

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
5 Goudé - ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and Judge
7 Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Wednesday, 8 February 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:14] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:38] Good morning. Good morning
15 to everybody.
16 Before calling the next witness, I would just like to give the floor to the other
17 parties for the request -- in relation to the request by the Defence of
18 Mr Gbagbo of yesterday. If there is somebody who wants to take the floor,
19 the Defence for Mr Blé Goudé and/or the OTP. Do you, Mr Knoops?
20 MR KNOOPS: [9:34:31] Yes, good morning, Mr President, Mr Prosecutor,
21 colleagues.
22 We, the Defence of Mr Blé Goudé, we have an objection to the requests of the
23 Prosecution to show video in order to -- what the email concedes, to --
24 PRESIDING JUDGE TARFUSSER: [9:34:54] No. The request was from the
25 Defence to call the investigators.

1 MR KNOOPS: [9:35:03] I'm sorry. I was thinking you were referring to the
2 email of this morning regarding the admission of a video according to Rule
3 77. My apologies.

4 PRESIDING JUDGE TARFUSSER: [9:35:14] No, no. That was the request
5 from yesterday from the Defence.

6 MR KNOOPS: [9:35:18] Yes. Well, we support the request of the team of
7 Mr Gbagbo. Thank you.

8 PRESIDING JUDGE TARFUSSER: [9:35:23] Thank you very much.
9 The Office of the Prosecutor.

10 MR MACDONALD: [9:35:26] Thank you, your Honour. Good morning.
11 The Prosecution will be making a brief submission in two parts. One that I
12 can make in public; the other I'll have to go in private session briefly also.
13 Looking at the transcript, your Honour, of the questioning of Witness P-0106,
14 his answers are on the record. And then obviously you gave the
15 opportunity to Mr O'Shea to explore further following the questions of the
16 Defence team of Mr Blé Goudé. And then the primary purpose, it seems,
17 when reading the transcript is to determine the number of videos and elicit
18 precision or more additional details from that, which then leads Mr O'Shea to
19 make his request.

20 So, therefore, looking at the additional questions and the timing of the
21 request, we believe that the report that was sent last night attached to our
22 email -- and I will refer on the record to the ERN number of this report.
23 Now, this report deals with the extraction of that video from the mobile
24 phone of the witness during the interview back on 26 March 2012. I will not
25 provide any names in public session because we feel that staff members of

1 the office, certainly investigators -- we can discuss about the technician, but
2 the investigators, since they're still operating in the field in whatever cases,
3 they should be protected and by ICPMs which has been recognised in other
4 cases. So that's why I'm not naming them. I would ask the same courtesy
5 from my colleagues of the Defence.

6 Now, in this report which is found at CIV-OTP-0020-0559, you have a
7 complete set of facts as to what took place for the extraction of this video,
8 including, more importantly, what we addressed and mentioned in our
9 email of that report that the witness himself confirmed - confirmed - that that
10 was the video to be extracted.

11 Now, we feel that that report, your Honour, answers in and of itself the
12 questions and we would ask that it be submitted on the record. I want to
13 also stress that this report has been in the possession of the Defence of
14 Mr Gbagbo since 7 May 2012, the first time it was disclosed, and to the
15 Defence team of Mr Blé Goudé when the material from the Gbagbo case was
16 transferred automatically to the Blé Goudé team at pre-confirmation stage on
17 9 May 2014.

18 Further, my colleague, Mr Garcia yesterday referred to a document, a report
19 which is drafted by one of the investigators that sat on the interview and
20 questioned. It's the lead investigator -- sorry, the investigator that led the
21 interview assisted by another colleague.

22 Now, this report again I will send -- mention the ERN, which is
23 CIV-OTP-0021-1004. This report was first disclosed on 15 May 2012 to the
24 Laurent Gbagbo Defence team and on 9 May 2014 to the Blé Goudé Defence
25 team.

1 And again, I want to reassure the Chamber if it's still possible to reassure the
2 Chamber in relation to that video, the Prosecution had been on record,
3 myself, numerous times at confirmation that we were not and did not intend
4 to rely on this video obviously for the purposes of our case, because it does
5 not come from the events in Côte d'Ivoire. So I think that's clear.
6 Now, this report details again how the investigators come into questioning
7 the witness about this video and how this video from the -- will be collected.
8 What is important to note, your Honour, is that yes, this report was drafted 7
9 May 2012 ex post facto, but what the Prosecution does is we look at the
10 video. Obviously, investigators do not necessarily speak the languages that
11 are spoken by some of the witnesses. That's why we have interpreters. So
12 we can look at a video. The witness provides us the video in any event;
13 now we take the video. And then once -- when we can screen on the spot,
14 we screen things, and then if it's not relevant, it doesn't contain any Rule 77
15 or potentially exonerating information, we do not necessarily collect the -- I
16 mean we don't collect the material. But here it was collected because it's a
17 video, it's given, it's there, and we bring it back.
18 And then it was sent to language services unit of the Office of the Prosecutor.
19 Why? To obtain a transcript to understand what was being mentioned.
20 And it is at that time that staff members of the OTP informed the
21 investigators that Swahili has been spoken on this video, which is a Swahili
22 that is spoken in Kenya. And apparently that same video then was found
23 by the translators and they confirmed that indeed. So
24 immediately - immediately - a report was drafted and you have it here on the
25 circumstances of collection.

1 Now, we feel, your Honour, that these two reports combined make it clear
2 on the record how -- the circumstances in which the video in and of itself
3 was collected. The report of the technician of the Office of the Prosecutor
4 also answers, we feel, the questions of Mr O'Shea.

5 Now, if the Chamber feels that it is important nevertheless to call the
6 investigators or the technician, we have no objections and we have nothing
7 to hide. But for that purpose now I would briefly ask to go into closed
8 session to provide some valuable information for the decision to take that
9 decision.

10 PRESIDING JUDGE TARFUSSER: [9:43:27] Let's go in private session,
11 please.

12 (Private session at 9.43 a.m.)

13 (Redacted)

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Trial Hearing

(Private Session)

ICC-02/11-01/15

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15 (Open session at 9.48 a.m.)
16 THE COURT OFFICER: [9:48:38] We're in open session.
17 PRESIDING JUDGE TARFUSSER: [9:48:41] Thank you.
18 Maître Altit. (Interpretation) Five minutes, Mr Altit.
19 MR ALTIT: [9:48:59] (Interpretation) Thank you, your Honour. Yes, I will
20 be brief. Rest assured.
21 This is a particularly important matter. The Defence has taken note with
22 satisfaction of the fact that the OTP is not opposed to the investigators
23 coming before the Court to respond to certain questions.
24 Why is it so very important that they come? There are basically two
25 different matters. The first is the question of the number of videos, how

1 many videos were there. Yesterday under oath the witness referred to two
2 videos. The OTP spoke about one video. So that needs to be clarified.
3 Secondly, the issue of the Kenyan video, in the witness statement, which was
4 accepted as a whole, the OTP brought the witness under Rule 68 and the
5 representative of the OTP asked the witness if everything contained in that
6 statement was true, given that the witness responded that yes, everything
7 was true, including what had been stated about the video, which according
8 to the witness had taken place in Yopougon. Either the witness -- well,
9 either the OTP has more or less covered the witness saying that the video
10 took place in Abidjan - and this needs to be clarified - or the OTP knows
11 because there are various aspects, in particular the information in the reports
12 that have been communicated to us, either the OTP knows that the video
13 does indeed take place in Kenya and the OTP knows that, and that raises
14 other issues. So in any case it is important that the investigators and the
15 technician be able to explain themselves.
16 Let me go back just a moment to what one of the reports states, that is the
17 report drafted by one of the representatives of the OTP. The video was
18 filmed in 2009. It was on YouTube in 2009. How can we be presented with
19 images claiming that they were filmed in Abidjan, whereas in fact those
20 images were filmed in 2009. So again, we need clarification, your Honour,
21 ladies and gentlemen.
22 So we need to understand what took place upstream from the deposition and
23 the testimony of Witness 106. In the prior statements, he explains in detail a
24 video which describes individuals having been burned in Yopougon in
25 2010-2011. And then he explained how he obtained those images from a

1 friend and then he explained that he gave those recordings on a memory
2 stick to a representative of the OTP.

3 When he was questioned by the Gbagbo Defence, the witness recognised,
4 one, the place where the events had been filmed and, two, the victims. And
5 I refer here to the transcript dated February 7, page 11, and I will quote it
6 very quickly. In answer to the question, "When you saw your friend's
7 video, you recognised the place, where the events took place?"
8 And he answered, "Yes, I recognised the place where the events occurred."

9 "Q. When saw the video that you friend filmed, did you recognise the
10 person who was burnt alive? Did you recognise that it was the same person
11 as the one that you saw with your own eyes who was being burnt alive? Is
12 that the case?" And the witness answered yes.

13 And it was only afterwards, once he was confronted with the possibility that
14 those very images may have been filmed in Kenya that he referred to another
15 video, the second video that he had given to the investigators of the OTP.

16 At the end of his examination, the witness confirmed that in fact he had
17 given several videos to the OTP on page 92 in the French transcript.

18 Your Honour, your Honours, there is indeed quite a lot of confusion as to the
19 number of videos and what can be seen in those videos. In other words, we
20 ignore everything. Both ourselves and the Chamber ignore what in fact the
21 witness did give and show to the investigators of the OTP.

22 And the reports that have been communicated to us - just a couple more
23 seconds, your Honour - the reports that we received yesterday or rather that
24 were sent to us yesterday that had been previously communicated do not at
25 all clarify these issues. Those reports deal only with the video that shows

1 images from Kenya and say nothing about any other videos that may have
2 been either seen or retrieved by the investigators.

3 It is therefore absolutely necessary to clarify these matters because they do
4 have an effect on the procedure in two ways: Number one, the issue of
5 witness credibility first and foremost; secondly, the examination calls into
6 question the prior testimony of the witness because in fact the witness
7 started out by claiming that the information in his statement was true and
8 then he changed his mind on a number of discreet matters.

9 Therefore, it is absolutely necessary that the investigators explain exactly
10 how the prior statements were collected because - and we saw this on
11 numerous occasions - the transcription is not a verbatim transcription; it is
12 the investigator's - and here I insist, your Honours - from what we
13 understand here, it is the investigators who decide what they're going to
14 write down or not.

15 PRESIDING JUDGE TARFUSSER: [9:56:30] When I say 5 minutes it's 5
16 minutes. Now we have 7 and a half minutes just to say this.

17 MR ALTIT: [9:56:35] (Interpretation) If I may, 5 more seconds. This is a
18 fundamental point, your Honour, because yesterday we were not able to
19 explain exactly what we wanted and this is what I'm trying to explain now.
20 This is my third point and I will finish in just a couple of seconds. Given
21 that the -- this is the third point. We have to be able to question the
22 investigators as to the method applied in technical terms. How is it that
23 they collect the information from the witness? Because if it appears that
24 indeed the witness gave several videos to the OTP or that the technician
25 made a mistake, we need know that. And the OTP has proceeded in the

1 very same manner with other witnesses and that is why it is more than just
2 this witness. It is important for us to understand exactly how things
3 function within the OTP for all of the witnesses.
4 We need to understand exactly what reports -- what exactly occurred, and
5 the reports we were given do not enable us to understand exactly what
6 method was applied. It is absolutely necessary for the Chamber to
7 understand how things function in order to be able to evaluate the credibility
8 of this witness as well as other witnesses.

9 PRESIDING JUDGE TARFUSSER: [9:58:06] That was 9 minutes. I will in
10 any case in the future be absolutely more strict about the timing, just this to
11 tell you, all of you, because otherwise if everybody exceeds the time, then this
12 has an impact on the expeditiousness. So now I will --

13 MR O'SHEA: [9:58:30] No submissions.

14 PRESIDING JUDGE TARFUSSER: [9:58:31] All right.

15 MR O'SHEA: [9:58:32] This is not a submission. It's just to point out that on
16 page 11, line 7, Maître Altit is translated in English as saying "we ignore
17 everything, we ignore what was given to --" the proper translation ought to
18 have been "we cannot be sure of." I just want that to be clear because it's an
19 important point.

20 PRESIDING JUDGE TARFUSSER: [9:58:57] Okay. Thank you. The
21 Chamber will decide very quickly, but obviously we have to consult with
22 each other and therefore just if I can make a comment. I don't understand
23 why these reports are never signed. None of these reports are signed with
24 name and surname and so that the responsibility is taken over what -- we
25 don't know who has written them. But this is something -- I don't want -- I

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 don't want a question. This is my personal --

2 MR MACDONALD: [9:59:30] The name indicated by the drafter is the one
3 that drafts, your Honour, but they're not statements.

4 PRESIDING JUDGE TARFUSSER: [9:59:36] It doesn't matter. A report is, to
5 my understanding --

6 MR MACDONALD: [9:59:40] We can send an affidavit too also if necessary.

7 PRESIDING JUDGE TARFUSSER: [9:59:44] I don't need an affidavit. I need
8 a signature under what is reported.

9 So I would now ask the court usher to call the witness. This discussion of a
10 half an hour will have no impact on the witness, which will have to be --

11 MR MACDONALD: [10:00:07] Just before --

12 PRESIDING JUDGE TARFUSSER: [10:00:09] Just a minute. Will have to be
13 finished by tomorrow, just to all the parties.

14 MR MACDONALD: [10:00:15] My colleagues are just leaving. So maybe
15 just before the witness enters, they're leaving the courtroom so that they don't
16 need to --

17 PRESIDING JUDGE TARFUSSER: [10:00:21] Yes, of course.

18 MR MACDONALD: [10:00:22] Okay. Thank you.

19 PRESIDING JUDGE TARFUSSER: [10:00:30] I just wanted to say that this
20 half an hour we spent on this issue has no impact on the overall length of this
21 witness, which has to be out of court by tomorrow evening, latest.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE TARFUSSER: [10:01:47] Good morning, Mr Witness.

24 WITNESS: CIV-OTP-P-0045

25 (The witness speaks French)

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

- 1 THE WITNESS: [10:01:53] (Interpretation) Good morning, your Honour.
- 2 PRESIDING JUDGE TARFUSSER: [10:01:55] We will all call you
- 3 "Mr Witness," not with your name, because this is how we use to address the
- 4 witnesses, just for you to know.
- 5 Before starting with the questioning by the parties, we have some things to
- 6 do. First of all, can you hear me?
- 7 THE WITNESS: [10:02:26] (Interpretation) Yes, it's fine, but the sound is sort
- 8 of cutting out a bit.
- 9 PRESIDING JUDGE TARFUSSER: [10:02:32] Well, we try to do our best.
- 10 But if there is some issue, just tell me. I said that, first of all, I need to
- 11 identify you for the record. So please tell us your full name, date and place
- 12 of birth, and nationality.
- 13 THE WITNESS: [10:03:04] (Interpretation) Should I rise.
- 14 PRESIDING JUDGE TARFUSSER: [10:03:05] No, no. Just sit down and tell
- 15 us.
- 16 THE WITNESS: [10:03:10] (Interpretation) Very well. My name is Dosso
- 17 Sinaly. I was born on 3 March 1949 in Mankono, Côte d'Ivoire, and my
- 18 citizenship is Ivorian. I am a citizen of Côte d'Ivoire.
- 19 PRESIDING JUDGE TARFUSSER: [10:03:30] Thank you. What is your
- 20 occupation today?
- 21 THE WITNESS: [10:03:43] (Interpretation) I am retired.
- 22 PRESIDING JUDGE TARFUSSER: [10:03:44] Retired from what?
- 23 THE WITNESS: [10:03:47] (Interpretation) I am a retired soldier.
- 24 PRESIDING JUDGE TARFUSSER: [10:03:55] With which rank as soldier?
- 25 THE WITNESS: [10:04:01] (Interpretation) I was chief sergeant.

