there is not enough people, if there are a lot of people
2 who are off duty, it might be that there is only half of that number available.

3 Q. [10:52:06] Very well. So mention is also made of requirements willy-nilly. I
4 can see batons, I can see launch grenades, grenade launchers. I can see all sorts of
5 ammunition. I can see handcuffs. I can see other things that I can't see because it's
6 not very well printed out. But can you confirm to us that in real terms you had
7 requirements of all sorts?

8 A. [10:52:39] That is correct, because when I arrived, when I took up my service in
9 the district, I requested that all the commissioners give me an update of all their
10 equipment and personnel, and it was not a shiny report, and that's when we were
11 asked to compile a report with all the things that we needed. So in terms of law and
12 order, maintenance, I asked for them to give me a list of their requirements. Each
13 service gave me or sent me a list, and then I transmitted that to the préfet de police.

14 Q. [10:53:31] Very well. And did your policemen have sufficient amounts of
15 ammunition?

16 A. [10:53:46] What type of ammunition?

17 Q. [10:53:51] All sorts. Sir, I'm just putting the question to you as person in charge,
18 did you have the necessary ammunition, whatever sort, in order to face up to the
19 requirements of law enforcement or in terms of normal amounts needed?

20 A. [10:54:13] Well, I do not believe so because at the time Côte d'Ivoire was under
21 an embargo and I do not believe that we had sufficient amounts of ammunition.

22 Q. [10:54:23] Very well. Sir, did you receive a response to this urgent report?
23 Did you receive any equipment? Did you receive any non-commissioned officers?
24 Did you receive any response to what you requested?

25 A. [10:54:50] No, I do not recall that I received all of that.

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1 Q. [10:54:55] Very well.

2 MR ALTIT: [10:55:09] (Interpretation) Mr President, we are slowly approaching
3 the end of the first session, and as I'm about to move on to a topic that is similar but
4 somewhat removed, I'm thinking that it might be a good idea for us to interrupt our
5 discussions now.

6 PRESIDING JUDGE TARFUSSER: [10:55:29] Yes. We will interrupt our
7 discussions now, but then obviously sum up the time left in the next session, not good,
8 so with a view not to lose time, court time, okay? Thank you very much.

9 So now we will have a break of half an hour. We come back at 11.30 for the
10 continuing with the questioning by the Office of the Prosecutor. Thank you.

11 THE COURT USHER: [10:55:59] All rise.

12 (Recess taken at 10.56 a.m.)

13 (Upon resuming in open session at 11.35 a.m.)

14 THE COURT USHER: [11:35:18] All rise.

15 Please be seated.

16 PRESIDING JUDGE TARFUSSER: [11:35:35] Good morning once again.

17 Maître Altit, yours the floor.

18 MR ALTIT: [11:35:48] (Interpretation) Thank you, your Honour.

19 Q. [11:36:00] Mr Witness, earlier we discussed radio communications. Do you
20 remember?

21 A. [11:36:06] Yes.

22 Q. [11:36:08] I have a question about that. Was there radio communications, in
23 other words discussions, exchanges of information, instructions on the police network
24 until the last day, that is April 11th, do you know that?

25 A. [11:36:30] After I left on March 9th the Adjamé district, I no longer had a radio

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1 to be able to listen to police network communications. You have to be in the public
2 security department to be able to be in radio contact, but since I had changed my
3 position I no longer had radio contact with the radio command post, the radio PC.

4 Q. [11:37:13] Thank you. But starting on March 10th if I understood correctly,
5 occasionally you would go to your office to, and stop me if I am wrong, to familiarise
6 yourself with your new job; is that correct?

7 A. [11:37:36] Yes, that's correct.

8 Q. [11:37:39] Very well. To your knowledge, did the police, whether you're
9 talking about regular columns or patrols or police units or mobile units or police
10 stations, were any of those, any of the above attacked by the French forces during the
11 post-electoral crisis?

12 A. [11:38:19] To my knowledge, no. I did not have any information along those
13 lines.

14 Q. [11:38:28] What about attacking a police station by combat helicopters?

15 A. [11:38:42] No, because, as I told you, at the time I was getting medical care, I was
16 with my family, so I was kind of out of touch at the time.

17 Q. [11:38:58] Very well. When you say "at that time" what are you referring to
18 exactly? What period of time are you referring to?

19 A. [11:39:11] I'm referring to March 31, well, actually starting at the 28 or
20 27 March. I didn't go back to the office until I was asked to resume my work on
21 April 20, around April 20, I believe.

22 Q. [11:39:38] The reason I'm asking you this question, Witness, is because I asked
23 you if you were aware of any attacks on the part of the French army but I didn't
24 mention the date or the period and you answered at the time, at that period. Does
25 that mean that for you there was a period when there was an attack?

1 A. [11:39:59] No, that's not at all what I meant. I didn't mean to infer that there
2 had been attacks. I was not informed of attacks. What I was saying is that up until
3 the 28th or, let's say, 27 March, where I continued to going to the office occasionally,
4 but starting 29 March, I never returned to the office, and I was on sick leave to get
5 care. So I was no longer informed of events.

6 But before, before I left the district office, I had not received any information
7 regarding such an attack. Even before March 28, whether it's the 10th or the 11th, I
8 had no knowledge of any attack.

9 Q. [11:40:50] Very well. And afterwards?

10 A. [11:40:55] Well, to this day I have no information regarding the French army or
11 who might have attacked whom. I have no information about that, no precise
12 information about that.

13 Q. [11:41:18] No precise information or no information at all?

14 A. [11:41:23] I have no information. Well, if you talk about information, there has
15 to be a source, a reliable source. I have no information regarding such attacks
16 regarding those attacks.

17 Q. [11:41:40] Very well. So you stated that you received medical care around the
18 same period; is that correct?

19 A. [11:41:50] Yes, that's correct.

20 Q. [11:41:53] After April 11th, were you on sick leave from the new authorities,
21 when the new authorities were in charge?

22 A. [11:42:05] When I went back to work, around the 18th, the 19th or maybe the
23 20th, I think it was the 18th, when I went back to work I applied for sick leave, but at
24 the time France had requested that there be an investigation about the death of
25 Yves Lambelin, and so after that investigation I had a two week period of sick leave to

1 rest and finish my medical treatment.

2 Q. [11:42:48] Very well. May I ask you what illness you were suffering from that
3 led to your sick leave?

4 A. [11:42:59] I had a problem with the vertebrae in my neck. I had cervical
5 arthrosis and my neck was almost paralysed. So I had to receive care for the nerves.
6 And it took time for me to recuperate.

