

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 Thursday, 9 February 2017
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:47] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:09] Good morning. Good morning
15 to everyone.
16 Just three small things before we start. The first is the oral decision
17 about -- on the request by the Defence of Mr Gbagbo to call as witnesses the
18 OTP investigators in relation to the issues which arose during the
19 questioning by Witness P-106. After having heard the parties, the Chamber
20 rejects the request on the basis that the investigators' version of the facts and
21 how they unfolded is clearly established in the reports submitted in the
22 record of the case.
23 The second thing I want to deal with is the extension of time requested
24 yesterday. I'm referring to filing 798 confidential. The Chamber, not
25 opposing the parties and participants, grants the extension of time, and I

1 would add that the extension of time is so long that I would like to have a
2 work without mistakes done. Thank you.

3 Third, yesterday the witness during his testimony said some heavy words,
4 say so. Therefore, a note to the interpreters into English:

5 In three instances the witness reported having heard swear words as follows:
6 "Ta mère, con", tais-toi là-bas, peureur."

7 French transcript at page 26, 15 and 16. This was interpreted into English as
8 "scaredy-cat, peur," and then capital letters A-O-U-R in the English
9 transcript, page 60, line 25.

10 Further on, the witness said "Taisez-vous, peureux, achetés, ta mère, con."
11 French transcript 93, page 93, 26 and 27 lines, which was interpreted as,
12 "Shut up, scaredy-cat."

13 And at French transcript 94, line 21, the witness said, "ta gueule, ferme
14 là-bas, peureux," which was interpreted as "shut up" and so on and so forth.

15 Well, I would like to take this opportunity to say that the English
16 interpretation given in all these three instances does not appear a literal
17 translation, and I do not think that it is adequately -- I do not think that it
18 adequately conveys the sense of what has been said by the witness.

19 The interpreters are instructed to interpret literally the exact words said by
20 the witness without trying - and I understand the intent, the good intent
21 behind - without trying to soften or otherwise alter the translations, neither
22 to apologise for the words used by the witness, which was always also done.

23 What matters in a courtroom is what is said is conveyed in all working
24 languages in a way that is as close as possible to the original version. This
25 also applies to swear words, as the case may be. So just not apologise. The

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1 witness says and you report.

2 Thank you very much.

3 MR MACDONALD: [9:38:25] Thank you, your Honour. But just to be fair
4 also to the interpreters, your Honour, I think it's the witness himself who was
5 also at the same time apologising for using swear words in the courtroom to
6 the Chamber. So I remember a few times the witness himself said it, just to
7 also recall that, your Honour. Thank you.

8 PRESIDING JUDGE TARFUSSER: [9:38:51] Yes. I said when it is said.
9 And I don't think to be unfair to the interpreters, because if you say "out of
10 fairness," that means that I'm unfair by saying this. I just try to keep the
11 record straight. The interpretation is extremely important and the
12 interpreters are doing the best work -- the best work possible. But I think
13 this is important to reiterate that it must be said as much as possible, the same
14 things in another language which is said by the witness.

15 So now I think we are ready to continue the questioning of this witness.
16 Please, court officer, could you call the witness in. We had started yesterday
17 by the Defence of Mr Gbagbo. And as I said, this witness has to finish
18 today. And if it finishes early, we should have on standby the next witness
19 to come in as soon as this is finished, just to tell you what the way forward is.

20 THE INTERPRETER: [9:40:16] Message from the interpreters: We take
21 note of the Presiding Judge's instructions. The English booth stands by its
22 renderings of the various swear words that were used yesterday.

23 (The witness enters the courtroom)

24 WITNESS: CIV-OTP-P-0045 (On former oath)

25 (The witness speaks French)

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1 PRESIDING JUDGE TARFUSSER: [9:40:41] Good morning, Mr Witness.

2 THE WITNESS: [9:40:48] (Interpretation) Good morning, ma'am.

3 PRESIDING JUDGE TARFUSSER: [9:40:53] We continue today with the
4 questioning by the Defence of Mr Gbagbo and immediately followed, once
5 the Defence of Mr Gbagbo has finished its questioning, by the Defence for
6 Mr Blé Goudé.

7 You feel okay? Everything is okay? You are ready?

8 THE WITNESS: [9:41:18] (Interpretation) Your Honour, everything is fine.

9 PRESIDING JUDGE TARFUSSER: [9:41:25] I give the floor to Mr O'Shea, I
10 think, for his questioning.

11 MR O'SHEA: [9:41:32] Good morning, your Honours.

12 Thank you, Mr President.

13 QUESTIONED BY MR O'SHEA: (Continuing)

14 Q. [9:41:42] Good morning, Mr Dosso.

15 Now, yesterday you explained to the Chamber that you handed all of your
16 notes over to the Prosecution, that there was one page that you noticed was
17 not there in the annexes. Now, in your statement at paragraph 60, your
18 statement to the Office of the Prosecutor, you say the following, and I quote,
19 this is at paragraph 60:

20 "The investigators in my presence selected a few of those notes.

21 Photocopies of these documents are attached to my witness statement."

22 So is that incorrect, that they selected a few of the notes?

23 A. [9:42:58] Thank you, counsel. I handed the documents over to them.

24 They chose the ones that they thought were useful and they gave me back. I
25 think I gave them my documents.

1 Q. [9:43:25] Now, did the representatives of the Office of the Prosecutor
2 discuss with you what they were going to select?

3 A. [9:43:51] No, we didn't talk about that. They looked at the pages, they
4 photocopied, and then they gave them back to me. We didn't do a selective
5 choice of documents.

6 Q. [9:44:11] Well, when you say "we didn't do a selective choice of
7 documents," are you saying that the Prosecutor photocopied everything as far
8 as you know?

9 A. [9:44:44] I think -- I think they photocopied everything. In any event,
10 the only thing I don't see, the only page I don't see is the one about the hotel.
11 But I had taken that -- I think it was in the summary. It was photocopied all
12 the same.

13 Q. [9:45:06] Did you explain the contents of the documents to the
14 investigators before they took them and photocopied them, or afterwards?

15 A. [9:45:24] Well, I didn't explain. I said here, this is what I took -- the
16 notes that I took in the field, the notes based on the communications from the
17 networks. They looked at them, they photocopied them, and that's it. I
18 didn't say "Well, that's what I noted." I took notes. I didn't jot down
19 everything. But I did take notes. And some -- about certain networks, the
20 three networks, the police, the gendarmes and the Republican Guard.

21 Q. [9:46:04] And am I to understand you correctly that the originals, you
22 can't find them?

23 A. [9:46:18] Well, I would really have to look, but I think -- I had some
24 remodelling done at home and I don't quite know where the documents went
25 to. That was six years ago. I was told -- well, I started to look. I couldn't

1 find them. But I'm sure that if I really look very carefully I could find them
2 once again.

3 Q. [9:46:51] Now, this one aspect of the documents which you say you
4 cannot see, as far as you know, is that something that was part of the parcel
5 which was given to the Prosecutor?

6 A. [9:47:18] Yes, that was part -- that was part of the documents. I didn't
7 have any sort of preferential documents. There were some there, but there
8 was really no preference. I took notes and I left them there. And no one
9 really said that this piece of paper is more important than that one.

10 Q. [9:47:45] And this page that you cannot see, can you explain as best
11 you can what its contents was?

12 A. [9:47:53] The page in question I said? I said, for example -- for
13 example, Cosmos said on the network, he called a local element - I didn't hear
14 the call sign - and he asked one of the men to go to the hotel to pick up a
15 package. And then there was a negative -- and to provide -- and to hand it
16 over to Atlas.

17 Well, I don't have the document right here at hand. It was a call sign but a
18 call sign indicating a location. And basically he was saying, "Take the
19 package to that location. Hand the package over to Atlas." That is what
20 the document was about. But it was really at the very end of the page.

21 Q. [9:49:07] Now, the equipment that you were using for listening, is this
22 equipment which you had taken from your workplace?

23 A. [9:49:20] It was a document that I had. And as for the regime, all you
24 needed was some means. I just had an ordinary radio, really. I had
25 equipment. Everyone was listening to the radio frequencies in Abidjan,

1 so -- but I must say that the radio set I had was part of what I had before.

2 Q. [9:50:01] And when you say it was part of what you had before, was
3 this equipment which you had taken from your place of work?

4 A. [9:50:23] No, I didn't take it from my place of work.

5 Q. [9:50:33] So this is equipment which you yourself had purchased.

6 A. [9:50:40] No, I didn't buy it. I acquired it. I didn't buy that particular
7 piece of equipment. I acquired it. Everyone -- I said that it was a particular
8 network and really anyone could buy a radio set, and that would be fine. It
9 wasn't special.

10 Q. [9:51:01] But when you say that this was not equipment which you
11 bought, where did the equipment come from? How did you acquire it?

12 A. [9:51:16] Through acquaintances. Through acquaintances. Some
13 things that I took, I kind of -- well, I took them and I said to myself, "That
14 might be useful one day." But I really didn't think it would be particularly
15 useful. It was there. And, of course, when the thingamajig -- when the
16 events began, I said to myself, "Oh, I have a set. I'll just see. If the
17 frequencies are still there, I'll go see." And indeed I took the radio set. It
18 was the same frequencies as ten years beforehand. And it worked, so I took
19 advantage of having that equipment to listen in.

20 Q. [9:51:58] When was this equipment given to you?

21 A. [9:51:59] It must have been just after -- after the coup d'état, '89 -- '99,
22 July 1999.

23 Q. [9:52:29] And who gave it to you?

24 A. [9:52:43] Who gave it to me? I myself. Well, you see, everyone had a
25 set. I said earlier that it was part of the equipment. And some of the

1 equipment, it was for me. And when the coup d'état occurred, everyone left
2 with their pieces of equipment, just like me and others. Some people took
3 their weapons with them. Some people left with their weapons. And,
4 really, they never asked for the stuff back, so we kept the pieces of
5 equipment, kind of like a souvenir.

6 Q. [9:53:32] So are you saying that this equipment originally belonged to
7 the state?

8 A. [9:53:41] Yes, of course. The set belonged to the state, just like the
9 weapons that other people took. They belonged to the state.

10 Q. [9:54:03] You were a transmissions officer, weren't you?

11 A. [9:54:11] I am not a transmission officer. I was an operator, a
12 transmissions operator. I was not a transmissions officer. I did play that
13 role, but fundamentally I was a transmissions operator.

14 Q. [9:54:35] Was there a protocol that you had to follow in terms of the
15 equipment you had in your possession at the time you were using it for
16 work?

17 A. [9:55:04] A what? A what that was followed?

18 Q. [9:55:11] Were there rules which you had to follow relating to --

19 A. [9:55:16] Yeah.

20 Q. [9:55:18] -- the equipment which you used at your workplace when
21 you were a transmissions operator?

22 A. [9:55:28] No. There weren't any particular instructions. And we gave
23 radio sets to people who thought we would -- who needed to use the radio
24 sets.

25 Q. [9:55:51] So was there no rule in place that you were not permitted to

1 use such equipment for private purposes?

2 A. [9:56:01] Well, there were rules, regulations. As soon as you left,
3 you -- if you left under normal conditions -- well, you see, the conditions that
4 other people left in were not normal positions. So just about everyone left
5 with the various pieces of equipment, and I was one of those people. We
6 took the equipment and we left. But we were never asked to come back and
7 return the equipment.

8 It was like -- it was all sort of filed away. It wasn't a permanent thing. We
9 didn't really even take care of that. So there were regulations. And if you
10 left, you were supposed to leave all your stuff, all your military stuff. If you
11 had a weapon, you were supposed to leave it behind. But under those
12 conditions, that's not what happened. The people who left with the
13 weapons, they kept their weapons. The people who left with other things,
14 they kept them.

15 Q. [9:57:13] But whatever the political circumstances in the country, didn't
16 you, as a transmissions operator, have a duty to return your equipment to the
17 institutions of the state? Was that not part of the directions, the instructions
18 which were given to you when you were working?

19 A. [9:57:38] No, no, no. That's not -- what you are saying is not the way
20 of it. It is true that you have to hand over the weapons and that, but we left
21 under conditions -- you know, afterwards, you were going to be told
22 that -- well, you couldn't even go to the actual place because you might get hit
23 by a bullet. You just couldn't. So what are you to do?

24 And even, I mean, if you just follow logic, when it comes to transmissions,
25 after such an event, your primary role of the people -- well, the first thing the

1 people on the network should do is change frequency. And I saw that ten
2 years later -- ten years later the same frequencies were being used, ten years
3 later.

4 Q. [9:58:42] Now, this equipment which you were using, which you had
5 originally been using as a transmissions officer, is it your position that this
6 equipment could be bought from anywhere, the specific equipment that you
7 were using, or are you saying that anyone can get equipment and use it in the
8 same way?

9 A. [9:59:18] You could buy it at any time. Anyone could go and buy that
10 kind of equipment in Abidjan or elsewhere. And those sets, well, they were
11 in the hands -- they were BAB sets that could have been bought by anyone at
12 the market and just tuned in to the particular frequency. It wasn't
13 complicated.

14 Not just those sets, not at all. All the sets could listen to those networks.
15 They were analogic networks.

16 Q. [10:00:00] So the equipment that you were using as a transmissions
17 operator within the armed forces was no more advanced than any other
18 equipment available on the market; is that the case?

19 PRESIDING JUDGE TARFUSSER: [10:00:17] Well, he said this. I mean --

20 MR O'SHEA: [10:00:19] Well, he hasn't said this, your Honour.

21 PRESIDING JUDGE TARFUSSER: [10:00:21] Yes. But if you can buy it
22 anywhere, it's the same. It's just the same thing in other terms.

23 MR O'SHEA: [10:00:26] Well, I'm interested in his specific equipment. I'm
24 interested in his specific equipment. Your Honour believes that certain
25 things are implied, but I have a duty to make sure that they're clear.

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1 PRESIDING JUDGE TARFUSSER: [10:00:42] They are clear, I would say.

2 MR O'SHEA: [10:00:44] Well, then, I'll move on. Your Honour's comment is
3 on the record.

4 Q. [10:01:03] Now, when did you -- when did you start listening privately
5 to security forces and FDS through this equipment?

6 A. [10:01:35] Well, with this equipment, it was right after the elections,
7 right after the election results were announced, and that the security situation
8 had become difficult. I said to myself, "Well, I'm going to listen, because
9 there have been a lot of crimes committed in this country, and I'm going to
10 listen, because it's very difficult to find who gave the orders, who did what.
11 And if I can listen and hear, maybe I will be able to discover those things." I
12 said to myself, "There have been so many crimes in this country; it's time to
13 put a stop to it."

14 So I felt that if I listened to the various networks, I could target the
15 individuals who gave the orders, because before someone is killed, someone
16 else has to give the order, and that was my motivation. That was my first
17 motivation.

18 And, secondly, for my own personal security, to know whether I could go
19 out and buy bread or go out and buy sugar without having any particular
20 problem, that was my motivation.

21 Q. [10:03:09] Witness, I didn't ask you about a motive. My question was
22 when.

23 PRESIDING JUDGE TARFUSSER: [10:03:13] Well, he said it clearly when
24 and then he continued. But he said it clearly in the beginning.

25 MR O'SHEA: [10:03:21] Well, your Honour, please.

1 PRESIDING JUDGE TARFUSSER: [10:03:23] No.

2 MR O'SHEA: [10:03:24] He has not given a date or a year. All he said is that
3 when things -- when things, you know, began to get difficult, essentially,
4 that's when he started listening privately. And then he went onto say things
5 which were not in answer to my question.

6 PRESIDING JUDGE TARFUSSER: [10:03:43] Well, these things -- this
7 equipment -- this equipment -- "it was right after the elections, right after the
8 election results were announced." That's what he said. "... been a lot of
9 crimes committed in this country." This is what I read. The election is a
10 day. "Right after the elections" is quite an identifiable period.

11 MR O'SHEA: [10:04:07] Your Honour is right, but I'm just directing the
12 witness to please not add other things because he should answer my
13 questions. I think that's our protocol here.

14 Q. [10:04:29] So are we looking at the month of November 2010?

15 A. [10:04:46] Well, I'm talking about right after the proclamation of the
16 election results. If it was November, then that's when I started. Yes, right
17 after, because it was right after that things went south.

18 THE INTERPRETER: [10:05:09] Overlapping speakers, please.

19 MR O'SHEA: [10:05:26] I'm sorry, your Honour.

20 Q. [10:05:30] Were you listening on a daily basis?

21 A. [10:05:38] No, not every day. Not all the time either. Well, when I
22 had some time. It wasn't a main concern, but when I had some time in the
23 morning or at noon, some -- whatever time during the day when I had some
24 free time, I'd turn on the radio and I'd listen. I didn't have a precise
25 schedule. No, I didn't have a precise schedule. I listened in occasionally.

1 Q. [10:06:15] On average, how many hours a week would you say?

2 A. [10:06:21] Well, if I were to add it up over a day, not more than 1 hour
3 per day. I would listen for 10, 15 minutes and I'd turn it off and then do
4 something else. So I don't have the entire conversations. I wasn't fixated on
5 listening.

6 Q. [10:07:02] And for how long were you doing this?

7 A. [10:07:07] Well, from those days until it all finished in April.

8 Q. [10:07:17] So for about five months, perhaps one hour a day?

9 A. [10:07:35] Yes, that's possible. Yes, that's possible. At least an hour
10 per day all told. Until the month of April when the hostilities stopped, or
11 let's say when most of the stations stopped broadcasting, that's when we
12 stopped -- that's when I stopped. And after that there wasn't much of
13 anything.

14 Q. [10:08:13] And each time that you were listening to the radio, were you
15 taking notes?

16 A. [10:08:22] Yes, of course. Yes. Well, whatever I thought was
17 interesting from my point of view. You can take a look in the documents.
18 There were certain things that I didn't necessarily note down. When I heard
19 something that seemed important to me, that's what I would jot down.

20 Q. [10:09:06] So if you were taking notes during this five-month period,
21 why is it that you -- when you met with the Office of the Prosecutor you only
22 had in your possession essentially a couple of sheets of paper, two or three
23 sheets of paper, with contemporaneous notes?

24 A. [10:09:42] Well, three or four sheets of paper, that's what you're saying,
25 but in fact I jotted down what I thought I should note. If I note one fact

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1 today and I'm listening for an hour, I don't need to note down everything. I
2 might -- on one particular day, I might not write down anything. So it could
3 be a year, one sheet of paper; a year, a thousand sheets of paper. It could be
4 the same. If I listened and I didn't jot anything down, why would you want
5 there to be lots of pieces of paper?

6 Q. [10:10:21] So at the time you met with the Office of Prosecutor, you had
7 not lost any notes.

8 A. [10:10:35] No, that's normal. When I met with the OTP, I had my
9 notes with me. And each time I was asked to come in, I took my notes with
10 me in a folder. I took the notes with me.

11 Q. [10:11:05] So why is it that these annexes reflecting the documents
12 which were photocopied by the Office of the Prosecutor don't reflect dates
13 over those five months from November to April?

14 A. [10:11:43] Well, the sheet of paper that you saw where there were
15 things I didn't note down -- well, I would put the date when I had
16 information. If I had nothing to write down, I didn't mention the date.
17 Why would I mention the date?

18 Let's say I'm listening this morning, and if there is nothing to note down -- I
19 didn't say that I sat down and jotted down absolutely everything every day.
20 On the contrary, I noted down things that I found interesting over that
21 six-month period. If there was only one sentence that I was interested in,
22 that's what I jotted down. It isn't as if I was sitting there writing everything.
23 Otherwise, I could have recorded. And I didn't have that. Thank you,
24 your Honour.

25 Q. [10:12:45] Why did you not find the exchanges on the ONUCI network

1 interesting?

