

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
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Friday, 10 February 2017
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:48] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:35:17] Good morning. Good morning
15 everybody in the courtroom and outside and in the public gallery.
16 Good morning, Maître Aoun.
17 We are in open session. But before starting the questioning of this witness, I was
18 asked to deal with some requests and issues which will be presented by counsel of
19 the witness. And as these things have to do with protective measures and other
20 issues which have to be dealt in private session, I ask the court officer to go into
21 private session. So we deal with it, we decide on it, and then we see on how we
22 proceed.
23 Please, let's go into private session now.
24 (Private session at 9.36 a.m.)
25 (Redacted)

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WITNESS: CIV-OTP-P-0560

(Private Session)

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- 10 (Open session at 9.44 a.m.)
- 11 THE COURT OFFICER: [9:44:17] We are in open session.
- 12 PRESIDING JUDGE TARFUSSER: [9:44:19] Thank you very much.
- 13 We are now in open session. Just to say that we dealt with some protective
- 14 measures, but anyhow, less complicated than foreseen. So we start now with the
- 15 witness, with the questioning of the witness. But before starting the questioning,
- 16 Mr Witness, we have to do some preliminary -- deal with some preliminary issue.
- 17 The first one is your complete identification. So could you please tell us your full
- 18 name, date, place of birth, and occupation. Thank you.
- 19 THE WITNESS: [9:45:16] (Interpretation) Thank you, your Honour. My name is
- 20 Adomo Bonaventure Guillaume Séverin. I was born on 11 January 1956 in Abidjan.
- 21 I work in the cabinet of the national directorate of the national police.
- 22 PRESIDING JUDGE TARFUSSER: [9:45:55] So this is your current occupation?
- 23 THE WITNESS: [9:46:06] (Interpretation) Yes, that's correct.
- 24 PRESIDING JUDGE TARFUSSER: [9:46:07] So what nationality are you? Are you
- 25 Ivorian?

1 THE WITNESS: [9:46:16] (Interpretation) Yes, I am an Ivorian citizen.

2 PRESIDING JUDGE TARFUSSER: [9:46:22] So we all in here, we will call you not by
3 your name but we address you as Mr Witness. This is what we normally do with
4 witnesses.

5 Now, so far as the problem raised by your counsel concerns, I will address
6 this -- and as you have seen and learned you have been assigned a lawyer, Mr Aoun,
7 to provide you with all needed legal advice about self-incrimination. The
8 Prosecutor has indicated that Rule 74 assurances were appropriate in your case and,
9 therefore, Mr Aoun is present with you. And if any concern arises during the
10 course of your testimony in this respect, you are allowed to confer with him and he
11 will be able to advise you and to raise all your concerns with the Chamber. The
12 Chamber gives you the assurance, pursuant to Rule 74(3) of the Rules, that your
13 testimony will not be used either directly or indirectly against you in any subsequent
14 proceedings by this Court, except of course Article 70 and 71, the contempt of court,
15 false testimony, which are the offences against the Court if you do not say the truth.
16 Accordingly, if any question is asked that could lead to your self-incrimination, we
17 will hear your answer to that question in private session and keep this answer
18 confidential.

19 The questioning parties are responsible for requesting private session prior to asking
20 questions, questions that may lead you to incriminate yourself, and obviously duty
21 counsel should be alert to intervene if and when he deems it appropriate to that
22 effect. So this is the assurance which was requested and is given to you according
23 to Rule 74(3).

24 Now we have another issue, and this is also very important. You will testify in
25 French, the French language, and we need to assure that we understand your

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1 answers and also that you understand the questions, and therefore, we need
2 interpreters. So what is important is that you speak slowly, slowly and clearly,
3 slowly and clearly, as I'm doing into the microphone and allow also some time for
4 interpretation. So what we try to ensure is that between the question -- the end of
5 the question to the beginning of the answers and vice versa, there is always a little
6 bit of time, 2, 3 seconds in order to permit the interpreters to finish the interpretation
7 of the question or the answers. Do you understand this?

8 THE WITNESS: [9:50:34] (Interpretation) Yes, your Honour.

9 PRESIDING JUDGE TARFUSSER: [9:50:42] So if I -- I do normally also give you a
10 sign when I hear from the interpreters that there is some problem, I give you a sign
11 to slow down or to -- not to overlap among two speakers.

12 Now some preliminary information as to your testimony.

13 This Chamber, you know, has been established to try the case of Prosecutor versus
14 Mr Gbagbo and Mr Blé Goudé. You are a witness and, as such, you are called to
15 assist the Chamber in the search of the truth. You will be asked questions by all
16 lawyers, the Prosecutor, the Defence counsel, the Defence for Mr Gbagbo and
17 Mr Blé Goudé, and eventually also by the Chamber. Your own duty is to say the
18 truth. You're not here to do anything else, to take part for any part -- party, you are
19 here to say the truth. And to this effect, you have by law the obligation to make a
20 solemn undertaking. Therefore, I would ask you to read out the formula you have
21 in front of you.

22 THE WITNESS: [9:52:48] (Interpretation) Solemn undertaking: I solemnly declare
23 that I will state the truth, the whole truth, and nothing but the truth.

24 PRESIDING JUDGE TARFUSSER: [9:53:03] Thank you very much. As I said also
25 before, not saying the truth is an offence against the Court and is, as such,

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1 punishable; you understand this?

2 THE WITNESS: [9:53:21] (Interpretation) Yes, your Honour.

3 PRESIDING JUDGE TARFUSSER: [9:53:28] Okay. Now I think we can start.

4 Maybe you know, but if you don't I tell you, we have three sessions a day of each of
5 one hour and a half. So we go now to just -- we have a little bit more than one hour
6 left for this first session, then we have a break of a half an hour, another session of
7 one hour and a half, lunch break, and in the afternoon one other session.