7 Q. [11:43:25] Thank you. Earlier you gave us an information saying that you were
8 at the office throughout the period of the crisis except for when you went to get
9 medical care. Can you give us an idea of what exactly that means? Let's take a
10 typical week, were you there the entire week or let's say over a month, you would be
11 there every day of every week except once a month, or were you there every day of
12 the week but once or twice you needed to go and get medical treatment? Can you
13 give us an idea of how much time you actually spent at the office? Do you
14 understand what I mean? How frequent were these medical treatments?

15 A. [11:44:14] I understand, but it's hard for me to respond because it depended on
16 the appointments I had, the medical appointments I had. I had doctors
17 appointments, and if -- on certain occasions it might have been twice a week, another
18 time it was once a week. I don't really remember. The frequency was not perfectly
19 regular.

20 Q. [11:44:33] But the rest of the time you were at your office?

21 A. [11:44:39] Yes. When I wasn't getting medical treatment, when I was well,
22 because there were times when I didn't feel well and I had to stay home, but when I
23 was well, yes, I would be at the office. But it's hard for me to tell you exactly because
24 the dates weren't precise. It depended on how much pain I was in, and it depended
25 on the treatment, it depended on my doctors appointments, et cetera.

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1 Q. [11:45:07] Very well. So this was a period when there were events going on.
2 How -- could you distinguish between rebel attacks and criminal attacks? I mean
3 you and the police in general, you being in charge of the police, how did you
4 distinguish between those two types of events?

5 A. [11:45:32] When I was district chief -- is that what you mean?

6 Q. [11:45:37] During the crisis, that is between September when you were
7 appointed in 2010 and March 10th because you said starting March 10th you weren't
8 there as much.

9 A. [11:46:01] During that period, well, it depended on the reports I received from
10 the commissioners, if I knew about an attack or a theft, an armed attack. And that's
11 how we would distinguish. It wasn't that clear when an event occurred, it was
12 depending on the reports I received from the commissioners, so on the basis of those
13 reports. In the report they mentioned, for example, criminal attacks, armed robbery
14 or other acts of violence.

15 Q. [11:46:46] Very well. And were there many incidents that took place each
16 week?

17 A. [11:46:55] I can't say that there were many. It depended on the precise zone.
18 Each commissioner would patrol to maintain security, but in spite of that, well, even
19 in normal times there is always various types of attacks. So it's hard for me to
20 answer that question in relationship to that precise period.

21 Q. [11:47:19] Very well. I'm going to ask you the following: How do you
22 distinguish between an armed attack robbery, for example, and an armed attack on
23 the part of rebels?

24 A. [11:47:36] Well, criminals are going to attack with a bladed weapon or a pistol.
25 So when the commissioners report it they would say there was an armed attack using

1 a pistol, a handgun or a shop was attacked. But I never saw a rebel attack when I,
2 myself, was district chief. I never had information about a rebel attack in my district.
3 So I can't tell you how it occurred.

4 Q. [11:48:18] You don't know what a rebel attack is about and yet you mention that
5 some of your family members had undergone rebel attacks?

6 A. [11:48:36] I did not say that my family underwent rebel attacks. I said that they
7 told me that rebels had attacked their village. That's what they told me. So that
8 was their understanding of events. But I can't say with certainty that it was a rebel
9 attack because I wasn't there.

10 Q. [11:48:56] Very well. Regarding the events of December 16th, 2010, last Friday
11 you told us that you had not been informed in advance that there was going to be a
12 march. You stated that very clearly.

13 My question is a very simple one: If the march had been authorised, if the persons in
14 charge of that march had made the necessary applications legally speaking to obtain
15 the authorisation and had received authorisation, would you then have been
16 informed of the march?

17 A. [11:49:40] Yes, through my hierarchy, because if a march is going to take place
18 they inform us that on a particular date there is going to be a march.

19 Q. [11:49:52] Very well. In your statement given to the OTP investigators, you
20 remember having given a statement, don't you?

21 A. [11:50:07] Yes.

22 Q. [11:50:07] You stated to the investigators on pages 219 and 220, line 690, and I'm
23 quoting:

24 "I know that there was a march or there had been a request at least to someone, at
25 least there were rumours, right, that militants from a political party were going to go

1 to the presidential palace to chase the others." End of quote.

2 First of all, when you mention militants of a party, what party are you referring to
3 here?

4 A. [11:51:06] I stated that those were rumours, rumours, rumours that were going
5 around that militants from the RDP intended -- the RHDP militants intended to go
6 push out the sitting president because he had stolen power, so to speak. Those were
7 the rumours that were going around, that the RHPD militants were preparing to go
8 push out the sitting president, because he had, according to them, stolen the victory.

9 Q. [11:52:01] The president who was in power at the time, who was that?

10 A. [11:52:07] It was President Gbagbo.

11 PRESIDING JUDGE TARFUSSER: [11:52:12] We didn't know, we didn't know that.

12 MR ALTIT: [11:52:17] (Interpretation) You know, I think you can see that the
13 witness is having trouble stating things clearly and my intention was to push him to
14 be perfectly clear.

15 PRESIDING JUDGE TARFUSSER: [11:52:34] Yes. This is -- please go ahead. I
16 didn't want to interrupt this, but sometimes I think we should not state the obvious.
17 Thank you.

18 MR ALTIT: [11:52:53] (Interpretation) Your Honour, if I may, there is also a
19 cultural framework that is of importance here as well. But I shall resume my
20 cross-examination.

21 Q. [11:53:10] Witness, we were talking about the march that took place on
22 December 16, aren't we?

23 A. [11:53:21] No, I didn't talk about the march on 16 December. I was saying there
24 were rumours here and there. I didn't state that it was referring to 16 December. I
25 couldn't say that because I didn't know that there was a march scheduled. But as I

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1 said, there were rumours that the RHDP militants were preparing to march to the
2 presidential palace because they felt that the president had stolen power. But I
3 didn't say it was an information. I referred to rumours that were going around.

4 Q. [11:54:04] Very well. I'm still referring to December 16. Last Friday you said
5 that the commissioner in the 11th district referred to 8 injured?

6 A. [11:54:35] Yes.

7 Q. [11:54:36] And the commissioner in the 3rd referred to 1 death and 3 injured?

8 A. [11:54:42] Yes.

9 Q. [11:54:44] These deaths and injured individuals, were they civilians or were they
10 individuals who were bearing weapons or not? Were they individuals who were
11 attacking the police forces?

12 A. [11:54:59] I don't know because I didn't receive those details from the
13 commissioner.

14 Q. [11:55:06] Very well. To your knowledge, were there rebel soldiers billeted at
15 the Golf hotel during the period?