2 A. [10:12:58] Well, on the ONUCI network, I noted that it was an in-house
3 network, if you will, for their own security, for the security of the personnel.
4 If someone was at home, for example, and they would radio in to find out if
5 they could go somewhere, it was an in-house network. It didn't really have
6 any usefulness in terms of what I was interested in. It was for the security of
7 the ONUCI personnel.

8 Q. [10:13:38] When you were listening during the crisis, did you hear
9 reference to rebel attacks?

10 A. [10:14:00] Well, as regards rebel attacks, when I was listening to the
11 network, the rebel attack as such, I was listening. I'm sure you can find the
12 date somewhere. Cosmos -- Cosmos said one day, "There are people leaving
13 Adjamé." I don't know whether there's a rebellion or what, but there was a
14 column of at least 10 people that was leaving Adjamé, going to the chief of
15 staff, toward the Plateau neighbourhood.

16 And that day, as I said, Cosmos was very virulent in his -- the way he spoke
17 on the network. And he had his soldiers, his men, and he realised that a
18 column was on its way, a column of men. And that's why I said yesterday
19 that the Republican Guard network was a disciplined network. They
20 reported to Cosmos. And I heard Cosmos say, "Treat," in inverted commas,
21 "Treat them all and take their weapons. Treat them all or process them all
22 and take their weapons."

23 I am absolutely convinced that the entire column was treated, as he said,
24 processed.

25 Q. [10:15:52] So this transmission that you listened to that you've just

1 described, your understanding was that this related to a confrontation
2 between the FDS and rebels.

3 A. [10:16:11] Well, you could say it that way. But in my opinion, it was
4 the day when people were marching to the palace. It was that column of
5 men. That's what they were talking about. And I'm 100 per cent certain of
6 the order given by Cosmos in order to stop them. And I didn't hear anything
7 else amongst the people who reported to Cosmos regarding people leaving
8 Adjamé, going to Deux Plateaux.

9 Q. [10:17:08] Were there other instances where you listened to
10 transmissions where reference was made to rebel attacks?

11 A. [10:17:24] Well, I don't know what you mean by "rebels". I was
12 listening. I was -- that's all. And I know that at the Plateau, anyone who
13 was going to Plateau, they were fighters who were going to the Plateau.
14 Cosmos said -- his attitude -- he used the expression, "Treat them. Put them
15 in horizontal position." That's what he said. I'm not exactly sure who he
16 was referring to, but I can tell you that the entire area in Plateau, Cosmos had
17 full control. And he knew the neighbourhood perfectly, point by point.

18 Q. [10:18:30] Do you have difficulty with the use of the word "rebels"?
19 You said, "I don't know what you mean by 'rebels'." Does the word "rebels"
20 trouble you as a term?

21 A. [10:18:45] No, no, that doesn't bother me. No, it doesn't bother me at
22 all. What I'm saying is that when Cosmos gave orders, he didn't use the
23 word "rebels". That's why I said what I said. He never said, "The rebels are
24 coming." And he mentioned -- he talked about attackers. He said, "There
25 are attackers." I'm not uncomfortable with the word "rebels," but it's not a

1 term that was used.

2 Q. [10:19:41] So if the word "rebels" was not used on transmissions, it was
3 effectively impossible, was it, to say in which incidents rebels were involved
4 and in which incidents rebels were not involved.

5 A. [10:19:59] Well, sir, from my point of view as regards the rebels, I had
6 no means of listening to what they were saying. I don't even know if they
7 had a network. The networks I was intercepting, the three networks, it was
8 the network of the Republican Guard that I followed in particular. That's the
9 one I really followed carefully, and I'm speaking very sincerely here.

10 Q. [10:20:41] The question is this: When you were listening to
11 transmissions involving confrontations, you did not know what the call sign
12 for rebels was, did you?

13 A. [10:21:12] Well, sir, I am not familiar with the call signs. I don't even
14 know if they had a radio network. I have no idea. I never intercepted them.
15 I never listened. I don't even know. Maybe they did have a radio network,
16 but I was not familiar with the frequency they used.

17 Q. [10:21:34] But when you were listening -- when you were listening to
18 the state authorities, when you were listening to the FDS, you did not know
19 what call sign or what code the FDS would use when they were talking about
20 rebels; is that right?

21 A. [10:22:04] Well, no. To my knowledge, they didn't have a code word
22 or a call sign. I don't think they had a specific code word to identify the
23 rebels. I don't think so. Perhaps they did, but I was not aware of that.
24 And in my analysis I was not able to discover that a particular code word or
25 call sign was used to refer to the rebels.

1 Q. [10:22:44] The point is that if a word was used on a transmission and
2 that word was, in fact, designated to mean rebels, since you didn't know if
3 there was a code for rebels or what it was, you would be none the wiser when
4 you were listening, would you?

5 MR DEMIRDJIAN: [10:23:07] Your Honours, I think now this last question is
6 asking the witness to speculate because, first of all, we don't even know if
7 there was a code for rebels within the FDS. So it's an if, if --

8 PRESIDING JUDGE TARFUSSER: [10:23:25] Without going further.

9 MR DEMIRDJIAN: [10:23:27] Yes. Yes, exactly.

10 MR O'SHEA: [10:23:28] It's all right. I'll move on.

11 Q. [10:23:58] Now, you say you don't know the call signs of the rebels.
12 Did you ever listen to transmissions which sounded like they were
13 communications from rebels, in other words, those forces which opposed the
14 government of Laurent Gbagbo?

15 A. [10:24:24] Thank you, sir. I said that I never listened. I never
16 intercepted a network that belonged to the rebels, as you refer to them. I
17 never listened to that network. In fact, I don't even know if they had a
18 network. You know, in a city like Abidjan, you have to have a site, you have
19 to have equipment, in order to have a network. So I don't know whether
20 those you refer to as the rebels had the means necessary to have a network,
21 because all of the higher points were in Cocody or in -- so I don't know
22 whether they had a network. In fact, I never listened to it. Until the very
23 last day, I never heard any rebel speaking on a network. I never heard
24 anyone. I was sitting at home like everybody else, and I never heard any
25 such communication.

1 Q. [10:25:58] Now, I don't know whether you would consider Commando
2 Invisible as rebels or not, so I ask you this question: What about Commando
3 Invisible? Did you listen in to communications from the Commando
4 Invisible?

5 A. [10:26:18] Thank you. I think you're trying to take me astray. Right
6 from the start, I told you that I listened to three networks and now you're
7 asking me about Commando Invisible. And if I had listened, I would have
8 said so. I've already said that I listened to three networks. It would seem to
9 me logical that we keep to those three networks - the Republican Guard, the
10 police and the gendarmerie. I don't know but ...

11 Q. [10:26:51] Before you started listening regularly to those three
12 networks, did you already know what the frequencies were or you had to
13 find them, or you fell on them by accident?

14 A. [10:27:15] Well, the radio set that I had, which I kept at home
15 throughout the period, the frequencies were pre-set. But anyone could have
16 such a set. All you needed was to have a set in the frequency band of 140
17 mega. That's it. That's all you needed. They weren't anything special. It
18 wasn't particularly sophisticated equipment. It was something you could get
19 in the street. Anybody could buy it. It wasn't secret. There was nothing
20 secret.

21 Q. [10:28:20] But you were working as a transmissions operator some
22 years before you were listening privately to transmissions. Did the
23 frequencies of these networks not change for security reasons, for the very
24 reason that they don't want people listening in?

25 A. [10:28:49] Could you repeat that? What do you mean certain

1 frequencies changed?

2 Q. [10:28:52] All the networks that you listened to, the Republican
3 Guards, the police.

4 A. [10:29:04] Thank you. Well, what I said is that the networks that I left,
5 if you will, when I left, that is the gendarmerie, the Republican Guard, they
6 stayed on the same frequencies. The only exception was the second UHF
7 network. The police network, it was a UHF network. The others were VHF.
8 Otherwise, all the others stayed on the same frequencies. The UHF network
9 had a new frequency that I was not familiar with.

10 But, you know, it wasn't encrypted, it wasn't protected, so you could listen.
11 Yeah, you could intercept it.

12 Q. [10:30:00] So these networks that you listened to, the frequencies never
13 changed. Did you sometimes randomly go through to try and find other
14 frequencies to see if there were other forces out there to listen to, or you never
15 did that?

16 A. [10:30:21] When would that be?

17 Q. [10:30:23] When you were listening privately during that five-month
18 period.

19 A. [10:30:31] Well, I said I listened to the three networks over a five-month
20 period. I didn't listen to any other network. Except when I happened upon
21 the ONUCI network, I would listen. But if I noticed that it was a network
22 dealing with their own security and did not have anything to do with what
23 was happening in the field, I did not continue to listen to them.

24 Q. [10:30:58] Did you have a system in place for filing your notes that you
25 took?

1 A. [10:31:08] No, I didn't. I just jotted down the notes. No, I didn't have
2 a system.

3 Q. [10:31:20] And where did you keep your notes?

4 PRESIDING JUDGE TARFUSSER: [10:31:29] You must repeat the question
5 because it was not on the -- it was not heard.

6 MR O'SHEA: [10:31:36] Your Honours, yes.

7 Q. [10:31:37] Where did you keep your notes?

8 A. [10:31:46] The notes? At home, next to my bed, generally speaking.
9 Well, when I was moving and organising things at my home, unfortunately I
10 don't know where the file ended up. And I'm really quite unhappy to have
11 not been able to find that file. You see, if I had ever imagined that I was
12 going to appear before this Court, I would have kept that file very carefully.
13 Now, you see, once calm returned to the city, I was no longer concerned
14 about those things.

15 Q. [10:32:29] At the time of the crisis, did you know about the existence of
16 the International Criminal Court?

17 A. [10:32:42] Of course, I knew of the existence of the ICC, yes.

18 Q. [10:32:59] And at the time of the crisis, were you aware of the
19 possibility that the situation in Ivory Coast may end up here?

20 A. [10:33:12] I think that the situation in Côte d'Ivoire since 2000 or 2002
21 or thereabouts, until 2011, everyone was talking about the ICC. All
22 politicians, all stakeholders were mentioning threats about such and such a
23 person ending up in the ICC, but nobody knew that it would actually happen
24 in fact. But when the calm returned, people thought that every -- some
25 agreement had been reached, but no one really believed that it would end up

1 here. Yes, I had heard mention of people and the ICC, but there was some
2 measure of exaggeration in talking about people ending up at the ICC.

3 Q. [10:34:20] And when you were listening after the elections, did you see
4 a change of government as a realistic possibility at that time? In other
5 words, did you believe at that time that Ouattara may come to power?

6 A. [10:34:50] Thank you, Mr President. In my humble opinion, I never
7 had any doubts that Ouattara would end up in power, especially when one
8 looks at the PDCI-RDR coalition. There was no doubt whatsoever to my
9 mind that Ouattara could not end up being president of the republic. It was
10 very clear and certain.

11 Q. [10:35:33] And at the time of the crisis when you were listening to these
12 transmissions, did you think that when that happened, when Ouattara came
13 to power, that crimes committed in Ivory Coast would be punished? Did
14 you think about that possibility?

15 A. [10:36:01] Yes, of course. Ouattara came to power, and he said that
16 justice will be done for everybody. If I am here today before you, I believe it
17 is because of the need to establish this justice. So I can assert that under
18 Ouattara, establishing or re-establishing justice is not a joke. And I am here
19 today to make a contribution to the truth so that justice can be established and
20 so that justice can be done to all and sundry.

21 Q. [10:36:58] And at that time when you were listening to the
22 transmissions, did you think about the possibility that one day, because of
23 what you were doing, you may be a witness before a court?

24 PRESIDING JUDGE TARFUSSER: [10:37:12] Yes. But we are here really
25 speculating, speculations and --

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- 1 MR O'SHEA: [10:37:17] There is no speculation here.
- 2 PRESIDING JUDGE TARFUSSER: [10:37:19] What do you think what he can
3 do one day, it's a speculation.
- 4 MR O'SHEA: [10:37:22] There is no speculation here, your Honour. I'm
5 addressing the witness's state of mind --
- 6 PRESIDING JUDGE TARFUSSER: [10:37:27] No.
- 7 MR O'SHEA: [10:37:28] May I speak?
- 8 PRESIDING JUDGE TARFUSSER: [10:37:29] Yes. But you cannot say -- if I
9 say it's a speculation, it's a speculation. To me, it is a speculation.
- 10 MR O'SHEA: [10:37:33] May I speak?
- 11 PRESIDING JUDGE TARFUSSER: [10:37:35] Yes, please.
- 12 MR O'SHEA: [10:37:36] In my respectful submission, it's not a speculation.
13 What I am addressing is what the witness's state of mind was at the time that
14 he was listening to these transmissions. I'm not speculating on anything. I
15 want to know what his state of mind was at the time.
- 16 MR DEMIRDJIAN: [10:38:02] Your Honours, now that I've heard my
17 learned friend, I would say it goes beyond speculation. Now it enters the
18 domain of irrelevance. There is no relevance at all, what the state of mind of
19 the witness was when he's taking these notes. What matters is we have the
20 notes. I don't see where we are going with these questions.
- 21 PRESIDING JUDGE TARFUSSER: [10:38:21] I think the witness is here to
22 talk about facts and not what -- nothing else. The facts he has perceived,
23 seen, and he can give testimony about.
- 24 MR O'SHEA: [10:38:33] And it's my duty to test the witness and to test the
25 witness's evidence.

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1 PRESIDING JUDGE TARFUSSER: [10:38:40] Yes, that's what your --

2 MR O'SHEA: [10:38:41] And it's entirely -- entirely relevant as to what this
3 witness's state of mind was at the time that he was dealing with these radio
4 transmissions. We have a small selection of -- you know, it pains me that I
5 have to discuss this in front of the witness.

6 PRESIDING JUDGE TARFUSSER: [10:39:01] No, no. Don't discuss it, then.
7 If it pains you, don't discuss it. We know -- I know what you want to say.
8 Please keep it short and come to a conclusion on what he thinks and what he
9 thought that he would do.

10 MR O'SHEA: [10:39:15] Your Honour, thank you.

11 PRESIDING JUDGE TARFUSSER: [10:39:17] Thank you.

12 MR O'SHEA: [10:39:19]

13 Q. [10:39:19] Witness, when you were listening to these transmissions, at
14 that time did you consider the possibility that you may have to give evidence
15 in court one day?

16 A. [10:39:36] No, I did not think that I was ever going to testify. Never,
17 never.

18 PRESIDING JUDGE TARFUSSER: [10:39:52] I didn't want to interrupt. But
19 that he didn't know that he would ever come here to testify, he already said
20 that. So this is -- I didn't stop you because I wanted to let the witness say for,
21 I think, the third time that if he had ever thought to come here, he would have
22 brought the documents. So he didn't think to come here.

23 MR O'SHEA: [10:40:22] Well, that's another issue, your Honour, as to what
24 he said before. But I was building a foundation before I reached that
25 question, and I'm afraid to say that the intervention of my learned friend and

1 your Honour may very well have turned the way this evidence has gone,
2 because my questions were perfectly legitimate, they had a specific reason,
3 and I really feel that I was not able to accomplish my objective.

4 Q. [10:41:09] Witness, you said earlier in your evidence that you did not
5 record the transmissions which you heard. Was there any reason why you
6 could not obtain recording equipment in order to do so?

7 A. [10:41:45] There was no way for me to acquire a tape-recorder. If I
8 had tapes and a tape-recorder, I would definitely have done so. Now, if in
9 that effort I had ever imagined, if it had ever crossed my mind that I was
10 going to appear here to testify, I would have done everything possible to do
11 those recordings and bring them here as evidence. I never believed that this
12 was ever going to happen. If I had planned that such was going to be the
13 case, I would have done everything to have the necessary resources to do the
14 recordings. That's it. That's it. And that's why I didn't record.

15 Q. [10:42:39] Did there come a time when you approached the prosecuting
16 authorities in Ivory Coast with the information that you had?

17 A. [10:42:52] Who are you referring to as "autorités de l'accusation" in
18 French?

19 Q. [10:43:13] Did you approach the authorities in Ivory Coast with a view
20 to transmitting to them the information which you had from these
21 transmissions?

22 A. [10:43:34] Well, sir, yesterday I told you that I never was ever contacted
23 by the authorities of Côte d'Ivoire current at the time who were confined at
24 the Golf Hotel. I never had any contact with any of those authorities, except
25 my friend whose name I mentioned here. Yes, to him, I told him what I have

1 just said regarding Cosmos. When he said to terminate the column of 10
2 persons, I told him. I called him at the hotel and told him, "Be careful.
3 Access to the hôtel du Golf is difficult. So please, before you do anything,
4 take all necessary precautions." Yes, I called my friend to tell him that
5 between friends. But no authority ever contacted me. Nobody ever gave
6 me a mandate. And it is out of my own personal decision that I did it.

7 Q. [10:45:07] When the crisis came to an end when Laurent Gbagbo had
8 been arrested and removed from his presidential residence, after that time,
9 did you not approach the authorities to say, "I have significant information
10 which I've heard through transmissions during the conflict"?

11 A. [10:45:43] Thank you, sir. I think you are in a better position than I am
12 to conduct investigations. I never met any figure of authority to tell them
13 that I had documents. I am not a seller of documents. I never said, "I have
14 some documents for you." Never. And I never saw any authority come to
15 me, asking if I had any intelligence. Never, never, not to this day.
16 Now, to go to Côte d'Ivoire, you can go there yourself, conduct an
17 investigation, and ask them whether I ever gave any documents to any of my
18 colleagues or to any authority. Even my friend whom I called, I never gave
19 him a document. I called him on the telephone.

20 Q. [10:46:31] If that's the case, Witness, then how did you come to be in
21 contact with the International Criminal Court?

22 A. [10:46:53] Please, maybe you should ask the Court how they contacted
23 me.

24 Q. [10:47:12] Well, what do you know about it?

25 A. [10:47:26] Well, what I know is that I never contacted anyone from the

1 Court to tell them that, "Please come." No. I have a friend, a European
2 friend, with whom I have conversations, and I told him that there is some
3 intriguing information that I have about this matter concerning the hotel.
4 This is what I heard. This is what I heard. That European friend is of
5 French nationality. So he said, "Is that true?"
6 I said, "Yes." And so I explained to him. But then I said, "I am not sure."
7 Now, when I heard that there was a package to be collected from the hotel
8 and that subsequently on RFI, France 24, and so on and so forth, I heard over
9 the media that some people had been kidnapped, I thought about that
10 package.
11 So he said to me "Very well. If that's the case, we are here. I am going to
12 introduce you to the TF-1 team." The TF-1 team had a programme and I've
13 forgotten the title of that programme. The anchor was Mr Rosenberg or
14 something like that.
15 Now they contacted me. I did not know them. It was through those
16 Europeans that these persons contacted me. They came and asked me some
17 questions, to which I provided the same answers. I said, "This is what I
18 know about this case.
19 It might not be true what I'm telling you, but please cross-check. I've given
20 you a call sign, Cosmos. Please cross-check. Cosmos must know
21 something about what was going on."
22 And I think it is from there that TF-1 aired the programme and probably
23 thereafter -- sir, are you listening to me? You asked me the question.
24 PRESIDING JUDGE TARFUSSER: [10:49:46] We are listening to you. Don't
25 worry.

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1 THE WITNESS: [10:49:51] (Interpretation) Very well. Very well,
2 Mr President.

3 It is after that programme was broadcast, "7 to 8" on TF-1, I believe that it
4 was thereafter that the investigators of the ICC got wind of it and they
5 looked for me and they found me. And then they told me that they were
6 interested. And, of course, I had a document and it was for me to tell them
7 what I knew. So I wasn't there to tell lies or to say I didn't have anything,
8 because I had something.