1 PRESIDING JUDGE TARFUSSER: [10:04:04] Thank you.
2 Now, you will be testifying in the French language, and we need obviously to
3 ensure -- to understand your answers and you understand the questions, if
4 they are put in English. Therefore, we have interpretation. And the
5 interpreters have to understand you and to translate properly and the court
6 reporters have to write properly down what you are saying in both
7 languages. So please speak slowly, as I'm trying to speak slow. And
8 especially when you are questioned in French, there is a risk to answer with
9 immediacy, but I would really ask you and I will from time to time stop you
10 or give you a sign to slow down in order to have a proper interpretation and
11 a proper record. Is that okay?

12 THE WITNESS: [10:05:23] (Interpretation) That is just fine.

13 PRESIDING JUDGE TARFUSSER: [10:05:24] So you are aware that this
14 Chamber has been established to try the case of the Prosecutor against
15 Mr Gbagbo and Mr Blé Goudé, and you are a witness to this case called by
16 the Prosecutor. And despite you are called by the Prosecutor, you are not
17 here as a witness of the Prosecutor but a witness to the truth -- of the
18 Chamber to the truth, and your obligation is to tell the truth. Okay?

19 THE WITNESS: [10:06:11] (Interpretation) Very well.

20 PRESIDING JUDGE TARFUSSER: [10:06:14] If you at any time during your
21 testimony you will have -- you have some problems or some needs, address
22 them to me and we will take care of it. Now, before giving the floor to the
23 Office of the Prosecutor, you need to make a solemn undertaking to the effect
24 that you will tell the truth. This is required by law. Therefore, please read
25 out the formula you have in front of you to this effect. Thank you.

1 THE WITNESS: [10:07:00] (Interpretation) Solemn undertaking: I solemnly
2 declare that I shall tell the truth, the whole truth and nothing but the truth.

3 PRESIDING JUDGE TARFUSSER: [10:07:17] Thank you very much. The
4 last information I have to give you is that false testimony is an offence against
5 the Court and therefore it can be punished. Do you understand this?

6 THE WITNESS: [10:07:37] (Interpretation) Yes, I understand.

7 PRESIDING JUDGE TARFUSSER: [10:07:40] So my last recommendation, to
8 sum up, is first, speak slowly; second, say the truth.
9 And now I give the floor to the Office of the Prosecutor who will question
10 you first, then the Defence team of Mr Gbagbo and Mr Blé Goudé will
11 question you, and that's it.

12 Mr Prosecutor, yours the floor.

13 MR DEMIRDJIAN: [10:08:12] Good morning, Mr President. Good
14 morning, your Honours. Good morning to everyone in and around the
15 courtroom.

16 QUESTIONED BY MR DEMIRDJIAN: (Interpretation)

17 Q. [10:08:28] Good morning, sir.

18 A. [10:08:30] Good morning.

19 Q. [10:08:31] First I'll introduce myself, Alex Demirdjian, trial lawyer.
20 We met briefly a few days ago. You've already answered a number of
21 questions from the Presiding Judge and I have a few questions for you
22 regarding your professional and academic course.

23 A. [10:08:57] Please go ahead.

24 Q. [10:08:59] First of all --

25 MR DEMIRDJIAN: [10:09:09] For the first part of the witness's testimony

1 with respect to his background, I will be leading to save time, and once I get
2 to the substance, I will go to non-leading questions. Very well.

3 MR DEMIRDJIAN: [10:09:26] (Interpretation)

4 Q. [10:09:27] Now, is it correct that in 1968 you -- and you started in the
5 communications section.

6 A. [10:09:41] Yes.

7 Q. [10:09:44] You had six months of initial training at the army school in
8 Bouaké.

9 A. [10:09:53] Correct.

10 Q. [10:09:54] Then after that you went to headquarters and you were
11 trained on transmissions.

12 A. [10:10:01] Yes.

13 Q. [10:10:03] Very well. You also joined the 3rd battalion in Bouaké in
14 1970; is that so?

15 A. [10:10:14] No. It was before 1970. I began with the 3rd battalion in
16 1969, actually.

17 Q. [10:10:27] So in 1970 you joined --

18 THE INTERPRETER: [10:10:32] Overlapping speakers. Could the witness
19 be reminded to observe a pause. Many thanks.

20 PRESIDING JUDGE TARFUSSER: [10:10:39] Please observe a pause. Don't
21 answer immediately. Wait 1 second, 2 seconds and then reply, please.

22 THE WITNESS: [10:10:47] (Interpretation) I've understood, your Honour.

23 MR DEMIRDJIAN: [10:10:51] (Interpretation)

24 Q. [10:10:52] In 1971, you went to the defence ministry and joined a
25 specialised unit, and you did international monitoring of communications for

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 five years.

2 A. [10:11:09] Correct.

3 Q. [10:11:09] After five years you then became an intelligence source.

4 A. [10:11:25] You said "informateur," but I think you meant "formateur,"
5 trainer, not intelligence source.

6 Q. [10:11:39] Could explain to us what your exact role was at the
7 Presidency.

8 A. [10:11:46] At the Presidency I was still working in the area of
9 communications or transmissions.

10 Q. [10:11:54] Could you describe your duties to us when you worked in
11 communications during your three years at the Presidency.

12 A. [10:12:06] During those three years at the Presidency, I was still
13 handling radio communications and the like, communications. We had a
14 system. We were a number of operators who worked using these networks,
15 both networks for the embassies. There was BLU equipment, radio
16 equipment, other forms of communication so the count -- various people in
17 the embassies could communicate with their counterparts in the embassies.

18 Q. [10:12:47] And where were you based during this time?

19 A. [10:12:54] The office was actually where I stayed or slept.

20 Q. [10:12:59] Well --

21 THE INTERPRETER: [10:13:02] Correction. Well, the office was within the
22 Presidency itself.

23 MR DEMIRDJIAN: [10:13:05]

24 Q. [10:13:05] And I believe you're talking about the presidential palace.

25 A. [10:13:11] Indeed.

1 Q. [10:13:15] After that, after 1984, what did you do?

2 A. [10:13:24] After 1984, when I left and took retirement at that time, the
3 authorities thought I still could be of use to them in the same field of work,
4 and so I remained. I was a civilian member of the staff but still within the
5 same unit.

6 Q. [10:13:50] And that was until 31 January 2001.

7 A. [10:13:56] Yes, until 31 January 2001.

8 Q. [10:14:00] Could you explain to us why you stopped working there at
9 that time.

10 A. [10:14:07] At that date I must acknowledge that naturally the election
11 occurred, and after the election I remained for a while. Some people came
12 and saw me, and they thought -- Colonel Bogu Marc at the time, whose
13 fulfilling the role of -- who was in charge of intelligence at the CCR, he came
14 to see me and he said to me, "In light of the fact that you are from the north
15 and you have been passing information onto Mr Bédié from time to time, it
16 would not be a good thing for you to remain here, for us to keep you here."
17 So I answered him, saying that in all honesty, I had no way of communicating
18 with -- and that I was loyal and that I was an RDR person. I was from the
19 north. I was from the RDR. But he couldn't keep me.
20 And the colonel in question, I said to him, "Yes, it is true, I am from the
21 north." But I really hadn't been part of the RDR for a long time. But I was
22 more of a supporter of another -- another party and I was actually paying
23 dues to that party, the PDCI. And it was a legally recognised political party,
24 and I was no longer a part of the RDR.
25 In relation to Mr Bédié, that was unfounded, the allegations were

1 unfounded. I never provided any information to him. But, quite honestly,
2 if my presence here is difficult, I do not mind, I will leave. And I thought all
3 in all it was best for me to leave. And so I did leave that unit.

4 Q. [10:16:29] You mentioned that Colonel Marc Bogu suggested to you
5 that perhaps you had been in touch with Mr Bédié and you had been passing
6 information on to him. Were there any legal proceedings?

7 A. [10:16:46] No, no, no. He said -- well, there was no way for me to be
8 in touch. No, no, no. There were no legal proceedings. Nothing like that.

9 Q. [10:17:01] Just a moment. Very well. Now, after that is it correct that
10 from 2002 to 2005 you worked for a security firm?

11 A. [10:17:25] Yes, I did work for that company.

12 Q. [10:17:31] And that was also a -- you were in charge of radio systems.

13 A. [10:17:37] Yes.

14 Q. [10:17:41] Now, during the 2010 election and the post-electoral crisis,
15 where were you living?

16 A. [10:17:48] I was living in the Riviera --

17 THE INTERPRETER: [10:17:53] Inaudible.

18 Message from the interpreter: The security firm mentioned was BIP

19 Assistance.

20 MR DEMIRDJIAN: [10:18:03] (Interpretation)

21 Q. [10:18:04] Could you tell us a bit about the wiretapping that you were
22 doing. When did you start doing this private wiretapping or listening in?

23 A. [10:18:16] Well, it wasn't really private wiretapping. From time to
24 time when events would occur, I would do that specifically -- well, after the
25 election. Otherwise, I did not engage in any wiretapping. I would listen in

1 to some networks. But everyone wiretaps in Abidjan at the time. Everyone
2 did that. All you needed was a BAB station or equipment that could tune
3 into whatever you needed to listen to. There was no protection on that
4 particular network. So if you came across a particular frequency and
5 someone was broadcasting and -- but to say that there was a system set up to
6 listen in, no.

7 Q. [10:19:17] You have just told us that these networks were not protected.
8 Which networks?

9 A. [10:19:24] All the networks I mentioned in my earlier statement were
10 not secured networks. You see, you have such a thing, secured networks
11 that no one can listen to, unless you are part of the network. But at the time
12 those networks were not secured.

13 Q. [10:19:54] Just one point to clear up. Your statement has not yet been
14 placed on the case record, so everything in your statement you need to tell us
15 yourself today so that the Judges can fully understand what these things are
16 all about. So if we could just return to these networks.

17 A. [10:20:21] Now, during the events, there was a network that everyone
18 was listening to and that was the network in the field. So the police, the
19 gendarmes and the Republican Guard, their communications, that was the
20 network that was active in the field, so everyone was managing to tune in one
21 way or another, taking precautions or -- so we were listening. Those were
22 the three main networks that were being -- that we were intercepting.

23 Q. [10:21:10] Could you briefly explain what kind of equipment you had
24 so that you could intercept these communications.

25 A. [10:21:21] As I told you earlier, Mr Prosecutor, there is no professional

1 equipment necessary to intercept these networks. One can even just go to
2 the market. Or if you are travelling, you buy a radio set at a particular range
3 of frequencies - 144 is the range - and that way you can listen to all kinds of
4 communications. That is the frequency used in Africa. And also with the
5 Kyodo piece of equipment, that was all -- that's all I needed.

6 And then after I had a Kenwood radio set, and with that equipment I was
7 able -- all the same, with a FM radio set -- well, there are some houses called
8 Parcrudise -- Pancruisader (phon), and those positions I was able to tune in to
9 certain frequencies or echoes, echo frequencies. Everyone could listen in to
10 these particular networks.

11 Q. [10:22:57] Could you please explain to us these three organisations you
12 mentioned - the police, the gendarme and the Republican Guard. What
13 frequencies did these units use?

14 A. [10:23:21] They were all on the 144 band. I can't tell you which
15 specific frequency they were using. I no longer remember the frequencies.
16 But, generally speaking, the communications were on the 144 megahertz
17 band.

18 Q. [10:23:59] Just to be quite clear, you mentioned VHS. That stands for
19 very high --

20 THE INTERPRETER: [10:24:03] Correction: VHF, very high frequency.

21 Q. [10:24:08] Now, you mentioned that when you were listening in to
22 communications, how did you switch? Well, do you know which
23 organisation at the time was on a particular frequency? Was there some way
24 of finding them or --

25 A. [10:24:28] No. When you came across a particular transmission, there

1 would be a particular frequency. You would take note of the frequency and
2 you would note down, okay, that was the police or the gendarme or the
3 Republican Guard, and you would jot down the particular frequency. And
4 gradually, you see, if you were quite familiar with these frequencies, you
5 could easily hop from one particular band or frequency to another.

6 Q. [10:25:15] Very well. Now, you told us a few moments ago that these
7 frequencies were not protected?

8 A. [10:25:22] Yes.

9 Q. [10:25:22] Now, you, with your experience, your many years - since
10 1970 you had been working in this area - can you tell us why those
11 frequencies were not protected by the organisations that used them?

12 A. [10:25:35] Well, I really can't answer that question. I really can't
13 answer. Well, except, you know, when you are within a system, you try to
14 see how to protect one's communications so that people cannot intercept your
15 communications. But I can't give a 100 per cent guarantee. But I know that
16 everyone -- everyone knew that they were being listened to. They knew that.
17 Or if you didn't have the means not to be intercepted, at least you could make
18 attempts to ensure that during each -- well, during the period of time that you
19 would have the possibility, two or three months later, to change frequency to
20 avoid people constantly intercepting your communications. But if that was
21 not the case, if you were not in a position to protect your communications, if
22 you couldn't encode, encrypt your communication, the only thing to do was
23 to change frequency constantly so as to reduce the possibility of unauthorised
24 intercepts.

25 Q. [10:27:16] I am just pausing for a moment for our interpreters.

1 Now, during the post-election crisis, during that time, were there any
2 situations or times when people avoided certain frequencies?

3 A. [10:27:40] Yes, I could say so, because when various people spoke, they
4 knew that they were being listened to. But when there were messages that
5 were even more confidential, they would say to whoever they were speaking
6 to, they would say "Call me on my cell." So that part of the communication
7 would not go over the network. The person would call over a cell phone.
8 They had a whole stable of cell phones, so to speak. They would say, "Well,
9 call me on my cell phone" or "respond to me on the cell phone."

10 Q. [10:28:25] And you didn't have access.

11 A. [10:28:27] No, no, no. I didn't have access to the cell phones. You
12 would need some very sophisticated equipment for that.

13 Q. [10:28:35] Now let's move to the year 2010, the elections in October and
14 November. Could you try to situate us in time. When did you begin
15 intercepting the communications?

16 A. [10:28:52] Just after the post-election events, because that was when the
17 situation truly worsened. And I said, very well, I'm going to listen a bit to
18 see what's going on on those networks for my own security, among other
19 things.

20 Q. [10:29:20] You said from the time of the post-electoral events, the
21 second round of elections was on 28 November. Was it before that time or
22 around that time?

23 A. [10:29:34] It was after the announcement of the results. Basically it is
24 from that time that things brutally changed.

25 Q. [10:29:48] Very well. Can you also briefly explain to the Court where

1 you had your equipment and where the intercepts were taking place from.

2 A. [10:30:03] From a small radio in my home.

3 Q. [10:30:08] Very well. Now, you started intercepting or monitoring
4 from the time the results were announced. Can you explain the
5 methodology you used. Did you record what you were monitoring?

6 A. [10:30:24] No, I didn't have the resources to record what I was
7 monitoring. I had no resources to record what was being said on the
8 networks.

9 Q. [10:30:39] Well --

10 A. [10:30:40] But if there was an important case, I could jot it down, but I
11 didn't have the resources. We weren't in a centre. We had simply our
12 radio, a small radio, which I had in my hand. I didn't even have a
13 tape-recorder to record those things. Unfortunately, this could have been
14 very useful as evidence in this matter.

15 Q. [10:31:08] You said that you were -- you would jot down an important
16 case. Does that mean that you didn't jot down everything you intercepted?

17 A. [10:31:31] No, no. Not all the calls, not everything. No, no. That
18 would have only been possible with a tape-recorder, which could have done
19 realtime recording of what was being said. There are also times when
20 nothing is being said and therefore it would only have been possible to have a
21 permanent recording of whatever was going on through a tape-recorder,
22 which would then pick up everything that was happening on the network.
23 But that was not the case.

24 Q. [10:32:02] Very well. So you would jot down important conversations;
25 is that correct? Would you do that by hand?

1 A. [10:32:12] Yes, that is correct. When it came to important points, I
2 would jot them down. I would write them down, because I couldn't rely on
3 my memory.

4 Q. [10:32:22] Very well. So, from the time the results were announced,
5 did there come a time when you stopped intercepting or monitoring them?