16 A. [11:55:40] What period are you referring to?

17 Q. [11:55:44] Starting from the elections.

18 A. [11:55:47] No, I have no information about that.

19 Q. [11:55:49] Very well. In your statement to the OTP investigators you state that
20 you participated in the security for the elections. And I'm going to quote you, page
21 326, line 812.

22 I'm looking to the interpreters. I'm going to quote you:

23 "I know for example that during the elections, during the elections we received
24 reinforcements from Forces Nouvelles. So they came to help us provide security
25 around the elections and it went well." End of quote.

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1 Do you remember saying that, Witness?

2 A. [11:57:06] Yes, that's correct. They were there. They helped us provide
3 security and then they left.

4 Q. [11:57:13] Do you know where those rebel soldiers were staying during that
5 period?

6 A. [11:57:23] No. In the morning a bus would come and drop them off at the
7 district police station and we would send them to the voting offices. And then in the
8 evening the bus would go and pick them up. But I didn't know where they were
9 staying.

10 Q. [11:57:46] Very well. Did you stay in contact with the people in charge of those
11 soldiers after they left?

12 A. [11:57:56] No.

13 Q. [11:57:59] Fine. As regards the march that took place on 16 December, if I've
14 understood your statement correctly, and please tell me if I've understood correctly,
15 the marchers came from two different directions: One were going toward the forum
16 and others came from Williamsville to go to the Plateau through Adjamé; is that
17 correct?

18 A. [11:58:31] In my statement, yes. But as I stated on Friday there had been some
19 confusion in my mind.

20 Q. [11:58:44] Can you explain what you mean by "confusion"?

21 A. [11:58:48] Well, Williamsville, according to the information that I received from
22 the radio PC, they were going to the RTI in fact. So that's where the confusion.
23 They weren't going to the Plateau. They were going to RTI. That's the information
24 that we had received.

25 Q. [11:59:10] Very well. In your statement, page 222, line 802, you explained to

1 the investigators that the instructions that you received on the morning of 16
2 December was to go and see whether there were marchers and to prevent people
3 from having access to the Plateau. So you say you told the commissioners to go and
4 see.

5 And I quote you, "Try to see whether they could disperse them or discuss with them
6 and ask them to leave, because that was my policy, my policy was not to use too
7 much violence with the marchers. I felt that we had to discuss with them, convince
8 them, explain to them and then disperse them. So tear gas was actually the last
9 resort, that is it happened if we had not arrived at a consensus because sometimes
10 you would discuss with marchers, demonstrators and then they would understand
11 you" end of quote.

12 So if I understand you correctly, what you are telling us is that your policy, your
13 normal modus operandi which you asked your policemen to comply with was a
14 discussion, an attempt to make them understand. And if that didn't work you
15 would use the conventional means, that is tear gas; is that correct?

16 A. [12:01:25] Yes. In any case that is how we were trained. When we are told
17 that there is a demonstration, you have to make sure that it is not violent. So we go
18 towards them. We try to discuss with them and persuade them to withdraw. And
19 most frequently it works. And during my career, that is what I did. We resort to
20 tear gas if there is no understanding. If they refuse to withdraw, if they stand by
21 their decision, then we report to the hierarchy, and they tell us, "Well, if they do not
22 want to understand, then disperse them." That is how we do it.

23 Q. [12:02:18] And you have told us that this is consistent with the rules of
24 engagement inculcated into you during your police training like other police trainings;
25 is that correct?

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1 A. [12:02:35] Yes, that is correct.

2 Q. [12:02:36] Thank you. Do you know of any crimes that are supposed to have
3 been committed by elements of Shérif Ousmane in Yopougon April 2001?

4 A. [12:03:25] No.

5 Q. [12:03:29] Mr Witness, thank you.

6 MR ALTIT: Mr President, I have no further questions.

7 PRESIDING JUDGE TARFUSSER: [12:03:36] Thank you very much.

8 The Defence for Mr Gbagbo has terminated the questioning. And now I give the
9 floor to the Defence of Mr Blé Goudé.

10 Maître N'Dry, I suppose. Yes.

11 THE INTERPRETER: [12:03:59] Correction from the interpreters: The last date
12 mentioned was 2011, not 2001.

13 MR N'DRY: [12:04:07] (Interpretation) Yes. Thank you, Mr President. I wanted
14 to make a request to your Chamber so that we should have a break of 10 minutes
15 maximum, no more than 10 minutes. And I would like to also reassure your
16 Chamber that I will not spend more than 30 minutes with this witness.

17 PRESIDING JUDGE TARFUSSER: [12:04:28] Can you give me also a reason? We
18 will, but just for a reasoning on the suspension, on the request of suspension.

19 MR N'DRY: [12:04:42] (Interpretation) Yes. With my case manager, we prepared
20 the questioning of the witness, so we simply want to refine our notes because certain
21 issues that we were to deal with have been dealt with by the other team. So it's just
22 for purposes of efficiency so as not to be repetitive.

23 PRESIDING JUDGE TARFUSSER: [12:05:09] Okay. Thank you. We come back in
24 10, 15 -- 15 minutes. Okay. Thank you.

25 THE COURT USHER: [12:05:16] All rise.

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- 1 (Recess taken at 12.05 p.m.)
- 2 (Upon resuming in open session at 12.17 p.m.)
- 3 THE COURT USHER: [12:17:54] All rise.
- 4 Please be seated.
- 5 PRESIDING JUDGE TARFUSSER: [12:18:18] So here we are again.
- 6 Maître N'Dry, yours the floor.
- 7 QUESTIONED BY MR N'DRY: (Interpretation)
- 8 Q. [12:18:50] Good afternoon, Mr Witness.
- 9 A. [12:18:54] Good afternoon, Counsel.
- 10 Q. [12:18:57] I'm Maître N'Dry Kouadio, lawyer in the Côte d'Ivoire Bar and
- 11 co-counsel in the Defence team of Mr Charles Blé Goudé.
- 12 Mr Witness, I would like you to confirm this, are you an Ébrié?
- 13 A. [12:19:22] Yes.
- 14 Q. [12:19:23] From which village?
- 15 A. [12:19:30] I'm from two villages, Elokate and then Anonkoua-Kouté. The first
- 16 one is my father's village, the second my mother's village.
- 17 THE INTERPRETER: [12:19:45] Perhaps the witness could repeat those names again.
- 18 PRESIDING JUDGE TARFUSSER: [12:19:47] Could you please repeat those names
- 19 again.
- 20 THE WITNESS: [12:19:58] (Interpretation) Elokate, E-L-O-K-A-T-E. That is the
- 21 village of my father.
- 22 MR N'DRY: [12:20:15] (Interpretation)
- 23 Q. [12:20:16] And you also mentioned Anonkoua-Kouté; is that correct?
- 24 A. [12:20:21] Yes. It is A-N-O-N-K-O-U-A - K-O-U-T-É.
- 25 Q. [12:20:33] Mr Witness, in September 2010, you were appointed as the chief of the

1 Adjamé district. Please tell us whether this appointment was the result of a
2 competitive examination and acknowledgment of your merits or any other reason
3 that you can explain to us?