8 This said, I give the floor to the office of Prosecutor for its questioning.

9 Yours is the floor.

10 MR GARCIA: [9:54:15] Thank you, Mr President, your Honours.

11 QUESTIONED BY MR GARCIA: (Interpretation)

12 Q. [9:54:24] Good morning, Witness.

13 A. [9:54:26] Good morning, counsel.

14 Q. [9:54:31] You know me already. We've already met briefly. My name is
15 Lucio Garcia. I am the Prosecutor that's going to be asking you questions on behalf
16 of the Office of the Prosecutor today. Before we begin, I'd like to say that perhaps I
17 may ask you some questions that you find complicated or that you don't
18 understand. And if that should occur at any point in time during my questioning,
19 please do not hesitate to ask me to rephrase the question or tell me that you haven't
20 understood the question, and I will do that, either rephrase the question or simplify
21 it if need be.

22 Have you understood that? I see you nodding.

23 Another point which is very important, I would like to recall what the Presiding
24 Judge has just stated, but we must really take our time so that those who are
25 interpreting, translating what we are saying can do so. I myself will try to keep an

1 even pace and not speak too quickly. And as far as yourself, please do take a few
2 seconds after you hear my question, 3, 4, 5 seconds before you answer and then only
3 begin to give your answer so that everyone has the necessary time. Is that okay?
4 And the Judge has also reminded you that we have three sessions this morning. I'm
5 going to start right now.

6 First of all, if I understood correctly you worked within the cabinet of the national
7 directorate of the national police; is that correct? And can you tell me exactly what
8 your precise function is within the cabinet?

9 A. [9:56:42] Thank you. I am in charge of research for the national déchargés
10 d'études for the national directorate of the national police.

11 Q. [9:56:54] How long have you been occupying that position?

12 A. [9:56:57] Since 2012. Since 21 January 2012, to be precise, I've occupied that
13 position.

14 Q. [9:57:18] Could you tell us, Witness, what you -- where you were before, what
15 was your job before your present position?

16 A. [9:57:28] Before occupying that position, I worked at the director at of the
17 criminal police.

18 Q. [9:57:45] What was your function as such? What was your job?

19 A. [9:57:57] At the criminal police I was in charge of investigations.

20 Q. [9:58:05] To be perfectly clear, are you talking about investigations against
21 policemen or investigations against criminals as such?

22 A. [9:58:27] I was in charge of criminal investigations involving criminals,
23 against offenders.

24 Q. [9:58:45] Before that position, what was your function, what was your
25 previous job?

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1 A. [9:58:53] Before I worked with the criminal police, I was the head of the
2 district police in Adjamé.

3 Q. [9:59:04] Can you tell me how long you were the chief of the district police in
4 Adjamé?

5 A. [9:59:25] I occupied that position for five months and three weeks, from 17
6 December 2010 until March 9, 2011.

7 Q. [9:59:42] I will go into further detail about your job as district police chief in
8 Adjamé in a few moments, but meanwhile I would like to describe how you got to
9 that position of district police chief. When did you begin working within the
10 police?

11 A. [10:00:12] In 1996.

12 Q. [10:00:19] If I understand correctly, you were also police commissioner in a
13 number of districts, in a number of arrondissement, before you became the district
14 police chief; is that correct?

15 A. [10:00:36] Yes, that's correct.

16 Q. [10:00:37] You were a commissioner in which district, which arrondissement?

17 A. [10:00:48] In the 21st, in Abidjan; in the 3rd, in Daloa; in the police department
18 of Bondoukou; in a 3rd --

19 THE INTERPRETER: Which was not audible.

20 A. [10:01:12] -- in Divo.

21 Q. [10:01:15] Please go on.

22 A. [10:01:20] Yamoussoukro district, and that's when I -- it was after that that I
23 went to the Adjamé district.

24 Q. [10:01:28] So how many years were you a police commissioner for in all these
25 various positions that you held over the years? How long?

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1 A. [10:01:44] I haven't understood your question.

2 Q. [10:01:49] When you began your career as police commissioner, what year
3 was that approximately?

4 A. [10:01:55] As soon as I came out of the police academy.

5 Q. [10:02:02] Do you remember what year that was?

6 A. [10:02:07] 1996.

7 Q. [10:02:16] Could you briefly explain to us what the duties of a police
8 commissioner are?

9 PRESIDING JUDGE TARFUSSER: [10:02:22] Please, I think what the duties of a
10 police commissioner are? I mean --

11 MR GARCIA: [10:02:30] Well, your Honours, I --

12 PRESIDING JUDGE TARFUSSER: [10:02:33] I think we should go to the core of the
13 testimony. I think we should know what the police commissioner has to do.

14 MR GARCIA: [10:02:46] Your Honours, I'm guided by the Chamber on this matter,
15 but it is a question at issue and --

16 PRESIDING JUDGE TARFUSSER: [10:02:51] If there is something specific, yes, but
17 not generally speaking what the police commissioner's duties are.

18 MR GARCIA: [10:02:59] But, your Honour, what is at the heart of this is an incident
19 regarding what the witness may have done or not done at a critical time.

20 PRESIDING JUDGE TARFUSSER: [10:03:06] Yes, but I mean --

21 MR GARCIA: [10:03:08] If I may just finish, and what the functions of the
22 commissioners, because there were commissioners working under him at that point,
23 in my opinion that's for the Prosecution, we've determined that that is relevant.