6 A. [10:32:35] Well, one would say, quite honestly, that the monitoring or
7 intercepts took place when things were really heating up. When you had
8 those marches, those events, from that day to the very end, that is, until 11
9 April, I think, 11 April, when quite naturally most of the networks were no
10 longer functional. There were no more programmes. All the connections in
11 the network had been stopped by that time.

12 Q. [10:33:22] So during that period, from the time of the announcement of
13 the results to 11 April, can you explain to the Court on what frequency
14 those -- that monitoring took place.

15 A. [10:33:40] I didn't monitor permanently. I would tune in in the
16 morning and hear a number of things on a number of networks and then I
17 will switch off. You see, at that time it was difficult for one to leave one's
18 home, but I would go out for some fresh air. But then I couldn't monitor on
19 an ongoing permanent basis. So I couldn't be monitoring while I was in my
20 living room or outside so that people would not know that this is what I was
21 doing. So if I would have to listen or monitor, I went into my bedroom and
22 then I continued with the monitoring.

23 But this isn't what I did as a matter of priority on a daily basis. The
24 monitoring at the time was mainly for purposes of my own personal
25 security. And if I did identify something, I could inform people that "you

1 shouldn't go to such and such a place" because it was difficult there and
2 advise them to stay home, and so on and so forth.

3 Q. [10:34:49] Very well. Now, to help us understand what happened
4 between December and April, you were on retirement. Did you have a daily
5 occupation?

6 A. [10:35:08] No, because I was no longer working at BIP Assistance. I
7 was at home.

8 Q. [10:35:17] Very well. I would like us now to talk about those
9 intercepts in relation to each of the organisations you mentioned. Let us start
10 with the Republican Guard. Can you tell the Court what you heard and who
11 you heard in relation to the Republican Guards.

12 A. [10:35:47] When it comes to the Republican Guards, I was able to hear a
13 number of broadcasts, but I cannot say that I heard Mr X, Y, Z talking. I
14 heard many things from people who had call signs, and those call signs were
15 used on the networks and assigned to specific individuals.

16 At my level, it was not possible for me to identify who was the person
17 behind any particular call sign. However, in my notes I clearly indicated
18 that, for purposes of information, if you could contact the officers of each
19 unit, you would be able to identify who was the person behind any
20 particular call sign. But I personally did not know who was behind the call
21 sign X. It could be Dosso or Jean. And it is the officers of those units alone
22 who can be able to provide the identity of those who had specific call signs.

23 Q. [10:37:17] What does "officier trans" mean?

24 A. [10:37:29] Officier trans is the one who commands all transmissions
25 within a unit. He is in charge of the communications resources. He's the

1 one who sets up the trans flow chart and he's the one who assigns call signs to
2 each person on the network. The officier trans is the one who is in charge of
3 signalling or transmission of communication, and he is the one who controls
4 the system. He is the sole officer in charge of the system.

5 Q. [10:38:02] Can you give us some examples of call signs that you heard
6 on the Republican Guard network.

7 A. [10:38:15] Off the cuff, I can -- well, I don't have my document with me,
8 but I can remember call signs like Cosmos, Apollon, for example. Well,
9 please, look at my statement. You will find some of the call signs that I was
10 able to jot down while monitoring the calls, and I could identify which call
11 signs belonged to what unit. For now I can remember Cosmos, Apollon.
12 And if you consult my statement, you would see -- you would find them.
13 But if you could read them back to me, I could confirm them as well.

14 Q. [10:39:03] Those call signs, you jotted them down; is that correct?

15 A. [10:39:10] Yes, I did.

16 Q. [10:39:12] Do you know how it is possible to discover who is hiding
17 behind a call sign?

18 A. [10:39:20] Well, I said a short while ago that the only person who can
19 identify is the trans officer, the transmission officer. He's the only one who
20 can identify who is behind a particular call sign. But it is the trans officer
21 who assigns the call signs, and in his document he has the call sign and the
22 names belonging to each call sign, in his booklet. So he's the only one who
23 can.

24 Q. [10:40:08] Very well. Now, the notes that you took during that
25 post-electoral period, would it be correct to say that you provided some of

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 those notes to the investigators of the OTP when you were interviewed in
2 2011?

3 A. [10:40:25] Yes, that is correct.

4 Q. [10:40:26] Can you tell us exactly what you handed over to the
5 investigators. Was it all your notes or just parts thereof?

6 A. [10:40:41] Not parts thereof. I gave them what I had jotted down.

7 Q. [10:40:50] Very well.

8 PRESIDING JUDGE TARFUSSER: [10:40:55] You mean all the notes you
9 have drafted, you gave to the Office of the Prosecutor when you were
10 interviewed.

11 THE WITNESS: [10:41:01] (Interpretation) The information which I had on
12 me which I had written down, I handed over to the gentleman who contacted
13 me and he made photocopies thereof. Besides that, I did not have any other
14 material. So whatever I had, I handed it over to the gentleman.

15 MR DEMIRDJIAN: [10:41:34] (Interpretation) Thank you, Mr President.

16 Q. [10:41:35] Are you still in possession of the original -- the originals of
17 your notes?

18 A. [10:41:47] They may be in my possession. I say "maybe" because
19 unfortunately I moved a number of times, and at this time that I'm speaking
20 to you, I don't know where I shoved those documents. They might be in my
21 room. I don't know. Now, when I was notified that I would be appearing, I
22 spent a lot of time trying to locate them, but because we had moved several
23 times, I was not able to find them.

24 In any event, I didn't even imagine that I was going to be called up to testify.
25 I thought this was all behind me. However, I made my best effort to try and

1 locate them, but I couldn't before coming here. However, I hope that I may
2 be able to find them some day because they might still be in my house.

3 Q. [10:42:37] Did you provide copies of those notes to any other officials?

4 A. [10:42:43] Those notes, no. Copies? Well, I was invited by the
5 Prosecutor, the Prosecutor who was there before the one who is there now,
6 who had received me and asked for copies of such -- of those notes. That is
7 the Prosecutor of the republic in Abidjan. I handed a copy of the notes to
8 him. Besides that, no.

9 Q. [10:43:12] Very well. When you met with the investigators of the OTP
10 in 2011, and I'm referring to the Office of the Prosecutor of the ICC, you said
11 that they made photocopies of some of the notes that you had taken down.
12 Do you remember the process that was used? Did you sign what you
13 handed over or do you remember how all of that unfolded?

14 A. [10:43:48] Well, if I haven't forgotten, I believe that what happened is
15 that I gave them the notes, they made photocopies of them, and I was asked
16 to sign or to minute each page. I think that's what happened. I think I
17 signed to validate each page as necessary.

18 Q. [10:44:15] Let me point you to an example to some of the notes that you
19 handed over to us, and you'll see that on your screen very soon,
20 CIV-OTP-0005-0020.

21 Now, Mr Witness, the notes that you gave us, they're digitally scanned and
22 you can now see them on your screen.

23 THE COURT OFFICER: [10:44:56] Excuse me, could you please repeat the
24 ERN number. Thank you.

25 MR DEMIRDJIAN: [10:45:01] So CIV-OTP-0005-0020. And on our list it is

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 number 2.

2 PRESIDING JUDGE TARFUSSER: [10:45:17] It's 19 on the list, not 2.

3 Number 2 is 0019 and not 0020.

4 MR DEMIRDJIAN: [10:45:29] So then -- sorry. Okay. Your Honours,
5 you're right. It ends with 0019. It's tab 2. I apologise. Yes. Could we go
6 to the first page, please, 0019. Your Honours, I see that there are redactions
7 on this version. We would like to see the unredacted version, please, if that's
8 possible. Thank you. Thank you very much.

9 Q. [10:47:23] (Interpretation) Mr Witness, do you see the document on the
10 screen?

11 A. [10:47:29] Yes, I can see the document. The print is small, but I can see
12 it. That's fine now.

13 Q. [10:47:48] Mr Witness, do you recognise this document?

14 A. [10:47:54] Yes, I recognise it. It's my handwriting without any doubt.

15 Q. [10:47:59] Very well. Well, we see, to begin with, so --

16 MR DEMIRDJIAN: [10:48:18] (Interpretation) Well, we have a flickering
17 image on our screens.

18 PRESIDING JUDGE TARFUSSER: [10:48:26] I'm dreaming of a day without
19 a problem in the court. I'm dreaming about that.

20 MR DEMIRDJIAN: [10:48:52] Very well. We also have paper copies for the
21 witness if that would help. Can we give him all seven annexes, please.

22 Well, start with the first one.

23 PRESIDING JUDGE TARFUSSER: [10:49:10] Now I think it's not flickering
24 anymore so we can proceed.

25 MR DEMIRDJIAN: [10:49:15] Yes. I'll go on with the question, but I will

1 ask for the witness to have it in front of him, to see the whole page as well.
2 So if we can give him -- yes.
3 PRESIDING JUDGE TARFUSSER: [10:49:29] They're clean, I assume.
4 MR DEMIRDJIAN: [10:49:30] Absolutely.
5 PRESIDING JUDGE TARFUSSER: [10:49:32] Okay.
6 MR DEMIRDJIAN: [10:49:33] (Interpretation)
7 Q. [10:49:34] Witness, we provide you with a hard copy to assist you and
8 you'll have the full document in your hands. Now, first of all, we see one
9 paragraph followed by a list of names and codes. Can you explain to the
10 Court what we are looking at here.
11 A. [10:49:54] On this list we have call signs. Call signs. As you can see,
12 common call signs like Azur. If you use that call sign Azur, it could relate to
13 the Court, for example. So the Court can be referred to as Azur.
14 All those who are in the Court and who hold -- who have a radio or a
15 receptor, if I call Azur, then everyone in the Court will be concerned by it.
16 Mercure is a call sign for station. The station that manages the network
17 would have that call sign.
18 Then you would have other call signs which are assigned to all those who
19 hold a radio transmitter/receiver, and they have different call signs. So you
20 can go from Azur 115 to Azur 330 or Azur 225. All of those are call signs.
21 Now, if I continue further on, we can see Radial, which is a call sign for a
22 station. Then I see Camelo, Rodex, and so on and so forth.
23 MR DEMIRDJIAN [10:51:40] I think we must move to the next page now to
24 be able to follow the witness.
25 Q. [10:51:51] Very well. You mentioned Radial.

1 A. [10:51:58] Yes, Radial. I mentioned Apollon also a short while ago. I
2 can see that here. Balzac. All of those are call signs that were used on that
3 network, and they related to individuals who were given a radio set.

4 However, it could be possible that a specific call sign is assigned for purposes
5 of a mission. So if I were to be on a mission, my call sign could be Camelo.

6 And once the mission is over, that radio set could be handed to someone else
7 but that person would also be called Camelo. Now, there are other call signs
8 that are specifically assigned to individuals. Those call signs do not change.

9 Q. [10:52:55] Very well. Now, let me draw your attention to the bottom
10 of the page.

11 MR DEMIRDJIAN: [10:53:01] And could it be enlarged so that we can all
12 see.

13 Q. [10:53:09] We see some crosses against a number of entries here at the
14 bottom of the page, beginning with Mediane. We see a cross, one X, next to
15 Mediane. Can you explain that to the Court, Mr Witness.

16 A. [10:53:30] Mediane, where you see the cross, Mediane, Cosmos, Atlas,
17 those are call signs that were assigned to officers who gave orders, not other
18 categories of people, who would implement such orders. By the way they
19 spoke, the way they expressed themselves on the network, one would
20 understand that they were giving orders. So this is unquestionable because
21 when someone with the call sign Atlas on a network would use the network,
22 that person has a monopoly over the network, even if others are using it.
23 Once that person comes on, it overrides everything else.

24 So I have -- Atlas, for example, was a very strong call sign which centralised
25 everything. Everything went through Atlas. I believe that he was the chief

1 of the operations on the ground, to my mind, because of the way in which he
2 spoke to junior officers. He must have been a senior officer to be able to
3 give the type of orders that he gave, and it is for that reason that I put a
4 number of crosses against his name.

5 PRESIDING JUDGE TARFUSSER: [10:55:21] Excuse me, just to clarify for
6 me, but are the crosses somehow the rank you give to this person in
7 hierarchy -- in hierarchy you have in mind? So the more crosses, the more
8 higher in this rank; is this correct?

9 THE WITNESS: [10:55:47] (Interpretation) I think so. I think so. That was
10 my assessment from what I observed in relation to the way they reacted in the
11 field. You see Atlas, for example, here, I knew that he must have been an
12 authority because when you had a network like his, somebody of his nature
13 would speak and all subordinates will say, "As you order" or "Yes, sir," and
14 you would say that to somebody who is higher up in hierarchy. Because,
15 you see, when you have a network of that nature, you do not disclose matters
16 of hierarchy by saying "Yes, sir," and what have you, although this would
17 breach the rules that apply in communications over such networks, because if
18 you do that, you are in some manner disclosing the identity of the person you
19 are talking to.

20 PRESIDING JUDGE TARFUSSER: [10:57:07] And another question: These
21 names, Imperial, Cosmos, Atlas, et cetera, are all, I call them now, nicknames
22 that they had because you heard them in the communication, or you gave
23 them?

24 THE WITNESS: [10:57:24] (Interpretation) No. Mr President, thank you. I
25 am not the one who gave them the names. In the transmission system,

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 before a set is distributed and for purposes of disguising the name and the
2 rank of the person to whom the radio set is given, that radio set is given a call
3 sign, a code name, and those are the names that you have here. Each person
4 uses that code name for the purposes of communication. Nobody uses their
5 real name or their real identity when communicating over such a network.

6 PRESIDING JUDGE TARFUSSER: [10:58:12] Thank you.

7 Mr Demirdjian.

8 MR DEMIRDJIAN: [10:58:17] Just one last question before the break, your
9 Honours. We're going to 11; correct?

10 PRESIDING JUDGE TARFUSSER: [10:58:21] We break at 11.03.

11 MR DEMIRDJIAN: [10:58:23] Very well. Maybe two questions, then.

12 Q. [10:58:26] (Interpretation) Mr Witness, you told us that you have a
13 dangerous element written against the name Cosmos.

14 MR O'SHEA: [10:58:43] There's an objection here. To make reference to that
15 phrase is inviting an opinion from the witness because obviously what's
16 written there is an opinion.

17 PRESIDING JUDGE TARFUSSER: [10:58:54] Yes, of course, but that's what
18 he said, so in that sense it is the reference. It's not because it is established
19 this is more dangerous than others. In the sense he's using it as he had put it,
20 so --

21 MR O'SHEA: [10:59:08] Yes, but as an expression --

22 PRESIDING JUDGE TARFUSSER: [10:59:10] Yes.

23 MR O'SHEA: [10:59:11] -- it's an opinion --

24 PRESIDING JUDGE TARFUSSER: [10:59:12] Yes.

25 MR O'SHEA: [10:59:13] -- on its face. But for my learned friend to ask him

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

- 1 what it means is eliciting an opinion.
- 2 PRESIDING JUDGE TARFUSSER: [10:59:18] No. I did not hear yet the
- 3 question.
- 4 MR DEMIRDJIAN: [10:59:20] That was not the question --
- 5 PRESIDING JUDGE TARFUSSER: [10:59:23] I think you stood up a little bit
- 6 too early. I didn't hear the question yet.
- 7 MR O'SHEA: [10:59:26] Perhaps. Perhaps, yes.
- 8 PRESIDING JUDGE TARFUSSER: [10:59:27] Please go ahead.
- 9 MR DEMIRDJIAN: [10:59:30] (Interpretation)
- 10 Q. [10:59:36] Mr Witness, when you say "dangerous element," what did
- 11 you hear about? What did you hear?
- 12 PRESIDING JUDGE TARFUSSER: [10:59:51] Now, it's not why did
- 13 you -- why do you say he is dangerous; it's what did you hear in order to give
- 14 him this qualification.
- 15 MR O'SHEA: [11:00:00] No. The question was, "What did you mean by
- 16 that?"
- 17 PRESIDING JUDGE TARFUSSER: [11:00:03] No, no.
- 18 MR O'SHEA: [11:00:04] "Que ce que vous avez entendu," in French. "What
- 19 did you mean by that?"
- 20 MR DEMIRDJIAN: [11:00:09] No. "Que ce que vous avez entendu"
- 21 means -- (Interpretation) what did you hear?
- 22 MR O'SHEA: [11:00:14] Perhaps it's my French, then.
- 23 PRESIDING JUDGE TARFUSSER: [11:00:17] Okay. I will be very much
- 24 vigilant that the Prosecutor will not ask opinions of the witness.
- 25 MR DEMIRDJIAN: [11:00:29] Of course.