4 A. [12:21:07] That was a regular appointment. I was in the Yamoussoukro district
5 and my hierarchical superiors thought it necessary to go to the Adjamé district to
6 continue my work. That was a normal or regular appointment.

7 Q. [12:21:38] Very well. I believe that this morning you explained in answer to the
8 Prosecutor's questions, you gave explanations about the reports, simplified reports,
9 reports and the daily information bulletins. What I would like you to tell us is in
10 order of reliability, that is which involves a cross-checking of verification of
11 information in those three documents with the factual accounts, what is the most
12 reliable document?

13 A. [12:22:52] One cannot say that such and such a document is more reliable. It
14 depends on the information available. If the information has to be forwarded
15 automatically to the hierarchy, that is after the meeting with the police prefect, it was
16 decided that a simplified report would be sent and afterwards a comprehensive
17 report would be sent also. So I think that if there is an exhaustive and detailed
18 report on an incident or event that would be the most reliable document, but it does
19 not mean that the others are not reliable because the other documents involve
20 preliminary information based on what has been received. Even the other reports
21 are based on information received. So when you talk about reliability, I would say
22 that that detailed document is the most reliable, but the others are also reliable
23 because they are done as time goes on.

24 Q. [12:24:33] Mr Witness, we will understand each other. We are simply trying to
25 understand. You have the daily information bulletin, you have the simplified report

1 and then you have the reports. I believe that that is just not playing with
2 terminology. What is of interest to me here, what should be of interest to me is the
3 reliability of the information given. How is information gathered, that is when it
4 comes to a daily bulletin or if it is a simplified report, especially since the prefect told
5 you that after that report there will be verification? This means that this document
6 has not been cross-checked or confirmed. That is what I want you to explain to us.

7 A. [12:25:47] Yes. That is correct. Let me tell you this. It happened in Abidjan
8 when I was in the Adjamé district. I started working with the prefect and he was the
9 one who informed me about a simplified report. I was not aware that that sort of
10 procedure existed. And what I knew was about a BQI and the reports. So the
11 simplified reports were simply in case we received information, we would forward it
12 to him immediately through the simplified reports, after that we would draft a BQI
13 that brings together all the information on the same day or the following day. And if
14 a piece of information requires more detailed information then we would make a
15 report on the details of one event or the other. That is what I can say.

16 Q. [12:27:02] Very well. I would like to call up a document which has already
17 been shown to you. If you do not remember, we will bring it up. It is your report
18 which was sent to the police prefect. And I'm still concerned here with my initial
19 questions. Following a report, when does the préfecture decide to open an
20 investigation, for example, under an OP number?

21 A. [12:28:01] I'm sorry, I didn't quite understand your question.

22 Q. [12:28:04] Very well. You have written a report and, based on the information
23 on the document, it was on 16 December 2010 on the events of the same day. I will
24 not come back to certain questions that have already been asked you. But on Friday,
25 when the Prosecutor asked you whether you cross-checked that information, you said

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1 no. Do you remember that?

2 A. [12:28:36] Yes.

3 Q. [12:28:39] Very well. The information in that report, as you have informed us,
4 is based on the information provided by the commissioners who were involved?

5 A. [12:28:58] Yes, indeed.

6 Q. [12:29:01] My question is as follows: Regarding the substance of this report,
7 are there any other documents, for example, on the number of the injured or the
8 number of those who died, is there any other document that would give us the
9 identities of the injured or dead persons? I want to ask you a very precise question.
10 We have for example the events of 3 March. At the beginning there was mention of
11 eight dead, then afterwards the number went to seven and then six and today we are
12 talking about three. You understand what I mean?

13 MR GARCIA: [12:29:57] I object to this type of editorial comment in the middle of a
14 question. Question should be put to the witness simply about what he does know
15 and what he doesn't know, but not with adding information that Defence
16 counsel -- which is completely irrelevant to the questioning at this point.

17 PRESIDING JUDGE TARFUSSER: [12:30:11] I do agree. Please put direct questions.
18 Thank you.

19 MR N'DRY: [12:30:20] (Interpretation)

20 Q. [12:30:23] What I'm trying to understand is this: Which is the reliable
21 document? It is true you have said all documents are reliable, but in order of
22 reliability, wouldn't it be the investigation reports? That is the question that I'm
23 putting to you. Wouldn't it be an investigation report after a detailed investigation
24 of the police authorities? Wouldn't that be the most reliable document?

25 A. [12:31:03] Thank you, counsel. Now I understand your question better. Let

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1 me begin by saying that the report that you have is based on reports that were sent to
2 me by the commissioners of the arrondissements who sent me reports. So I made a
3 compilation, a summary of all that which I forwarded to the police prefect. That is
4 what you have in your hands.

5 But when the commissioners were sending me those reports, I do not think that they
6 knew the number of injured and dead. I say I do not think so because they would
7 have sent me such information and I would have included it in the document that
8 you have.

9 Now, as I said to the Prosecutor, in light of this report, the police prefect can order an
10 investigation in order to interview anyone who has information on the events. So
11 we would gather other information. The relatives of the victims would come to give
12 the names of victims or dead. But this would only come after an instruction either
13 from the police prefect or from the prosecutor to whom the document would
14 probably have been sent. So what I'm saying is that the order has to come from the
15 hierarchy to carry out a more detailed information and then we would have PVs.
16 But with regard to that report, if the commissioners did not add the names of injured
17 or dead, it means that they did not have those details.