24 PRESIDING JUDGE TARFUSSER: [10:03:18] Yes --

25 MR GARCIA: [10:03:19] But I'm guided by the Chambers --

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1 PRESIDING JUDGE TARFUSSER: [10:03:22] -- no, but --

2 MR GARCIA: [10:03:23] I'm guided by the Chamber. If the Chamber does not want
3 to hear that, then I'm not going to pursue that line of questioning.

4 PRESIDING JUDGE TARFUSSER: [10:03:29] But go to -- the question was: What
5 are the functions of the police commissioner? And I would like, I think would that
6 this is --

7 MR GARCIA: [10:03:39] Your Honour, maybe I can be more precise in --

8 PRESIDING JUDGE TARFUSSER: [10:03:42] Perfect, yes.

9 MR GARCIA: [10:03:43] I'm not looking for an extensive answer from the witness,
10 but maybe I'll remind him of that. But it is important.

11 PRESIDING JUDGE TARFUSSER: [10:03:50] Yes, be more precise and focus on what
12 you want to achieve.

13 MR GARCIA: [10:03:53] Definitely, but it is important for the Prosecution.

14 PRESIDING JUDGE TARFUSSER: [10:03:55] Yes, yes, good.

15 MR GARCIA: [10:03:57] (Interpretation)

16 Q. [10:03:58] Mr Witness, briefly, could you tell us: What are the duties of a
17 police commissioner? But please, just give us a brief overview.

18 A. [10:04:05] I beg your pardon. I think that the duties of a police commissioner
19 are the same everywhere. One is responsible for the safety and security within a
20 town or a city or an area.

21 Q. [10:04:35] So basically maintaining order, enforcing the law; is that correct?

22 A. [10:04:45] Yes, maintaining order. And then there is the judicial police as
23 well in Côte d'Ivoire, we also have judicial police officers in our police stations and
24 they repress criminal acts.

25 Q. [10:05:04] You mentioned various zones. You said something about zones.

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1 Is that true, that each person had jurisdiction over a particular zone or area?

2 A. [10:05:17] Yes. When I make mention of zones, I'm speaking about towns
3 and cities.

4 Q. [10:05:33] Very well. Thank you for clearing that up for us. Let us hark
5 back to your duties. In 2010 I believe you were the head of the police in a district in
6 Adjamé. Was there a specific name?

7 A. [10:05:56] Yes. The 4th district which had been created, so it's district
8 number 4.

9 Q. [10:06:09] Now, at that time - I don't know whether it's still the case - but how
10 many districts were there? How many police districts were there in Abidjan?

11 A. [10:06:21] At the time and up until now the same number, six, six police
12 districts.

13 Q. [10:06:36] And could you tell us what districts were in existence at the time?
14 You mentioned your district, Adjamé, and five others. If you could please tell us
15 the names of these various districts?

16 A. [10:07:00] District number 1 in Abobo; district number 2 in Port-Bouët; district
17 number 3, district Yopougon; number 4 Adjamé district, Adjamé district; district
18 number 5, Cocody district; and district number 6, Marcory district, Marcory district.

19 PRESIDING JUDGE TARFUSSER: [10:08:01] I just take advantage of this, because
20 there is a mistaken the transcript I think at line -- in the English transcript, at line 10,
21 page 10, line 24, it's written until 9 March 2011, while in French it's until 9 April 2011,
22 so just it has to be 9 April 2011.

23 MR GARCIA: [10:08:41] Your Honours, I believe it was March, but I can clarify that
24 with the witness.

25 Q. [10:08:54] (Interpretation) Just so that things are perfectly clear for the case

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1 record, you ceased your duties as police commissioner in March or in April? You
2 mentioned a date, the 9th?

3 A. [10:09:12] I stopped in Adjamé district on 9 March 2011, 9 March 2011.

4 Q. [10:09:22] Thank you.

5 PRESIDING JUDGE TARFUSSER: [10:09:22] That means that the French is wrong,
6 right? So one is wrong. Thank you.

7 MR GARCIA: [10:09:40] (Interpretation)

8 Q. [10:09:42] Now, at the time you were the head of the Adjamé district, were
9 there any particular police commissioners who came under your authority?

10 A. [10:10:10] Thank you, counsel. Yes, there were seven commissioners and one
11 head of post who came under my jurisdiction or authority.

12 Q. [10:10:29] I'd like to ask you if you could help us with something, just like a
13 few moments ago. Could you tell us the commissioners, if you could give us their
14 respective arrondissement, these people who came under your authority at the time?

15 A. [10:11:03] Counsel, I'd like to know if it is possible to give the names of the
16 commissioners. Are you talking about the --

17 Q. [10:11:56] Well, obviously if you are able to remember the names of the
18 commissioners, yes, if that's possible. We could go one step at a time, one person at
19 a time.

20 A. [10:12:13] Yes, thank you, but I wouldn't want to give the names of the police
21 commissioners here.

22 MR GARCIA: [10:12:21] Your Honours, perhaps I would suggest that we go into
23 private session just to elucidate this or clear this matter up and then the Chamber
24 can decide on how to proceed best afterwards.

25 MR ALTIT: [10:12:42] (Interpretation) Thank you, your Honour. The name of a

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1 police commissioner is known to everyone, to thousands of people in a particular
2 area. A commissioner is appointed by way of a public government order, and there
3 is absolutely nothing here that would justify us going into private session, your
4 Honour.

5 MR KNOOPS: [10:13:02] Mr President, it was also the observation of the team of
6 Mr Blé Goudé, it's I think a matter of public record who are the
7 commissioners -- who were the commissions at that time and even right now.
8 These names are known to the public. Thank you.