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: [11:00:30] But now we have this last
2 question and then we -- so at the end, it was only one, not two. Please, Mr
3 Demirdjian.

4 MR DEMIRDJIAN: [11:00:46] (Interpretation)

5 Q. [11:00:47] Mr Witness --

6 PRESIDING JUDGE TARFUSSER: [11:00:58] Okay. Although I think I take
7 you out of the impasse, although I think he has already answered this
8 question when he answered my question by saying that it is -- it was the tone,
9 or I can't remember exactly how he made this classification, but on the way
10 he -- the people addressed themselves in the communication. So I think the
11 question which I think you are going to ask is somehow already in the record.

12 MR DEMIRDJIAN: [11:01:35] Perhaps it's best we take the break and reflect
13 on this.

14 PRESIDING JUDGE TARFUSSER: [11:01:38] Yes, okay. We take the break
15 now and we come back at 11.30.

16 THE COURT USHER: [11:01:43] All rise.

17 (Recess taken at 11.01 a.m.)

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

19 THE COURT USHER: [11:35:03] All rise.

20 Please be seated.

21 PRESIDING JUDGE TARFUSSER: [11:35:20] Good morning once again.

22 Good morning to you, Mr Witness.

23 I give immediately the floor to the Office of the Prosecutor.

24 MR DEMIRDJIAN: [11:35:34] Thank you, Mr President.

25 Q. [11:35:38] (Interpretation) Good morning again, Witness. I believe

1 your microphone has been switched off. Would you switch it back on.

2 A. [11:35:51] Yes.

3 Q. [11:35:52] Before the break, we were discussing the call sign Cosmos,
4 where you had put four Xs after that call sign, and you said "dangerous
5 individual." You were saying that you thought he was the chief of
6 operations given the way he spoke and that a subordinate would not be able
7 to hand down orders in that way. Can you tell us exactly what you heard.

8 A. [11:36:24] Well, the reason I said that I thought Cosmos was the chief of
9 operations was because all of the reports were sent to Cosmos. He validated
10 the missions, all of the missions. He would give orders to do various
11 different things on the ground.

12 For example, if someone sends someone and he felt that something needed
13 to be done, he would say in French, "traitez-le," deal with him; take care of it.
14 And I understood that it meant kill him, and if he has a weapon, retrieve the
15 weapon. He was the only one. All of the intelligence was transferred to
16 Cosmos and anything that was carried out on the ground, he was the one
17 who had given the order. In the networks, beyond Cosmos there was a
18 main chief. I believe it was Atlas. Atlas was above Cosmos.

19 Q. [11:38:00] Very well. When you say that Atlas was above Cosmos,
20 how did Cosmos refer to Atlas?

21 A. [11:38:10] Well, with great respect and courtesy, you could tell that he
22 was relaying information, intelligence reports to Atlas. He was presenting a
23 report and in the way that you report to a chief.

24 Q. [11:38:40] Very well. Let's take a look again at the first page of your
25 document, the page where there is some -- a paragraph at the top. At the

1 bottom there is a date and a signature. Do you recognise that?

2 A. [11:39:06] Yes, it's my signature.

3 Q. [11:39:07] Fine. Thank you. When I look at the beginning, the top of
4 the page, it's a description. These are not notes. Can you tell us when you
5 drafted that text.

6 A. [11:39:26] I didn't draft that text at the same time as when I was
7 intercepting the communications. When the investigators asked me what I
8 knew, I said I would summarise what I had heard and this is the summary.
9 In fact, the order of the call signs was not exactly like this. This is when I
10 corrected my notes to answer the questions put to me as to what I had seen.
11 And it's -- I told them, "It's up to you to check whether or not it's true. I'm
12 just relaying the information that I intercepted."

13 Q. [11:40:19] You said "the people who asked me the question." Could
14 you tell us when and who you're referring to?

15 A. [11:40:32] Well, I don't know exactly who they are. They called me
16 and they gave me a name. I'm afraid I don't remember their names. But
17 they're a part of your group.

18 Q. [11:40:54] So what we have here, this text is something that you drafted
19 after the conflict.

20 A. [11:41:09] Indeed, this text was drafted after the conflict. This was not
21 a text from the network. This is something that I drafted and I gave it to the
22 investigators and I told them, "This is my analysis of the topic."

23 Q. [11:41:31] Aside from this type of document, did you also give notes,
24 the actual notes that you had taken when you were intercepting?

25 A. [11:41:43] Yes, I handed in my notes on the network. Yes, I did hand

1 in notes.

2 Q. [11:41:50] In other words, we have two types of documents. We have
3 the notes that you took at the very same time when you were intercepting
4 conversations and then this type of document which is in fact a summary.

5 A. [11:42:03] Indeed, that's correct.

6 Q. [11:42:07] Before I show you the next series of notes, you mentioned
7 the Republican Guard, but I'd like to ask you about the gendarmerie and the
8 police before we look at the next series of notes. Let us speak first about the
9 gendarmerie. Can you explain once again how you intercepted their
10 transmissions.

11 A. [11:42:56] It was during the same period as I told you. I was listening
12 to the Republican Guard, the gendarmerie and the police networks, but not
13 all at the same time because I only had one piece of equipment. So if you are
14 listening to one, you can't listen to the other, and it was, therefore, that I
15 would go from one to the other. I would go from the Republican Guard to
16 the gendarmerie or the police because I did not have three pieces of
17 equipment. I was not able to listen to three different frequencies at the same
18 time.

19 Q. [11:43:49] The gendarmerie also used call signs; is that correct?

20 A. [11:43:55] Yes, that's correct. They used call signs. Mr Prosecutor,
21 any military network uses call signs. Otherwise it can't function.

22 Q. [11:44:09] Do you remember the names of the call signs used by the
23 gendarmerie? Can you give us a few examples?

24 A. [11:44:18] Well, you have them in the document. Faucon, Étoile,
25 Valere, those were some of the call signs used by the gendarmerie. That was

1 the gendarmerie.

2 Q. [11:44:37] A moment ago you spoke about Cosmos and you described
3 the relationship between the higher ranking officers and the subordinates.
4 What about the gendarmerie?

5 A. [11:44:55] It's roughly the same thing. There is a system of respect
6 within the network, but once you start listening to a network, you begin to
7 understand that a particular call sign corresponded to a person in charge. If
8 you just listened once, you didn't really know. But after a while you began
9 to realise what the call signs -- who the call signs could correspond to in terms
10 of their rank.

11 Q. [11:45:28] You talk about respect within the network. Did you know
12 who the commanding officers were on the network?

13 A. [11:45:48] Well, in the gendarmerie, there was Faucon and Étoile, they
14 gave orders. But the specific case of the gendarmerie is that others could
15 contest. For example, if an order was handed down, you would hear on the
16 network people saying "shut up" and other insulting comments. I beg your
17 pardon for speaking like this. But you could tell that there were reactions on
18 the network that were not respectful. And that happened frequently on the
19 gendarmerie network, where they would call the chief a coward, for example.

20 MR DEMIRDJIAN: [11:46:42] I'd like to see document CIV-OTP-0005-0024.
21 Witness, this is annex 3 to your statement.

22 Could we perhaps give a hard copy to the witness to make things easier.

23 Q. [11:47:42] First of all, Witness, do you recognise this document?

24 A. [11:47:48] Yes, I recognise it. It's my handwriting and my signature.

25 Q. [11:47:52] Very well. We can see the title, which means "VHF

1 Network - Gendarmerie." And then once again there is a paragraph that's
2 drafted here and it states that the commanding officers asked their members
3 to use conventional means with the demonstrators, and then you see Faucon,
4 Étoile and Valere. Now, those three names, those are call signs that you
5 actually heard.

6 A. [11:48:39] Well, all of these networks - Faucon, Étoile, Valere - those are
7 call signs that were given to persons of authority on the ground.

8 Q. [11:48:49] Very well. The text at the top of the page, once again, is a
9 summary that you drafted after the conflict; is that correct? Or are these
10 notes that you took during the conflict?

11 A. [11:49:12] That text was drafted after the conflict. This does not
12 correspond to messages that I heard on the network. This is my own
13 personal analysis. And the reaction of the persons using those call signs
14 were to use conventional means. In other words, within the gendarmerie,
15 they were telling their people to use conventional means and not to shoot on
16 the demonstrators. Some of the people in the gendarmerie said that.

17 But as I said earlier, those calls for peaceful means were not accepted by
18 some of the soldiers who called them sell-outs or cowards or -- and this was
19 specific, if you will, to the gendarmerie network.

20 As for the others, the commanding officer would say one thing, but that's not
21 necessarily what the individuals, the gendarme, actually did on the ground.

22 Q. [11:50:26] Very well. Now, I'd like to go on to another document. In
23 particular we're going to be talking about the police. Can you tell me, first of
24 all, what network the police used.

25 A. [11:50:42] In fact, the police had two types of networks. They had the

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 VHF network, which is the traditional network used in an urban
2 environment, and the UHF network, which is the network used by people on
3 the ground. The difference between the two is that the VHF network was
4 the conventional network managed in all of the different police stations; in
5 other words, they were in contact with the various police stations. But there
6 were no relays. It was simplex communication. The UHF, which was used
7 on the ground, they had relay stations. That's the main difference between
8 the two.

9 PRESIDING JUDGE TARFUSSER: [11:51:42] Just one question for
10 clarification. In the English transcript, at page 47, line 15, on the question by
11 the Prosecutor you said the text on your note was drafted after the conflict.
12 So "after the conflict" is quite a long time. I mean, it's six years' time you
13 could have drafted those. My question is: When after the conflict? Or in
14 other words, before or after you gave the -- or in the context of giving the
15 documents to the Office of the Prosecutor?

16 THE WITNESS: [11:52:38] (Interpretation) Thank you, your Honour. If I
17 remember correctly, I believe there was a date on the document. I think it
18 was October 2011 when the investigators came to question me. The ICC
19 people came to ask me questions and I dated the document. And that is
20 when the document was drafted. If you examine the document, you'll see
21 that the date is indicated, October 7, 2011, at the bottom.

22 PRESIDING JUDGE TARFUSSER: [11:53:31] Just to me, "after the conflict"
23 was only a little bit too vague. Thank you.

24 Mr Prosecutor.

25 THE WITNESS: [11:53:40] (Interpretation) Thank you, your Honour.

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 MR DEMIRDJIAN: [11:53:44] (Interpretation)

2 Q. [11:53:45] Thank you, Witness. You referred to the UHF network,
3 ultrahigh frequency; is that correct?

4 A. [11:53:55] Yes.

5 Q. [11:53:56] Can you tell us which units used the UHF networks.

6 A. [11:54:03] I said that the UHF network was used by the police, which
7 executed the orders on the ground. They were working in close symbiosis
8 with the Republican Guard. They weren't on the same frequency, but they
9 worked hand in hand, in my opinion, because either they received orders
10 from the Republican Guard command or they had a very similar fashion of
11 giving -- of handing down orders.

12 Q. [11:54:55] On that network, what call signs did you hear? I'm
13 referring here to the police UHF network.

14 A. [11:55:05] Well, I gave you some of them. There is a lot. There is
15 Faucon, Sandrak, Azaro, Hadris. There were lots of them, lots of call signs.

16 Q. [11:55:26] Amongst those call signs, were some of them different?

17 A. [11:55:38] There was Sandrak, Cronos, from the police. These were
18 individuals in command giving orders. Sandrak was, I believe, the
19 commander on that network.

20 MR DEMIRDJIAN: [11:56:00] Very well. Could we have document
21 CIV-OTP-0005-0022, please. This is annex 2.

22 THE WITNESS: [11:56:32] Yes, I can see the document.

23 MR DEMIRDJIAN: [11:56:34]

24 Q. [11:56:34] Do you recognise the document?

25 A. [11:56:36] Yes. Yes, I recognise it. This is something that I drafted.

1 Q. [11:56:42] Very well. The format is similar. Is this another document
2 that you drafted after the conflict?

3 A. [11:56:51] Yes, indeed, I drafted it the very same day, October 7th.

4 Q. [11:57:01] Fine. Very well. Again, we have a text at the top and then
5 a list of call signs. I can see Nimbus, Cronos Sandrak, Hadris. Those were
6 call signs that you heard; is that correct?

7 A. [11:57:22] Yes, that's correct.

8 Q. [11:57:26] I'd like to ask you the following question: When you draft
9 the name of a call sign, you did so phonetically; is that correct? Or did you
10 have a written list of those call signs?

11 A. [11:57:41] No. It was based on what I had heard. Obviously, what I
12 heard didn't necessarily correspond to the right spelling, but I wrote down
13 phonetically what I heard. And I told them at the time, "Go and check
14 whether what I wrote down actually corresponds to what was used in the
15 network."

16 Q. [11:58:05] Very well. Amongst the call signs you mentioned earlier,
17 Sandrak, Cosmos, you said that those were people in command who gave
18 orders. Were you able to understand the relationship of those individuals
19 within the hierarchy?

20 A. [11:58:35] Well, Cosmos was on the Republican Guard network.

21 Q. [11:58:38] No. I referred -- I meant Cronos.

22 A. [11:58:43] Cronos, Sandrak, there may have been others, but if I were to
23 put them in terms of a hierarchy, unless I'm mistaken, I believe it was
24 Sandrak who was the top man, the chief.

25 Q. [11:59:06] Very well. Were you able to discover where the police base

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 was located?

2 A. [11:59:11] No, not precisely. I was listening to a network. I didn't
3 know exactly where it was situated.

4 Q. [11:59:24] Very well. Witness, I'd like to go on now to another
5 document which is annex 6. The ERN is CIV-OTP-0005-0031. Witness, do
6 you recognise this document, annex 6?

7 A. [12:00:16] Yes, quite so.

8 Q. [12:00:17] Very well. Up at the top, we see the date 16 December 2010.
9 Now, first of all, could you tell us where you were that day?

10 A. [12:00:28] At home.

11 Q. [12:00:31] Could you tell us what we see here? What is this document
12 all about?

13 A. [12:00:42] These are the notes I took as events were unfolding. That's
14 what I jotted down in realtime as things were happening, as people were
15 broadcasting.

16 Q. [12:00:59] So this document or these notes were jotted down in
17 realtime.

18 A. [12:01:03] Yes.

19 Q. [12:01:07] Very well.

20 A. [12:01:10] Naturally, with the time at which the messages were
21 received.

22 Q. [12:01:19] If we look at the first line or two, I can see "ONUCI" between
23 brackets and the word "base." But what is before that word "base"?

24 A. [12:01:37] It's AC.

25 Q. [12:01:39] And do you know what "AC" stands for?

1 A. [12:01:44] I think it was a code, a call sign for the ONUCI base, the UN
2 base.

3 Q. [12:01:57] Very well. Now, sometimes would you hear a transmission
4 from ONUCI or was that the first time?

5 A. [12:02:07] Well, one day I came across that UN frequency, and in the
6 morning actually I did hear that, what I have just written down. They were
7 giving instructions to all the officers and the instructions were given to stay at
8 home and to listen to the radio, because I believe everyone had a two-way
9 radio to be in contact with the base.

10 Q. [12:02:44] Now, "0615" is jotted down at the bottom. What is that all
11 about?

12 A. [12:02:55] "0615," that's the time at which the message came in. 0615.
13 And also the letter Z, Zulu. So that meant I got the information at 0615.

14 Q. [12:03:13] Very well. Let's just skip over the next one and move on to
15 another one. Young person at the -- "7 youths dropped off at the PP."