18 Q. [12:33:20] Thank you, Witness.

19 I would like to display document CIV-OTP-0045-0479.

20 MR GARCIA: [12:34:16] (Interpretation) What number is it?

21 MR N'DRY: [12:34:23] (Interpretation) It's tab 16.

22 Q. [12:34:42] Witness, can you see the document?

23 A. [12:34:47] Yes.

24 Q. [12:34:52] At the bottom, you can see the name of the head of the team. You
25 can see at the bottom --

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- 1 A. [12:35:12] Yes.
- 2 Q. [12:35:15] Is this a commissioner in your arrondissement?
- 3 A. [12:35:20] Yes.
- 4 Q. [12:35:22] Very well.
- 5 I would like to see the bottom of the document, please.
- 6 PRESIDING JUDGE TARFUSSER: [12:35:36] You mean (Overlapping speakers)
- 7 page?
- 8 MR N'DRY: [12:35:54] No, first. No, the first page.
- 9 PRESIDING JUDGE TARFUSSER: We are seeing the bottom of that page.
- 10 MR N'DRY: (Interpretation) Can we enlarge it?
- 11 Q. [12:35:57] Or perhaps, Witness, you can see it?
- 12 A. [12:35:58] Yes, I can see it.
- 13 Q. [12:35:59] You can see the mention to the left as 7 hours 15 minutes, the place,
- 14 district of Abidjan. Can you see that?
- 15 A. [12:36:14] Yes.
- 16 Q. [12:36:16] Very well. This document contains information. I'm not going to
- 17 read it in full. I'm not going to read this document, but it refers to a patrol or, rather,
- 18 a series of visits carried out by the director general of the national police, and it is the
- 19 content of his visits that I'd like to discuss with you, if you know something about it.
- 20 And I'd like to ask the court officer to please put up the second page of the document.
- 21 Please display page 2.
- 22 Very well. Witness, can you see on this second page, can you see the sentence at the
- 23 top that begins "In his message"? Have you found it?
- 24 A. [12:37:31] Yes.
- 25 Q. [12:37:34] I'm going to read out the text, quote: "In his message, the general

1 director asked the police officers to respect constitutional legality and to support the
2 institutions of the republic. He asked them not to make any confusion between the
3 police missions and political activities." End of quote.

4 Did you receive the information regarding this visit of the director general of the
5 police, and were you given this information?

6 A. [12:38:35] Before I answer that question I'd like to go back to the first page of the
7 document, if possible.

8 Q. [12:38:51] Okay. Could the court officer put the first page of the document
9 back on the screen.

10 A. [12:39:14] Thank you. Could you go up a little bit to show the top of the
11 document. Thank you. Now, you can see the heading. It says "Préfecture de
12 Police d'Abidjan Permanence Centrale."

13 I wanted to emphasise that point because each day, and I emphasise each day a
14 commissioner is appointed to be on duty for 24 hours. That's this permanence
15 central duty. And it is his responsibility to summarise what is going on in the city of
16 Abidjan.

17 So this is for the period December 20 to 21. It was Mr Ossohou Avis Léopold who
18 was on duty that day. So anything that took place in Abidjan that particular day, he
19 would centralise it, he would report to the préfecture de police and report to the
20 director general. This means that anything that occurred, the other commissioners,
21 the other sectors were not necessarily informed. And you can see that it says the
22 district of Abidjan. It didn't say the district of Adjamé. It's the autonomous district
23 of Abidjan. So it referred to anything that occurred in the district of Abidjan, and
24 there was a duty commissioner in charge of reporting any events.

25 So that particular day I see that the director general made his rounds in the various

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1 police commissariats. I was not informed of that because the simple reason that the
2 director general decides to go to a particular police station or another, I wasn't
3 informed of this particular visit. If he had gone to the préfecture de police, he would
4 have met with people working there or he would have met with the prefect, the
5 préfet.

6 Q. [12:41:38] Witness, was this kind of information relayed over the radio PC, the
7 radio control post?

8 A. [12:41:51] Yes, yes. That kind of information might have been over the radio,
9 but I was not informed that day. Perhaps I wasn't there.

10 Q. [12:41:59] We're talking here about the period between December 20 to 21.
11 That's not that far from December 16, the day of the events. You were district chief
12 in Adjamé, you had a radio PC and you didn't receive that information?

13 A. [12:42:22] Well, I think there is a bit of confusion. I was not involved with the
14 radio PC. What I said was the radio command post, the radio PC was at the préfet
15 de police, and this here refers to Abidjan, not Adjamé.

16 If that particular individual took over the task of duty officer for Abidjan, in fact, he
17 was -- this was an overall duty officer for the entire area of Abidjan. So, you see,
18 there was a rotation of duty officer. One from one district and then another from a
19 different district, but that doesn't mean that everything that he might report on would
20 be informed to the commissioner in Adjamé.

21 Q. [12:43:28] Well, perhaps we haven't understood each other. I'm not saying that
22 it involved Adjamé. I'm just talking about information, whether or not the -- did you
23 hear that? Did you receive it through the radio PC?

24 A. [12:43:43] Well, that's what I'm trying to say. Perhaps the information was
25 communicated, but I didn't receive it. The simple fact that the DG decided to go to a

1 particular area, I wasn't necessarily informed of that.

2 Q. [12:43:56] Fine. I'm going to read a little bit further along from this document,
3 and I quote, "The director general" -- it would be useful to have that part of the text on
4 the screen, your Honour.

5 "The director general stated that the purpose of the mission was not to kill honest
6 citizens and insisted on the need to act legally in case there was a need to use their
7 weapons." End of quote.

8 You didn't hear about those instructions; is that correct, either directly through him or
9 through the hierarchy within the police préfecture?

10 A. [12:45:03] It was after that meeting, during a weekly meeting that followed this
11 particular visit that we discussed it with the préfet de police, the fact that the director
12 general had made a visit and all of us, that is the various chiefs and heads of
13 arrondissement, there was a report made to us regarding those statements. But there
14 wasn't an official document. There wasn't an official document handed down
15 through the various units, no.

16 Q. [12:45:51] So you can confirm that during a meeting the police préfet did report
17 nonetheless to you the content of the message that had been given by the director
18 general when he carried out his visit, that he gave that message to the préfet?

19 A. [12:46:15] No, I can't confirm that because when you confirm it means you're a
20 hundred percent certain. What I'm saying is that there was information relayed
21 during a meeting about the meeting that took place with the DG and people from the
22 prefecture, but I don't really remember this particular passage or statement made by
23 the DG.

24 Q. [12:46:36] My last question deals with this document. It's written as follows,
25 and I quote: "Specifically at the level of the intervention units the director general

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1 expressed his compassion, his true compassion for the soldiers who -- or, rather, for
2 the officers who had been killed." End of quote.

3 THE INTERPRETER: Unfortunately counsel did not indicate where in the text he
4 was reading.

5 MR N'DRY: [12:47:11] (Interpretation)

6 Q. [12:47:12] So we're referring here to the director of the national police who refers
7 himself to officers, police officers who were killed. What can you tell us about that?