9 PRESIDING JUDGE TARFUSSER: [10:13:19] This is also what the Court -- what the
10 Chamber thinks, because, I mean, we are saying something which is clear to
11 everybody. So there shouldn't be any problem at all, not for you and not for those
12 people, because they are well-known. So I would ask you to respond to these
13 questions and they for sure have nothing to do with Rule 74. Thank you.
14 Mr Prosecutor.

15 MR GARCIA: [10:13:58] (Interpretation)

16 Q. [10:13:59] Mr Witness, let's make things simple. Could you perhaps give the
17 numbers or the names of the various arrondissement and the names of the police
18 commissioners who were under your authority; is that possible to do that today?

19 A. [10:14:21] Thank you, counsel. Under my authority I had seven police
20 stations, "commissariat" in French, and then another police station. There was the
21 3rd arrondissement police station, the 7th arrondissement police station, the 1st
22 arrondissement police station, the 11th arrondissement police station, the 27th
23 arrondissement police station, and the 28th arrondissement police station, plus a
24 police station that was the Carena police station.

25 Q. [10:15:34] Just to be absolutely clear and for my own benefit, now, the 10th

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1 arrondissement, did that area come under your jurisdiction at the time?

2 A. [10:15:50] That is correct.

3 Q. [10:15:55] Now, regarding the 1st arrondissement, which particular area was
4 covered or comprised by the 1st arrondissement?

5 A. [10:16:14] The 1st arrondissement covered Le Plateau, which is the business
6 neighbourhood or area of Abidjan.

7 Q. [10:16:28] I'll be asking you the same questions. Now, the 3rd
8 arrondissement, what area was that?

9 A. [10:16:38] The 3rd arrondissement covered part of Adjamé, part of Adjamé at
10 the Adjamé market, and it went as far as the town hall. So that was basically the
11 area of the 3rd arrondissement.

12 Q. [10:17:03] And who was the commissioner in charge of the
13 3rd arrondissement?

14 A. [10:17:08] I mustn't give his name here.

15 PRESIDING JUDGE TARFUSSER: [10:17:16] Yes. Yes.

16 THE WITNESS: [10:17:27] (Interpretation) Thank you, your Honour. It was Guigui
17 Gnali Jean-Bedel.

18 MR GARCIA: [10:17:44] (Interpretation)

19 Q. [10:17:45] Jean-Bedel Inali, I-N-A-L-I; is that correct?

20 A. [10:17:53] No, Guigui Gnali, but I think you put an "I" in there. That is not
21 correct. I believe it's G-N-A-L-I.

22 Q. [10:18:28] Thank you.

23 If we could now move on to 7th arrondissement, which area was covered by 7th
24 arrondissement?

25 PRESIDING JUDGE TARFUSSER: [10:18:39] Excuse me. Wouldn't it be possible to

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1 have a map where these arrondissements are designed with their boundaries?

2 MR GARCIA: [10:18:50] I don't believe we have one of those maps on record, your
3 Honour. We may have a map that can indicate the position of it but not the precise
4 boundaries. It's not something that I plan to spend much more time on. But on the
5 arrondissement which are important for the Prosecution and for his testimony, I will
6 maybe ask the witness to expand on those specific ones.

7 PRESIDING JUDGE TARFUSSER: [10:19:11] Okay.

8 MR GARCIA: [10:19:13] (Interpretation)

9 Q. [10:19:14] Now, let's move to the 7th arrondissement. Which area was
10 covered by the 7th?

11 A. [10:19:39] That covered the area known as 220, all the way to the monument
12 to the Martyrs.

13 Q. [10:20:05] So that's 220 Logements area; is that correct?

14 A. [10:20:25] That is correct.

15 Q. [10:20:26] You also mentioned the 27th arrondissement. What area was
16 covered by the 27th?

17 A. [10:20:53] The 27th covers Bracodi for the most part. That's a part of Adjamé.

18 Q. [10:21:19] You also mentioned the 10th arrondissement. What area
19 corresponds to the 10th arrondissement?

20 A. [10:21:40] That area, the 10th, covers Attecoubé, an area known as Attecoubé.

21 Q. [10:22:01] And finally the 11th arrondissement, what area is covered by the
22 11th?

23 A. [10:22:20] Williamsville.

24 Q. [10:22:27] Who was the commissioner in charge of Williamsville at the time?

25 A. [10:22:35] In the 11th arrondissement today was commissioner

1 Ossohou Leopold.

2 Q. [10:22:52] I believe this name is on our list but just -- this is O-S-S-O-H-O-U.

3 And finally the 28th arrondissement, Mr Witness, what area was that?

4 A. [10:23:12] The 28th covers Moussikro, M-O-U-S-S-I-K-R-O.

5 Q. [10:23:44] How many -- correction, how many police stations were there at the
6 time, "commissariat" in French?

7 A. [10:23:53] In the district?

8 Q. [10:23:54] Yes, in the entire district.

9 A. [10:23:57] Seven police commissariats and one police station.

10 Q. [10:24:02] Now, this police station, where was this particular police station?

11 A. [10:24:10] That was located on Boulevard Lagunaire opposite the Carena, and
12 that was a company that repaired boats. So the police post was called la Carena.

13 Q. [10:24:33] And you at the time physically, where were you working? Where
14 was your office?

15 A. [10:24:37] In the police district, and that was opposite the newspaper called
16 Fraternité Matin at the 220, in the 220 area by the overpass.

17 Q. [10:25:07] Just so that's clear, that was not the same place -- so you were not at
18 the police station, you were in a separate office at the time?

19 A. [10:25:20] That is correct.

20 Q. [10:25:26] Thank you for that information, Mr Witness. Now I've just
21 covered the various people who reported to you, and I'd now like us to move onto
22 the people that you in turn reported to. Was there a police prefect?