16 A. [12:03:35] That was 7.45. Seven young people were dropped off at the
17 police station, the police préfecture, "PP".

18 Q. [12:03:50] We also see Nimbus orders to push back all the pedestrians
19 throughout the entire city, in particular at the PDCI building and any other
20 sector. And then there is something I can't quite make out after "secteur."
21 So just there is a word that seems to start with an S. What is that word?

22 A. [12:04:28] I think it's sector. "Nimbus issues order to push back all the
23 pedestrians throughout the entire city." "Selon" is the word, "selon,"
24 according to.

25 Q. [12:04:55] Very well. And when did you hear that order? What

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 time?

2 A. [12:05:00] I didn't jot down the time, but it must have been
3 between -- between 7.45 and 7.50.

4 Q. [12:05:10] Very well.

5 A. [12:05:13] Because, you see, my notes are in order.

6 Q. [12:05:17] And then the next entry, 0823, 8.23 a.m., could you read this
7 out to us.

8 A. [12:05:26] "Nimbus orders to vigorously enter into any group or
9 movement."

10 Q. [12:05:38] Can you explain. First you heard something on the ONUCI
11 network and then you heard something on the police network. How did you
12 manage that? Did you hop from one frequency to another? How did you
13 get --

14 THE INTERPRETER: [12:05:59] Overlapping speakers. Rather, 5 second
15 rule if --

16 PRESIDING JUDGE TARFUSSER: [12:06:03] Don't answer immediately;
17 otherwise, we don't catch it. Wait a minute -- not a minute. Wait a few
18 seconds before responding. Okay?

19 THE INTERPRETER: [12:06:14] Many thanks from the interpreters.

20 THE WITNESS: [12:06:16] (Interpretation) Understood, your Honour.
21 Could you repeat your question, sir?

22 MR DEMIRDJIAN: [12:06:25] (Interpretation)

23 Q. [12:06:26] Well, I was asking you this: Here we can see that you heard
24 a conversation on the ONUCI network and then we see something from the
25 police, Nimbus's message. Can you explain how you managed to listen to all

1 those conversations on those different networks that day.

2 A. [12:06:50] Thank you. It's simple. I listened to the ONUCI network,
3 and since that network wasn't particularly interesting to me, I moved onto
4 another network. If I remember, I think that particular item had to do with
5 the march, the march that the opposition parties were organising for that day.
6 They were going to head towards the RTI. I think that's what that entry is
7 about, or the PDCI or something else. It might have been PDCI and moving
8 towards the RTI. I think that's what it was all about.

9 Q. [12:07:39] Very well. There are two other entries that we see here on
10 this page, and I'd like to draw your attention to one. Lower down you see
11 "Faucon Vicky." "Faucon Vicky requests at 8.32 permission to use
12 conventional means to disperse the crowd."
13 Do you see that?

14 A. [12:08:07] Yes.

15 Q. [12:08:07] And then to disperse the crowd, what does the next line
16 read? Because I can't quite make out the next two words.

17 A. [12:08:18] Well, as I said, that must have been on the gendarmerie
18 network. Faucon asked those people to use conventional means, not to shoot
19 at people, not to use Kalashnikov to fire into the air to frighten people, and to
20 use conventional means to maintain order. That's what that entry means.

21 Q. [12:08:57] Very well. If you could read out starting with the words
22 "pour disperser la foule."

23 A. [12:09:10] That's on the police network. According to the policemen,
24 they allegedly received an order, the order from Sandrak and that person was
25 an authority.

1 Q. [12:09:27] I'm afraid I have to interrupt you, Witness, just for a
2 moment. The question I'm asking you is about Faucon Vicky's order. There
3 are four lines. The first two lines I've been able to make out no problem. It's
4 the last two lines I'm having trouble with. Could you read out the last two
5 lines. Please read them aloud. So "to disperse the crowd," I understand
6 that. What does the last line read?

7 A. [12:10:06] Thank you, Mr Prosecutor. I will read out the entire
8 passage. "Faucon Vicky requests at 8.32 permission to use conventional
9 means to disperse the crowd and not to use Kalashnikovs to fire into the air to
10 disperse the crowd."

11 Q. [12:10:36] Very well. And the next entry, you say that this is on the
12 police network and it's having to do with Sandrak. Could you read out those
13 two lines to us. Read aloud, please.

14 A. [12:10:56] "According to police officers, they allegedly received fire
15 according to -- allegedly they were fired upon and Sandrak, Sandrak
16 intervenes and gave an order to go back into the crowd. He said, 'Go back
17 into the crowd.'" And that was at 8.42.

18 Q. [12:11:36] Next line, if you could kindly read out to us, sir.

19 A. [12:11:43] "Sandrak --" I put Sandrak and I put, between brackets,
20 "(according to my intuition)," I said it might have been Guiai Bi Poin, but I
21 wasn't sure. So I put the other name. And then, "Individual dropped off at
22 6th arrondissement police -- one individual dropped off at the 6th
23 arrondissement police."

24 Q. [12:12:18] Very well. So these two entries that make reference to
25 Sandrak, what network did you hear them on?

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 A. [12:12:30] On the UHF police network.

2 Q. [12:12:41] And why did you write "Guiai Bi Poin"?

3 A. [12:12:46] It seemed to me -- well, at the time I believe he was the one
4 who was commanding the CECOS. That was a shock unit, and that order
5 could have only come from him. But I wasn't 100 per cent sure, so that
6 needed to be checked.

7 PRESIDING JUDGE TARFUSSER: [12:13:34] My question is, did you check
8 it sometimes later?

9 THE WITNESS: [12:13:37] (Interpretation) I beg your pardon, your Honour?
10 Check what?

11 PRESIDING JUDGE TARFUSSER: [12:13:45] You said that if you were not
12 100 per cent sure that the person you put in the bracket was that person, and
13 that it was -- needed to be checked. My question is, did you check it later?
14 Do you know today if the name you put in brackets here corresponds to the
15 person you indicated?

16 THE WITNESS: [12:14:24] (Interpretation) No, I didn't check, because my
17 role was not to check a particular call sign. I gave the call signs and I said to
18 the investigators that it was their job to conduct the investigations and to put
19 a name to the call signs. As far as I was concerned, it really was not my job
20 to look for anything or investigate anything.

21 PRESIDING JUDGE TARFUSSER: [12:14:50] Thank you.

22 MR DEMIRDJIAN: [12:14:55] (Interpretation)

23 Q. [12:14:57] So you were using your intuition. You weren't sure that
24 that person was Bi Poin.

25 A. [12:15:06] I wasn't 100 per cent sure, but I can say that it could have

1 been him. But I'm not 100 per cent sure.

2 Q. [12:15:19] Very well. If we could now move onto the next page.

3 Once again we see that same date, 16th of the 12th month 2010, we see that on
4 the left at the top. And I'd like to draw your attention to the third entry
5 which begins with the words "According to Nimbus." Mr Witness, have you
6 been able to locate this entry?

7 A. [12:15:56] Yes.

8 Q. [12:15:59] It reads as follows: "According to Nimbus, clean the road
9 between Zoo Samaké and to go right into the crowd."

10 Once again, there is no specific time recorded. Could you tell us
11 approximately when you heard this?

12 A. [12:16:26] It must have been after 9 o'clock in the morning. It was the
13 morning. I think it was the people who were marching. They had come
14 from Abobo. They were taking part in a march. And the term is correct.
15 There is no ambiguity about that. That's what he said. That is what I wrote
16 down. So you can clearly see that -- well, naturally, it must have been
17 between the two times that are located here, for example, before 9.34.

18 Q. [12:17:07] Very well. 0934, we see that Omega requests permission to
19 use conventional means. What network did Omega use?

20 A. [12:17:22] That was the gendarmerie. You see, your Honour, unless
21 I'm mistaken, that was the gendarmerie. And in general terms, that was
22 their way of calming things down on the network, that is to say, in relation to
23 these agents on the network. I don't know if I'm mistaken, but I think that
24 must have been a message from the gendarmerie.

25 Q. [12:18:01] Very well. Now, the next entry says, "According to police

1 network, individuals with two bodies in a wheelbarrow entered the
2 courtyard of the ONUCI headquarters at 9.30 in Sebroko." Could you tell us
3 without guessing, but can you tell us which network, which police network
4 you heard that on?

5 A. [12:18:34] On the UHF network.

6 Q. [12:18:46] And why do you say that, that it was on the UHF network
7 rather than the VHF network?

8 A. [12:18:54] The UHF network, that particular channel or band is the
9 operational channel. Anything that had to do directly with events in the
10 field, all those things were dealt with on that particular channel. That was
11 the classic channel used by the police. If they were on VHF, that meant they
12 would be on the various -- they would be at the various sites where the
13 demonstrations were occurring.

14 Q. [12:19:39] Mention is made of two bodies, Mr Witness. Did you hear
15 anything else, any other messages about bodies?

16 A. [12:19:53] No. They said that they had two bodies in a wheelbarrow.
17 That is what I recorded. That is what I heard in relation to Sebroko.

18 Q. [12:20:12] Just a moment, Mr Witness. A few moments ago, sir, you
19 told us about the gendarmes who were not following the orders from their
20 superiors. Did you hear any communications or messages about the
21 dealings between the leaders of these various organisations, units, the
22 gendarmerie, the police, the Republican Guard?

23 A. [12:21:04] Thank you, Mr Prosecutor. Well, the difference was that the
24 Republican Guard was a disciplined network. The leader was in command
25 and the others obeyed orders.

1 As for the gendarmerie, when the leader gave orders, well, they would take
2 the call sign to answer and they would say things, "scaredy-cat" sometimes,
3 "peureux." That was usually on the gendarmerie channel.

4 Q. [12:22:09] Now, you told us about the relationships between higher
5 ranking people in an organisation and lower ranking people. Now my
6 question is this: Did you hear any conversations about the dealings amongst
7 the various leaders of the gendarmerie and the police and the Republican
8 Guard?

9 A. [12:22:26] Amongst the leaders, no. They were not on the same
10 network. If there was something about their dealings, that would have only
11 been on the cell phones. Otherwise, there really wasn't any network or
12 channel typical of all those -- not to my knowledge. I did not hear anything
13 like that. I heard differently, but I didn't hear any specific channel with all
14 the leaders on it. If they had to communicate with one another, in my
15 opinion, they would communicate over the telephone.

16 Q. [12:23:19] Did you learn anything about the relationship between the
17 leader of the Republican Guard and the head of the army, the chief of general
18 staff?

19 A. [12:23:29] On the network? Yes? On the network?

20 Q. [12:23:35] Yes.

21 A. [12:23:36] No, no. The proof of that is that I did not hear such talk on
22 the various networks. I did not hear about the chief of general staff. I did
23 not hear him on the radio or anything like that, no.

24 Q. [12:23:56] And off the network?

25 A. [12:23:58] No, nothing. I am not in a position to know about that.

1 Q. [12:24:09] Mr Witness, I put that question to you for a particular
2 reason.

3 MR DEMIRDJIAN: [12:24:15] And, your Honour, I will be refreshing the
4 witness's memory.

5 Q. [12:24:23] Now, at paragraph 53 of your statement, you said that the
6 leader of the Republican Guard did not respect the chief of the general staff.
7 To the contrary, the first was the one giving the orders and the chief of
8 general staff was afraid of him. Do you remember saying that?

9 A. [12:24:46] Yes, yes, thank you. Thank you, Mr Prosecutor. That
10 wasn't something I learned from listening on the network. It was later that I
11 figured that out because in terms of real politic, the chief of general staff
12 wasn't really the one running the show. It was the chief of the Republican
13 Guard. He was giving the orders and the other one was following them.
14 That is what I learned and that information I provided to your staff. It was
15 up to them to cross-check whether that was true or not. But that is what they
16 wrote down subsequent to information that I had received.

17 Q. [12:25:38] Who told you that and when did you learn this?

18 A. [12:25:45] I really couldn't give you the name of whoever told me that,
19 but it was just after -- well, some elements had taken -- well, the former
20 regime was no longer in place and people all of a sudden started talking
21 about -- both in military circles and in civilian circles. So during casual
22 conversation, I must have heard it then.

23 MR DEMIRDJIAN: [12:26:22] Mr President, may we briefly go in private
24 session, please. Based on the last answer of the witness.

25 PRESIDING JUDGE TARFUSSER: [12:26:40] Can we go in private session,

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Private Session)

ICC-02/11-01/15

- 1 please. Thank you.
- 2 (Private session at 12.26 p.m.)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Open session at 12.28 p.m.)

1 THE COURT OFFICER: We're in open session, Mr President.

2 PRESIDING JUDGE TARFUSSER: [12:28:45] Mr Demirdjian.

3 MR DEMIRDJIAN: [12:28:46] Thank you, Mr President. That last question
4 can actually be classified as public after all. Thank you.

5 Q. [12:29:00] (Interpretation) Very well. Now, Witness, if you could
6 kindly look at annex 7, CIV-OTP-0005-0033.

7 Can you see the document?

8 A. [12:29:37] Yes.

9 Q. [12:29:39] Do you recognise it?

10 A. [12:29:40] Yes, I do.

11 Q. [12:29:45] At the top of the page we see a code number that you've
12 mentioned previously, "Nimbus, Cronos and Sandrak"; is that correct?

13 A. [12:30:02] Correct, Mr Prosecutor.

14 Q. [12:30:06] And what did you write beside "Nimbus"?

15 A. [12:30:09] I put "authority." That meant to my mind he must have
16 been a figure of authority.

17 Q. [12:30:18] And then the two --

18 A. [12:30:23] Must have meant the same thing for Cronos.

19 I'm sorry, I must have responded too quickly. I shall repeat: I put
20 "Nimbus, figure of authority," and then "Cronos," I've indicated that he too
21 was a figure of authority within the network on the UHF/VHF police
22 network.

23 Q. [12:30:51] Right next to that there is a box with some figures. What is
24 that about?

25 A. [12:30:55] 44 – 460-025, that is a frequency. 460-025 mega is a

1 frequency which I jotted down. But I think it really has nothing to do with
2 those call signs.

3 Q. [12:31:18] Next to Sandrak, what did you write?

4 A. [12:31:31] Mr Prosecutor, according to my understanding, Sandrak was
5 the head leader, the head of the network, like Atlas and others. I think
6 Sandrak was the leader of the VHF network -- rather, UHF network of the
7 police. But we must also note that the UHF police network was not only for
8 policemen. Some gendarmes used it as well as other elements. But it was
9 managed by the police, although it brought together soldiers from various
10 units into one corps.

11 Q. [12:32:29] Very well. Now, on this page we have two entries. The
12 first is of 31 March 2011 around 5 p.m., and the second, 1 April 2011. Now,
13 let us look at the first entry, Mr Witness. We see here that Atlas gave orders
14 to shoot on a column of vehicles, to shell them and to kill all of them, and to
15 not be afraid. Can you read out the following sentence.

16 A. [12:33:09] Yes. "On the network --" Mr President, I'm sorry I jumped
17 in too quickly.

18 "On the network, a voice mentioned Dogbo Blé by name -- Dogbo Blé by
19 name and asked that he stop killing people." This unexpected intervention
20 slowed down the zeal of the executing parties -- the zeal of the executing
21 parties and that of the person issuing the orders as well. In the meantime,
22 the network was subject to interference by the speech of the president. And
23 this happened on the last day, on the very last day. This message was
24 broadcast at a time when many people were listening to. And on that day
25 people managed to interfere with the communications entirely and it is on

1 that day that the network died.

2 PRESIDING JUDGE TARFUSSER: [12:34:34] May I ask you something.

3 Here we read "tuer," which was translated I think twice today and it was read

4 twice in here in another annex and it was interpreted in a different way.

5 This time "killing" and I can't remember the other one but I think it was not

6 killing. So I just want to -- I'd like to know, because this word comes up also

7 in other situations. So I would like the correct translation, please.

8 MR DEMIRDJIAN: [12:35:13] (Interpretation)

9 Q. [12:35:16] Mr Witness, can you clarify what that term "kill" refers to?

10 A. [12:35:21] Thank you, Mr Prosecutor. To kill, there is no further

11 explanation. To kill is to kill somebody, to terminate life.