8 A. [12:47:21] That's what I said earlier with Maître Altit. This is information that
9 we received. And even we heard about it on TV, the fact that police officers had
10 been killed. And I already stated that.

11 Q. [12:47:44] Thank you, Witness.

12 MR N'DRY: Your Honour, we have no further questions.

13 PRESIDING JUDGE TARFUSSER: [12:47:51] Thank you very much.

14 It's now for the Prosecutor in case he has some questions for re-questioning.

15 MR GARCIA: [12:48:02] Just one matter, Mr President. At one point initially at the
16 start of the examination-in-chief of this witness, the Chamber inquired as to whether
17 the Prosecution had a map indicating -- possibly indicating the places where the
18 commissariats were, the arrondissement. And I think that Mr MacDonald -- actually,
19 I'm quite sure Mr MacDonald sent an email, copying the Defence obviously, saying
20 that we did have this map. It's a map that would, I believe, the Prosecution believes
21 would be quite helpful at least to situate where the commissariats were at the time.
22 We have a printed -- we're printing copies of this map and we do believe that it
23 should be submitted within the Court record along with the testimony of this witness.
24 If the Chamber could give us just a couple of minutes, there is a printed copy being
25 brought down to us right now, we can just show it to the witness, have him confirm if

1 the places are correct, it shouldn't take more than 5 minutes, and then we would like
2 to have that map submitted.

3 PRESIDING JUDGE TARFUSSER: [12:49:02] Yes. But I think the map and the
4 location of a police commissariat in this case, I mean it should be -- it shouldn't be a
5 witness saying yes, this is the police commissariat. It should be known, things
6 like this.

7 MR GARCIA: [12:49:21] Yes. I do agree, your Honour. It should be something
8 that should be of knowledge of the Court. I didn't see any objection by Defence
9 counsel in this regard in regards to the email because attached to the email was the
10 map that the Prosecution wanted to submit. And if there is no objection from
11 Defence counsel, we can have it registered and put it into the Court file. But it
12 would be better maybe if the witness, who is still present here, just confirm that
13 everything is correct, to err on the side of caution, your Honour.

14 PRESIDING JUDGE TARFUSSER: [12:49:52] Maître Altit. I think there should be
15 an address saying the commissariat is there and there, in this place, this street.

16 MR ALTIT: [12:50:07] (Interpretation) Thank you, your Honour. I have two
17 comments. First of all, what is the relationship with the examination? The OTP
18 could have presented various points on a map to the witness given the questions he
19 asked. In fact, he said this is a follow up to his direct examination. Are we going to
20 be redoing the direct examination? So my first comment is I don't think that this is
21 directly related to the direct examination, your Honour.

22 Secondly, the map prepared by the OTP, well, we have experience with maps
23 prepared by the OTP in the past which have contained errors. I'm not saying that
24 that will be the case this time, but we cannot accept a map that we have not had an
25 opportunity to examine and discuss so that areas that are important for both parties

1 be represented. Obviously each party when they prepare their own map is going to
2 show the points that they're interested in. When you have two parties examining the
3 map, it's more balanced.

4 Now, as regards the map itself, there are various ways of examining a map. So we
5 do not accept that such a map be presented. We would be willing -- we could have
6 discussed with the OTP such a map ahead of time, or we could have shown the
7 witness a map and asked him to make a number of annotations on the map, but I
8 think it's a bit late in the day now for the OTP to present such a map. And such a
9 map cannot be considered as neutral, your Honour.

10 PRESIDING JUDGE TARFUSSER: [12:51:55] Well, just to say that also I've seen also
11 maps prepared by the Defence which are not really very good maps, I must say. So
12 yes, Mr Altit, when I talk about the Defence, I talk about the Defence, not about you,
13 person, but about the Defence, okay?

14 But I don't see the reason for having this map locating a police commissariat which
15 should be of common knowledge, where a police commissariat in a certain town is.
16 So I think really it's -- and we're going to initiate a discussion which is much bigger
17 than the problem which will be solved by this map, I would say.

18 MR GARCIA: [12:52:43] Your Honours, the map was principally to be helpful to the
19 Chamber since at one point there was a question from the Chamber on the location of
20 the commissariat. It shouldn't take much time, your Honour. I understand that
21 there are addresses, but sometimes there may be some debate as to where exactly the
22 commissariat were at that point. The location of these could be quite relevant when
23 considering the information that was coming down or that have been provided for
24 commissaire.

25 PRESIDING JUDGE TARFUSSER: [12:53:12] Yes, but why can we not, and this is

1 what I said also a few days ago, why can we not bring up the agreed map and on that
2 agreed map indicate the location? Why should we always have these maps
3 prepared by the Prosecutor and the Defence when we have from the beginning of this
4 case agreed maps? So, and this should cut all the discussions.

5 So I don't like these prepared maps, pre-prepared maps by either party. We have,
6 and this is now from now to the future, we have agreed maps. I have them here on
7 my screen. If we submit the agreed maps, I'm fine if the witness responding to a
8 question also by the Chamber would indicate the location of the commissariat.

9 MR GARCIA: [12:54:17] Your Honours, I'm in the Court's hands obviously. It
10 would only take a couple of minutes and the witness should be able to confirm them
11 quite fast. And if the witness does confirm them, then I think it would be actually --

12 PRESIDING JUDGE TARFUSSER: [12:54:27] On the agreed maps?

13 MR GARCIA: [12:54:29] Well, actually we don't have -- well, your Honour, we could
14 do that exercise, but it would take a little bit longer obviously.

15 PRESIDING JUDGE TARFUSSER: [12:54:35] Well, but it's better to have this exercise
16 done a little bit longer without any questioning further by the Defence. We have
17 agreed maps. If we bring up the agreed map, I'm very happy to know where the
18 commissariat was, the police commissariat was.

19 MR GARCIA: [12:54:57] Your Honours, I'm looking at the time.

20 PRESIDING JUDGE TARFUSSER: No, no, the time is not a problem. We go until
21 1.10, 10 minutes after 1 o'clock, because we started at 35 and we have to recuperate
22 the 5 minutes which were not used by the defence of Mr Gbagbo this morning.

23 MR GARCIA: [12:55:47] Your Honour, I'm just reading information obviously from
24 colleagues of ours and people who have more information on the question of the
25 maps and the agreed maps, apparently one of the issues might be the fact that they

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1 don't indicate the street names or street numbers and, therefore, it might be a bit more
2 difficult obviously to pinpoint.

3 PRESIDING JUDGE TARFUSSER: [12:56:04] Excuse me. Mr Witness, may I ask
4 you a question. Where was the district, the police commissioner, commissariat
5 located in Abidjan? There must be the name of a street maybe, a number, something
6 like this?