9 Then they asked me if I had any other material, and I said, "Yes, I have other
10 material" on this situation in relation to what I had done, and that's how we
11 came into contact with each other. I never went to sell a bundle of papers to
12 the ICC or to invite them to come look for me. No, they looked for me and
13 they found me.

14 MR O'SHEA: [10:50:53]

15 Q. [10:50:53] Mr Dosso, I didn't mean any discourtesy by turning around.
16 Sometimes I have to consult with other team members. And I can still hear
17 you talking even when I have my earphones out, although it's not as effective.
18 So don't worry, I was still listening to you. But no discourtesy was meant.
19 Have you after the crisis ever been interviewed by prosecuting authorities in
20 Ivory Coast?

21 A. [10:51:45] No. And for what purpose?

22 MR O'SHEA: [10:52:06] I'd like to please bring up document

23 CIV-OTP-0007-0078-R02. And it's public, as far as I know. No?

24 Confidential. Confidential.

25 MR DEMIRDJIAN: [10:52:58] Mr President, yes, I apologise for interrupting

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1 my learned friend. I'm hoping that this will be helpful. The last question
2 was whether the witness was met by the prosecuting authorities, and the
3 answer is no.

4 My learned friend wants to pull up a document, and I'm not going to go any
5 further, but I would like him to pay attention to the authority, because if he's
6 intending to challenge the witness --

7 PRESIDING JUDGE TARFUSSER: [10:53:26] We will --

8 MR DEMIRDJIAN: [10:53:27] Yes.

9 PRESIDING JUDGE TARFUSSER: [10:53:27] -- we will see. We will be
10 very --

11 MR DEMIRDJIAN: [10:53:31] Conscious, yes.

12 PRESIDING JUDGE TARFUSSER: [10:53:36] -- attentive.

13 MR O'SHEA: [10:53:59]

14 Q. [10:54:13] Witness, if you look at the document which is in front of you,
15 where it says:

16 (Interpretation) "I, Dosso Sinaly, born on 3/3/1949 ..."

17 (Speaks English) That's the second paragraph. Is that you?

18 A. [10:54:55] Yes, yes, that's correct. That's me. Please proceed.

19 Q. [10:55:02] And we go to the second page of the document. Is that your
20 signature?

21 A. [10:55:22] Yes, that is my signature.

22 Q. [10:55:27] And if we go to the first paragraph, it reads as follows, and I
23 quote in French:

24 (Interpretation) "The year 2011, 12 July, I, Koffi K. Simplicie, Prosecutor of the
25 Republic Court of First Instance Abidjan Plateau, acting as Judicial Police

1 Officer, open investigation into the post-electoral crisis."

2 Q. [10:56:24] So you were in front of Koffi K. Simplice, the procureur of
3 the republic at the tribunal of first instance at Abidjan Plateau, acting in
4 quality as an officer of the judicial police; is that correct?

5 A. [10:56:53] Yes, counsel. The document you are referring to is correct.
6 And yesterday I said here that I had been contacted by people of the
7 judiciary, and it all happened after the programme was broadcast on TF-1.
8 They are the ones who came to my place. They called me. And then I
9 went -- I went there because they had a cell towards Deux Plateaux. And
10 then the Prosecutor received me and told me what had happened. And of
11 course what is here is what I told him. Yes, I said this to the Prosecutor.
12 In the meantime, the Prosecutor was transferred in early -- and since then I
13 have not had any contact with the judiciary. So the matter to my mind was
14 closed. And I have provided the information and I thought that they no
15 longer needed me. You have done well to point this out. And yesterday I
16 indicated that I was contacted by the judiciary, but there was no follow-up.
17 What is written in this report is what I said myself to the prosecutor.

18 Q. [10:58:21] So it was these national authorities who took the initiative of
19 coming to you, not the other way around.

20 A. [10:58:44] Not the contrary, no. I didn't go towards them. Not the
21 contrary.

22 Q. [10:58:48] I'll just read the third paragraph down in the same
23 document, and I quote in French:

24 (Interpretation) "I hereby spontaneously provide you with some information
25 relating to the post-election crisis. When the crisis broke out, I decided to

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1 observe the behaviour of the FDS, particularly those of the Republican
2 Guard, through the VHF network."

3 (Speaks English) So you say here that you came to spontaneously give
4 information; is that right?

5 A. [11:00:06] No, that's not correct. I was contacted by the Prosecutor.

6 Did I -- did I know the Prosecutor to go to see him spontaneously? No. I
7 didn't know anyone. I didn't go to the judiciary myself. I was called up, I
8 was told that they there had been a programme, and things followed up from
9 there. Between the prosecutor and investigators, there must have been some
10 discussions and they are the ones who called me. So I didn't go
11 spontaneously, so to speak, to brandish the documents. I disagree with that
12 interpretation. However, what is written here right to the end, I believe that
13 this is what I said, yes. I am the one who said it and that is the truth. But
14 the idea of going spontaneously, I don't see any problem with that.

15 MR O'SHEA: [11:01:09] Your Honours, if that's a convenient moment.

16 PRESIDING JUDGE TARFUSSER: [11:01:11] It's a convenient moment for
17 one question by me.

18 When was it that this programme on the French TV was recorded? Can you
19 remember the date or the period? And I'm referring to the television
20 programme "7 à 8" of TF-1 channel.

21 THE WITNESS: [11:01:57] (Interpretation) Mr President, I don't have the
22 exact date in my mind, but that event occurred, I believe, after the departure
23 of the authorities who were there. If memory is not failing me, this recording
24 could not have taken place when President Gbagbo was there. That was
25 not -- that would not have been possible. Nobody would have taken the

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1 chance to go do such a recording, particularly since it was recorded in public.
2 So it must have been done one week or the week after he left power, in that
3 bracket, in that time frame. But while he was still there, one could not have
4 had the balls to do so. It would have been impossible.

5 PRESIDING JUDGE TARFUSSER: [11:03:02] Just to be clear, you say it was
6 after 11 April and maybe a few days later, not -- for sure not before 11 April.

7 THE WITNESS: [11:03:12] (Interpretation) I think that it was not before 11
8 April. When the others were arrested, they were at l'hôtel du Golf, those
9 gentlemen. I think it was after, after 11 April, because neither myself nor the
10 European journalists could have dared to take out their cameras and start
11 filming out there. It would not have been possible at the time.

12 PRESIDING JUDGE TARFUSSER: [11:03:45] Excuse me. Just immediately
13 after or, say, days, week? Within April? Just to -- if you can try to recollect
14 this.

15 THE WITNESS: [11:04:04] (Interpretation) Mr President, in fact, I don't have
16 the date, but I could -- I could say that it was in April. It was not too long
17 before those people came. Everybody was looking for information at the
18 time. So in the heat of the moment, people were going around, coming in,
19 looking for information. I think it was in that time frame, in the month of
20 April, and I think you can look at the TF-1 archives and find the exact date.

21 PRESIDING JUDGE TARFUSSER: [11:04:37] And one further question is:
22 How many days or weeks or months, whatever, how many days after you
23 gave this statement to the television you were called by -- to give this
24 statement to the prosecutor, which you see in front of you?

25 THE WITNESS: [11:05:04] (Interpretation) Well, the statements after the

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1 broadcast, these are things that happened practically -- well, they followed. I
2 don't have the date. What I know is that there was the prosecutor and then
3 before TF-1 I had already met the people of TF-1 before the prosecutor. But
4 then all of these things happened within more or less the same time bracket.
5 No too much difference in time between the meetings.

6 PRESIDING JUDGE TARFUSSER: [11:05:43] Thank you.

7 Mr Prosecutor.

8 MR DEMIRDJIAN: [11:05:45] Your Honours, we can provide you with the
9 date as we have the video itself. So if it becomes useful, that's something we
10 can help you with.

11 PRESIDING JUDGE TARFUSSER: [11:05:55] Okay. Thank you very much.

12 Now we adjourn for the break and we come back at 11.40. Thank you.

13 THE COURT USHER: [11:06:03] All rise.

14 (Recess taken at 11.06 a.m.)

15 (Upon resuming in open session at 11.44 a.m.)

16 THE COURT USHER: [11:44:36] All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: [11:45:00] Good morning again.

19 Good morning, Mr Witness.

20 Mr O'Shea, yours is the floor.

21 MR O'SHEA: [11:45:12] Mr President, thank you.

22 Q. [11:45:55] Now, your objective, Mr Dosso, in listening to the
23 transmissions, your objective, was it to observe the behaviour of the FDS or
24 was it just simply for fun or out of interest?

25 A. [11:46:34] Thank you, sir. Your Honour, before answering that

1 question, if you don't mind, if I could go back to a word that I used yesterday
2 that I'd like to repeat again so everyone can understand what's on my mind.
3 Yesterday I said here -- I said the word "discipline." I mentioned that word
4 "discipline" and I meant discipline on the network. There were three
5 networks, three radio networks that I was tuning into. And the most
6 disciplined one was the Republican Guard network. Not the soldiers but,
7 rather, the network and the way the network was being operated. It was
8 being done in a disciplined way. That is what I explained yesterday.
9 I wanted to make that point very clear so that -- I wouldn't want you to think
10 that I'm saying that the Republican Guard were disciplined. It was the
11 network. They respected the usual procedure.
12 And to answer counsel's question, in all honesty, I am saying to you that it
13 was for amusement. But there is also the reality. That was another reason.
14 I could see for a while, I could see that in the country a number of crimes had
15 occurred, and no one was in a position to attest to these crimes. And it goes
16 back to the death of General Guéï in actual fact. I acknowledge that I did
17 listen in about General Guéï, and I found -- well, I didn't find out that he had
18 died, but I heard on the day of his death, on the networks, I heard someone
19 say, "Who are the people in the courtyard?" The --
20 THE INTERPRETER: [11:48:51] Inaudible.
21 A. [11:48:54] (Interpretation) -- and others. And the authority was
22 saying, "Take the tarp and remove it." And I didn't know -- I didn't even
23 realise that there were people who were dead. That happened. And I really
24 wasn't able because I didn't have a lot of information. It was later. Guéï
25 had died and I said to myself, "Oh, I missed that item of information."

1 And that also happened when there was supposed to be a major march in le
2 Plateau. And the head of the Republican Guard had stated the zoning
3 question. Le Plateau is a military zone. There were a number of deaths,
4 deaths during the march. The march hadn't even started and already there
5 were deaths and -- well, there wasn't -- it was a military zone. I said to
6 myself, "If something is going on now in this country, I want to listen in." If
7 they knew that people were giving orders and I was listening, I would
8 say -- I would say so publicly to the justice system, if someone asked me. I
9 must admit that this time I did take note and I did say that yes, it was things
10 that I had heard.

11 MR O'SHEA: [11:50:43]

12 Q. [11:50:43] When were you listening about the death of Guéï?

13 A. [11:51:04] No, that's -- well, the death of Guéï, that was far from the
14 events -- from the things in 2011. But I had heard a little bit about Guéï and I
15 knew -- well, I had heard the part about taking the body of the captain and
16 removing it. I heard that on the network, but I was not in a position to know
17 who had broadcast that message. I turned on the set at the end of the
18 broadcast or the message, but I did hear someone say, "Remove the body.
19 Take the captain away." What was his name? Well, the aide de camp to
20 General Guéï and those who were with him there. That was after. And
21 later we saw his body laying out there by the PISAM.

22 Q. [11:52:00] Witness, we understand each other. Events relating to the
23 death of General Guéï were well before the crisis, but my question to you is:
24 In which year were you listening -- when you say "listening," do you mean
25 listening through transmissions?

1 A. [11:52:25] Of course, by way of the little set that I had.

2 Q. [11:52:35] Were you listening to transmissions discussing the death of
3 General Guéï?

4 A. [11:52:40] The day -- the day of the event, the day of the attack. I think
5 it was in 2011 -- correction, 2002. The day of the attack there was -- the day
6 of the attack, that day, there was an event, and everyone's reaction was to
7 listen in. It was the day -- I think it was indeed the day -- the day of his
8 death.

9 Q. [11:53:24] And I take it that in 2002 when you were listening to these
10 transmissions, you were doing so privately and not in the context of work; is
11 that right?

12 A. [11:53:38] In 2002 I wasn't working, so it wasn't part of my work. It
13 was for my own information, really for my own information.

14 Q. [11:53:56] So when I asked you earlier today when you started listening
15 privately to transmissions and you said "immediately after the elections," that
16 was incorrect. You started years before.

17 A. [11:54:18] But that was -- of course, that was -- you know, the stage of
18 the post -- what do you call it, the post-electoral -- and now you're asking me
19 what motivated me. I'm telling you this is what motivated me. I am
20 explaining my grounds to you. They didn't come instantly right after the
21 post-election crisis. It was earlier events, earlier events analysed that led me
22 to -- well, there was the post-electoral crisis and I realised that I had to do
23 that. I had to do it.

24 Q. [11:55:01] Is it the position, Mr Dosso, that in the years leading up to
25 the crisis, you were also listening privately to transmissions from the FDS?

1 A. [11:55:23] No, that's not right. I said that when there was an event, a
2 particular event; otherwise, if there was no event going on, I was not
3 interested in listening. It was not of interest to me. But when there was an
4 event that threatened the security of the people or my own personal safety,
5 then I said to myself, "The right thing is to listen in to those networks and to
6 make --" to ensure one's own safety. I was not going to just rest indifferent
7 or do nothing. There were three events, and it was the three events that I've
8 mentioned to you.

9 One of the events I didn't listen in, the event when --

10 THE INTERPRETER: [11:56:10] Inaudible.

11 A. [11:56:12] (Interpretation) -- the Plateau area. I didn't --

12 PRESIDING JUDGE TARFUSSER: [11:56:15] Slow down, please. Slow
13 down, please.

14 THE WITNESS: [11:56:18] (Interpretation) Understood, your Honour.

15 The event during which it was said that le Plateau area was -- because, you
16 see, things moved so quickly that I did not listen in. But the two events, the
17 two essential events, the attack of the -- what do you call it, the 2002 attack
18 when Guéï Robert died and the post-election crisis during which the
19 situation became untenable, if you allow me that expression, that is when I
20 was listening.

21 MR O'SHEA: [11:56:53]

22 Q. [11:56:53] What about when there was fighting between rebel groups
23 in 2004? That was a situation which potentially affected the security of the
24 state, wasn't it? Did you listen to transmissions relating to that?

25 A. [11:57:14] What period of time?

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1 Q. [11:57:25] 2004.

2 A. [11:57:29] Where?

3 Q. [11:57:33] Well, you tell the Chamber. Were you aware in 2004 that
4 there was fighting between rebel groups in Ivory Coast? Is that a fact that
5 you knew anything about?

6 A. [11:57:53] Thank you. I don't know. In 2004 the events of -- the
7 events of 2002, when it happened with the French troops interposing
8 themselves, I don't see. The contact between the two parties became limited.
9 But even if, even if there had been fighting, I didn't have any opportunity
10 because I did not --

11 THE INTERPRETER: [11:58:32] Inaudible.

12 A. [11:58:34] (Interpretation) -- from the other one. If the FDS -- 2004, I
13 did not listen. I gave you the part or the parts, rather, that I listened to.

14 MR O'SHEA: [11:58:45] If we could have the PV back on the screen, please.
15 The reference is CIV-OTP-0007-0078-R02.

16 Q. [11:59:40] Now, Mr Dosso, when you had this interview with the
17 Prosecutor Koffi Simplicie, was what you were saying recorded, either in
18 writing or through a tape?

19 THE INTERPRETER: [12:00:22] Microphone please, your Honour.

20 PRESIDING JUDGE TARFUSSER: [12:00:25] I don't understand "writing".
21 Recorded in writing?

22 MR O'SHEA: [12:00:35] Well, I'm asking the witness whether it was
23 recorded by someone writing down or was there a tape playing and it was
24 recorded in that way. Could it be --

25 PRESIDING JUDGE TARFUSSER: [12:00:51] Afterwards transcribed.

1 MR O'SHEA: [12:00:53] -- written later. He wouldn't know about whether
2 it was written later.

3 PRESIDING JUDGE TARFUSSER: [12:00:59] Okay.

4 MR O'SHEA: [12:00:59]

5 Q. [12:01:00] But my question to you is, when you were being interviewed
6 by the prosecutor in Abidjan, was what you were saying being written down
7 or tape-recorded, to your knowledge?

8 A. [12:01:21] Thank you, sir. I couldn't say that it was being recorded as I
9 spoke, but I know that they were writing things down as I spoke. As I
10 spoke, the gentleman was taking notes, so -- well, that's all. Other than that,
11 I don't know. It might have been recorded without my knowledge, but I
12 didn't notice any sort of tape-recorder in front of me. They might have their
13 own ways of making their own recordings, but I don't know.

14 Q. [12:02:01] And at the end of this procedure, was what you had said
15 read back to you?

16 A. [12:02:18] I read it over and I signed it, I think. I must have read it
17 over and signed it, I believe.

18 Q. [12:02:38] So on the first page, in the third paragraph, when you say:
19 (Interpretation) "I have come on a spontaneous basis to provide you with
20 some information regarding the post-election ..."

21 (Speaks English) When I read this out to you before the break, you said that
22 this was not correct. So is it your position that when you were talking to the
23 prosecutor, you were not telling the prosecutor the truth about that, or is it
24 your position that the prosecutor has wrongly transcribed what you said?

25 A. [12:03:36] Thank you. I am telling you that I was received by the

1 prosecutor, and the guy who brought me in there was indeed the procureur,
2 the Prosecutor Dje, who was the first -- Prosecutor Dje, the first one who
3 contacted me. So I was brought in and introduced to this particular
4 prosecutor, the prosecutor of the republic, on that day.

5 The prosecutor did not lie. I did not lie either. In light of what is written
6 here, I was the one who said that and that is what I experienced and that is
7 what I heard.

8 MR MACDONALD: [12:04:18] Your Honours, with your permission, I know
9 it may be annoying, but on this would it be possible to make an intervention
10 at one point, outside the presence of the witness, on this very specific issue of
11 the terminology that is being used.

12 PRESIDING JUDGE TARFUSSER: [12:04:41] Yes, but this can be done at any
13 moment. But I think we should go and finish this questioning, which is
14 more important. Then we can do it -- we have all the time.

15 MR O'SHEA: [12:04:55] It can be probably be dealt with in submissions, I
16 would have thought.

17 PRESIDING JUDGE TARFUSSER: [12:05:01] It can also be done, but that's
18 the Chamber who will decide.

19 MR O'SHEA: [12:05:05] Yes, of course, your Honour.

20 Q. [12:05:12] And the next sentence which reads, and I quote:

21 (Interpretation) "When this crisis broke out, I thought I would observe the
22 behaviour of the force -- of the defence and Security Forces, particularly the
23 behaviour of the Republican Guard by way of their VHF network."

24 (Speaks English) That statement that you decided to observe the behaviour
25 of the FDS, is that correct? Is that a correct characterisation of your

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1 intentions at the time?

2 A. [12:06:03] I stick by what I said.

3 Q. [12:06:14] So you've explained to this Chamber that insofar as your
4 state of mind when you were listening to these transmissions is concerned,
5 you were aware of the possibilities of criminal trials, either at the
6 International Criminal Court or on a national level, you had thought about
7 the possibility of handing over information to the authorities, and you had
8 the specific intention to observe the FDS.

9 Now, in those circumstances, would it have not been easy, in fact easier than
10 obtaining equipment for listening, would it have not been easy to obtain a
11 recording device to have these transmissions recorded?

12 MR DEMIRDJIAN: [12:07:18] Just --

13 PRESIDING JUDGE TARFUSSER: [12:07:19] Also this -- I mean, this is
14 speculation, "would it have been." They are talking -- we are here asking
15 him on facts, on what he did, what he saw and that's it. What he would have
16 done if, it's not important.

17 MR O'SHEA: [12:07:37] Your Honour is only interested in the facts. I'm
18 interested in testing the witness's evidence, and that's what I'm doing.