12 Now, the other term, I don't know which -- I think it was the term "treter,"

13 which is to treat, which amounts to the same thing. Maybe it was just a

14 euphemism for the word "to kill." In either case, it was for the same finality,

15 namely to kill.

16 Q. [12:35:56] Here we see the code Atlas at the beginning and then you

17 have just read out to us that on the network a voice specifically referred to

18 Dogbo Blé. Who was he?

19 A. [12:36:23] Dogbo Blé was the commander of the GR. And this was the

20 GR network. Atlas gave an order but I don't know whether he's the one who

21 said "Dogbo Blé." But I heard that someone said "Dogbo Blé" and it was

22 Atlas and Dogbo Blé. But I cannot be very clear. What I have mentioned

23 here is the call sign of the GR. Whether it was Atlas -- but there was a voice

24 which said "Dogbo Blé" and did not say "Atlas."

25 Q. [12:37:01] If I have understood you well, initially you heard the call

1 sign Atlas and then you hear a voice which says Dogbo Blé to stop killing
2 people; is that correct?

3 A. [12:37:14] Yes, that is correct. But that message, it is Atlas who gave
4 the order. He himself gave the order. Using his call sign, he gave the order,
5 and it is through his call sign that I was able to know. I did not invent
6 anything.

7 Q. [12:37:40] Very well. Then we see an entry of 1st April, "Atlas asks for
8 all whose hands are raised to be treated." Can you see that?

9 A. [12:38:00] Yes, I see.

10 Q. [12:38:01] Can you read out the following part of that sentence.

11 A. [12:38:04] "Atlas asks for all those whose hands are raised to be treated,
12 because that would be a trick since they are enemies."

13 Q. [12:38:25] Mr Witness, that document before you, is that the notes that
14 you took on the day the statements were made or was it a summary you
15 made subsequently?

16 A. [12:38:43] No. This appended document was produced in realtime.
17 It was produced in realtime when these things were being said. You will
18 notice that the handwriting is not in order. It was hastily drafted and it was
19 done in realtime. No, no, no. No, no, no.

20 Q. [12:39:12] Mr Witness, a short time ago you talked to us about CECOS.
21 Did you hear any transmissions from CECOS?

22 A. [12:39:25] CECOS, no, not in particular. But I believe that CECOS was
23 on the UHF network which was commanded by Sandrak -- well, except that
24 the network may have been a special CECOS network. I cannot certify that it
25 was CECOS. What I know is that CECOS and the other units were certainly

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 on that network.

2 Q. [12:40:04] Very well. If I understand -- anyway, let me put it to you by
3 way of a question. When you heard the transmissions, were you able to
4 know whether the transmissions were from CECOS or not?

5 A. [12:40:22] No, I was not able to know whether they were CECOS
6 transmissions or other transmissions. You see, there was a police 2 network.
7 That police 2 network, I believe, was certainly under Sandrak, Nimbus and
8 the others. I told you a short while ago that this unit was one that brought
9 together several troops from different units, and they had come together to
10 implement their orders on that network. So I cannot tell you that -- there
11 was a VHF police network which was specifically assigned to the police, but I
12 cannot say the same of the CECOS.

13 Q. [12:41:17] Very well. Now, Mr Witness, you heard a number of
14 transmissions. Were you able to determine from your hearing or your
15 monitoring who CECOS was reporting to?

16 A. [12:41:48] Thank you, Mr President. I have understood. CECOS was
17 a unit that was not only made up of policemen; it was made up of troops,
18 including soldiers and gendarmes and policemen, who came into that special
19 unit at the time. It was a special unit not made up only of police people, no.

20 Q. [12:42:22] Okay. Now, Mr Witness, I would like you to again look at
21 annex number 1. CIV-OTP-0005-0021.

22 THE COURT OFFICER: [12:42:53] You said 0019?

23 MR DEMIRDJIAN: [12:42:56] Yes.

24 THE COURT OFFICER: [12:42:58] Thanks.

25 MR DEMIRDJIAN: [12:43:04] (Interpretation)

1 Q. [12:43:05] I would like you to go to the third page ending in 0021. At
2 the top of the page you see an example, a radio conversation 4 April 2011.

3 Can you see that, Mr Witness?

4 A. [12:43:27] Yes, I can see that.

5 Q. [12:43:29] Can you read out that first entry at 14.27, please.

6 A. [12:43:37] Well, one must say that on that day at 14.27 or thereabouts,
7 Cosmos, as I mentioned a short while ago, who was one who gave orders and
8 more or less the operations chief of the presidential guard on the field, he
9 asked from Cosmos to go to the Hotel Novotel, because -- I don't know who
10 he was talking to, because by the time I intercepted the conversation, he had
11 already called his -- the person on the other side. So "Go to the Novotel hotel
12 and get a package and take it to Atlas in Lingo, and to do the CR by cell
13 phone on the flotilla after accomplishing the mission."

14 PRESIDING JUDGE TARFUSSER: [12:44:44] Excuse me. Just to
15 understand, this has been written by you when? On 7 October or in the
16 immediacy?

17 THE WITNESS: [12:45:00] (Interpretation) No. No. If you look at my
18 notes, you'll see that this is not the case. I reproduced this to hand it over to
19 the staff. If you go through my stuff, you will see this entry in one of my
20 notes. That's why I told you that when I do a realtime recording, I don't
21 have the same handwriting. What I have here is a copy of the original. If
22 you look at the original, you will see exactly the same entry. But it was
23 copied here. It was copied because the handwriting here appears to be
24 proper when compared to a recording that was done live.

25 PRESIDING JUDGE TARFUSSER: [12:45:51] Just to make it clear, this is a

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 transcription from your original hand notes taking in the immediacy, done on
2 7 October; is this correct?

3 THE WITNESS: [12:46:08] (Interpretation) No. The event did not take place
4 on 7 October.

5 PRESIDING JUDGE TARFUSSER: [12:46:18] Not the event took place. The
6 event took place and you wrote it down on your notes, and then you
7 transcribed it later on 7 October 2011.

8 THE WITNESS: [12:46:37] (Interpretation) Yes, that is correct. If I
9 remember properly, according to the note, the event occurred on 4 March
10 2011. And it is when the people came to contact me that I copied my draft
11 and made a cleaner copy which I handed to them. That is what I did.

12 PRESIDING JUDGE TARFUSSER: [12:47:03] Why did you not give the
13 original to be copied on a photocopy machine? And by the way, I do not
14 understand why it was not seized in the original, but this is another question.
15 Why did you not give the original to be copied and you recopied it in good
16 writing, say so?

17 THE WITNESS: [12:47:29] (Interpretation) Well, I gave them everything I
18 had. I gave them to those people, and they made the photocopies and
19 everything. They must have a copy somewhere. I know that I gave it to
20 them. But I simply cleaned this up. But the original, Mr President, is still
21 available and I gave it to them.

22 PRESIDING JUDGE TARFUSSER: [12:47:55] Okay. Thank you.
23 Go ahead.

24 MR DEMIRDJIAN: [12:47:58] Thank you, Mr President.

25 Q. [12:48:01] (Interpretation) To be clear, you said, Mr Witness, 4 March.

1 We see 4 of 4 here. Is that 4 April?

2 A. [12:48:11] Yes.

3 Q. [12:48:12] First question: Now, what we see on this sheet, did you
4 produce a verbatim copy of it, that is a verbatim copy of the original?

5 A. [12:48:25] Yes. It is an exact copy of what is on the original. That is
6 what you have here. But the original was not written in this hand. It
7 should be further down. There were events that occurred earlier, but this
8 happened later. No, this is not the original.

9 Q. [12:48:49] Very well. Do you still have the original?

10 A. [12:48:54] Yes. That's what I was saying a short while ago. I didn't
11 even expect to have to come here. Then I moved a number of times in my
12 place. So in all of that, when I was told that I would be appearing here, I
13 started looking for those documents. But I didn't find them and I reported to
14 your staff accordingly. I told them I couldn't find my original copies. So
15 they told me it was not bad, but I took some time to look for it until the very
16 last day. In fact, I actually turned my whole house upside down looking for
17 the document. But I didn't tell anybody what I was looking for and why.
18 Miraculously, I was not able to find the document. What is certain,
19 however, is that that document must be somewhere in my house.

20 Q. [12:49:47] Very well, Mr Witness. Now, you used a term here, "CR."
21 Can you tell us what CR stands for?

22 A. [12:50:00] CR? CR is report. Report.

23 Q. [12:50:03] Very well. Then you say "to make available to Atlas in
24 Lingo." What does that mean?

25 A. [12:50:21] Well, Lingo is a call sign. It must be a call sign relating to a

1 location. For example, one can say Lingo can be the call sign for a particular
2 site. So you send a parcel to Lingo, to the OTP in Lingo. So Lingo might be
3 a location. Well, I don't think it's someone. I think it must be a location.
4 Someone, for example, in transmissions can, as I have told you, be referred to
5 as the transmission officer, and that's the person who should be able to
6 decipher all these call signs. It might be a human being, but -- it might refer
7 to human being, but it's more like a site, to my mind, on the field.

8 Q. [12:51:22] Very well. Now, Mr Witness, you heard the word
9 "package" here. Did you find out what the package was about?

10 A. [12:51:43] Yes. Thank you, Mr Prosecutor. But I must confess that I
11 did not find out what the package was about. However, however,
12 afterwards, a number of hours after, after some time, I learned over the TV
13 that people had been arrested at the Hotel Novotel, three or four persons
14 whose leader was Mr Lambelin, or something like that, that those
15 three -- those people had been abducted. And that's how I established some
16 kind of linkage between that package and those people. Otherwise, I don't
17 know what that package was about.

18 But when the television broadcast an arrest of people, I thought to myself
19 that it might have been related to the package. I don't know whether the
20 Ivorian TV showed this, but the radio broadcast that foreign nationals had
21 been arrested at the Novotel Hotel and that's why I came to the conclusion
22 that the package must have been related to those persons who had been
23 arrested.

24 Q. [12:53:12] Very well, Mr Witness. I will now move on to another line
25 of questioning for the last 5 minutes before the break. A short while ago you

1 told us that the police unit that was on the UHF network was in symbiosis
2 with the Republican Guard unit. What did you mean by that? What did
3 you mean by "symbiosis"?

4 A. [12:53:56] Thank you, Mr Prosecutor. I think that those two units
5 coordinated their actions. It would seem that they have the same
6 programme or they shared a common mission in the field. That was my
7 impression from my observation when it came to the implementation of
8 orders in the field. I believe that one could not have carried out a mission
9 without informing the other. That's my opinion.

10 Q. [12:54:32] When you say that's your opinion, what do you rely on to
11 come to that opinion?

12 A. [12:54:37] I rely on -- how do I put it now? I rely on the fact that on
13 the network you will hear things like "Contact such and such a person,"
14 "Contact such and such a figure of authority," "Such and such an authority
15 was what have you" and was on the VHF network as well as on the GR
16 network.

17 So you would see some kind of collaboration there which was non-existent
18 between the two networks and the gendarmerie, so that did not -- that kind
19 of collaboration did not exist between the two networks and the
20 gendarmerie.

21 Q. [12:55:39] Mr Witness, just for clarification, that police unit which you
22 were able to intercept on the UHF network, do you know where they were
23 based? Where were they located in Abidjan?

24 A. [12:56:18] Thank you, Mr Prosecutor. I think I already answered that
25 question when I said that I did not know where their headquarters were

1 located. I had no clue. However, I knew that the network was close to the
2 police. It was part of the police and was operating in that area.

3 I also said that it was a unit that brought together people from
4 different -- other units.

5 Q. [12:56:50] Very well. Do you have the code name for the base of that
6 unit?

7 A. [12:56:57] No, no. I don't. I don't, because it was -- it was not a
8 free -- it was a free network. It was not a specialised network such as the
9 VHF network of the police. When you have a specialised network, there is a
10 main station that coordinates transmissions and you cannot transmit or
11 communicate without the clearance of the PC. Now, that's a specialised
12 network.

13 But when you have a free network, everybody can speak openly on that
14 network. It's more or less open, so anybody can speak at any time. But
15 when there is an emergency, every other person is silent and the person with
16 the emergency speaks first, in an open network or free network.

17 Now, where there is a free network, as soon as the authority in charge of the
18 network comes on, everybody else goes silent and only that authority has the
19 floor.

20 MR DEMIRDJIAN: [12:58:12] Mr President, before I launch into my last
21 topic, would you mind if we could break now? I would probably have only
22 5 to 10 minutes tops after the break.

23 PRESIDING JUDGE TARFUSSER: [12:58:21] Okay. Thank you very much.
24 So let's go to lunch. So the Defence is advised to start immediately after the
25 Prosecutor has finished. Thank you very much. We come back at 2.30.

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 Yes.

2 THE COURT USHER: [12:58:37] All rise.

3 (Recess taken at 12.58 p.m.)

4 (Upon resuming in open session at 2.32 p.m.)

5 THE COURT USHER: [14:32:33] All rise.

6 Please be seated.

7 PRESIDING JUDGE TARFUSSER: [14:33:01] Good afternoon. Good

8 afternoon, Mr Witness. The floor is immediately back to the Office of the

9 Prosecutor for his questioning, which should finish, as I heard -- well, soon,
10 within the three hours, say, at least.

11 MR DEMIRDJIAN: [14:33:17] Absolutely, your Honours. Absolutely.

12 PRESIDING JUDGE TARFUSSER: [14:33:19] Thank you.

13 MR DEMIRDJIAN: [14:33:22]

14 Q. [14:33:22] (Interpretation) Good afternoon again, Witness.

15 A. [14:33:28] Good afternoon.

16 Q. [14:33:32] Before the break, we were discussing events that took place
17 in April of 2011. You heard about -- you talked about hearing Cosmos and
18 members of the Republican Guard. In April of 2011 you were in contact with
19 the Golf Hotel; is that correct?

20 A. [14:33:55] No, not in April. But I did have a friend who was there and
21 I would call him to inform him of what was going on on the ground.

22 Q. [14:34:12] Very well. So when were you in contact with that friend at
23 the Golf Hotel?

24 A. [14:34:22] Well, in the beginning, when people were going over to the
25 Golf Hotel, I happened to bump into him and we were talking about what

1 had happened. Things weren't closed yet. It was easy to get in. And once
2 roads were closed off, it was much more difficult to get into the Golf Hotel
3 and -- but he was the person I knew at the Golf Hotel.

4 Q. [14:34:54] Very well. During the post-election crisis, did you call the
5 Golf Hotel or did you call someone who was there?

6 A. [14:35:05] Yes, I called someone who was at the Golf Hotel to say this
7 and that.

8 Q. [14:35:15] Very well. Could you tell us why you called the Golf Hotel?

9 A. [14:35:18] Well, I called the Golf Hotel because that's where the
10 authorities were. All of the authorities from one side, they had all taken
11 refuge there. And so if I wanted to meet people, those were the ones who
12 were there. And so if I had heard about what was going on, I was able to tell
13 them to be careful.

14 MR O'SHEA: [14:35:54] I think your Honour has the same problem as me.

15 PRESIDING JUDGE TARFUSSER: [14:35:57] Let's wait a bit because I think
16 we have problems, all of us. Okay. I thought it's my incapability of
17 technicalities, but good.

18 So I'm not the only one, as I've heard, to have the same problem. We have
19 all problems, right, with the realtime transcript?

20 MR DEMIRDJIAN: [14:36:55] The French is working but I'm understanding
21 from my colleagues the English is not working.

22 PRESIDING JUDGE TARFUSSER: [14:37:01] The English is not working.

23 MR DEMIRDJIAN: [14:37:02] Yes.

24 PRESIDING JUDGE TARFUSSER: [14:37:03] But I think we have to -- I don't
25 know, to do something, probably restart the system, but I'll leave it to the

1 technicians. I think we suspend for a few minutes and come back when it's
2 fixed. Okay? Thank you.