7 MR GARCIA: [12:56:26] Your Honours, I just received the information that the
8 Registry have published this map and it's at EVD 1 actually. So we might have the
9 exact map that we can use.

10 PRESIDING JUDGE TARFUSSER: [12:56:42] Can you answer my question, please?

11 THE WITNESS: [12:56:52] (Interpretation) Yes, your Honour. Unfortunately in
12 Côte d'Ivoire we don't have precise street addresses. So there is no number. It's a
13 bit difficult.

14 PRESIDING JUDGE TARFUSSER: [12:57:04] The name of the street?

15 THE WITNESS: [12:57:10] (Interpretation) Well, your Honour, it's difficult. In
16 Côte d'Ivoire there is no precise address. There isn't always a name even for the
17 streets. There is a sort of informal name, and some people may know the names of
18 the streets, but I don't remember actually.

19 PRESIDING JUDGE TARFUSSER: [12:57:37] Maître Altit, what's the query?

20 MR ALTIT: [12:57:42] (Interpretation) Thank you, your Honour. I have a
21 question for the Chamber. We have stated that it was late in the day to use a map
22 that should have been part or would have been part of the direct examination. And
23 we would suggest that we agree with the OTP and other participants on a general
24 map, and I thought I understood that your Chamber had refused the use of such a
25 map. And since it's now been shown to the witness, I'd like to know what is the

1 status? Has this document been -- will this document be tendered into the case file?

2 The fact of having shown it to the witness, it seems to me, has consequences.

3 PRESIDING JUDGE TARFUSSER: [12:58:39] Now I'm talking about something very
4 precise, which is the agreed maps. There are agreed maps among the parties which
5 were submitted to us many months ago, and I'm referring to them, exclusively to
6 those. No, but I do not accept anymore any maps from anybody different than this,
7 than the agreed ones, just to be clear.

8 MR GARCIA: [12:59:04] So we still have, I'm sorry, your Honour, we still have the
9 issue of the maps that we do have, the agreed ones unfortunately will not be precise
10 enough I believe for the witness to be able to indicate. Now, we have a map here. I
11 understand that there is an apprehension of the Chamber regarding maps.

12 PRESIDING JUDGE TARFUSSER: [12:59:20] But I think --

13 MR GARCIA: [12:59:21] It's a simple one and if --

14 PRESIDING JUDGE TARFUSSER: [12:59:22] No.

15 MR GARCIA: [12:59:23] -- if the witness is in agreement with it, he's in agreement
16 with certain place, if the Defence has any issue, they can raise it.

17 PRESIDING JUDGE TARFUSSER: [12:59:30] No.

18 MR GARCIA: [12:59:31] It's just simply where the commissariat, it's not a
19 complicated issue.

20 PRESIDING JUDGE TARFUSSER: No, no. Yes, I know.

21 MR GARCIA: So I don't see why we are making it so complicated as the --

22 PRESIDING JUDGE TARFUSSER: [12:59:38] I don't either.

23 MR GARCIA: [12:59:39] I understand Defence counsel has a case --

24 PRESIDING JUDGE TARFUSSER: [12:59:41] I don't know either.

25 MR GARCIA: [12:59:42] -- but it's a simple matter.

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1 PRESIDING JUDGE TARFUSSER: [12:59:43] Yes, it's a simple matter, but we have to
2 follow the normal road. The normal road is the agreed maps. And I will not accept
3 anymore any other maps. The relevant agreed map concerned should be
4 CIV-OTP-0092-0406. So bring it up on the screen. And I think there are other
5 witnesses upcoming which could also give an answer to this, to this question in
6 any case.

7 Mr Witness, give us instructions on how you want the map shown to you so in order
8 for you to recognize the location. Do you have it full screen?

9 THE WITNESS: [13:01:11] (Interpretation) Yes, Mr President. But I really cannot
10 see the location right now. I am looking.

11 PRESIDING JUDGE TARFUSSER: [13:01:25] But it was in Adjamé, right, in Adjamé?
12 Can we say that the commissariat was in Adjamé?

13 THE WITNESS: [13:02:03] (Interpretation) Mr President, with all due respect, I
14 really do not understand this map. I do not know which part of Adjamé it
15 represents. If maybe it could be blown up a bit or scrolled down, maybe I would
16 understand.

17 PRESIDING JUDGE TARFUSSER: [13:02:27] I think we should open a bit, make it
18 open a bit on the screen so he can locate himself better and then give instructions on
19 how to -- where to focus in. No, not like this. Can we not open it a bit to see the
20 whole town bigger.

21 MR GARCIA: [13:03:34] Your Honours, I'm told that there is an issue with this
22 particular map because it doesn't go low enough actually to capture certain places,
23 three different places. So I'm not sure it would be the correct map for this exercise.
24 The witness would have some difficulty.

25 PRESIDING JUDGE TARFUSSER: [13:03:52] Yes. But I also do not really

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1 understand the importance of this exercise, may I say.

2 THE WITNESS: [13:04:10] (Interpretation) I would like to try to locate the various
3 commissariats, but I cannot be very sure. With your leave, Mr President?

4 PRESIDING JUDGE TARFUSSER: [13:04:28] Have we these maps also on paper?
5 We have it in the deliberation room. We have to bring it here. The map is in the
6 deliberation room.

7 THE WITNESS: [13:05:09] (Interpretation) Mr President.

8 PRESIDING JUDGE TARFUSSER: [13:05:12] Yes.

9 THE WITNESS: [13:05:13] (Interpretation) I think I can locate one or two
10 commissariats on this map.

11 PRESIDING JUDGE TARFUSSER: [13:05:26] If you can, please do. You have a pen
12 there. You can do it on the screen. But we are coming in now with our highly
13 professional and technical device. Yes, yes, make a sign, then we -- we will -- then
14 you bring it.

15 MR GARCIA: [13:06:23] Maybe we could use numbers if he is going to make --

16 PRESIDING JUDGE TARFUSSER: [13:06:28] Yes, yes.

17 MR GARCIA: -- sign it.

18 PRESIDING JUDGE TARFUSSER: So now can we know what you have done?

19 You have put numbers.

20 THE WITNESS: [13:09:15] (Interpretation) Yes. I have placed the various
21 numbers that correspond to the arrondissements.