19 PRESIDING JUDGE TARFUSSER: [12:07:45] I'm --

20 MR O'SHEA: [12:07:46] Now, the fact is that this witness has said in
21 evidence that "The equipment that I was using to listen, anybody could have
22 obtained anywhere. It was very easy to obtain." That was his evidence.

23 PRESIDING JUDGE TARFUSSER: [12:08:02] Yes.

24 MR O'SHEA: [12:08:02] He was there. He was there during the conflict.
25 Now, we were not there. He said he didn't record it. He didn't have a

1 recording device. If he had had a recording device, he would have recorded
2 it. And now in the context of the evidence which he has given about his state
3 of mind at the time, I'm now asking him whether at the time it was easy to
4 obtain a recording device, because if it was easy to obtain a recording
5 device --

6 PRESIDING JUDGE TARFUSSER: [12:08:31] That was not the question.

7 MR O'SHEA: [12:08:37] Let me just have a look at my question because that's
8 what I thought my question was.

9 PRESIDING JUDGE TARFUSSER: [12:08:41] No. But we cannot always
10 argue among us. I mean, this is too much.

11 MR O'SHEA: [12:08:47] I accept that, your Honour. But I have a task to
12 perform and I'm not being allowed to perform that task. I have a duty to my
13 client. I mean, I understand that I have to respect the Chamber. I
14 understand that I have to respect the Chamber's rulings --

15 PRESIDING JUDGE TARFUSSER: [12:09:05] You cannot say, you cannot
16 say, please, that you are not allowed to perform your task. The Chamber is
17 open to hear everything, but it has some limits.

18 MR O'SHEA: [12:09:18] The relevance of --

19 PRESIDING JUDGE TARFUSSER: [12:09:20] No.

20 MR O'SHEA: [12:09:20] -- why this man did not obtain a recording device to
21 record this very, very significant information is as plain as crystal to this
22 inquiry, in my submission. It's a very, very relevant question as to why this
23 man did not obtain a recording device and record this information which he
24 has subsequently written down.

25 PRESIDING JUDGE TARFUSSER: [12:09:45] Could you please lower the

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- 1 tone.
- 2 MR O'SHEA: [12:09:47] Your Honour, yes. I apologise.
- 3 PRESIDING JUDGE TARFUSSER: [12:09:48] Thank you.
- 4 MR DEMIRDJIAN: [12:09:54] Your Honours, if I may assist.
- 5 MR O'SHEA: [12:09:56] No, thank you.
- 6 MR DEMIRDJIAN: [12:09:58] I think the answer is --
- 7 PRESIDING JUDGE TARFUSSER: [12:10:00] No. Assist on what?
- 8 MR DEMIRDJIAN: [12:10:02] Well, your Honours, the witness has already
- 9 answered that he did not believe he was going to use this material to hand it
- 10 over to anyone so --
- 11 PRESIDING JUDGE TARFUSSER: [12:10:09] Yes. I know but --
- 12 MR DEMIRDJIAN: [12:10:10] -- it becomes irrelevant.
- 13 PRESIDING JUDGE TARFUSSER: [12:10:12] Let me say what -- this is an
- 14 argument for the discussion and not a question to be said to the witness, who
- 15 has to talk about facts and circumstances he did, he knew and that's it. What
- 16 he would have done if, well, that's speculation.
- 17 MR O'SHEA: [12:10:32] I don't know if -- I don't know if in Ivory Coast
- 18 during the period of the crisis it was easy to buy recording equipment or not.
- 19 I can't answer that and neither can your Honour, but the witness can.
- 20 PRESIDING JUDGE TARFUSSER: [12:10:48] Yes. But then the question is,
- 21 did you ever -- did you ever want to buy or think to buy an equipment to
- 22 record, simple as that, and not wouldn't it have been much easier if, et cetera,
- 23 the way you formulated it.
- 24 MR O'SHEA: [12:11:06] Very well, your Honour.
- 25 Q. [12:11:09] Did you not -- I'm going to try and adopt His Honour's

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- 1 words exactly: Did you not think to buy a recording device at the time?
- 2 A. [12:11:22] Thank you, counsel. I don't know why you are focusing on
- 3 this whole issue of tape-recorders. I said yesterday that I did not have a
- 4 tape-recorder. If I had known that I would be coming to the Court, I would
- 5 have done whatever to have got a tape-recorder, another kind of recorder.
- 6 But I never thought that this would end up before the courts.
- 7 If I thought so, I would have got one. There is all kinds of recorders that
- 8 you can get. So there really is no -- if I had decided to write down, what
- 9 would have stopped me from buying a tape-recorder or to take or grab some
- 10 micro -- or grab some tape-recorder from wherever and -- no --
- 11 MR O'SHEA: [12:12:20] Your Honours, it was entirely inappropriate for my
- 12 learned friend to say a moment ago that the witness has earlier said what he's
- 13 just said.
- 14 MR DEMIRDJIAN: [12:12:29] He's already said it.
- 15 MR O'SHEA: [12:12:32] You are misleading the witness.
- 16 PRESIDING JUDGE TARFUSSER: [12:12:34] Stop it, please. Both, stop it.
- 17 Sit down. Stop it.
- 18 Please go ahead without --
- 19 MR O'SHEA: [12:12:48] Yes. I was addressing the Chamber; I was not
- 20 addressing my learned friend. For my learned friend to stand up and shout
- 21 at me was inappropriate, I must say.
- 22 PRESIDING JUDGE TARFUSSER: [12:12:56] Absolutely, yes. Absolutely,
- 23 yes.
- 24 MR O'SHEA: [12:12:58] What I was saying was --
- 25 PRESIDING JUDGE TARFUSSER: [12:12:59] I know what you were saying.

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- 1 Please put the question.
- 2 MR O'SHEA: [12:13:01] Yes.
- 3 PRESIDING JUDGE TARFUSSER: [12:13:02] I know it was inappropriate,
- 4 but I cannot look into the question which is -- which someone wants -- the
- 5 same is for you.
- 6 MR O'SHEA: [12:13:12] Yes.
- 7 PRESIDING JUDGE TARFUSSER: [12:13:14] So I think it's the responsibility
- 8 of each of us to --
- 9 MR O'SHEA: [12:13:17] Yes.
- 10 PRESIDING JUDGE TARFUSSER: [12:13:17] -- address properly -- to make
- 11 the proper oppositions or whatever.
- 12 MR O'SHEA: [12:13:25] Yes. But my cross-examination is being obstructed
- 13 and I'm putting on record that it is being obstructed.
- 14 PRESIDING JUDGE TARFUSSER: [12:13:31] Well, it is not obstructed. I'm
- 15 putting that on record. Please go ahead.
- 16 MR O'SHEA: [12:14:17]
- 17 Q. [12:14:17] Mr Witness --
- 18 MR O'SHEA: [12:14:19] Your Honours, may I have a minute to compose
- 19 myself before I continue?
- 20 PRESIDING JUDGE TARFUSSER: [12:14:26] Of course. Of course.
- 21 MR O'SHEA: [12:14:31] I mean, may I have an adjournment of one minute?
- 22 PRESIDING JUDGE TARFUSSER: [12:14:35] What do you mean by "one
- 23 minute"? For one minute, we can stay here. If one minute is five, then we
- 24 go out five minutes.
- 25 MR O'SHEA: [12:14:42] Well, let me say five minutes.

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- 1 PRESIDING JUDGE TARFUSSER: [12:14:45] Okay. So let's come back in
2 five minutes. Thank you.
- 3 THE COURT USHER: [12:14:53] All rise.
4 (Recess taken at 12.14 p.m.)
5 (Upon resuming in 12.21 p.m.)
- 6 THE COURT USHER: [12:21:46] All rise.
7 Please be seated.
- 8 PRESIDING JUDGE TARFUSSER: [12:21:49] Yes, I hope the heated
9 atmosphere now is a little bit cooled down, and I give the floor to you for the
10 questioning. Thank you.
- 11 MR O'SHEA: [12:21:59] Your Honour, thank you for the time. And I
12 apologise if my tone was a little bit loud.
- 13 PRESIDING JUDGE TARFUSSER: [12:22:04] I do the same, of course. But
14 let me just say that there is no moment that the Chamber and myself
15 personally has even thought about curtailing the rights of the Defence, of
16 anybody in here, okay? But sometimes we have a view which obviously
17 defers from yours, which is normal, and this should also be accepted, what
18 you have some hard time to do sometimes. Okay. Thank you.
- 19 MR O'SHEA: [12:22:47] I have to --
- 20 PRESIDING JUDGE TARFUSSER: [12:22:49] Also, this is -- I accept also this,
21 because this is the normal dialectic, but the rules are that the end is the
22 Chamber so -- okay.
- 23 MR O'SHEA: [12:23:02] I have to accept your Honour's rulings and I accept
24 that.
- 25 PRESIDING JUDGE TARFUSSER: [12:23:07] Okay.

1 MR O'SHEA: [12:23:07] Sometimes I need to try to persuade your Honour.

2 PRESIDING JUDGE TARFUSSER: [12:23:10] Yes, I know. Please now go
3 ahead.

4 MR O'SHEA: [12:23:20]

5 Q. [12:23:20] Can you help us understand what kind of radio equipment
6 the Garde Républicaine would have been using at the time of the crisis?

7 A. [12:23:42] I don't know. I don't know.

8 Q. [12:23:59] It would be right, would it, that since you finished working
9 with the state authorities a decade beforehand, there would -- there were
10 significant technological advances in terms of the equipment one used; would
11 that be right?

12 A. [12:24:37] I don't know. I cannot confirm that either. If they had
13 sophisticated equipment ten years later, I wouldn't have been able to listen to
14 them in analogue. It seems to me that over that ten-year period, if they had
15 acquired new equipment, then they would have had something to prevent
16 their being listened to. I don't know.

17 But if they did have new equipment, then the characteristics were the same
18 as the old equipment. If they had changed over that ten-year period, then
19 we -- I wouldn't have been able to listen. I wouldn't have been able to
20 intercept their conversations. New equipment had come out, indeed, and
21 they might have wanted to have a more secure network, but I did not know
22 that and I can't confirm that that was the case.

23 Q. [12:26:03] Now, of course, it's a very long time ago that you were
24 working as a transmissions operator or even in higher ranks, but if I can ask
25 you to try to cast your mind back. When transmission operators start their

1 work, presumably they go through a degree of training on the use of the
2 equipment and what to do and what not to do; is that right?

3 A. [12:26:51] Thank you. Well, for any job, even to be a lawyer, you
4 know, you don't just become a lawyer like that. Whatever the job is,
5 whatever the profession is, whether it's transmissions or anything else, you
6 don't -- you're not born as a transmission expert. You're not born as a
7 lawyer. You have to be trained, in my opinion.

8 Q. [12:27:20] And in terms of the training which is given to transmissions
9 operators, are the weaknesses in the system something which is addressed in
10 that training?

11 A. [12:27:42] Well, the weakness of the network? Well, you learn how to
12 do transmissions, you learn how to become qualified in that particular branch
13 of work, and everyone is familiar with his or her own branch. You start out
14 with a common course and then each person chooses a specialty. I chose
15 radio, others chose the telephone communications, and others again would
16 choose encryption. So those are the aspects of transmissions.
17 I chose radio transmissions. At the time in the army, people were using
18 Morse code. That's what was being used. And you were qualified in radio
19 transmission if you knew how to use Morse code. It's not used anymore, at
20 least not in our country, even though it may be used elsewhere. But that's
21 how -- that's how it was.

22 Q. [12:29:00] Would it be right that all those individuals who work with
23 radio equipment are made aware of the possibility or even likelihood of third
24 parties listening in to their conversations?

25 A. [12:29:26] I beg your pardon. Anyone who had a radio? I'm not sure

1 I understood.

2 Q. [12:29:39] Those who were working in the military who work within
3 transmissions and those who are using radio equipment to make
4 transmissions, all of those military personnel would be aware of the
5 possibility or the likelihood of third parties listening in to their conversations.

6 A. [12:30:15] Well, counsel, thank you for that. Any network anywhere
7 in the world can be intercepted, can be listened to. It isn't just in the army.
8 Let me give you a recent example. A couple of years ago we found out that
9 the United States was listening -- was wiretapping the chancellor of
10 Germany or the president of France. We know that these things exist. It's
11 not just in Côte d'Ivoire. Any network can be wiretapped or intercepted.
12 Any security system, whatever it may be, can be listened to.

13 Q. [12:30:58] On the basis of your knowledge, were the rebels able to
14 listen in to the transmissions of the FDS?

15 A. [12:31:10] Well, thank you. Thank you for that. It's perfectly normal
16 in a war-type situation that you look for the weaknesses of the enemy.
17 Now, if they had the means to listen, and it was their right to do so,
18 especially since it was the same soldiers who weren't on the same side, so
19 obviously they would want to know what's going on on the other networks.
20 If they had the equipment, yes, they could intercept. They could listen.
21 And all you'd need to do was to change the frequency, but they didn't do
22 that.
23 So if they had had the means to listen, of course they're going to do it.
24 What's the problem? That's part of intelligence-gathering, to obtain
25 information.

1 Of course they knew that everybody was listening, even in the hottest period
2 of the crisis, but they didn't change the frequencies. They stayed on the
3 same frequencies and that's the way it was. And they were transmitting.
4 So if you're transmitting, people are going to be listening, and that's what
5 happened.

6 Q. [12:32:37] And at the time was it in fact known, as far as you know,
7 was it in fact known by the military that the rebels were listening to their
8 communications; is that something you have knowledge of?

9 A. [12:32:54] I have no knowledge of that. I'm saying that when you
10 have a conflict with somebody, even during peacetime there is interception.
11 Even today with cell phones, when investigations are carried out, they go to
12 the telephone operators to discover the traceability of whose using the phone.
13 So obviously there is continual interception, continual wiretapping all the
14 time.

15 Q. [12:33:43] Was it known where the listening station of the French was
16 located?

17 A. [12:33:58] Thank you. I don't know. I don't know whether they had
18 a listening station somewhere or not. I don't know. It's -- it's a big country,
19 Côte d'Ivoire.

20 THE INTERPRETER: [12:34:22] Correction: They must have had it. It's a
21 big country. They must have had it.

22 MR O'SHEA: [12:34:41]

23 Q. [12:34:41] Given these weaknesses in the system, in your experience,
24 was it very rare to hear orders with respect to engaging with the enemy?

25 A. [12:35:20] Thank you. Thank you. Well, the two entities, I've said

1 already that I followed the Republican Guard in particular as regards their
2 communications on the ground. I also intercepted the gendarmerie and the
3 police. But the army, I never -- I don't know if they had a particular network.
4 The ones that were in conflict, I didn't listen. I don't know even whether
5 they had a network. The three networks that I listened to were the ones I've
6 stated already. I've explained -- I've suggested you go and check who is
7 behind each of the call signs. And that's -- that's what I've suggested.

8 Q. [12:36:27] Now, you've described how you would sometimes hear, "Go
9 onto your mobile phone." Was it possible to listen to mobile phone
10 communications?

11 A. [12:36:50] Thank you. Well, we've been repeating this since yesterday,
12 but I never said, "Go get your cell phone." I said, "Respond to me with your
13 cell phone." And he had the cell phone in his hand and he said, "Give me the
14 answer by cell phone."

15 So I don't know -- I don't know if you can intercept cell phone conversations.
16 It's possible, but you have to have the appropriate equipment to do that.
17 And maybe it's the telephone operators themselves who have the
18 appropriate means to do that. They're the ones who ensure traceability.
19 I'm sure the means exist. I don't know. But you have to have the
20 sophisticated equipment to do so.

21 Q. [12:37:55] As far as you know, did the French authorities have that
22 means to listen in to mobile communications?

23 MR MACDONALD: [12:38:08] Your Honour, I'm a bit surprised. I mean,
24 every single country has the capacity to listen into mobiles. I think this is
25 almost common knowledge to the Chamber.

1 PRESIDING JUDGE TARFUSSER: [12:38:24] Yes, I think it is also common
2 knowledge. I don't know why we ask this retired military which has retired
3 ten years before. I would say also this -- besides that, I would also say this is
4 absolutely common knowledge that we have intercepts and whatever,
5 generally speaking. The important thing is what he did and not
6 what -- otherwise, we go into politics. Thank you.

7 MR O'SHEA: [12:38:54] Your Honour, thank you. But, of course, my
8 learned friend should not answer for the witness.

9 PRESIDING JUDGE TARFUSSER: [12:39:00] No. No. I would not like
10 that we create an atmosphere, and this is also -- I speak to myself, that I
11 refrain from intervening because then, you know, I have to hear that I'm
12 curtailing the rights of the Defence. But this is what I'm thinking, that it's
13 obvious somehow, the things you're asking. And I think you're asking the
14 wrong person those things. Thank you.

15 MR O'SHEA: [12:39:33] Fair comments. Your Honour.

16 Q. [12:39:36] Now, when you were listening to these transmissions during
17 the crisis, while people were talking, was there a degree of interference,
18 technical interference as opposed to human interference?

19 A. [12:40:19] Thank you. No. There was no interference. The network
20 was there. They were talking on each network. And I said that the most
21 disciplined network was the Republican Guard network. They respected the
22 rules -- the discipline of network. As for the others, sometimes there was
23 some confusion. It wasn't as disciplined in terms of who was speaking
24 when. In the Republican Guard network, it was more disciplined. And
25 again, I emphasise I'm referring to discipline on the network, not as regards

1 what happened within the units themselves.

2 Q. [12:41:07] Well, that's on the human side. But let's say you're listening
3 to a particular message. Did you sometimes find that there was technical
4 interference which sometimes broke up the messages?

5 A. [12:41:42] No. The interference occurred on the very last day when
6 people managed to jam the network and you could hear a high-pitched
7 noise --

8 THE INTERPRETER: [12:41:56] Which the witness imitated.

9 A. [12:42:02] -- but who was doing it? I don't know. I could hear this
10 whistling noise, this high-pitched noise, and then everything stopped. But in
11 the beginning we didn't have that problem.

12 MR O'SHEA: [12:42:28]

13 Q. [12:42:28] Now, you mentioned yesterday that at one point when there
14 was a transmission that you were listening to you heard an intervention to
15 the effect of "Dogbo Blé, stop the killings." Do you remember talking about
16 that yesterday?

17 A. [12:42:46] Yes. Yes, that's -- that's -- that's correct. But that was at the
18 end. That wasn't at the beginning. It was when things were really getting
19 hot toward the end of the events, and when they managed to get into the
20 network, to intrude into the network. Now, were they talking about
21 themselves? I don't know exactly.

22 Q. [12:43:17] And whose voice was that; do you know?

23 A. [12:43:23] Well, I'm not familiar with Dogbo Blé's voice, but it was
24 someone who had managed to intrude into the network.

25 Q. [12:43:35] I'm not talking about Dogbo Blé's voice; I'm talking about the

1 intruder's voice.

2 A. [12:43:46] Well, that's what I said. I am not familiar with the voice of
3 one or the other, with either one. Someone said, "Dogbo Blé, are you okay?"
4 That's how I knew it was Dogbo Blé; otherwise, I wouldn't have known. So
5 it was that person who referred --

6 Q. [12:44:08] And this person who spoke --

7 THE INTERPRETER: [12:44:10] The end was inaudible.

8 MR O'SHEA: [12:44:14]

9 Q. [12:44:14] -- and mentioned the name Dogbo Blé, this person was an
10 unauthorised entry into the conversation. Was that the impression you had?

11 A. [12:44:25] Yes, of course.

12 Q. [12:44:34] So is there anything to prevent the emission of fake
13 transmissions for political purposes?

14 A. [12:45:00] What do you mean by that? Could you repeat your
15 question.

16 Q. [12:45:11] Is there anything to prevent a third party coming onto a
17 military network and saying something, pretending to be a part of that
18 military group when they're not? Is there anything to prevent that?