23 A. [10:26:00] That is correct.

24 Q. [10:26:05] And in the organisation chart we can see the various police stations
25 underneath you, and there was the prefect of Abidjan as well above you; is that not

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1 correct, on the org chart?

2 A. [10:26:27] Yes, that is correct.

3 Q. [10:26:28] Could you tell us who was the prefect at the time?

4 A. [10:26:43] It was Djehannin Bi Tra Benoît. That was when I was the head of
5 the district of Adjame police district, Bi Tra Benoît.

6 Q. [10:27:13] And above that person, who did he report to?

7 A. [10:27:18] The police prefect reported to the assistant director responsible for
8 public safety.

9 Q. [10:27:43] Just so that's quite clear, that is the person in charge of public
10 security, the assistant commissioner responsible -- correction, the assistant director
11 responsible for public security; is that correct?

12 A. [10:28:02] That's correct.

13 Q. [10:28:03] And the name of the person in question, the person who he
14 reported to, do you remember the rank of that person?

15 A. [10:28:15] I don't remember his name.

16 Q. [10:28:23] Samy Bi Iried, does that name ring a bell?

17 A. [10:28:31] Yes.

18 Q. [10:28:34] I'll spell it out just for the case record, Samy, S-A-M-Y; Bi, B-I;
19 I-R-I-E-D.

20 Do you remember what rank that person had or what that person was doing, that
21 gentleman?

22 A. [10:28:57] I believe he must have been the division commissioner,
23 commissioner responsible for the division.

24 Q. [10:29:16] And finally, Mr Witness, Samy Bi Iried, who did he report to?

25 A. [10:29:30] He reported to the director general of the national police.

- 1 Q. [10:29:55] Could you give us that name please?
- 2 A. [10:29:57] At the time the DG was Bredou M'Bia, Bredou M'Bia.
- 3 Q. [10:30:12] And was this general the general inspector of the police at the time?
- 4 A. [10:30:27] That is correct.
- 5 Q. [10:30:28] I do have a few questions about you and your particular duties.
- 6 Now, when you were the head of the district, what did you do? What were your
- 7 duties?
- 8 A. [10:30:41] For the most part, I was coordinating the various activities of the
- 9 police station.
- 10 Q. [10:30:54] Did you have other duties?
- 11 A. [10:31:01] I also was responsible for maintaining order, enforcing the law.
- 12 Q. [10:31:09] But if someone, if a person made a complaint, would this person
- 13 have to first go to the police station that you mentioned; is that correct?
- 14 A. [10:31:22] That is correct.
- 15 Q. [10:31:27] And I believe you had administrative duties as well?
- 16 A. [10:31:35] Yes. Administrative management of the police
- 17 commission -- correction, the police stations that were part of the district.
- 18 Q. [10:32:01] Mr Witness, I'd like to give you a specific date, 16 December 2010.
- 19 I believe there was a march that time upon the RTI. Do you remember the events?
- 20 A. [10:32:32] Yes, I remember that date.
- 21 Q. [10:32:52] Just to guide you, I'll be putting a number of very simple questions
- 22 to you, very general questions, to elicit general information. If I have more specific
- 23 points, well, I'll be very specific then; is that all right?
- 24 A. [10:33:13] That's fine.
- 25 Q. [10:33:18] Now, you were the head of the Adjamé district at that time on 16

1 December 2010. Now, you've described your duties to us. Were your duties
2 different at the time? Did you have any other duties or were they for the most part
3 the same duties?

4 A. [10:33:40] My duties did not change.

5 Q. [10:33:47] Briefly, what was the situation in Adjamé at that time in December
6 2010, after the second round of elections?

7 PRESIDING JUDGE TARFUSSER: [10:34:07] You mean the situation in terms of
8 public order, I would say?

9 MR GARCIA: [10:34:11] Thank you, your Honour. I'll be more precise.

10 Q. [10:34:16] (Interpretation) The President has pointed out rightly that my
11 question is in relation to public order. Were there any demonstrations? What was
12 the situation like? How can you describe the situation at the time?

13 A. [10:34:26] The situation was generally calm at the time, although there were a
14 few movements here and there. Public order was somewhat perturbed or
15 disturbed.

16 Q. [10:35:08] Simply for the clarity of the record, when you say "light
17 movement," so a few movements, what are you talking about? What are referring
18 to? Be specific, please.

19 A. [10:35:40] Are you referring specifically to 16 December?

20 Q. [10:35:46] Let me be a little more specific. In the days or week just before 16
21 December 2010, were there any demonstrations, any marches, or anything that
22 disturbed the public order in Adjamé?

23 A. [10:35:56] Yes.

24 Q. [10:36:07] Do you remember who organised those marches and what their
25 objectives were?

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1 A. [10:36:24] At that time, that is the period after the presidential elections, there
2 had been two candidates at the time who faced off each other at the presidential
3 elections. One of the candidates was declared elected by the international
4 community and the independent Electoral Commission. Then there was another
5 candidate who was declared elected by the Supreme Court itself, and I think that it
6 was the supporters of those candidates who were demonstrating.

7 Q. [10:37:33] Very well. Thank you, Mr Witness.

8 Now, by way of clarification, how did you deal with these marches? What
9 instructions or orders did you give to your commissioners in relation to those
10 marches and those demonstrations and those involved in them?

11 A. [10:37:56] Personally? Are you asking about what I did personally?

12 Q. [10:38:01] Yes. I understand that at the time you were the district chief, and
13 following your testimony I understand that you were the one who was coordinating
14 the police stations that were under your district, because you were the one giving
15 orders to the individual commissioners at the time; is that correct?