3 THE COURT USHER: [14:37:27] All rise.

4 (Recess taken at 2.37 p.m.)

5 (Upon resuming in open session at 3.31 p.m.)

6 THE COURT USHER: [15:31:19] All rise.

7 Please be seated.

8 PRESIDING JUDGE TARFUSSER: [15:31:42] I don't know if my dream one
9 day will come true that we have no problems, technical I mean. Well, we'll
10 see. We have still some time to practise.

11 Please, the floor is to the Office of the Prosecutor.

12 MR DEMIRDJIAN: [15:32:03] Thank you, Mr President.

13 PRESIDING JUDGE TARFUSSER: [15:32:06] And I just wanted to say if -- as
14 it is already half past 3, or we go to 5, we make regular sessions; otherwise,
15 we could - but this is up to the Defence, entirely to the Defence - we could
16 stop after the Prosecutor but tomorrow we have to finish with three sessions.

17 But this is now up to you.

18 (Counsel confer)

19 PRESIDING JUDGE TARFUSSER: [15:32:48] I'm happy to announce that it
20 doesn't work, the transcript.

21 MR ALTIT: [15:33:18] (Interpretation) Thank you, your Honour. Having
22 discussed with the Defence team of Mr Charles Blé Goudé, we believe that it
23 is possible to suspend after the OTP finishes and resume tomorrow, and in
24 theory, unless something unexpected occurs, we should not need more than
25 one day.

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: [15:33:46] Nothing unexpected will occur,
2 I can tell you, okay? Because this is a gentleman's agreement, of course.
3 And I must say that the transcript is not working -- still not working.
4 MR MACDONALD: [15:34:07] In French it is working, your Honour. Not
5 in English.
6 PRESIDING JUDGE TARFUSSER: [15:34:10] I would say that ...
7 (Trial Chamber confers)
8 PRESIDING JUDGE TARFUSSER: [15:34:32] So the Chamber has decided to
9 continue. We look at the French transcript and we listen to the English
10 interpretation. This is also a good exercise. We go to the end of the
11 questioning by the OTP, then we suspend until tomorrow morning, 9.30
12 sharp, 16 -- we have the witness sent back home, okay? This is the
13 agreement.
14 Thank you very much.
15 The only thing is that I would like Wilfred to come here to change the
16 language in the transcript because the one we have is useless.
17 I give you, Mr Prosecutor, the floor in any case so you can start, although we
18 are working on it.
19 MR DEMIRDJIAN: [15:35:33] Thank you, Mr President.
20 Q. [15:35:36] (Interpretation) Good afternoon once again, Mr Witness.
21 Now, before the break, I put a question to you. I asked you why you had
22 called people at the Golf Hotel, and you said that you were reporting back,
23 telling people what was going on in the field. Could you tell us exactly what
24 you said during these conversations.
25 A. [15:36:06] Thank you, Mr Prosecutor. Earlier I said that I was not

1 working for the Golf Hotel. What I was doing was just voluntary. I was a
2 volunteer; no more, no less. But I did have a friend who was there, and I had
3 promised to him that if I had information from the field that could be of
4 interest to them, that I would call without fail, and that is what I did.

5 Q. [15:36:46] Very well. And who was this person, this friend that you
6 were in touch with at the Golf Hotel?

7 A. [15:36:54] Well, your Honour, I mean -- I beg your pardon, Mr
8 Prosecutor, if it's authorised, could the Presiding Judge allow me to give that
9 name in private session? If it's not allowed, I can do it in public.

10 PRESIDING JUDGE TARFUSSER: [15:37:15] It is obviously allowed to do it
11 in private, but if you can do it in public, it would be better. But where is the
12 concern? Well, let's do it in private and then we'll see to reclassify, just to cut
13 it short.

14 Please, can we go into private session for a moment.

15 (Private session at 3.37 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Open session at 3.38 p.m.)

1 THE COURT OFFICER: [15:38:48] We are in open session.

2 PRESIDING JUDGE TARFUSSER: [15:38:55] Thank you very much.

3 Mr Prosecutor.

4 MR DEMIRDJIAN: [15:38:58] (Interpretation) Very well.

5 Q. [15:39:02] Mr Witness, I'll now move on to another topic. This
6 morning, in response to a question from the Presiding Judge, you explained
7 how the various documents appended to your statement had been dated 16
8 December 2011, I believe. Do you remember that?

9 A. [15:39:25] Yes.

10 Q. [15:39:26] If I could elicit a clarification from you. If you go back to
11 October 2011 when you were being interviewed by the OTP investigators, so
12 the statement was taken on 5 and 6 of October and you signed the statement
13 on 7 October. When you got there on 5 October, did you come there with
14 these documents already prepared and written out or were you asked to
15 write something out?

16 A. [15:40:00] Those appendixes were written out by me there, not at home.
17 They asked me questions and that is when I wrote out those things, and the
18 documents were appended. I didn't do it at home and then come with the
19 documents. When he put questions to me, I tried to be selective and I wrote
20 up these documents, these notes, and they were appended to the statement.

21 Q. [15:40:29] A few moments ago we saw two examples of the
22 handwritten notes that were taken the very day. Was that document all
23 ready?

24 A. [15:40:45] Oh, the day of the event? That was drafted beforehand.

25 Q. [15:40:49] Very well. You have the six documents, the six annexes

1 before you; is that not the case?

2 MR DEMIRDJIAN: [15:41:00] Just a moment, if you don't mind.

3 (Counsel confer)

4 MR DEMIRDJIAN: [15:41:09] (Interpretation)

5 Q. [15:41:10] If you turn to appendix 6, this is CIV-OTP-0005-0031, entitled
6 "Annex 6" at the top of the page.

7 A. [15:42:03] No, I don't have any document, annex 6. Could we --

8 MR DEMIRDJIAN: [15:42:07] Just to make sure, he should have all seven
9 annexes with him.

10 Q. [15:42:54] (Interpretation) Did you find the document?

11 A. [15:42:56] Yes.

12 Q. [15:42:57] Now, does this fall into one category? For example, was it
13 drafted during the events or during the time of the interview?

14 A. [15:43:10] During the time of the events, when the events were
15 unfolding, right then and there. It is not something that I wrote out on the
16 spot when I was there.

17 Q. [15:43:21] Very well. And the second and last document is annex 7,
18 CIV-OTP-0005-0033, and it is entitled "Annex 7." Once again, I shall ask you
19 what category does this document fall into? Was it written at the time of the
20 events or was it written out at the time of the interview?

21 A. [15:43:53] In realtime, at the time of the events.

22 Q. [15:43:56] Very well. Thank you. Then, in response to a question
23 from the Presiding Judge this morning, at page 75, he asked you what
24 documents you had brought to the interview. You said this: "They
25 photocopied all of that."

1 Could you please think back to the time of the interview, October 2011, and
2 now we see this document right in front of us. Do you remember whether
3 the documents -- whether the interviewers selected various documents and
4 photocopied them or did it unfold differently? Did they photocopy other
5 documents?

6 A. [15:44:48] Well, the various documents there, those are documents that
7 were written by me, documents that -- the document that we discussed, I
8 don't find that document amongst your documents with the reference to the
9 package and picking up the package at the hotel. I don't see that one. But
10 this one -- that one was written right during the time of the events, right then
11 and there.

12 Q. [15:45:26] Very well. My question is very simple. Other than the
13 seven annexes that we have here today at the court, do you have other
14 documents?

15 A. [15:45:38] No, I don't have any other ones, other than the page that
16 deals with that hotel which I wrote out again here. But the original that I
17 wrote down right then and there, right in the heat of the communications, is
18 not there. But the one that refers to that is correct. There is no problem
19 there.

20 Q. [15:46:15] Very well. I'll now move onto something else. Could you
21 kindly have a look at annex 5. This is CIV-OTP-0005-0026. Once again, on
22 the left you'll see the title, "Annex 5." Can you see it?

23 A. [15:46:41] Yes.

24 Q. [15:46:41] Very well. So here we see page 1, and if you could kindly
25 move to page 2. And the title is "III Police." Have you found that one?

1 A. [15:47:01] Yes.

2 Q. [15:47:03] Very well. Could you read out the first three lines.

3 A. [15:47:11] Thank you, Mr Prosecutor. The first three lines: "The
4 interventions of the police must be placed into two categories. First
5 category, the classic police actions under the authority of the person referred
6 to as Omega." Should I keep on going?

7 Q. [15:47:42] Thank you. That is sufficient. Now, this morning, at page
8 70, I asked you who Omega was and you thought it might have been the
9 gendarmerie. Does this refresh --

10 A. [15:47:58] No, it's not the gendarmerie. It was the police. But that's
11 the police. Omega, the call sign Omega, that's the police.

12 Q. [15:48:09] Thank you.

13 A. [15:48:11] That's on the conventional network of the police.

14 Q. [15:48:15] Mr Witness, now the call sign Ramy, does that ring a bell?

15 A. [15:48:24] Ramy usually is a call sign that is quite common within the
16 police.

17 Q. [15:48:31] And do you know what that's all about?

18 A. [15:48:34] I don't know. I don't know whether it was a call sign for a
19 station or for an authority. But Ramy must be -- I think it must be either a
20 call sign for a station or for an individual. But I couldn't say exactly where
21 that might be.

22 Q. [15:49:05] If you look right down at the very bottom of the page --

23 A. [15:49:10] Yes.

24 Q. [15:49:11] -- could you read that out.

25 A. [15:49:16] Just the last sentence?

1 Q. [15:49:22] Yes, please. Last line, last sentence.

2 A. [15:49:46] "The call sign of their base is Ramy." So yes, as I was saying,
3 it might have been a call sign for a station. So yes, Ramy must have been a
4 call sign for a base.

5 Q. [15:50:01] Very well. If you look at the paragraph without reading it
6 out loud, could you tell us which unit we're talking about?

7 A. [15:50:11] No. It can only be a call sign for the police.

8 Q. [15:50:18] Thank you, Mr Witness. I'll now move on to one last topic.
9 Now, this morning, when we looked at the first annex, the first document, we
10 saw that you had said that on the Republican Guard network you found some
11 call signs, Apollo and then --

12 A. [15:50:43] Apollon and Lingo.

13 Q. [15:50:53] Thank you.

14 MR DEMIRDJIAN: [15:50:55] Your Honours, this last term, I will not go any
15 deeper into it, but this is -- it relates to a document which is already
16 submitted. And where you will find the definition of Apollon and who it
17 relates to, it is in document, for your reference, CIV-OTP-0012-0257.

18 And that completes my examination, your Honours. Thank you very much.

19 PRESIDING JUDGE TARFUSSER: [15:51:20] That is much shorter than I
20 expected. It's even shorter than the regular hours.

21 MR MACDONALD: [15:51:34] That is why, your Honour, could we have the
22 total number of hours that we took for this as a guidance so that we can finish
23 tomorrow indeed within the set time period?

24 THE COURT OFFICER: [15:51:47] The Prosecution has used 2 hours, 18
25 minutes.

1 PRESIDING JUDGE TARFUSSER: [15:51:52] 2 hours, 18 minutes. I don't
2 want to be the one who breaks the agreement, but if we could start now for
3 half an hour, it would be good. Otherwise, we stop here and we continue
4 tomorrow, as agreed just before.

5 MR ALTIT: [15:52:22] (Interpretation) Yes, your Honour. Listen, we are in
6 the hands of the Chamber which shall make the right decision. We are ready
7 in any event. If I've understood correctly, we were supposed to -- if we
8 continue, we will keep ongoing until 4.30? We are ready. Yes.

9 Your Honour, I do wish to put a question that has nothing to do with this
10 since I'm on my feet. My learned friend --

11 PRESIDING JUDGE TARFUSSER: [15:53:04] You said it has nothing to do
12 with this. With what? It has to do with the trial?

13 MR ALTIT: [15:53:09] (Interpretation) It has nothing to do with the issue of
14 exactly when we shall begin or the questions. It is more having to do with
15 the duration. I didn't quite understand the remarks made by the
16 Prosecution. If I've understood correctly, he wanted to know how much
17 time they had used to calculate how much time we should have? And I see
18 that Mr MacDonald is nodding.

19 MR MACDONALD: [15:53:42] (Interpretation) Quite so.

20 THE INTERPRETER: [15:53:43] Overlapping speakers.

21 PRESIDING JUDGE TARFUSSER: [15:53:45] Please.

22 MR ALTIT: [15:53:46] (Interpretation) Your Honours, I would like to make
23 our position known to you. When the Prosecution says that they will take 3
24 hours, for example, and they move quickly and they spend 2 hours, that does
25 not mean that the non-calling party should see its time reduced. I think

1 we've been quite clear about that particular point. I put the question to the
2 Chamber, as far as we are concerned, we were expecting a certain amount of
3 time to put questions to the witness. The Prosecution went quickly - that is a
4 good thing - but that does not mean that we should be obliged to reduce ours.

5 PRESIDING JUDGE TARFUSSER: [15:54:39] I just want to make absolutely
6 clear that the management powers of the hearing is in the hands of the
7 Chamber and not of the parties. It's not the Prosecutor; it's not the parties.
8 So that's why I tried to limit also the questioning about this. I think it's not
9 up to the parties to discuss this. We will give guidance.

10 But in the directives, it's said that double the time spent by the Prosecutor,
11 something like this. But we will come back to this. And you will have all
12 the time needed, don't worry. But it's not about the 5, 10 minutes, but we
13 have to be -- to manage the time in a manner that we can go ahead
14 expeditiously in this trial. This is the only sense of it.

15 So I would ask you -- well, half an hour, I think we could start and then we
16 break at 4.30. So it's sort of a compromise between what we said before and
17 what should have been. Thank you very much.

18 MR ALTIT: [15:55:50] (Interpretation) Many thanks, your Honour. The
19 examination of this witness shall be conducted by Mr O'Shea on behalf of the
20 Gbagbo Defence team.

21 PRESIDING JUDGE TARFUSSER: [15:56:07] Thank you very much.

22 Mr O'Shea.

23 MR O'SHEA: [15:56:41] Thank you, your Honours.

24 QUESTIONED BY MR O'SHEA:

25 Q. [15:56:47] Good afternoon, Mr Dosso. My name is Andreas O'Shea

1 and I represent the interests of Laurent Gbagbo in this trial.

2 During the course of your evidence today, you spoke about the fact that
3 during the crisis certain subordinates were not -- were being, as it were,
4 disrespectful towards their superiors based upon what you heard through
5 the transmissions, and one of the translations that came through was the
6 expression "shut up." So on the basis of what you were listening to, was it
7 common to hear this kind of insubordination?

8 A. [15:58:15] Thank you, sir. If I could set the record straight, this
9 morning I said that this network -- the various networks, in particular the
10 Republican Guard network was a disciplined one and the rules of
11 transmission were proper, suitable for both higher ranking people and lower
12 ranking people.
13 I said that the gendarmerie, in general terms, there were some subordinates
14 who did not obey the leaders, and you could see that by the way they would
15 respond. For example, if the boss would send a message that did not meet
16 with their approval, they might say something like, "Shut up, scaredy-cat."
17 I'm sorry to have to say this expression, "Ta mère, con" which could -- your
18 mother wears army boots or something perhaps even worse. That kind of
19 remark was quite common. One heard that quite often on that particular
20 network.

21 Q. [15:59:37] And did you get the impression from what you heard that
22 certain commanders had effectively lost control over subordinates?

23 A. [16:00:11] Well, you could say that. Once authorities issue
24 instructions, and the answer that the authority hears is an insult, that
25 supposes that these authorities no longer have control over their men. That

1 is obvious. And it was a different kettle of fish on the GR network. On that
2 network, there was complete control. The authority had complete control
3 over the network.

4 Q. [16:00:47] And can we say on the basis of what you were listening to
5 that the situation with respect to the chain of command became more chaotic
6 as time went on in the crisis?