19 A. [12:45:37] To access the network? Well, sir, everything is possible if
20 you have the right resources. If you want to bother someone and you know
21 their network and you know their frequency and you know what -- how they
22 are transmitting, if that network is not secure and you're aware of that, you
23 can configure your own radio which you have bought and access their
24 network through the right frequency. That's possible.

25 But if it is a network that is protected, where there is no access, then nobody

1 can access it and they cannot hear what is being said, let alone access the
2 network.

3 Q. [12:46:26] In the transmissions that you were listening to, what
4 languages were being used?

5 A. [12:46:35] French. I heard French. I understood French. But I never
6 heard any other language on those networks.

7 Q. [12:46:51] Now, coming back to this moment when someone came onto
8 the network and said, "Dogbo Blé, stop the killings," was that the -- although
9 you don't know who that person was, was that the only person who spoke
10 directly to Dogbo Blé on that occasion?

11 A. [12:47:50] As far as I know, yes.

12 Q. [12:48:00] And you yourself, you did not try to communicate with
13 anybody involved in those transmissions that day.

14 A. [12:48:22] On that day, yes. When on that day that was said, I used
15 my own radio also to say, "Dogbo Blé, please stop killing. If you continue,
16 we are going to report this to the authorities."

17 I want to confess that I said so myself. And as an African, I said it and -- I
18 said it. And I hope he heard what I said. I'm saying that I made that
19 statement on the network myself. Yes, I did.

20 Q. [12:49:04] And technically speaking, what did you do in order to be
21 able to speak into the network? Because we know you were listening, but
22 what did you have to do from a technical point of view to be able to actually
23 speak directly to the people who were speaking on the --

24 A. [12:49:28] I had a radio set transmitter/receiver. I could receive and I
25 could transmit. So that is what I was able to do. I could press and receive

1 and then push to transmit. That's the kind of radio set I had. It's a small
2 5-watt radio set which can do that.

3 Q. [12:49:59] And you've said that that equipment that you had was
4 simple and anybody could have had it. Does that include the element of
5 receiving and going out?

6 A. [12:50:13] Yes. It's a small two-way radio, like your staff here have.
7 It's the same configuration, small radio sets that you can hang onto
8 your -- something. It's a small handset. All your security people here seem
9 to have that, that small two-way radio.

10 Q. [12:50:41] So what were your exact words to Dogbo Blé?

11 A. [12:50:46] Sir, I have just told you that I told him to stop killing, that we
12 were aware of what is going on, that if he didn't stop, I would report to the
13 authorities. That is what I said myself. And I think I also said this to the
14 people of the OTP.

15 Q. [12:51:08] Now, to the Prosecution counsel's questions, you spoke
16 about the content of your annex 6 and you dealt with the call sign Cendrac.
17 And in your annex 6, you say, and I quote in French:

18 (Interpretation) "Cendrac gave the order to enter into the crowd."

19 (Speaks English) Now, do you accept those words, "rentrez de la foule,"
20 could mean a lot of things?

21 A. [12:52:30] Yes, Cendrac said it, "Enter into the crowd." When you go
22 into the crowd, it can mean a lot of things. It can mean to drag them out. It
23 can mean to kill them. It can mean to do anything. So if you say, "Enter
24 into the crowd," I don't think it is to go and caress them, as far as I know.

25 Q. [12:52:53] But it could equally be referring to a situation where the

1 security forces are standing a distance from the crowd and there is an
2 invitation to move and engage with the crowd, not necessarily with violence.
3 A. [12:53:19] Thank you, counsel. That's your assessment. It's not mine.
4 My assessment is which I've understood and which I have told you.
5 Q. [12:53:37] And, of course, because you're listening to other people's
6 transmissions, that, on your part, is a deduction. You accept that, don't you,
7 that your interpretation of these words is your personal deduction?
8 A. [12:53:53] Well, that's a personal deduction that is not far from the
9 truth. It could actually even be the truth.
10 PRESIDING JUDGE TARFUSSER: [12:54:20] But I think -- excuse me,
11 counsel, I think it's you that brought him into the deduction. That's the
12 problem.
13 MR O'SHEA: [12:54:25] Well, he's made --
14 PRESIDING JUDGE TARFUSSER: [12:54:27] He has just said "enter into the
15 crowd," and that's it. That's the words. But the deduction is ours. His,
16 mine and yours, they're different. We can talk about these.
17 MR O'SHEA: [12:54:38] Yes, of course. He's spoken about this before
18 yesterday --
19 PRESIDING JUDGE TARFUSSER: [12:54:41] Yes.
20 MR O'SHEA: [12:54:42] -- and he's made his deduction yesterday.
21 PRESIDING JUDGE TARFUSSER: [12:54:44] Of course.
22 MR O'SHEA: [12:54:45] And so I'm just drawing out of him an admission
23 that this is a personal deduction as opposed to something based on a true
24 ability to determine what it means.
25 PRESIDING JUDGE TARFUSSER: [12:55:00] Of course.

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1 MR O'SHEA: [12:55:00] Yes.

2 PRESIDING JUDGE TARFUSSER: [12:55:01] But I would say that that was
3 clear.

4 MR O'SHEA: [12:55:05] That's very good for the Defence that it is clear.
5 Thank you.

6 Q. [12:55:21] And the same can be said, Mr Witness, for the word "traitez".
7 You have personally deduced that that word means kill. But that again is
8 your personal deduction, isn't it?

9 A. [12:55:33] Thank you, counsel. I don't think we need to mask
10 anything. If you say "treat and recover weapons," you don't treat someone
11 who is alive and recover their weapon. When you say "treat" -- and when
12 you say, "treat and let them be in a horizontal position," you are referring to
13 people who are no longer alive. So there is language that may be spoken but
14 which is a cover for something else. So "traitez" could mean nothing other
15 than killing, and it cannot just be a simple deduction. And I think that's
16 what happened.

17 Q. [12:56:23] Well, there are many different ways that one can deal with
18 people, if I can use that translation. Killing is certainly one of them. But
19 there might be a variety of ways of dealing with a person or "traitez une
20 personne." Would you accept that?

21 PRESIDING JUDGE TARFUSSER: [12:56:51] I just would say that this is a
22 matter for the discussion, not a matter for him to further introduce. He has
23 said what he thinks and then we discuss about it. But, of course, we are
24 talking about something that he says he has heard and that's it. And then he
25 translates this hearing in his interpretation, of course.

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1 MR O'SHEA: [12:57:21]

2 Q. [12:57:28] Do you speak English, Mr Witness?

3 A. [12:57:30] Thank you, sir. I told you a short while ago that I
4 understand --

5 THE INTERPRETER: [12:57:37] Overlapping speakers.

6 PRESIDING JUDGE TARFUSSER: [12:57:38] Overlapping speakers.

7 MR O'SHEA: [12:57:41]

8 Q. [12:57:41] Sorry. Would you mind taking off your earphones just for
9 one moment. Thank you.

10 MR O'SHEA: [12:57:47] Your Honour is quite right. All of these things are
11 a question of discussion later. What I was simply doing is ensuring that the
12 witness did not have any real basis for his deduction. Now, I can't -- I can't
13 put it directly to the witness in that way. Well, because I'm Defence counsel,
14 I'm not the Judge, and as Defence counsel, I have to put the question to get
15 the evidence that I'm seeking to get without -- because I -- my position is that
16 this witness is coming here from a particular perspective. So if I put the
17 question to him the way I put it to your Honour, it's giving, if I can put it this
18 way, the witness too much light as to the evidence I'm trying to adduce. But
19 all I was trying to establish is that he didn't have any particular basis for his
20 conclusion, and that was it.

21 PRESIDING JUDGE TARFUSSER: [12:59:05] But you could just ask: Did
22 you see this? How do you know? How can you make this assessment?
23 Were you there? Things like this.

24 MR O'SHEA: [12:59:15] Then your Honour would say to me, "Well, it's
25 obvious. He said he wasn't there."

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- 1 PRESIDING JUDGE TARFUSSER: [12:59:21] No. But if he says no, then it's
2 finished. If he says, "No, I was not there," it's finished. Then we know
3 exactly what his -- that this is his assessment.
- 4 MR O'SHEA: [12:59:28] Yes.
- 5 PRESIDING JUDGE TARFUSSER: [12:59:28] Then we discuss about his
6 assessment in future. You would say one thing, the other would say
7 something else, and then we'll decide on it.
- 8 MR O'SHEA: [12:59:36] Well, I'll ask those -- sorry.
- 9 PRESIDING JUDGE TARFUSSER: [12:59:37] Sorry.
- 10 MR O'SHEA: [12:59:41] Sorry. So I'll ask those questions as your Honour
11 has put them. I thought about that formulation, but then I thought, well,
12 there is no way that the Presiding Judge will allow me to ask those questions.
13 He'll just tell me it's obvious.
- 14 PRESIDING JUDGE TARFUSSER: [12:59:56] It is obvious. It is obvious but
15 then -- okay.
- 16 MR O'SHEA: [13:00:01] Yes.
- 17 PRESIDING JUDGE TARFUSSER: [13:00:02] Let's conclude this discussion,
18 also bearing in mind that your colleagues from the Defence team for
19 Mr Blé Goudé --
- 20 MR O'SHEA: [13:00:07] Yes.
- 21 PRESIDING JUDGE TARFUSSER: [13:00:08] -- have also --
- 22 MR O'SHEA: [13:00:09] Yes.
- 23 PRESIDING JUDGE TARFUSSER: [13:00:10] -- to put questions, I think.
- 24 MR O'SHEA: [13:00:11] Yes.
- 25 PRESIDING JUDGE TARFUSSER: [13:00:13] So please go ahead.

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1 MR O'SHEA: [13:00:15] Yes.

2 Q. [13:00:26] Thank you very much, Mr Dosso, for that courtesy.

3 Now, this incident that you were describing where the word "traitez" was
4 used, you were not there, were you? You were listening from a
5 transmission device. You were not there in the field.

6 A. [13:01:09] Thank you, counsel. Maybe I could have also asked you to
7 take off your headphones because I don't know what you were saying behind
8 my back. I wasn't really pleased by that and I want to state it clearly to you.
9 Now, as far as I'm concerned, what I have said is I gave you call signs. I
10 told you that such call signs -- for example, Cosmos said such and such a
11 thing. Now, when I talked about Cosmos, was that person there?

12 So what I have said is go and ask him or whoever said it what the word
13 "traitez" means and then they will explain this to you. So ask Cosmos. If
14 Cosmos is still alive, go and ask him. I haven't fabricated anything. I was
15 not in the field. I was listening. And at some point you hear something,
16 which is almost as good as being on the ground. I wasn't there. Did I have
17 the courage to go to the field? No. That's not possible.

18 PRESIDING JUDGE TARFUSSER: [13:02:08] Just one explanation for you,
19 Mr Witness. You were asked to take off the earphones in order not to be
20 influenced by the discussion the Presiding Judge had with the counsel. It's
21 not a matter of courtesy. We do it very often. So it's nothing particular.
22 We are not talking behind your back. We are trying to keep your deposition
23 clean. So this is the first thing.

24 Sometimes the questions are -- the answers to the questions are very simple
25 because the questions seem quite obvious. But we need sometimes to have

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1 also simple questions and simple answers on the record. Therefore, the
2 question was, have you been on the field and have you seen what you are
3 describing? The answer is?

4 THE WITNESS: [13:03:12] (Interpretation) No, no, I was not on the field.

5 PRESIDING JUDGE TARFUSSER: [13:03:16] Okay. So all what you have
6 described in your notes are descriptions of things you heard; is that correct?

7 THE WITNESS: [13:03:29] (Interpretation) That is very correct, Mr President.

8 PRESIDING JUDGE TARFUSSER: [13:03:33] Thank you very much.

9 MR O'SHEA: [13:03:39] Can I just have your Honour's guidance as to what
10 time we are adjourning for the luncheon adjournment?

11 PRESIDING JUDGE TARFUSSER: [13:03:48] The guidance is that we
12 adjourn in 10 minutes, and the other adjournment I give you without being
13 questioned that you are now questioning since 2 hours and 45, which is far
14 longer --

15 MR O'SHEA: [13:03:59] Your Honour, thank you.

16 PRESIDING JUDGE TARFUSSER: [13:04:01] -- than the OTP has done until
17 now. And this is not a Rule 68, because otherwise it would be the objection,
18 but this is a Rule 60. Okay.

19 MR O'SHEA: [13:04:11] Thank you, your Honour.

20 PRESIDING JUDGE TARFUSSER: [13:04:12] So you have another 10
21 minutes.

22 MR O'SHEA: [13:04:15] Your Honour. Thank you.

23 Q. [13:04:16] Now, these transcriptions which we find at annex 6, I gave
24 you an example of "rentrez dans la foule" and the reference to Cendrac.

25 Now, when you were writing, were you writing verbatim what you heard or

1 were you writing a comment, your own comment concerning what you
2 heard?

3 A. [13:05:02] What I heard is what I wrote down word for word without
4 adding anything.

5 MR O'SHEA: [13:05:16] So if we could call up annex 6, please, onto the
6 screen. It's CIV-OTP-0005-0031. If we could just take the bottom half of the
7 document and expand it. Okay.

8 Q. [13:06:05] Is that clear enough for you to see, Mr Dosso?

9 A. [13:06:14] Yes, I can see it.

10 Q. [13:06:19] Do you see the words (Interpretation) "according to
11 policemen"?

12 A. [13:06:33] Yes, yes, I can see it.

13 Q. [13:06:37] (Speaks English) Can you please read out that sentence.

14 A. [13:06:45] "According to the policemen, they allegedly received shots.
15 Cendrac gave orders to enter the crowd."

16 Q. [13:06:59] Now, the words (Interpretation) "according to the
17 policemen" (Speaks English) those are your words, aren't they, rather than the
18 words that you've heard through the transmission?

19 A. [13:07:16] That is correct. When the police called, they would call and
20 said they were being shot at. And the police said they were being shot at.
21 So according to the policemen, they were being shot at. They had received
22 shots. The policemen had said they had received shots. And when they did
23 so, when they said that, Cendrac then gave the orders for them to enter into
24 the crowd.

25 Q. [13:07:53] And if we go to -- now, if we move the document down so

1 that we can see the top half of the document, where it says "PK18," do you see
2 that?

3 A. [13:08:13] Yes, I see that.

4 Q. [13:08:19] And can you please read what's written there.

5 A. [13:08:21] "According to Scorpion ..." Scorpion? I don't know who
6 scorpion was. "... individuals are taking people down in gbaka in Abobo."
7 "According to Scorpion, people are taking down people in the gbaka to
8 Abobo."

9 Q. [13:08:54] And those words "selon Scorpion," those are your words,
10 (Interpretation) "according to Scorpion"?

11 A. [13:09:21] According to Scorpion, well, that's not for me. He said that
12 people are being taken down to Abobo. And it was Scorpion, the call sign,
13 who had called. And so this report here says I say that it is he who said that.

14 Q. [13:09:45] (Speaks English) Sorry, sorry. But the word "selon
15 Scorpion," those specific words are your words, right?

16 A. [13:09:56] Yes, "selon Scorpion," because the person who provided the
17 information used the call sign Scorpion. That is why I wrote according to
18 that person, some people are taking people down in gbakas. But it was
19 Scorpion who called an authority to report that this is what was happening.
20 I can even explain to you further that Nimbus was called by Radius. If you
21 read carefully Nimbus was called by Radius, and according to Radius, if I
22 interpret this chapter very well, according to Radius, Radius reported that
23 according to Scorpion, some individuals were taking people to Abobo in
24 gbakas. So if you read the message carefully, you'll see Nimbus to Radius.
25 And Radius said, "According to Scorpion, people are taking -- individuals

1 are taking people down in gbakas to Abobo." So if you read
2 comprehensively, this is what the message said, a message from Radius.

3 Q. [13:11:23] And if we go down to the bottom half of the document
4 again, going back to that initial sentence I read out to you where it says
5 (Interpretation) "Cendrac gave the order to enter the crowd," (Speaks English)
6 those words, "Cendrac donne l'ordre," are those your words?

7 A. [13:11:51] Yes, but I heard them. I heard him. When they reported to
8 him, he gave the order, and I could hear him giving the order for them to
9 enter the crowd.

10 Q. [13:12:03] Now, the information that we have here in this document, is
11 this a situation where you had earlier written down while you were listening
12 and you've copied onto here from another document, or is this a situation
13 where this document is you writing while you are listening?

14 A. [13:12:49] What is depicted on this piece of paper happened in
15 realtime. I didn't have to transcribe it. I didn't copy it. It was written in
16 realtime.

17 MR O'SHEA: [13:13:06] The second page of this document, at the bottom,
18 there is something which is very clear on my hard copy but which is very,
19 very faint on the televised transmission. Let me just see from my colleagues
20 if I can get an explanation for this.

21 (Counsel confer)

22 THE COURT OFFICER: [13:14:50] We just published the unredacted version
23 now.

24 MR O'SHEA: [13:15:13] There is in fact another version, Madame Greffier,
25 which has -- you see on the screen there is very, very faint reference to -- oh,

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1 it's been done already. It's been done already. There was a date which I
2 wasn't able to see on the --

3 PRESIDING JUDGE TARFUSSER: [13:15:24] 7/10/2011. I mean, this is clear,
4 what this date is.

5 MR O'SHEA: [13:15:28] Yes, I'm not disputing the dates aren't clear, but I
6 didn't see it on the screen.

7 PRESIDING JUDGE TARFUSSER: [13:15:34] Okay.

8 MR O'SHEA: [13:15:35] I didn't see it on the screen and I saw it on my
9 document. That's why I was confused.

10 Q. [13:15:42] Now, Witness, where it says 7/10/11, is that your
11 handwriting?

12 A. [13:15:56] Yes.

13 Q. [13:15:59] So why is that date there?

14 A. [13:16:09] Is that 2011 or 2010?

15 Q. [13:16:16] 7 October 2011. 2011.

16 A. [13:16:22] That is correct. That date is there because all the documents
17 that I handed over to the OTP were handed over on that date. So once they
18 collected the papers, we put that date and it's the same date that appears on
19 all the documents, if you look at them. That's the date on which the
20 documents were handed over.

21 Q. [13:16:43] Thank you.

22 PRESIDING JUDGE TARFUSSER: [13:16:44] And that's what I referred to as
23 clear.

24 MR O'SHEA: [13:16:48] Ah, okay.

25 PRESIDING JUDGE TARFUSSER: [13:16:49] That was clear to me, that this

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1 was the date because it was given to them that date.

2 MR O'SHEA: [13:16:52] Your Honour was ahead of me.

3 PRESIDING JUDGE TARFUSSER: [13:16:57] Well, I will not say anything to
4 that. Okay. These are all the questions, I hope.

5 MR O'SHEA: [13:17:03] No, they're not, your Honour.

6 PRESIDING JUDGE TARFUSSER: [13:17:05] Yes, but yesterday we had sort
7 of a gentleman's agreement. I mean, there is also the Defence of
8 Mr Blé Goudé who has to question.

9 Maître Altit.

10 MR ALTIT: [13:17:23] (Interpretation) Yes, thank you, your Honour. If you
11 don't mind, your Honour, just one word to clear things up and to reassure the
12 Chamber that we have agreed with the Blé Goudé Defence team and
13 altogether we should conclude before the end of the day, as you have
14 requested. So the time that is being taken here will not mean that the --

15 PRESIDING JUDGE TARFUSSER: [13:17:53] Understood. Is there
16 re-questioning foreseeable?

17 MR DEMIRDJIAN: [13:17:58] So far, none, your Honours. But we'll see
18 what happens after the break as well.

19 PRESIDING JUDGE TARFUSSER: [13:18:04] So far, none, is a good step.
20 Thank you very much.

21 Now we go for lunch and we will come back at 3 o'clock. So we have 10
22 minutes more, 3 o'clock.

23 THE COURT USHER: [13:18:19] All rise.

24 (Recess taken at 1.18 p.m.)