16 PRESIDING JUDGE TARFUSSER: [10:38:23] Excuse me, may I say? The question is:
17 Which order did you receive, from whom, and how did you then follow-up with the
18 orders you received to the persons under you?

19 MR GARCIA: [10:38:44] Just, your Honour, if I may, I just want to be very precise in
20 this aspect, and then of course I'll be asking the other questions.

21 Q. [10:38:55] (Interpretation) Mr Witness, you yourself in your capacity as
22 district chief, what orders did you issue to the commissioners whom you mentioned
23 a short while ago in relation to the marches? How were they supposed to conduct
24 themselves?

25 A. [10:39:16] I asked them to run patrols and that whenever they get to an area

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1 where there were any demonstrations or where the roads may have been blocked by
2 some persons, that they should negotiate with them, have a discussion with them in
3 order to seek peace or to calm them down and get them to disperse.

4 Q. [10:39:56] Did you give them any specific orders and directives as to how to
5 deal with such situations, where people refused to disperse and where the
6 negotiations do not produce such results?

7 A. [10:40:13] No.

8 Q. [10:40:16] So what would happen in a situation where the people did not
9 respond positively to your negotiations or to the discussions with the commissioners
10 or with their forces?

11 A. [10:40:41] Generally speaking, when they ran into such a case and had such
12 negotiations, people will disperse without any further violence.

13 Q. [10:41:08] The order or instruction for commissioners to negotiate or dialogue,
14 was that an instruction that was specific to you or was it something that you
15 received from someone above you, be it the prefect of the police or someone else?

16 A. [10:41:30] Those were instructions that I gave myself, specific to me.

17 Q. [10:41:35] That leads me to the next question. What instructions did you
18 receive from the police prefect, instructions that were given to you in relation to
19 those marches and demonstrations?

20 A. [10:41:48] Are you referring to the march of 16 December?

21 Q. [10:42:02] I'll be getting to the march of 16 December shortly. But before
22 then, did you receive any specific instructions from the police prefect in relation to
23 how to deal with or talk to demonstrators?

24 A. [10:42:23] No.

25 Q. [10:42:34] For the clarity of the record, are you telling us that before 16

1 December, when it regards demonstrations, you did not receive any instructions
2 from anybody, be it the police prefect or anyone else?

3 A. [10:42:51] Yes, that is correct.

4 Q. [10:42:56] To make things even clearer, did you receive any orders or other
5 directives from the police prefect or from any other person?

6 A. [10:43:09] No.

7 Q. [10:43:12] Once again, within the same timeframe and just before the second
8 round of elections, that is before 16 December 2010, whenever there were any
9 demonstrations, did you as a commissioner submit any reports on what was
10 happening on the ground, or did you write any reports on what was happening on
11 the ground?

12 A. [10:44:05] Yes. I have just told you that at that time there were no
13 demonstrations as such. There were a few movements here and there in various
14 neighbourhoods of little significance.

15 Q. [10:44:23] So just to make things clear, if there were small demonstrations in
16 various small neighbourhoods in the areas where other police commissioners were
17 concerned, did you receive reports from them as to what had happened, that there
18 was such and such a demonstration involving this number of people? Did you
19 receive any reports? How did that unfold?

20 A. [10:44:47] Yes, I received reports from the commissioners, who would tell me
21 the measures they had taken, namely, negotiation with the demonstrators with a
22 view to asking them to calm down and to return to their homes.

23 Q. [10:45:03] Was it a written report, was it an oral report, or how did it happen?

24 A. [10:45:15] I don't remember clearly, but this happened a long time ago
25 because generally speaking, if it was not a major, a major movement or something

1 serious, it would usually have been an oral report. But if it was something
2 important where they may have had to disperse the demonstrators, then I would
3 receive -- they would make a written report.

4 Q. [10:45:41] When you yourself received the report, such reports, did you report
5 to the police prefect?

6 A. [10:45:49] Yes, that is correct.

7 Q. [10:45:54] Apart from the police prefect, did you report to anyone else in the
8 chain of command of the national directorate of the national police?

9 A. [10:46:06] No. I simply reported to the police prefect only.

10 Q. [10:46:20] Did you report by way of a written report, if I understand you
11 properly?

12 A. [10:46:26] Yes. But I asked the commissioners to submit their reports to me
13 and then I would submit a report to the police prefect.

14 Q. [10:46:39] To wrap up this part on the reports, the reports that you forwarded
15 to the police prefect, was that something you drafted yourself or did you simply
16 transmit the reports that you received from the commissioners?

17 A. [10:46:58] Generally speaking, when I received a report I will summarise it
18 and provide a report and then compile everything else that I have received and
19 forward it to the police prefect.

20 Q. [10:47:16] Did you ever have to remind the prefect or communicate with him
21 with a view to cross-checking the veracity of the information contained in the
22 reports?

23 A. [10:47:27] No. I felt that they were responsible enough to send me reports
24 that reflected exactly what was happening in the areas.

25 Q. [10:47:36] The reports that you forwarded to the police prefect, did you

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1 yourself know whether he forwarded those reports to the general directorate of the
2 national police?

3 A. [10:47:56] I don't know, but I think -- I think so. He must have.

4 Q. [10:48:02] Now, thank you, Mr Witness.

5 Let us now hop back to the event of the march on the RTI. First of all, I would like
6 to find out whether you received any information about that march from your
7 superiors.