7 A. [16:01:19] Well, going by what we heard mainly on the gendarmerie
8 network, the impression I had was that some troops no longer obeyed orders
9 because when the order was given to not shoot, to collect conventional
10 weapons and do not fire real or live bullets, and the answer they get is "Shut
11 up" and so on and so forth, what does that mean? It means that they no
12 longer had control.

13 However, let me repeat that those who reacted in that way did not disclose
14 their call signs. And given that this was not a digital network, it was not
15 possible to identify who was reacting in such a manner. So it was an
16 analogue system and therefore it was not digital.

17 Q. [16:02:27] In your statement that you gave to the Office of the
18 Prosecutor, at paragraph 53, you stated the following, and I'm quoting in
19 English on this occasion, rarely:

20 "In general, during the crisis, subordinates did not respect their leaders. It
21 was the same in the police, the gendarmerie and the army. Commanders
22 were no longer in charge. The whole situation was a mess."

23 In that quotation, you say that it was the same in the police, the gendarmerie
24 and the army. So why today do you put the gendarmerie aside in this
25 analysis?

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 A. [16:03:49] Well, I don't quite follow which paragraph you're referring
2 to. Which paragraph are you referring to?

3 Q. [16:03:57] Well, I don't necessarily want you to have your statement in
4 front of you, but I've read out the part that I want you to focus on and I will
5 read it again.

6 A. [16:04:16] I don't have that paragraph with me.

7 Q. [16:04:21] Yes, I believe in fact that what you have in front of you are
8 annexes and not your statement in any event.

9 PRESIDING JUDGE TARFUSSER: [16:04:31] Yes, you should not have the
10 statement in front of you in any case. Do you have the statement in front of
11 you? No.

12 THE WITNESS: [16:04:40] (Interpretation) No, no. Please proceed.

13 PRESIDING JUDGE TARFUSSER: [16:04:45] Yes. The lawyer is talking
14 about the statement you gave to the Office of the Prosecutor and not the
15 annexes. Okay. Just listen.

16 MR MACDONALD: [16:04:54] Just to clarify, your Honour, that the practise
17 has always been to cite to the paragraph to situate the record. We need to
18 provide the ERN number of the statement and the paragraph.

19 PRESIDING JUDGE TARFUSSER: [16:05:08] Of course. Yes, yes.

20 MR MACDONALD: [16:05:10] And my colleague -- I understand the
21 witness. But he doesn't have his statement in front of him so it has nothing
22 to do with that.

23 PRESIDING JUDGE TARFUSSER: [16:05:16] Yes, but the ERN number is not
24 something for the witness but is something for the record. Please, paragraph
25 53 of the statement, and the ERN number.

1 MR O'SHEA: [16:05:30] Yes, of course, your Honours. There is, of course,
2 only one statement for this witness, but in any event, it's
3 CIV-OTP-0005-0002-R03, and it's page CIV-OTP-0005-0010.

4 MR MACDONALD: [16:06:00] I'm sorry, your Honour, just for you -- briefly
5 for you to know, the reason also is that some statements have a number of
6 pages and also it enables the opposing party to look if the quote is quoted in
7 full so that the sense of what is being put to the witness is honest. So that's
8 why we're asking that. It's not to be disturbing. I'm just doing it now so
9 that it's clear where we're coming from.

10 PRESIDING JUDGE TARFUSSER: [16:06:35] But we are doing this all the
11 time, Mr MacDonald. So it's nothing new. It's a year we are here now. We
12 are doing this all the time. This is a statement of 15 pages, not a transcript of
13 thousands. So it's easy to find paragraph 53. Please.

14 MR O'SHEA: [16:06:53] This is it. It's just a short statement and the witness
15 has one statement. But I have no problem with reading out the ERN. It just
16 seems a bit unnecessary in the circumstances.

17 But in fact, the proper ERN, because I'm told that there are, in fact, two
18 versions of this statement - it's the same statement; just two versions
19 electronically - so the proper reference is CIV-OTP-0096-0694-R01, page 0702,
20 paragraph 53.

21 Q. [16:07:38] So, Mr Dosso, I will read this part of the statement out again,
22 and if you listen carefully, then you'll have an opportunity to comment. I
23 quote:

24 "In general, during the crisis, subordinates did not respect their leaders. It
25 was the same with the police, the gendarmerie and the army. Commanders

1 were no longer in charge. The whole situation was a mess."

2 So you're saying to the Office of the Prosecutor that the situation was the
3 same for the police, the gendarmerie and the army, and here today you're
4 saying that the position was not the same with the gendarmerie. The
5 gendarmerie was disciplined.

6 PRESIDING JUDGE TARFUSSER: [16:08:57] No, I don't think this is right.

7 MR DEMIRDJIAN: [16:08:59] This is incorrect, your Honours. That is not
8 what the witness said.

9 MR O'SHEA: [16:09:03] Oh, is that right?

10 PRESIDING JUDGE TARFUSSER: [16:09:04] Disciplined are the Garde
11 Républicaine, Republican Guard.

12 MR O'SHEA: [16:09:09] Oh, I see. Sorry. Sorry. Yes. Sorry, Witness.
13 That's my mistake. That's my mistake, your Honour.

14 Q. [16:09:24] I'm sorry, Mr Witness. That's my mistake. So with the
15 police, the gendarmerie and the army, the position is the same; is that right?

16 A. [16:09:33] Yes. Thank you, sir. I'm very happy that you pointed this
17 out. What I said is that it was clear upon the network when it came to the
18 gendarmerie, because the responses were instantaneous. Even the police on
19 the UHF network, I can give you an example. One day one of the persons on
20 that network said, "We are tired. Give us our per diems." And I don't know
21 whether it was Sandrak or someone else who answered and said -- on a
22 network that had no discipline, he said the following: "Can you take down
23 the name of the person who has made that statement?"

24 So, you see, in that case there was some discipline. When it came to the
25 army, I didn't listen to the army. I don't know whether they had a UHF

1 network. But in any event, the army was in such a state that at some point
2 subordinates no longer had any respect for the higher ranking officers. And
3 that phenomenon began with the coup d'état in 1999, and from that time
4 indiscipline set in within the army -- within our army. So the basic rules of
5 the army basically disappeared and at some point it was the soldiers who
6 would be speaking while the officers were just there. And everyone was
7 aware of this fact. It's not relating to the network only. It was a material
8 fact.

9 Q. [16:11:40] And did you get the impression from what you were
10 listening to that there was a degree of mistrust within the members of the
11 FDS?

12 MR DEMIRDJIAN: [16:12:04] Just a second, your Honours. I think the
13 witness just said he was not able to listen to the army, so perhaps we need
14 some foundation before we get to that. He just said he wasn't able to listen
15 to the army communications.

16 MR O'SHEA: [16:12:18] Well, the FDS is all the forces.

17 PRESIDING JUDGE TARFUSSER: [16:12:20] It's altogether. I mean the FDS
18 is a cumulative name for all forces, I think.

19 MR DEMIRDJIAN: [16:12:27] Maybe we should be more specific then, yes.

20 MR O'SHEA: [16:12:30] Well, I'm using the FDS as it is intended, as a generic
21 term.

22 PRESIDING JUDGE TARFUSSER: [16:12:36] I also think that this is quite
23 clear. That's what he said.

24 MR O'SHEA: [16:12:42] Yes.

25 Q. [16:12:44] So based upon what you did hear, did you get the

1 impression that there was a degree of mistrust among members of the armed
2 forces, those that you listened to?

3 A. [16:13:07] Thank you, sir. Let me repeat. FDS is a term that
4 comprises many things. It is -- it is a set of a number of security units,
5 including the army, the gendarmerie, the police, forest guards and what have
6 you, they are all part of the FDS.

7 But each entity within that set had its own network, and I was only able to
8 monitor three of those networks. I repeat: I never -- I never listened to the
9 army.

10 Q. [16:13:56] The question is simply this: That those forces that you did
11 listen to - don't worry about those you didn't listen to - those forces that you
12 did listen to, did you get the impression that there was a degree of mistrust
13 among the members?

14 A. [16:14:09] Thank you. I'm not in a position to measure the level of
15 trust within the forces because they were not on the same frequency. If they
16 had been operating on the same frequency and on the same network, and the
17 manner in which they were reporting demonstrated some measure of
18 mistrust, then I would have been in a position to say that there was some
19 level of mistrust. But each unit managed and ran its own network. There
20 was no common network to my knowledge which used the same frequency
21 for all the forces, as far as I knew.

22 PRESIDING JUDGE TARFUSSER: [16:15:01] Please, let him finish.
23 Otherwise, we have a problem with the translation.

24 MR O'SHEA: [16:15:13]

25 Q. [16:15:13] The question has been misunderstood, Witness. I'm not

1 talking about as between the different forces. Let's break it down. Within
2 the police, when you were listening to the police's network during the crisis,
3 did you get the impression from what you were listening to that there was
4 some mistrust as between different individuals within the police? Let's start
5 there.

6 A. [16:16:10] Thank you, sir. At this level it was not possible for me to
7 determine whether there was mistrust because each individual would
8 respond to a call and execute whatever was said, and they wouldn't say
9 whether such and such a person or such and such a group was not listening
10 or was listening.
11 However, if there was a confidential matter to be dealt with, what I can say is
12 that all such matters were dealt with by telephone across the networks.
13 Now, if there was something confidential which the authorities didn't want
14 to be heard by all and sundry, they would ask their counterpart to call on
15 mobile phone, and that is why most of the communication within the
16 gendarmerie was carried out by telephone.

17 Q. [16:17:11] Now, if we come back to the quotes from your statement that
18 I just read out, you say:
19 "Commanders were no longer in charge. The whole situation was a mess."
20 In those circumstances, would it be right that you could find a person giving
21 orders who, strictly speaking, wasn't the right person to be giving those
22 orders? Is that something you noticed?

23 A. [16:18:12] Thank you, sir, but I have not understood your question.

24 PRESIDING JUDGE TARFUSSER: [16:18:17] I have not understood it either.
25 Can you make it more simple? Thank you.

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

1 MR O'SHEA: [16:18:25]

2 Q. [16:18:25] Well, within the armed forces there is a specific chain of
3 command, and on the basis of what you said, it would appear that to some
4 extent that chain of command may have got a bit upset.

5 PRESIDING JUDGE TARFUSSER: [16:18:52] But this is what he said this
6 morning.

7 THE WITNESS: [16:19:09] (Interpretation) Am I expected to say anything?

8 MR O'SHEA: [16:19:25]

9 Q. [16:19:25] Right. Now, when you spoke with the Office of the
10 Prosecutor, when you met with the investigators, how many times did you
11 meet with those investigators?

12 A. [16:19:59] I sincerely confess that I don't know how many times. I did
13 not take notes. I really don't know. I think they are able to know whenever
14 they convened me, I would show up. And whenever I met them, they gave
15 me something like transport, which I never accepted because I told them that
16 I will never accept even 5 francs because I was never going to testify because
17 of money.

18 I know they called me several times. I don't know how many times. But
19 each time they called me, I showed up.

20 Q. [16:20:46] Okay. Try to just focus your answers.

21 PRESIDING JUDGE TARFUSSER: [16:20:49] Please.

22 MR O'SHEA: [16:20:50] I'm sorry.

23 PRESIDING JUDGE TARFUSSER: [16:20:53] Yes.

24 MR O'SHEA: [16:20:57]

25 Q. [16:20:58] Try to just focus your answers to the specific question which

1 I'm putting to you, if you can.

2 When you came with the materials, in other words, the notes which you had
3 written down, do you remember if that was the second or the third occasion
4 that you met with the Prosecutors?

5 A. [16:21:36] Thank you, sir, but I'm not able to be specific in that regard.
6 I gave them the material during one of our meetings. Whether it was the
7 first, second or third, I really do not remember. What matters is that I gave
8 them the documents. And I didn't take stock of the number of meetings. I
9 don't know whether it was 1, 2, 3 or 20. No, no, no. Now, whenever they
10 called me, I showed up.

11 Q. [16:22:06] Did you go with those notes on your own initiative or were
12 you asked to bring them?

13 A. [16:22:25] Thank you. I was asked whether I had any notes and I said
14 yes, I had some notes. So I brought them along, the notes which I had taken
15 down, and I gave the notes voluntarily. I could have told them that I didn't
16 have any and nothing would have happened. But I told them that I had
17 those notes. They asked me and so I gave them the notes without any
18 pressure, without anything whatsoever.

19 Q. [16:23:11] So the first time you were interviewed, you did not have the
20 notes with you and you were asked to bring them; is that right?

21 A. [16:23:32] As far as I can recall, yes, that's it.

22 Q. [16:23:44] And then when you brought them to the Office of the
23 Prosecutor, can you give the Chamber an idea of the quantity of notes that
24 you had when you came to the interview with your notes.

25 A. [16:24:06] Well, volume? Well, not much. A few sheets that I had

1 gathered. Almost this amount, plus/minus one sheet, something like that.

2 Q. [16:24:24] So those notes which were not voluminous, which you
3 brought, did they constitute the entirety of the notes which you had or a
4 portion of those notes which you had at home or in your office or wherever?

5 A. [16:24:53] Thank you, sir. I did not have an office. I told you that I
6 was already on retirement. So I brought those materials from my home.
7 Nothing voluminous. I could simply hold them in a file, in a small file.
8 That's it.

9 Q. [16:25:11] And the question is, those notes that you brought, are they
10 the entirety of the notes that you had?

11 A. [16:25:23] Thank you, sir. I don't know whether you understand what
12 I'm saying. Everything that I had in my possession I brought. I did not
13 have anything else, neither in the file, nor anywhere else. Whatever I had
14 with me is what I gave to the gentleman who had invited me.

15 Q. [16:25:52] So when you gave evidence today - and this is at page 72,
16 line 1, of the English transcript, which unfortunately is not available but I give
17 the reference anyway - you said the following to my learned friend, you said:
18 "Well, I gave them everything I had. I gave them to those people, and they
19 made photocopies --" I'm not sure if it was "and everything" or "of
20 everything." But you gave them everything, you gave them to these people
21 and they made photocopies. Were you present when they were making the
22 photocopies?

23 A. [16:26:56] Yes, I was there. They photocopied it before me.

24 Q. [16:27:05] And did they photocopy everything?

25 A. [16:27:11] Well, I gave them -- I gave them the material and they

1 photocopied everything. They were there. They looked at the material and
2 they took what they were interested in. They photocopied everything and
3 gave me the copies.

4 PRESIDING JUDGE TARFUSSER: [16:27:30] And gave you the originals, not
5 the copies.

6 THE WITNESS: [16:27:36] (Interpretation) Yes, the originals, which I had, I
7 gave them to them. They made the photocopies in my presence. I was
8 there. And then when they finished, they put everything back together and
9 gave back my file, which I took with me as I left.

10 MR O'SHEA: [16:27:58]

11 Q. [16:27:59] Just to be clear, from what you observed, everything that you
12 handed over was photocopied, or just a part of it?

13 A. [16:28:12] What I'm saying is that it was photocopied. But the only
14 page which I don't see in the lot in my hands now is the page on which I
15 wrote down the message about the hotel. I don't have that page in this
16 bundle. But, fortunately, I transcribed that information to this page, which is
17 an exact copy of what was given on that day. But the original copy I don't
18 find in this bundle. Otherwise, everything else is an exact complete copy,
19 without any exception.

20 MR O'SHEA: [16:29:04] Your Honours.

21 PRESIDING JUDGE TARFUSSER: [16:29:12] You're looking at the time.

22 MR O'SHEA: [16:29:14] Yes.

23 PRESIDING JUDGE TARFUSSER: [16:29:14] Okay, good. Let's stop it here.

24 Thank you for having started, at least.

25 Now, Mr Witness, we break for today. We will come back tomorrow at

Trial Hearing
WITNESS: CIV-OTP-P-0045

(Open Session)

ICC-02/11-01/15

- 1 9.30, and you can rest assured that by tomorrow you can go back home.
- 2 Thank you very much.
- 3 The hearing is adjourned to tomorrow morning, 9.30.
- 4 THE COURT USHER: [16:29:46] All rise.
- 5 (The hearing ends in open session at 4.29 p.m.)