25 (Upon resuming in open session at 3.01 p.m.)

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- 1 THE COURT USHER: [15:01:31] All rise.
- 2 Please be seated.
- 3 MR DEMIRDJIAN: [15:01:48] Mr President.
- 4 PRESIDING JUDGE TARFUSSER: [15:01:50] Yes, please.
- 5 MR DEMIRDJIAN: [15:01:51] Just for time management purposes.
- 6 PRESIDING JUDGE TARFUSSER: [15:01:53] One hour and a half.
- 7 MR DEMIRDJIAN: [15:01:55] Yes. Having revised my notes, I will have
- 8 one topic to come back on, no more than 5 to 10 minutes. Thank you.
- 9 PRESIDING JUDGE TARFUSSER: [15:02:02] Okay. Thank you.
- 10 Good afternoon, Mr Witness.
- 11 The floor is to the Defence of Mr Gbagbo. Mr O'Shea, please.
- 12 MR O'SHEA: [15:02:20]
- 13 Q. [15:02:22] Good afternoon, Mr Dosso.
- 14 MR O'SHEA: [15:02:23] I didn't mean for my voice to be so loud then --
- 15 PRESIDING JUDGE TARFUSSER: [15:02:31] That's okay.
- 16 MR O'SHEA: [15:02:35] -- or maybe it's just me that's hearing my voice so
- 17 loud.
- 18 Q. [15:02:40] Good afternoon, Mr Dosso. Now, with regard to call signs,
- 19 your basis for saying that the call sign Atlas is so and so and the call sign
- 20 Cosmos is so and so is -- basically what you said to yourself is "Because these
- 21 people appear to be giving the orders, therefore, I deduce that this is X and
- 22 this is Y"; is that right? Is that a fair summary of how you reach your
- 23 deductions?
- 24 A. [15:03:26] Thank you. It wasn't that I was reasoning something out.
- 25 I'm saying that Atlas and Cosmos were call signs, and it's up to the

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1 investigators to approach the transmission officers of each unit to determine
2 whether Atlas is a particular person, person X or person Y.

3 Q. [15:03:54] So you confirm that you cannot be sure who is who.

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 (Redacted)

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1 (Redacted)

2 (Redacted)

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 PRESIDING JUDGE TARFUSSER: [15:08:20] Yes. The question is a good
16 question, but I think as long as we haven't solved it, I think we should keep it
17 in confidential, and then in case lift the redaction in a second moment.

18 MR O'SHEA: [15:08:32] Yes.

19 PRESIDING JUDGE TARFUSSER: [15:08:33] But I would redact the name
20 for the time being. Thank you.

21 MR O'SHEA: [15:08:36] Very well, your Honour.

22 MR DEMIRDJIAN: [15:08:39] Your Honours, perhaps if we can have an
23 order to the gallery not to repeat.

24 PRESIDING JUDGE TARFUSSER: [15:08:43] No, because -- yes, but I think
25 it's an order not to repeat. Please don't repeat. That's it.

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1 MR DEMIRDJIAN: [15:08:50] Yes.

2 PRESIDING JUDGE TARFUSSER: [15:08:51] Well --

3 MR DEMIRDJIAN: [15:08:52] The name shouldn't be repeated outside of the
4 courtroom.

5 PRESIDING JUDGE TARFUSSER: [15:08:55] Well, especially to the
6 journalists, I would say.

7 MR DEMIRDJIAN: [15:08:58] Yes. Thank you very much, your Honours.

8 PRESIDING JUDGE TARFUSSER: [15:09:01] Okay.

9 MR O'SHEA: [15:09:01]

10 Q. [15:09:02] So we'll call the name that we've been talking about in the
11 last few minutes "X," Mr Witness, all right? The use of the name by me in the
12 last sentences --

13 A. [15:09:21] (No interpretation)

14 Q. [15:09:24] The use of the name by me in the last few sentences will be
15 redacted from the transcripts and from now onwards I will use the word "X."
16 So did you say anything else to X that day of significance?

17 A. [15:09:43] No, I didn't say anything other than that. I said that it
18 would be difficult for people to have access -- also over the phone. So there
19 was this concern. And if there was a call, if they picked up the phone
20 and -- well ...

21 Q. [15:10:14] So you didn't tell him to seek help from -- rather, tell him to
22 ask Alassane Ouattara to seek help from Nicolas Sarkozy in terms of aviation
23 because Laurent Gbagbo was well armed. You didn't say anything like that
24 to X.

25 A. [15:10:44] Oh, yes, yes, yes. There was one day things were

1 particularly heated, and I called him and I said, "Here is the way it is. The
2 way I see the situation, the people who are coming will never be able to
3 defeat Gbagbo's men. You have no aeroplanes, nothing like that. If you
4 don't have air cover, ask for it. If possible, ask the president to consult his
5 counterpart to see if the air force can be used to deal with the situation
6 because all the higher points of land were covered -- or occupied, rather, by
7 snipers."

8 Now, whether that was carried out, whether my advice was followed, I have
9 no idea. I expressed that idea to the person and, well, there you have it.

10 Q. [15:11:48] So would it be fair to say that at that time you were
11 committed, personally committed, to the overthrow of President Gbagbo?

12 PRESIDING JUDGE TARFUSSER: [15:12:34] You may answer also, if
13 counsel is not directly listening.

14 THE WITNESS: [15:12:42] (Interpretation) Okay, fine. Thank you, sir. I
15 think that everything is clear, eh? Ever since my solemn undertaking, I've
16 never said such a thing. But the people who were there, things were clear.
17 It was necessary -- that was necessary so that the country could have peace.
18 There were so many deaths, it was becoming unbearable. So many crimes, it
19 was becoming unbearable. Something had to be done and I asked that that
20 be done.

21 PRESIDING JUDGE TARFUSSER: [15:13:22] You said, at least in the English
22 translation you said that had -- that it was necessary. What was necessary,
23 Mr Witness?

24 THE WITNESS: [15:13:49] (Interpretation) What was necessary? During
25 that time it was necessary to ensure the departure of Laurent Gbagbo. He

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1 could no longer be head of state.

2 MR O'SHEA: [15:14:04]

3 Q. [15:14:04] Were you in any way related to Captain Dosso Abubakar
4 Kadoumbo?

5 A. [15:14:46] No. No, no, no.

6 MR O'SHEA: [15:14:54] Thank you very much, Mr Witness, for your
7 cooperation. Those all are my questions. Thank you.

8 PRESIDING JUDGE TARFUSSER: [15:15:04] Maître Altit.

9 MR ALTIT: [15:15:06] Thank you, your Honours. This concludes
10 examination of this witness by the Laurent Gbagbo Defence team.

11 PRESIDING JUDGE TARFUSSER: [15:15:10] Thank you very much, Maître
12 Altit.

13 Now I give the floor to the Defence for Mr Blé Goudé. Please, Mr Knoops.

14 MR KNOOPS: [15:15:16] Thank you, Mr President. Good afternoon. I'll
15 have a few questions, and after Mr N'Dry will have some questions.

16 QUESTIONED BY MR KNOOPS:

17 Q. [15:15:27] Mr Witness, my name is Knoops. I'm an attorney-at-law in
18 the Kingdom of The Netherlands, counsel for Mr Blé Goudé. Good
19 afternoon. On my left side is Mr Claver N'Dry, lawyer of the bar in Abidjan.
20 He will, after my questions, pose some questions to you, sir. Thank you for
21 your patience.

22 My first question relates to your observation yesterday in court. For the
23 Court, the transcripts of yesterday, English transcript page 65, 66,
24 predominantly page 66, line 13, 14. There, sir, you mentioned that on the
25 day of 31 March 2011, the communications were entirely interfered by people

1 that day, and on that day, the network died.

2 My first question is, when you refer --

3 A. [15:16:55] There were interruptions in the network. As I said earlier,
4 they had been able to hack into the network and take over it. So it was -- it
5 had become difficult. But after it resumed. But I don't know. It didn't last,
6 not even a week after -- not even a week went by and then it crapped.

7 Q. [15:17:23] My first question, sir -- I'll come back to your observation.
8 My first question to you, sir, the word "network," you refer to the VHF, the
9 UHF, and the FM band.

10 A. [15:17:46] No. There were two. There were two. There was VHF
11 and then there was UHF.

12 Q. [15:17:58] Okay. So when you speak about the network died, you
13 referred to the VHF and the UHF.

14 A. [15:18:08] The VHF network, the VHF network, that was the one that
15 crashed. That was the one that was being used for the -- in great part by the
16 Republican Guard. That was the network that these people were able to
17 hack into. And I think they were able to block communications for a while.
18 It had become bothersome. All the same, we knew that things -- activities
19 were heated, so to speak, but the communications were blocked.

20 Q. [15:18:50] You just mentioned, Mr Witness, that these blockings lasted
21 for a week.

22 A. [15:19:04] No. I said it didn't last a week. There were some attempts
23 to interfere, but it kept on going. It was on the D-day itself, so to speak. It
24 must have stopped then. It must have stopped then. But in any event, it
25 stopped right after that. I don't quite know. But I'm not -- that's -- that's a

1 little detail.

2 Q. [15:19:34] After 31 March, when the interference took place in the VHF
3 network, were you able to listen in on the VHF network?

4 A. [15:19:50] Of course. I said that the hackers, the bandits, so to
5 speak -- I didn't say they brought the network down completely. There was
6 sort of a buzz or a hissing noise. But it didn't -- they didn't completely bring
7 down the network. Those things -- I don't know if -- in any event after a
8 while -- for a while the network wasn't really operative.

9 Q. [15:20:21] The implication thereof was, sir, that you were not from the
10 31st of March able to listen in to the VHF network, having full account of
11 what happened on that network; is that correct?

12 A. [15:20:45] No. We couldn't hear. There was this whistling kind of
13 noise. But there were -- the messages were going through.

14 Q. [15:21:00] If you could --

15 MR DEMIRDJIAN: [15:21:06] Counsel, I think there is an error in the
16 transcript, if you give me a second.

17 MR KNOOPS: [15:21:10] Yes, of course.

18 MR DEMIRDJIAN: [15:21:12] Because the witness didn't say we couldn't
19 hear. Maybe if you could have him repeat that answer. I don't want it say
20 what he said.

21 PRESIDING JUDGE TARFUSSER: [15:21:19] In the English or in the French?

22 MR DEMIRDJIAN: [15:21:21] In the French.

23 PRESIDING JUDGE TARFUSSER: [15:21:23] Okay.

24 MR DEMIRDJIAN: [15:21:23] In the French it was something else. For
25 those reading in French, it's at page 83, line 18. You can see what it said in

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1 French.

2 THE WITNESS: [15:21:41] (Interpretation) I can't see it here.

3 MR KNOOPS: [15:21:46]

4 Q. [15:21:46] Witness, this morning you answered (Interpretation) "I

5 didn't hear anything and we heard even some whistling noises. I couldn't

6 hear anything."

7 (Speaks English) So there were moments that you were not able to listen in to

8 the VHF network. That's correct, isn't it, that you didn't hear anything after

9 31 March?

10 A. [15:22:32] That is possible. That date, I don't know, but that's possible.

11 It might have been -- in any event there was interference, yes.

12 MR KNOOPS: [15:22:46] Mr President, for the Court, page 60 of the French

13 transcript, line 9, 10, where you can find this answer of the witness.

14 Q. [15:23:00] Now, Mr Witness, based on your answer, I read out a

15 portion of your statement given to the Office of the Prosecution. That's

16 paragraph 44 of OTP-0005-0008, paragraph 44. In this statement,

17 Mr Witness, you said the following to the investigators. The statement is

18 about the person with the call sign Cosmos. The following was said to you:

19 "You could feel that he was the commander of the military operations in the

20 field. I am an experienced radio operator, so when I hear someone, I know

21 if he is a leader. Cosmos was all the time on the radio. He never slept, at

22 least during the last 10 days of the events between the 1 and 11 April.

23 Military operations were commanded by Cosmos day and night. As far as I

24 could tell, he was not sleeping and I wondered how he managed to do that."

25 So, Mr Witness, I put to you that you were not able to receive full account of

1 the events during 1 to 11 April based on what you said yesterday and today,
2 and you were not in a position to tell the investigators that Cosmos was all
3 the time on the radio, day and night, never slept, and all the operations in
4 that time frame were commanded by him during 1 and 11 April, since the
5 network was at the least, for a considerable part, down.

6 So how can you explain to the Chamber that you are able to say that a person
7 with the name Cosmos was not sleeping day and night and was in command
8 during that time frame, all the time on the radio, et cetera? How can you
9 explain this?

10 A. [15:26:08] Thank you, sir. Indeed, Cosmos was Mr -- a gentleman who
11 was extremely -- he was a real soldier through and through, a real soldier.
12 He was the one -- he was the top gun, so to speak, on this network. If he
13 knew -- I don't have the exact date of when the network went down, but from
14 the date I gave, that man was always constantly listening. Be it without a
15 radio, without a network, he was always present until he cleared out of there.
16 He was the one. Whether the network was operational or not, he was the
17 one who was there, in my opinion, until he left. At all times, he was the man
18 running that network.

19 Now, I may not have noted that the network was down on a particular day.
20 I don't remember. But once you see the network was hacked, at some points
21 it came back. It went down. It came up again. You see?

22 Q. [15:27:44] Well, that's already made clear to you -- by you to us, but the
23 point is, Mr Witness, that you suggest here that you were able to monitor day
24 and night the dealings of the person with the code name Cosmos between 1
25 and 11 April while you conceded that you were not able to hear, at least fully

1 and optimally, the communications on the VHF network.

2 So my question is, what is the basis of saying to the investigators that during
3 this time frame of 1 and 11 April the person with the name Cosmos was in
4 command of every operation, never slept, was always running his show,
5 what you say, day and night? What is the foundation of this assertion by
6 you? Unless of course you are able to tell the Court that you heard on the
7 radio that Mr Cosmos never slept. Did he tell this on the radio? It seems
8 obvious not. But what is the foundation of your assertion?

9 PRESIDING JUDGE TARFUSSER: [15:29:08] Please, just make the question
10 and then wait for the answer, because if you continue with the
11 questioning -- please answer his question and then I would like to put a
12 question to you.

13 THE WITNESS: [15:29:23] (Interpretation) I maintain what I said. This man
14 was always listening each time, day and night. I told you that I was not
15 listening on an ongoing basis, but one thing for sure, at any time of the night
16 when you turned on the radio set, if someone was there, if someone was
17 speaking --

18 THE INTERPRETER: [15:29:46] Inaudible.

19 A. [15:29:48] (Interpretation) -- I told you his network was a very
20 disciplined network. So you couldn't talk just nonsense or any old way, be it
21 after the 4th or at the beginning. From the beginning of the operation, from
22 the beginning of the operation to the end, he was the man who was the
23 main -- the head honcho on the network. He must have been the head of the
24 operations because everything came to him and everything was from him. It
25 was all his hierarchy. Everything was -- he was the very centre of the

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1 network. There is no doubt about that.

2 PRESIDING JUDGE TARFUSSER: [15:30:35] Mr Witness, Mr Witness, if you
3 say, like Mr Knoops contested you, that you heard Cosmos day and
4 night -- heard Cosmos day and night on the radio, that means that you were
5 day and night on the radio; otherwise, you can't hear him. How often were
6 you at the radio in that period? And I'm talking from 1 April to 11 April.

7 THE WITNESS: [15:31:20] (Interpretation) Well, your Honour, thank you. I
8 wasn't listening continually. I said that. But when I would go home, I
9 would tune in to see what was going on, or if I woke up in the middle of the
10 night, I would turn on the set to see what things were like, and then I would
11 turn it off. I didn't listen to a particular frequency. But sometimes people
12 are disappointed.

13 MR KNOOPS: [15:32:01] That was indeed one of my questions. The
14 witness already said earlier that he listened about one hour a day. French
15 transcript page 14, line 20, and page 15, line 2.

16 PRESIDING JUDGE TARFUSSER: [15:32:15] On average.

17 MR KNOOPS: [15:32:16] On average.

18 PRESIDING JUDGE TARFUSSER: [15:32:17] Yes.

19 MR KNOOPS: [15:32:18] So it's of course up to the Court to make a
20 conclusion.

21 PRESIDING JUDGE TARFUSSER: [15:32:22] On average.

22 MR KNOOPS: [15:32:23] I think it's clear that the witness --

23 PRESIDING JUDGE TARFUSSER: [15:32:25] Don't comment.

24 MR KNOOPS: [15:32:26] All right.

25 PRESIDING JUDGE TARFUSSER: [15:32:28] Thank you.

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1 MR KNOOPS: [15:32:30]

2 Q. [15:32:30] Mr Witness, my second question relating to the call signs is
3 the following: You as a military commissioned officer, are you familiar with
4 the phenomenon in military operations that call signs might be used in
5 different communication networks by different military units? So we're
6 dealing, then, with a call sign like, for instance, Cosmos, which is used in
7 different military communications networks by different military units. Are
8 you familiar with this phenomenon or not?

9 A. [15:33:14] Thank you, counsel. Well, Cosmos can be used on the
10 Republican Guard network, but the same call sign Cosmos can be used on the
11 gendarmerie network or elsewhere or others. But it's not the same
12 frequency, it's not the same network, so it doesn't refer to the same person.
13 If I pick up on Cosmos on the gendarme network, the transmission officer is
14 going to be able to tell you who the call sign Cosmos corresponded to. And
15 if it's a security company, for example, then Cosmos will correspond to
16 someone else. That's perfectly normal.

17 If you -- it's like you have two people with the same first name Jean. Just
18 because they have the same first name doesn't mean it's the first person -- or
19 the same person, excuse me. You can have Jean in Brussels and a Jean here.
20 It's not the same person. They just have the same name.

21 Q. [15:34:32] Thank you. You answered this question so you confirmed
22 this.

23 MR KNOOPS: [15:34:35] My third question relates to annex 6 and I would
24 like to ask the court officer to call up annex 6. That's OTP-0005-0031. That's
25 number 7 on our list.

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1 Q. [15:35:01] Mr Witness, there is a line in annex 6 on page 2 on the top
2 which I couldn't read, but I ask you kindly to read out the very first sentence
3 at the top of annex 6, page 2, which says at the left corner, "16/12/10," and then
4 it starts with two sentences. Could you read out what you have written
5 down there. It was a realtime transcript.

6 A. [15:35:52] It says, "One Dozos" - a Dozos is a hunter - "an individual
7 who had been taken in, an individual who was arrested. He refused to meet
8 with him." It's hard for me to read. "One arrested individual dropped off
9 fourth who refused to meet with him."

10 A Dozos is a hunter. The individual, I don't know who that refers to.
11 "Dropped off at Damien." That was a call sign. Maybe that word that's
12 partially crossed off means Damien which was a call sign for a place. "In the
13 fourth," the fourth district, "who refused." I'm not really sure why.

14 Q. [15:37:23] Mr Witness, can you remember that, because you already
15 testified that this is a realtime annotation made by you, that on 16 December,
16 the day of the alleged march, one Dozos was arrested by -- can you remember
17 by whom?

18 A. [15:37:51] I don't know who arrested him. If there's reference to the
19 fourth here, the fourth district, it means it can only be the police. But I don't
20 know exactly who.

21 What it says here -- well, you could arrest someone. There was a police
22 station not too far and he could be dropped off at that police station.

23 Q. [15:38:16] Was it known to you, Mr Witness, that the --

24 PRESIDING JUDGE TARFUSSER: [15:38:18] No, we didn't get it.

25 MR KNOOPS: [15:38:20] Sorry.

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1 PRESIDING JUDGE TARFUSSER: [15:38:21] We did not get the beginning of
2 your question.