22 PRESIDING JUDGE TARFUSSER: [13:09:28] Okay. And your own commissariat,
23 how is it indicated?

24 THE WITNESS: [13:09:38] (Interpretation) The district?

25 PRESIDING JUDGE TARFUSSER: [13:09:42] Yes.

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- 1 THE WITNESS: [13:09:44] (Interpretation) I wrote district.
- 2 PRESIDING JUDGE TARFUSSER: [13:09:47] Okay. So it is identifiable?
- 3 THE WITNESS: [13:10:20] (Interpretation) Yes, Mr President.
- 4 PRESIDING JUDGE TARFUSSER: [13:10:22] Thank you very much.
- 5 We will at the beginning of the next hearing take this and put it obviously on the
- 6 record and give it a number and so you have it.
- 7 MR GARCIA: [13:10:33] If I may, your Honour?
- 8 Q. [13:10:36] (Interpretation) Mr Witness, did you use a P to locate the police
- 9 préfecture?
- 10 A. [13:10:51] No. But I will try to locate it.
- 11 Q. [13:10:55] Thank you.
- 12 One last question: The police post, when you found yourself during the events, did
- 13 you indicate it?
- 14 A. [13:12:12] Yes.
- 15 Q. [13:12:12] How?
- 16 A. [13:12:14] I said police district.
- 17 Mr President, I don't know whether my writing is good or bad, but if somebody can
- 18 come here, I would point it out to them so that it should be well understood.
- 19 MR GARCIA: [13:13:17] If your Honours permit perhaps I can approach the map
- 20 with Defence counsel just so we can look at what exactly has been indicated, that
- 21 might be useful, if --
- 22 PRESIDING JUDGE TARFUSSER: [13:13:26] Of course you can approach.
- 23 MR GARCIA: Yes, fine.
- 24 PRESIDING JUDGE TARFUSSER: Of course you can approach. I mean, also
- 25 Defence can approach. No problem. Also LRV can approach, but quickly

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1 because ...

2 So I do not think there are any further questions on this by the Defence.

3 MR ALTIT: [13:14:25] (Interpretation) No questions, your Honour. Thank you.

4 PRESIDING JUDGE TARFUSSER: [13:14:30] Maître N'Dry?

5 MR N'DRY: [13:14:31] (Interpretation) No questions, your Honour.

6 PRESIDING JUDGE TARFUSSER: [13:14:34] Thank you very much.

7 I can tell you, Mr Witness, that your testimony is over, that you can return home.

8 Thank you for being here, having been here, and wish you a safe trip home, earlier

9 than expected I must say. Thank you very much.

10 Thank you also to counsel for assisting the witness.

11 And now I ask the court usher to bring the witness out.

12 Just to say that this map will be scanned and uploaded in eCourt and will have a

13 number, but this we will do in the following days. Thank you very much.

14 (The witness is excused)

15 PRESIDING JUDGE TARFUSSER: [13:15:32] Now we are quite in advance. We

16 will not sit afternoon. But we will for sure sit tomorrow morning at, I expected

17 this, at 9.30.

18 Mr Altit, you wanted the floor?

19 MR ALTIT: [13:15:51] (Interpretation) Thank you, Mr President. Concerning the

20 next witness, if we have 146 we would have had less than five days to read the -- P-46

21 to read all the arguments -- the documents. And also the witness has just arrived.

22 So we do not know whether tomorrow he would have had the time to be familiarised

23 and read his statement which is 391 pages. So we think that to make progress

24 quickly, and I know that in the final analysis, that can be beneficial, we can postpone

25 the beginning of the questioning to Wednesday morning. I am just giving you the

1 information that we have. We would like to begin as quickly as possible. But it is
2 necessary to begin with a well prepared witness. And we ourselves will need to
3 have read all the documents sent to us by the Prosecution.

4 PRESIDING JUDGE TARFUSSER: [13:17:09] Maître N'Dry.

5 MR N'DRY: [13:17:12] (Interpretation) Mr President, we are in the hands of your
6 Chamber.

7 PRESIDING JUDGE TARFUSSER: [13:17:22] Thank you.

8 Prosecutor.

9 MR GARCIA: [13:17:25] Your Honours, we leave it to your discretion.

10 PRESIDING JUDGE TARFUSSER: [13:17:27] Thank you.

11 The Chamber notes that as a general principle often recalled in this proceedings,
12 parties must be prepared to continue with the questioning at all times.

13 As stated in paragraph 13 of the directions on the conduct of the proceedings, the
14 parties and I quote, "The parties shall always be prepared to continue with the
15 following witness even if the testimony of the previous witness has required less time
16 than estimated." End of quote. And this is the case here.

17 The provision of the witness examination sheet of the list of documents, pursuant to
18 paragraph 6 of the directions, is required, and I quote again, "with a view to
19 facilitating the exercise of the Chamber's trial managing powers and as working
20 document in preparation of a witness testimony", end of quote, and cannot be used to
21 defeat that principle.

22 By the same token, the Chamber acknowledges that the testimony of Witness 560, of
23 this witness, has indeed been shorter than originally foreseen and foreseeable.

24 The Chamber also takes note of the information submitted by the Office of the
25 Prosecutor, at 12.15, to the effect that the courtesy meeting of the Court's

1 familiarisation -- and the Court's familiarisation for Witness P-46 are scheduled to
2 take place only this afternoon.

3 Accordingly, with a view to strike the balance, the Chamber decides that the start of
4 the testimony of Witness 46 shall be postponed until tomorrow morning at 11.

5 The hearing is adjourned till tomorrow at 11 with Witness 46.

6 THE COURT USHER: [13:19:57] All rise.

7 (The hearing ends in open session at 1.19 p.m.)

8 CORRECTIONS REPORT

9 *Page 10 line 18

10 "I was seeking treatment somewhat" is corrected by " I was receiving some
11 traditional medicine"

12 *Page 10 line 4

13 "I entered my service on 9 March in the Adjamé police" is corrected by "I conducted
14 the handover of power at the Adjamé Police District on 9 March"

15 *Page 10 lines 8-9

16 "documents saying that I had ceased to occupy positions so that those papers could
17 be taken into account and I was going to take up"

18 Is corrected by

19 "handover of power document so that this could be taken into account and officially
20 it could be said I had taken up"

21 *Page 11 lines 12 to 15

22 " So throughout that entire period from 31 March until I took up my position again or
23 started working again on the 18th to the 20th, I was an outpatient during that period
24 because there were quite a few events in the town, and I continued to serve -- well, I
25 was an outpatient during that period."

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- 1 Is corrected by
- 2 “So, for that entire duration, until I resumed from 18 to 20 April, this enabled me to
- 3 receive traditional medicine, as we couldn’t go out at the time, there was a lot going
- 4 on in town, so I continued to receive traditional medicine, because I was spending
- 5 time with the family.”