8 A. [10:48:33] No.

9 Q. [10:48:37] Did you know that there was going to be a march on that day, that
10 is 16 December 2010?

11 A. [10:48:52] No.

12 Q. [10:48:57] Let me try to jog your memory, Mr Witness. And I would like to
13 ask you to describe to us --

14 PRESIDING JUDGE TARFUSSER: [10:49:12] Mr Witness, you have been in an
15 important post as police commissioner, as head of police, police commissioner in
16 Abidjan, okay. It seems very unlikely that you don't know anything about
17 anything. So you are here to say the truth, whatever this truth is. Okay?

18 THE WITNESS: [10:49:53] (Interpretation) I have understood you, Mr President.

19 That's what I'm doing. I'm telling you exactly what happened.

20 MR GARCIA: [10:50:10] (Interpretation)

21 Q. [10:50:13] Mr Witness, let me put the question to you again. 16 December
22 2010, what information did you receive in relation to the march?

23 MR N'DRY: [10:50:31] (Interpretation) Mr President.

24 PRESIDING JUDGE TARFUSSER: [10:50:38] Maître N'Dry.

25 MR N'DRY: [10:50:39] (Interpretation) I would like to point out that the witness has

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1 already answered this question.

2 PRESIDING JUDGE TARFUSSER: [10:50:43] I have heard. I know that he already
3 answered this question. But then I intervened also, because it's not possible that
4 everybody knew, and the only one who didn't know it was the police commissioner,
5 not what happened, but that the march was somehow ongoing.

6 Please, Mr Prosecutor.

7 MR GARCIA: [10:51:01] (Interpretation)

8 Q. [10:51:02] Mr Witness, Mr Witness, you heard the Presiding Judge, and I put
9 the question to you again: What information did you receive on that day in relation
10 to the march? You were the district chief at the time.

11 A. [10:51:25] Well, I have come here to talk about what happened. Let me
12 repeat. I did not have information or prior information regarding the march. It is
13 on the day of the march that the prefect police called me by the PC radio or on the
14 PC radio and informed me or told me that information had it that people were
15 marching towards the RTI. And he therefore asked me to cross-check or verify the
16 information, whether it was correct, and that if that were the case, the people should
17 be dispersed with the conventional methods, namely, tear gas, which we used to
18 use.

19 Those are the pieces of information that I received by radio from the police prefect.

20 Q. [10:52:39] Thank you, Mr Witness. You said by radio. Now, did you have a
21 command post wherefrom there were signals being broadcast by radio at the time?

22 A. [10:52:54] Yes, that's correct.

23 Q. [10:52:58] Can you tell us what that command post was, the name of that
24 command post?

25 A. [10:53:08] It was called the PC radio.

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1 Q. [10:53:13] Where was the PC radio located?

2 A. [10:53:16] At the police préfecture in Abidjan.

3 Q. [10:53:28] Do you remember the person who was in charge of that command
4 post?

5 A. [10:53:38] The PC radio was under the -- under the authority of the police
6 prefect, I would say.

7 Q. [10:53:52] You say that you received the information by radio on that day.
8 What was your call sign in your capacity as district chief?

9 A. [10:54:12] In Côte d'Ivoire, commissioners have the call sign assigned to the
10 position they occupy, and my district chief call sign was Damien. And I had
11 authority over district number 4, so my call sign was Damien 4.

12 Q. [10:54:45] What was the prefect's call sign? Did he have a call sign?

13 A. [10:54:49] Yes.

14 Q. [10:54:50] What was it?

15 A. [10:54:51] Jupiter.

16 Q. [10:55:02] Now, let us return to the information you received. Do you know
17 what time approximately you received -- at what time approximately you received
18 that information?

19 A. [10:55:20] I don't remember the exact time, but it must have been around 9
20 a.m. or 10 a.m.

21 Q. [10:56:11] So you received the information by the command post for the
22 people to be dispersed, if I understood properly. Can you tell us how this actually
23 happened? How were you going to disperse the demonstrators?

24 A. [10:56:39] This is what I heard exactly over PC radio from Jupiter, that is the
25 police prefect, and you can cross-check this information. Cross-check the

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1 information, and if it happens to be true, then disperse them using conventional
2 methods in order to prevent them from going to the RTI or reaching their
3 destination. That is the message I got from the PC radio.

4 Let me specify that PC radio could be heard by everybody.

5 Q. [10:57:32] After you heard that message, what did you do? Did you proceed
6 to verify to see about those people who were marching towards the -- whether
7 people were marching towards the RTI?

8 A. [10:57:52] Yes.

9 Q. [10:57:55] What then did you do?

10 A. [10:58:03] I then called PC radio and asked for the prefect's information to be
11 relayed to all the commissioners in my area.

12 Q. [10:58:24] Just to be clear, so you used the PC radio and you gave instructions
13 to the commissioners under your authority; is that what happened?

14 A. [10:58:43] What I said is that I asked the PC radio system to relay or convey
15 the information and the instructions that had been communicated through PC radio
16 to me to the police prefect, that the same information should be transmitted to the
17 other commissioners who were under my jurisdiction.

18 Q. [10:59:10] So you didn't do anything yourself, but you asked the PC radio to
19 relay or re-transmit the same information to the commissioners under your
20 jurisdiction; is that correct?

21 A. [10:59:24] Yes, at my behest, at my request, yes.

22 Q. [10:59:29] As far as you know, was that done? Were the instructions of the
23 police prefect effectively conveyed to the commissioners under your jurisdiction?

24 A. [10:59:41] Yes.

25 MR GARCIA: [10:59:51] Your Honours, I see the time. 5 minutes, yes.

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1 Q. [11:00:03] (Interpretation) We still have a few more minutes, Witness. But
2 this PC radio, did it have one frequency or several frequencies?