3 MR KNOOPS: [15:38:24] Excuse me.

4 Q. [15:38:25] Mr Witness, was it known to you then or now that a
5 Dozos -- the Dozos were not only hunters but were also armed?

6 A. [15:38:51] Thank you. Well, a Dozos is a hunter and by definition they
7 always carry weapons. You don't have a hunter with just a stick. He's
8 going to have a rifle. If he's a hunter, he's a Dozos, he's a hunter, so he's
9 going to have a weapon.

10 PRESIDING JUDGE TARFUSSER: [15:39:07] I would have said the same.

11 MR KNOOPS: [15:39:09] Of course, but it's not for me to put words in the
12 mouth of the witness.

13 PRESIDING JUDGE TARFUSSER: [15:39:15] No. Of course. Otherwise,
14 what hunter is a hunter without a gun.

15 MR KNOOPS: [15:39:22] There can be a difference. You're right, Mr
16 President.

17 Q. [15:39:28] Were you familiar with the fact that on 16 December 2010,
18 more Dozos were arrested?

19 A. [15:39:51] I don't know. The only thing I heard about was this. You
20 know, it wasn't just from the radio. Certain arrests took place without it
21 being mentioned on the radio. But they didn't all necessarily have a radio.
22 It was the top men who had radios, heads of units. So when you arrest
23 someone, you're not going to be announcing on the radio that a certain
24 individual was arrested. But this is what I heard on the network.

25 Q. [15:40:42] You made this annotation at 9.15 Zulu time; is that correct?

1 That's on the right corner of this annotation.

2 A. [15:40:54] Yes, that's correct.

3 Q. [15:40:59] Were you at that time familiar that the march you mentioned
4 before already did start, the march on 16 December?

5 A. [15:41:19] No, no. The march was finished. It hadn't even started. It
6 hadn't even started. I think that when people were supposed to come to the
7 place of the gathering, they said, "You have to prevent them from having
8 access to this place." So in my opinion the march hadn't even started. If
9 they said something about people coming together and beginning the march,
10 no. Indeed, in fact, they were stopped in the various neighbourhoods, that is
11 the people who were trying to converge and, therefore, the march had not
12 taken place.

13 Q. [15:42:10] Mr Witness, my last question relates to a statement you gave
14 yesterday - and for the Court, page 80, lines 9 till 13 - where you speak about
15 a friend in the Golf Hotel. You contacted a friend in the Golf Hotel. And
16 yesterday you told the Court that you contacted this person or you contacted
17 the Golf Hotel -- I will quote what you said:

18 (Interpretation) "The Golf Hotel, because that's where all the authorities
19 were, that is from the ones who were all on the same side, they went to take
20 refuge there, in my opinion. And so if I was going to report to someone, it
21 was to them, the ones who were there, that is that I was going to report that I
22 had seen something on the ground."

23 (Speaks English) Mr Witness, the way you phrased this yesterday,

24 (Interpretation) "if I was to report to these people" (Speaks English) it
25 suggests that you feel obliged to give this account to these individuals; is that

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1 correct?

2 A. [15:44:15] Thank you. I'm afraid I had trouble understanding the
3 sentence. I don't have it in front of me. And could you perhaps repeat it
4 correctly so that I can refresh my memory.

5 Q. [15:44:43] There is no entry in the English transcript because it was
6 discussed yesterday during the crash. So, unfortunately, we don't have the
7 English version here; however, there is an entry in the French transcript, that's
8 the transcript I just read out, page 80, line 7 till 14, where in line 11,
9 Mr Witness, you used the words (Interpretation) "if I were to report to
10 somebody."

11 (Speaks English) So the question is why you felt that you had to report to
12 those individuals.

13 PRESIDING JUDGE TARFUSSER: [15:45:26] At the Golf Hotel.

14 MR KNOOPS: [15:45:31]

15 Q. [15:45:31] At the Golf Hotel.

16 A. [15:45:36] (Interpretation) Well, I'm going to answer, but I didn't really
17 understand. I don't have the text in front of me. Do you want me to try to
18 answer based on what I think I understood?

19 PRESIDING JUDGE TARFUSSER: [15:45:53] Let me put the question.

20 Yesterday you said that you reported these facts you heard to people at the
21 Golf Hotel, correct?

22 THE WITNESS: [15:46:07] (Interpretation) Yes.

23 PRESIDING JUDGE TARFUSSER: [15:46:08] Yes. And the question is, why
24 did you feel you have to report to these people at the Golf Hotel? If I've
25 understood correctly what Mr --

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1 MR KNOOPS: [15:46:21] You did, your Honour, yes.

2 THE WITNESS: [15:46:25] (Interpretation) Your Honour, thank you. First
3 of all, I mentioned a friend. And it was this friend, if I needed to report
4 something, I reported to him. You're not going to report to an enemy, after
5 all.

6 For me, the president of the republic at that point in time was Alassane
7 Ouattara, and the -- all of the people with President Bédié, they were all
8 there. And for me, the closest person that I could contact was this friend.
9 And so I reported to him to tell him about the situation. Since he was at the
10 Golf Hotel, he was the president of the republic -- for me, he was the
11 president of the republic, so I reported to the president of the republic,
12 Alassane Ouattara.

13 PRESIDING JUDGE TARFUSSER: [15:47:36] Well, now I think this is clear.

14 MR KNOOPS: [15:47:37] Thank you, Mr Witness. Mr N'Dry will take over
15 from here. Thank you.

16 PRESIDING JUDGE TARFUSSER: [15:47:41] Maître N'Dry.

17 QUESTIONED BY MR N'DRY:

18 Q. [15:48:30] Good afternoon, Witness.

19 A. [15:48:32] Good afternoon, brother.

20 Q. [15:48:34] I have already been introduced by main counsel. My name
21 is Maître N'Dry.

22 Witness, you have explained that the equipment you used for your private
23 listening activities was the equipment you had when you were a
24 professional, and that you had kept this equipment after the coup d'état
25 which took place on 24 December 1999 against Mr Bédié; do you confirm

1 that?

2 A. [15:49:25] Yes, I can confirm.

3 Q. [15:49:32] I take note of the fact that you worked at the Presidency until
4 2001; that's correct?

5 A. [15:49:53] That's correct.

6 Q. [15:49:56] So from 24 December 1999, it was that crisis that justified the
7 reason for your not returning the professional equipment? We're talking
8 about 24 December 1999. You worked at the Presidency until January of
9 2001. Throughout that period, that is between the coup d'état that took place
10 in 1999 until January of 2001, you didn't have time to return the professional
11 equipment that you had with you?

12 A. [15:50:44] Thank you, brother. When the coup d'état took place, I
13 stayed amongst the team that was there, that is with General Guéï, but I was
14 no longer working in transmission at that time. I was in the team but I was
15 no longer working as a radio -- in radio transmission. I had the equipment
16 with me and I kept it with me. I didn't return it. And many others didn't
17 return other types of equipment. Everybody left with what they had.

18 Q. [15:51:41] Witness, forget about the others who left with weapons, for
19 example, that you mentioned. I'd like to concentrate on you yourself.
20 This morning you stated in answer to a question regarding the origin of the
21 equipment you had, you stated that you left with that equipment when the
22 coup d'état took place on 24 December 1999. And you insinuated in
23 addition that you could no longer even appear in that place; otherwise, you
24 would have undergone violence. And yet I observed that you
25 worked -- you continued working within the Presidency until January of

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1 2001.

2 Now, forget those who walked off with weapons. Let's concentrate on you
3 yourself. Isn't this a form of fraud, the fact that you kept this equipment
4 with you, which was purchased with public money of the state of Côte
5 d'Ivoire?

6 A. [15:53:06] Well, I kept one piece of equipment with me. If you're
7 referring to that when you talk about public money, yes, I kept that piece of
8 equipment. Nobody came to ask me for it. Nobody came and asked me
9 whether I had kept the unit or not. I think there is far more serious matters
10 regarding the use or misuse of public money in Côte d'Ivoire. I'm sure that
11 there is much more to worry about than a simple radio. It's really not an
12 issue of great importance.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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22 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
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- 6 (Redacted)
- 7 (Redacted)
- 8 (Private session at 3.57 p.m.)
- 9 (Redacted)
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25 (Open session at 4.01 p.m.)

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1 THE COURT OFFICER: [16:01:37] We're in open session.

2 PRESIDING JUDGE TARFUSSER: [16:01:53] Maître N'Dry.

3 MR N'DRY: [16:02:10] (Interpretation) Mr President, I'm a little thrown off

4 because I thought that these were obvious and simple matters. But if we are

5 in a position where we cannot mention this person's name, then we must

6 proceed in closed or private session because the next series of questions relate

7 to the leader of that company still.

8 PRESIDING JUDGE TARFUSSER: [16:02:34] So let's return in private session

9 for this.

10 (Private session at 4.02 p.m.)

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12 (Redacted)

13 (Redacted)

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15 (Redacted)

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17 (Redacted)

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- 22 (Open session at 4.06 p.m.)
- 23 THE COURT OFFICER: [16:06:13] Back to open session.
- 24 PRESIDING JUDGE TARFUSSER: [16:06:15] Maître N'Dry.
- 25 MR N'DRY: [16:06:17] (Interpretation)

1 Q. [16:06:24] Mr Witness, I would like you to clarify a matter regarding
2 the specific date on which these clandestine listenings were conducted. Was
3 it before or after the post-election crisis?

4 A. [16:06:51] Thank you. You are the one qualifying them as clandestine.
5 As far as I'm concerned, it was normal. I said several times that the listening
6 or intercepts were done after the -- on the outbreak of the election crisis.
7 And I think that what matters is that the basic information about the
8 intercepts is that it occurred around the time of the post-election crisis.

9 Q. [16:07:30] Did you not intercept or listen before?

10 A. [16:07:35] What do you mean?

11 Q. [16:07:37] You mentioned listening in in 2002?

12 A. [16:07:40] Yes, I said I was listening in 2002 when the situation broke
13 out, that is, the rebellion had come to Abidjan. At that time, yes, I was
14 listening as well.

15 And by the way, on that day I used to work at BIP, and when I was leaving I
16 was in a gbaka, I used to work at BIP very early in the morning. I saw that
17 things were happening, so I turned around and I wanted to find out what
18 was going on in the area and on the network because quite instinctively, this
19 is what I do. I try to find out what is going on. Now, nobody knew for a
20 fact what was going on, so I listened in on that day, the day on which Guéï
21 Robert died. On that day, on that day I was listening.

22 Q. [16:08:42] 19 September 2002?

23 A. [16:08:43] Yes, that's correct.

24 Q. [16:08:47] So, Mr Witness, is that the only day on which you listened
25 and not thereafter?

1 A. [16:08:53] After that day, no, because there was nothing else, nothing
2 else happened so I didn't listen. I didn't monitor anything. I didn't listen.
3 I was simply just listening to be able to get my bearings so to speak and
4 understand what was going on on the ground, and so I couldn't just go out
5 like that, so to speak. Then what I heard I could use as a warning for a
6 relative to tell them to watch out, don't go out, because things are not good.

7 Q. [16:09:31] Witness, let us be careful and specific in what we are saying.
8 I know that the President --

9 MR N'DRY: [16:09:49] (Interpretation) Mr President, can I proceed?

10 I would like us to be concise. What are we to understand, Mr Witness? Is
11 it that before 2002 -- or rather, before the post-electoral or post-election crisis,
12 before that day, before that period, you only listened once on 19 September
13 2002 and thereafter you didn't listen anymore; is that the case? That's what I
14 want to know. And I want you to be specific in your answer.

15 A. [16:10:33] The event started on 19 of December -- no, rather, 19
16 September. And I listened in. I did not do anything. I simply just listened.
17 And whether the tension lasted for a day, two, or three, I don't know, but I
18 listened. So I cannot say that from the 2nd -- or in any event, Guéi Robert's
19 death was not announced on any network. It was on the television that it
20 was said that when he went to conduct his coup d'état, that was when he was
21 killed. It was not on the radio.

22 So maybe I listened for one or two or three days, and that's what happened.
23 And then things became normal and there was really no more interest in
24 listening to anything, particularly since I had to go to work and because it
25 wasn't necessary to listen. So it wasn't possible, it wasn't possible. This

1 lasted a day or so. The confusion lasted for a day or so and nobody was
2 able to go to work. But the very next day things calmed down, and people
3 went back to work. So you had to go to work, and I couldn't remain or stay
4 back simply to listen to the network, not at all.

5 Q. [16:12:01] Very well. Mr Witness, the information that you provided
6 to the investigators of the OTP, is that information material that you
7 exclusively gleaned from your listening or did you use public rumour as part
8 of this information?

9 A. [16:12:30] All the information I provided as a matter of priority came
10 from the network. However, there is also information that I provided that
11 was also obtained and which was put together according to information that
12 was gleaned here and there, particularly when it came to information relating
13 to the chief of general staff. Everybody knew at the time that the general at
14 the time had problems with the soldiers. And the real chief of general staff
15 at the time was not him but, instead, Dogbo Blé, who was in charge of the
16 HQ, because he's the one who gave orders, that's what I said. But I think you
17 can cross-check. But that information did not come from the networks; it
18 came from rumours, if you want.

19 Q. [16:13:36] Mr Witness, when the investigators of the OTP came to
20 interview you, as part of the information that you provided to them, did you
21 distinguish between what information was rumour and what information
22 was what you heard yourself; did you tell them that this part of the
23 information comes from the rumour mill?

24 A. [16:14:06] Yes, yes, of course. It was quite, quite easy to identify.
25 Yes, I told them. Yes. There was rumour and then there was facts as

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1 experienced on the ground. I'm not a child.

2 Q. [16:14:19] So let us together look at the information that you provided
3 so that you can tell us which part of it justified such allegations to the Office
4 of the Prosecutor.

5 MR N'DRY: [16:14:39] (Interpretation) I would like to have annex 5
6 displayed, please. CIV-OTP-0005-0026. That would be annex 6 -- or rather,
7 number 6 on our list. Please zoom in if you can.

8 Q. [16:15:59] (Interpretation) Witness, do you have a clear view now?

9 A. [16:16:03] Yes.

10 MR N'DRY: [16:16:06] (Interpretation) Can we scroll down to the bottom of
11 the page, please.

12 Q. [16:16:18] Can you see the last sentence beginning with "cependant"?
13 "Cependant," the first word of that last sentence, can you see it?

14 A. [16:16:41] Yes.

15 Q. [16:16:41] Can you start reading from there and then we'll go to the
16 next page as you continue reading the sentence.

17 "However, one cannot at 100 per cent --

18 PRESIDING JUDGE TARFUSSER: [16:17:27] Can you not turn the page. Its
19 finished.

20 THE WITNESS: [16:17:45] Can you bring it down?

21 "However, one cannot absolve" -- should I read?

22 PRESIDING JUDGE TARFUSSER: [16:17:53] Oui.

23 THE WITNESS: [16:17:56] (Interpretation) Thank you, Mr President.

24 "Absolve the gendarmerie from the acts of violence and killings observed
25 throughout the lagoon region even if they are in a small scale."

1 MR N'DRY: [16:18:20] (Interpretation)

2 Q. [16:18:22] Mr Witness, when you were handing over this document to
3 the members of -- or the investigators of the OTP, that assertion there, was
4 that part of what you heard through your intercepts or was it from other
5 sources? And I'm asking it in relation to your previous answer, where you
6 said that you distinguished to the Prosecutor whether the information was
7 from rumour or from what you were listening. Now, as I read through the
8 annexes, I do not see any reference anywhere indicating that you wrote that
9 such and such an information came from the public rumour mill.

10 A. [16:19:19] Can I -- can I speak?

11 Q. [16:19:21] Yes, Mr Witness.

12 A. [16:19:27] Thank you very much. Thank you very much for the
13 information and analysis I have just read out. It was correct. It was as a
14 result of my observations from the network and from my observations.
15 What was happening, what was happening within the gendarmerie circles
16 was known to all. Everybody knew that within the gendarmerie there were
17 people who were not joking, who were rather serious. And so for them
18 killing was -- a killing amounted to nothing. It didn't matter for them. And
19 that is why I said that although it might be the gendarmerie, there were
20 officers within the gendarmerie who were straightforward and proper
21 gentlemen while others were extremists and were involved in killing. And
22 everybody knows about that. There is nothing new.
23 And this is what I told the investigators. And I said, "You can go and
24 investigate, because what I'm providing is cues, cues that you can follow."
25 So whether they went ahead and investigated and followed those cues, I

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1 don't know. I simply provided them with information, and it was for them
2 to continue their investigations.

3 Now, by the way, I do not claim that my statements were the gospel truth.

4 It was simply an indication which they could investigate further.

5 Q. [16:21:02] So you made public rumour available to the investigators; is
6 that the case?

7 A. [16:21:07] No, not public rumour. Things from the net -- from the
8 network. When a subordinate makes certain statements on a network and
9 explains what his conduct on the field is, on the network and you know that
10 these things are contrary to the rules, do you think that this is, this is -- can't
11 you understand what I'm talking about? Yeah, this was on the network.

12 PRESIDING JUDGE TARFUSSER: [16:21:34] One question. When did you
13 write this, on the 7/10/2011 or close to the crisis while you were listening to
14 the radio?

15 THE WITNESS: [16:21:55] (Interpretation) I think that was written after the
16 crisis, practically after the crisis. Well -- but the date, as you can see, is the
17 same date on which I handed the documents over to the investigator, but the
18 document was written shortly after the crisis.

19 PRESIDING JUDGE TARFUSSER: [16:22:17] So the document itself was not
20 written on the 7/10/2011 or in the day proximate to these days, close to these
21 days?

22 THE WITNESS: [16:22:30] No, I don't think so, no. No, no, I don't think so.
23 That's the date on which the documents were received. It wasn't written
24 there. It wasn't drafted then. It was drafted at the same time and as you
25 can see the handwriting is even different.

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1 PRESIDING JUDGE TARFUSSER: [16:22:49] No, no. But I mean you can't
2 say "I don't think so." I mean, this is a document which or you have written
3 it in 2011 or you have written it a few years -- quite a few years before. So I
4 think you should be sure, not make an estimation.

5 THE WITNESS: [16:23:17] (Interpretation) All right. Mr President, I am
6 convinced that this document was drafted shortly after the events, before the
7 month of - what is it now? - October or what is it? When I was having
8 discussions with the investigators.
9 I didn't date the document at the beginning of the page, so I can't remember
10 the date on which it was drafted. But anyway, I don't know whether it
11 bears a date, because there were some sheets on which I entered a date and
12 others on which I did not at the top of the page.

13 PRESIDING JUDGE TARFUSSER: [16:23:53] Okay. Thank you.

14 MR DEMIRDJIAN: [16:23:55] This is a matter that is in the witness's statement
15 and I will deal with it in re-examination to clarify. Thank you.

16 PRESIDING JUDGE TARFUSSER: [16:24:02] Okay.

17 Maître N'Dry.

18 MR N'DRY: [16:24:05] (Interpretation) Can we go to page 3, page 3 of the
19 same document.

20 PRESIDING JUDGE TARFUSSER: [16:24:40] Can I just for housekeeping, we
21 will not start with the next witness. And for the interpreters, we will go a
22 little bit over time, not very much, I can promise. But we will not start with
23 the next witness in any case.

24 So please, Maître N'Dry.

25 MR N'DRY: [16:25:00] (Interpretation) Page 3, please, CIV-OTP-0005-0029.

1 Q. [16:25:01] Mr Witness, are you there?

2 A. [16:25:35] Yes, I am.

3 Q. [16:25:36] Can you read the first sentence of this document.

4 A. [16:25:44] "Since the 16/12/2010, the date of the beginning of the
5 demonstrations, the presidential guard, contrary to the other calls of the army
6 on reserve is often -- or rather, where exercising reserve is required, signalled,
7 as was the case under Gbagbo, themselves as the armed wing of the FPI. The
8 authority going by the call sign Cosmos as well as others Mercure, Palladio,
9 Radial and so on have undertaken all matter of killing and summary
10 executions as well as abductions. This unit is at the heart of the abductions
11 and the executions and actions of the death squadron in 2002, General Dogbo
12 Blé, the main officer, the main killer, and colonel gave the orders for Colonel
13 Guéï Robert. He's the officer that gave the officer, that one of the officers on
14 the network radio of the presidential guard on 19 September 2002."

15 PRESIDING JUDGE TARFUSSER: [16:27:11] We are all able to read. I would
16 go to the question.

17 MR N'DRY: [16:27:18] (Interpretation)

18 Q. [16:27:20] Mr Witness, still in relation to the first question: What facts
19 did you experience yourself personally that are not part of a rumour, what
20 facts led you to make this assertion?

21 A. [16:27:39] Nothing here is gleaned from rumour. These are facts.
22 The same people who speak on the network gave orders and the orders were
23 executed. So this cannot be a rumour. I heard people on the network say,
24 "Do this" and "do that," and those things were done. So this cannot be said to
25 be rumour. I heard these things on the network. I have condensed or

1 summarised the facts. These are facts that I have condensed and
2 summarised.

3 Q. [16:28:19] Mr Witness, when you say that General Dogbo Blé is the
4 main killer of General Guéï Robert, did you hear that on the network? A
5 short while ago you told us that you did not hear that on the network.

6 A. [16:28:39] Well, I did not hear General Dogbo Blé killing the other.
7 But I heard the authority saying, "Who are those at the general's house?"
8 And somebody mentioned who was there. And then it is later on that I
9 found out that this is what happened, and so I linked it to the single and only
10 official of the GR, presidential guard. He's the only one who gave the orders
11 and there is no one else.

12 Q. [16:29:14] Mr Witness, can we stay calm?

13 MR N'DRY: [16:29:27] Now, Mr President, if what Mr MacDonald wants to
14 say may influence the witness, then we need to take the necessary measures,
15 Mr President.

16 PRESIDING JUDGE TARFUSSER: [16:29:35] I do not permit any comment
17 which somehow could influence the witness. I don't know what you are
18 going to say.

19 MR MACDONALD: [16:29:41] Of course not. Of course not. Of course
20 not.

21 Your Honour, first question is the relevance of this line of questioning, when
22 the Prosecution so far has not been or has never elicited any information in
23 the context of the case to the charges as to who may have killed former
24 General Guéï, that's number one. So it goes back to the instructions you
25 gave on Monday.

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1 And I think that then therefore this line of questioning is very peripheral,
2 even to the credibility of the witness, and that we are a long way from the
3 charges themselves.

4 PRESIDING JUDGE TARFUSSER: [16:30:33] Yes, please continue.

5 MR MACDONALD: [16:30:34] I'm going slow for the interpretation, your
6 Honour. It's late in the afternoon.

7 MR N'DRY: [16:30:40] (Interpretation) Mr President, did you say I should
8 continue?

9 PRESIDING JUDGE TARFUSSER: [16:30:44] I just want to say that I think it
10 has its relevance, more for the assessment of the witness. So please continue,
11 but look at the hour.

12 MR N'DRY: [16:31:00] (Interpretation) Thank you, Mr President.

13 Q. [16:31:04] Mr Witness, you said to this Court that one of the reasons
14 which you were motivated to listen was a desire for truth to be manifested
15 one day. Now, when you write a document and hand it over to the OTP and
16 you write in your own hand that General Dogbo Blé is the main killer of
17 General Guéï Robert, I would like to know from you - and please can you tell
18 the Court - when you say that, did you hear -- or what is it that you heard that
19 led you to that conclusion?

20 A. [16:32:01] Thank you, counsel. What I say is --

21 Q. [16:32:09] I'm talking about the network.

22 A. [16:32:11] Yes, the network. On that day the only thing I heard on the
23 network was he asked the following: "Who are the troops in the general's
24 courtyard," General Guéï's courtyard or compound? And a number of
25 names were provided, a number of individuals were mentioned to have been

1 present. And it is thereafter that an announcement was made about the
2 death of all these people. So my reasoning was the following: These people
3 died. There was an authority who had asked about it who was the head of
4 the presidential guard. So those who execute --

5 Q. [16:32:58] I'm sorry to stop you. I don't have much time. So I can
6 conclude that you did not hear any statement that General Dogbo Blé may
7 have made in that connection; is that correct?

8 A. [16:33:12] I heard his call sign. He called and he said for the people
9 who were there, what were the ones --

10 Q. [16:33:21] Very well. Let us move quickly, Mr Witness. Now, the
11 transcripts of that day, the transcript or your notes from that day, page 40 --

12 PRESIDING JUDGE TARFUSSER: [16:33:38] Which day? Which day?

13 MR N'DRY: [16:33:43] (Interpretation) Today, page 40, lines 2 to 6, you said
14 the following. Today's transcript, I quote:

15 "When he was speaking, I didn't know about there being deaths. And
16 that -- that happened -- and I really wasn't able -- I couldn't because I didn't
17 have any elements on that. It was after. When it was said that Guéï was
18 dead, I said I missed a piece of information."

19 Now, Mr Witness, what was that element of information that you missed?

20 Please try. Did you -- what piece of information did you miss? Do you
21 know the identity of the killer?

22 A. [16:34:59] Right from the very beginning, I didn't hear that. Perhaps if
23 I had heard at the beginning, I would have known. If I had known that there
24 had been deaths at the home, I would have caught that information. But no,
25 no, no, I didn't hear that. Well before I didn't hear. But I came to my

1 conclusion that is what I -- that's the conclusion --

2 Q. [16:35:30] So you drew a conclusion or you formed an opinion, but you
3 didn't hear?

4 A. [16:35:34] Well, I heard what was being saying there and they
5 mentioned some names. I heard that. At that specific point, I didn't know
6 about deaths.

7 Q. [16:35:48] Mr Witness, this particular document which you handed
8 over to the OTP investigators, investigators from the OTP of the ICC, it's plain
9 as mud, written black ink on white paper. Now, did you see general Robert
10 Guéï kill those people and say -- and say that General Dogbo Blé was the
11 main killer?

12 A. [16:36:20] Thank you, counsel. I did not see and that the people
13 Cosmos instructed to be processed or dealt with, similarly, I did not see
14 them --

15 Q. [16:36:39] Okay. I get it. You didn't see.

16 A. [16:36:45] But at least I heard what was being said.

17 Q. [16:36:47] Very well. Mr Witness, now, you say that you heard
18 someone say that someone gave an order for bodies to be collected. How
19 did you know it was Dogbo Blé who gave such an order?

20 A. [16:37:24] It was an authority figure. He gave an order from a place of
21 authority. It was his call.

22 Q. [16:37:36] Very well, very well. Now, once again on the same page,
23 somewhat lower, you said that this unit does not respond to the orders from
24 our main headquarters, better armed than the regular army itself. All the
25 reports from these other people are sent directly to Laurent Gbagbo and

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1 Kadet Bertin and are completely outside of the chain of command or outside
2 the purview of army headquarters.

3 Now, Mr Witness, what part of this is rumour within this allegation? And if
4 these are actual concrete facts, can you give us some guidance or
5 clarification? Can you situate us?

6 A. [16:38:49] That is information that I gathered from -- well, that wasn't
7 from the network. That wasn't from the network.

8 Q. [16:38:59] That suffices for me.

9 MR N'DRY: [16:39:02] (Interpretation) Could we please display on the screen
10 item number 4 -- correction, item number 5. CIV-OTP-0005-0030.

11 PRESIDING JUDGE TARFUSSER: [16:39:40] I give you 5 minutes.

12 MR N'DRY: [16:39:54] (Interpretation) For today or to conclude?

13 PRESIDING JUDGE TARFUSSER: [16:39:57] To conclude your questioning
14 with this witness.

15 MR N'DRY: [16:40:04] (Interpretation) I shall try.

16 Q. [16:40:17] Mr Witness, now, at the top of this particular page that's on
17 the screen here - could we scroll up slightly, please - you wrote the following
18 in relation to the CECOS. You said:

19 "This unit made up for the most part of gendarmes and police officers
20 coming under the command of General Guiai Bi Poin and without any doubt
21 involved in all its ugliness, in the murders, massacres, and all kinds of abuse
22 and violence in the course of recent events since the 16th of the 12th month of
23 2010."

24 Now, Mr Witness, what led you to come to that conclusion? Where, when,
25 and how did you learn of instances of violence and abuse? Tell us -- tell us

1 the name of the people who were the victims of abuse and violence. Tell us.
2 Explain to us the circumstances that led you to making such a statement to
3 the OTP investigators.

4 A. [16:41:42] Thank you. I told you that these units were doing the work
5 along with the GR. These are the units I was talking about. They were on
6 the UHF network. But their behaviour on the radio, on the network, was in
7 no way different to what the Republican Guard was doing. Everything they
8 were doing, attacks upon contingents, they were prepared by -- it was on the
9 network. I heard it.
10 I didn't see them kill. I wasn't actually there in the field. But when they
11 did things and when orders were issued by Cendrac and the others and,
12 well, it was in light of what I heard on the network that I made that
13 particular statement.

14 Q. [16:42:47] Mr Witness, you said that you listened to all of these
15 messages so that we could come to the truth, all these murders which you
16 describe as being ugly; and in the documents that you handed over to the
17 OTP, we do not see any of that coming out.

18 MR KNOOPS: [16:43:20] Mr MacDonald once again -- please, your Honour.

19 MR MACDONALD: [16:43:24] It's argumentative with the witness.

20 PRESIDING JUDGE TARFUSSER: [16:43:25] Sorry.

21 MR MACDONALD: [16:43:26] It's not a question. It's argumentative.

22 PRESIDING JUDGE TARFUSSER: [16:43:37] The question would be: Why
23 did you not say this or did you say this or not to the Office of the Prosecutor,
24 not why didn't it come out.

25 MR N'DRY: [16:43:55] (Interpretation)

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1 Q. [16:43:57] You heard the question directly from the Presiding Judge.

2 A. [16:44:01] What did he say? Please, Mr Presiding --

3 PRESIDING JUDGE TARFUSSER: [16:44:11] Yes, I said - interpreting the
4 question of Maître N'Dry - why did all this not come out in the statement
5 given to the Office of the Prosecutor?

6 THE WITNESS: [16:44:26] (Interpretation) No, but it's -- all of that file, I
7 provided it to the OTP. I wrote it down. I did summaries and I handed it
8 over to the Prosecution. I'm surprised that -- I'm surprised that -- well, it's
9 with the Office of the Prosecutor. This just can't be.

10 MR N'DRY: [16:44:52] (Interpretation)

11 Q. [16:44:53] Mr Witness, now let's try to be clearer for the sake of these
12 proceedings. Now, the documents that you provided to the OTP, how many
13 pages did they total?

14 A. [16:45:10] I don't know.

15 Q. [16:45:11] Tell us in general terms how many pages, how many pages?

16 A. [16:45:15] I can't tell you. I can't tell you. I don't know.

17 PRESIDING JUDGE TARFUSSER: [16:45:18] But why must we go back to the
18 same, absolutely the same questions which were already answered by the
19 witness? This, exactly same arguments were already dealt with.

20 MR N'DRY: [16:45:38] (Interpretation) I will consult lead counsel on a number
21 of points since you have restricted my time to 5 minutes.

22 PRESIDING JUDGE TARFUSSER: [16:46:05] I have not restricted. I have not
23 restricted anything. We are well over the time which, we are nearly 20
24 minutes over the time. So I have not restricted. I just say this witness, and
25 we know this since yesterday or two days ago, this witness has to be finished

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1 today. And I cannot go over 5 o'clock. So that's the only thing I have to say.

2 I've not restricted anything. Please.

3 MR N'DRY: [16:46:40] (Interpretation) Very well, your Honour.

4 (Counsel confer)

5 MR N'DRY: [16:47:39] (Interpretation) Your Honour, after consulting lead

6 counsel, I do wish to say that we have concluded with the witness.

7 PRESIDING JUDGE TARFUSSER: [16:47:47] Okay. Thank you very much.

8 I know that there is one issue to be dealt with in re-questioning by the Office

9 of the Prosecutor. Please.

10 MR DEMIRDJIAN: [16:47:59] There was one, your Honours, and now there is

11 a second with the date. So I'll do it very quickly, very surgically. If we can

12 display that same annex 5, page 1, please.

13 QUESTIONED BY MR DEMIRDJIAN:

14 Q. [16:48:18] Good afternoon once again. Two points very quickly. I'd

15 like to show you the first page of annex 5. Can you see at the top of the page

16 BQ weekly bulletin of 12th month 2010. Can you see that?

17 A. [16:48:39] Yes.

18 Q. [16:48:40] Now, when did you draft this document, sir?

19 A. [16:48:43] No, honestly. Someone put 12. It must have been

20 December 2010. But I didn't put the date. I don't know why.

21 Q. [16:49:08] So it would have been in December 2010?

22 A. [16:49:12] That's possible, that's possible.

23 Q. [16:49:14] Very well. Now, at page 76 of your witness statement, you

24 said: "I wrote this 5-page document entitled BQ of the year 2010 in

25 December 2010." Now, you said that in your witness statement that was

1 taken in 20 --

2 THE INTERPRETER: [16:49:39] Overlapping.

3 Q. [16:49:42] Now in 2011 when you met with the OTP investigators and
4 you signed your statement, in your statement you said that you had written
5 this statement in December 2010. Now, at the time when you gave your
6 statement was what you said the truth?

7 A. [16:50:00] That is -- I think a mistake might have crept into -- when it
8 comes to the date, I corrected that -- rather, that that date it was that date and
9 I provided it to the Prosecutor of the republic, rather, I beg your pardon, to
10 the person who was asking me the question.

11 The date, it wasn't -- I was a bit mixed up. It wasn't right. It wasn't that
12 thingamajig.

13 Q. [16:50:31] So in your statement, when it is written that you wrote the
14 document in December 2010, does that refresh your memory?

15 A. [16:50:41] Yes -- no, no, no, no, it doesn't refresh my memory. But I do
16 know that I set a date. But it didn't correspond exactly to the true date on
17 which I wrote the file. And when the guy drew my attention to that, I said
18 there must have been a mistake about the date.

19 And I corrected the error and I put the normal -- I put the normal date and I
20 said instead of -- no, not that date, it was the normal date.

21 Q. [16:51:16] Very well. We'll move on to my last topic.

22 (Speaks English) Your Honours, at this stage I would like to seek your
23 permission to show the video which was discussed earlier and which you
24 asked the witness about. This is the video which I sent an email about
25 yesterday morning. It is a video which was made available on YouTube last

1 year in April 2016, so after the Prosecution's case had started. So we didn't
2 have that video when the trial began.

3 We disclosed it immediately to the Defence when we saw it in July, so hence
4 we couldn't have put it on our list of evidence in June 2015. So it was not in
5 our possession at the material time.

6 This video discusses exactly the issue that you asked the witness about. It's
7 a show on TF-1. I will not say more so that we can show it to the witness.

8 It will assist you. It will assist you in assessing the credibility of the witness.

9 Now, I believe that my learned friend will object to it. Once more, the point
10 is that in your truth seeking mission I believe that this will complete the
11 picture in assessing the credibility of the witness.

12 PRESIDING JUDGE TARFUSSER: [16:52:38] Maître Altit, but very, very
13 briefly.

14 MR ALTIT: [16:52:40] (Interpretation) Thank you, your Honour. This was
15 disclosed in July 2016 by the Prosecution. And they had all the necessary
16 time to analyse this video and to determine whether it was incriminating or
17 not. And there is really no reason whatsoever to explain the tardy disclosure
18 of this material to the Defence. The Defence wishes to stress that the
19 Prosecution cannot make it up as he goes along in the course of the trial,
20 because this really puts the – or, rather, it is quite prejudicial to the ability of
21 the Defence to prepare.

22 The items should have been on the items of material and if it is not on the list
23 it should be, it should be, a request should be made to add it to the list rather
24 than facing or putting the Chamber before a fait accompli.

25 There should be no attempt to get away with late disclosure and bypass the

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1 directions of the Chamber. And on a very exceptional basis, the Defence
2 shall not oppose presentation of this item and this is on a completely
3 exceptional basis, this is a one off.

4 PRESIDING JUDGE TARFUSSER: [16:54:27] Mr Knoops.

5 MR KNOOPS: [16:54:28] Mr President, just one addition. I think a video is
6 not a proper method to authenticate the existence of notes. And that's the
7 argument of the Prosecution in its email 15 minutes before the hearing
8 yesterday.

9 So I don't think that by showing this video the Court can accept an
10 authentication of the witness just showing a few papers in the camera.
11 Thank you.

12 PRESIDING JUDGE TARFUSSER: [16:54:56] I must say that I don't
13 understand the word authentication.

14 (Trial Chamber confers)

15 PRESIDING JUDGE TARFUSSER: [16:55:50] We will not see this now. I
16 think the Prosecutor can add this video to the videos which will be -- no.

17 MR MACDONALD: [16:56:09] Your Honours, we'll make a regulation 35
18 application.

19 PRESIDING JUDGE TARFUSSER: [16:56:17] Okay.

20 MR MACDONALD: [16:56:17] The Defence of Mr Altit is not objecting.

21 PRESIDING JUDGE TARFUSSER: [16:56:21] Okay.

22 MR MACDONALD: [16:56:22] It's a question that was raised by the Chamber
23 itself.

24 PRESIDING JUDGE TARFUSSER: [16:56:25] But we do not have to see it in
25 the presence of the witness.

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- 1 MR MACDONALD: [16:56:29] The witness is on the video.
- 2 PRESIDING JUDGE TARFUSSER: [16:56:31] Yes, I know. But he's on the
- 3 video, you cannot see him.
- 4 MR MACDONALD: [16:56:33] Yes, but he can say if it's himself or not.
- 5 PRESIDING JUDGE TARFUSSER: [16:56:38] We will not see the video now
- 6 and you can make an application.
- 7 MR MACDONALD: [16:56:41] Thank you.
- 8 PRESIDING JUDGE TARFUSSER: [16:56:42] Thank you.
- 9 Now so after this is there re-questioning, I would say.
- 10 MR ALTIT: [16:56:54] (Interpretation) No request.
- 11 MR KNOOPS: [16:56:56] No, Mr President. Thank you very much.
- 12 PRESIDING JUDGE TARFUSSER: [16:56:59] Thank you very much.
- 13 Mr Witness, Mr Witness, I'm speaking, your testimony is finished, is over.
- 14 Thank you for your time for being here. And have a safe trip back.
- 15 THE WITNESS: [16:57:18] (Interpretation) I too wish to thank you. I thank
- 16 everyone. I do hope that your mission shall be conducted successfully and I
- 17 thank you.
- 18 PRESIDING JUDGE TARFUSSER: [16:57:39] Thank you.
- 19 Please, the court usher to accompany the witness outside. Thank you.
- 20 (The witness is excused)
- 21 PRESIDING JUDGE TARFUSSER: [16:58:10] May I just say on a personal note
- 22 that a large part of the questioning of this witness today and yesterday could
- 23 have been avoided and things would be probably also more clear if the
- 24 investigators would have taken the original notes the witness brought with
- 25 him when he was questioned.

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- 1 So the hearing is adjourned to tomorrow morning, 9.30, with the following
- 2 witness, 560.
- 3 Thank you very much.
- 4 THE COURT OFFICER: [16:58:48] All rise.
- 5 (The hearing ends in open session at 4.58 p.m.)