3 A. [11:00:18] To my knowledge, one frequency only.

4 Q. [11:00:28] And if I understand correctly, this was a frequency that all of the
5 police could hear, could listen to, to receive records?

6 A. [11:00:41] Yes.

7 Q. [11:00:44] Did this command post have a particular name? Did it have a
8 name that you used?

9 A. [11:00:59] No, I don't know if it had a name.

10 Q. [11:01:06] Well, if I say "Minos," does that refresh your memory?

11 A. [11:01:18] The PC that I'm referring to has nothing to do with Minos.

12 Q. [11:01:23] What was the Minos PC?

13 A. [11:01:28] Minos was composed of all of the different forces, police, gendarme,
14 the army, et cetera, and that made it possible for all of the various armed forces to
15 communicate amongst each other.

16 Q. [11:01:48] Fine. We'll come back to that.

17 Let's go back to the radio command. Was there someone who was in charge of the
18 PC radio, the radio command post, someone who was in charge and who relayed the
19 instructions?

20 A. [11:02:08] I don't know.

21 MR GARCIA: [11:02:21] Your Honours, it may be the good time to take the pause?

22 PRESIDING JUDGE TARFUSSER: [11:02:23] Yes, just before interrupting for the
23 break, the half-an-hour break, I would like to remind that at 16 hours, for the next
24 two sessions, plus what we had already, another four hours requested by the Office
25 of the Prosecutor, just to have an overview, meaning that the questioning by the

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- 1 Office of the Prosecutor should terminate today.
- 2 MR GARCIA: [11:02:49] Thank you, Mr President.
- 3 PRESIDING JUDGE TARFUSSER: [11:02:51] Okay. Thank you very much.
- 4 THE COURT USHER: [11:02:53] All rise.
- 5 (Recess taken at 11.02 a.m.)
- 6 (Upon resuming in open session at 11.37 a.m.)
- 7 THE COURT USHER: [11:37:18] All rise.
- 8 Please be seated.
- 9 PRESIDING JUDGE TARFUSSER: [11:37:40] Good morning once again.
- 10 The floor is immediately to the Office of the Prosecutor.
- 11 MR GARCIA: [11:37:49] Thank you, Mr President, your Honours.
- 12 Q. [11:38:03] (Interpretation) Witness, before the break you explained that you
- 13 applied the instructions that were handed down to you by the police prefect over the
- 14 radio. What happened afterwards? Did the commissioners go on site to check
- 15 what occurred?
- 16 MR AOUN: [11:38:42] Can we go to private session? Thank you.
- 17 PRESIDING JUDGE TARFUSSER: [11:38:51] On this question?
- 18 MR AOUN: [11:39:01] Your Honour, if you want the witness to give details about the
- 19 whole story, he thinks that he should be in private session, or you will have very
- 20 general responses. Thank you.
- 21 PRESIDING JUDGE TARFUSSER: [11:39:14] Yes. But the problem is this: If
- 22 this -- well, issues of self-incrimination, of course we go into private session, no
- 23 problem. That's the rule. If it's just so for precaution, I have some trouble with it.
- 24 But let's, first of all, we go into private session and then we'll see how it unfolds.
- 25 So please, let's go into private session on the request of the witness and his counsel.

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1 (Private session at 11.39 a.m.)

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- 15 (Open session at 12.09 p.m.)
- 16 THE COURT OFFICER: [12:10:02] We are in open session, Mr President.
- 17 PRESIDING JUDGE TARFUSSER: [12:10:05] Thank you very much.
- 18 It was in private session because there was a problem of -- a self-incrimination
- 19 problem, but the Chamber didn't see it and therefore it ordered to return into open
- 20 session.
- 21 Maître N'Dry.
- 22 MR N'DRY: [12:10:32] (Interpretation) Yes, your Honour. I wish to address the
- 23 Court regarding the previous question. Could the Prosecution kindly be more
- 24 specific? I believe he said, regarding the CECOS, were they armed?
- 25 PRESIDING JUDGE TARFUSSER: [12:10:47] Let me please, because that was said in

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1 private session, so -- but just to be more -- I've understood that your question is to
2 the -- or a request to the Prosecutor to be more specific on this.

3 Please, Mr Prosecutor.

4 MR GARCIA: [12:11:06] (Interpretation)

5 Q. [12:11:09] Was the BMO armed? Did they have weapons?

6 PRESIDING JUDGE TARFUSSER: [12:11:18] I would also ask you to be more specific
7 because I think it's self-evident that the police is armed.

8 MR GARCIA: [12:11:26] (Interpretation)

9 Q. [12:11:27] Did the BMO have firearms at the time?

10 A. [12:11:35] I don't know.

11 Q. [12:11:38] Mr Witness, cast your memory back. Now, remember what the
12 Presiding Judge has said. At the time you held quite a high-level position. You
13 were head of the district and you had a number of people reporting to you. You
14 were present when the events occurred. So let me put the question to you once
15 again.

16 To your knowledge, did the BMO staff have firearms at --

17 MR GBOUGNON: [12:12:09] Your Honour.

18 PRESIDING JUDGE TARFUSSER: [12:12:11] I cannot see what intervention
19 Mr Gbougnon can have, but please tell us. You mean that he said no and therefore
20 this question shouldn't be repeated? Is this your intervention?

21 MR GARCIA: [12:12:29] Your Honour, if it's going to be an intervention on the
22 substance, then I would suggest that it be outside the presence of the witness.

23 PRESIDING JUDGE TARFUSSER: [12:12:35] I would suggest that you don't
24 intervene because I was talking to Mr Gbougnon.

25 MR GBOUGNON: [12:12:45] (Interpretation) Thank you. I won't debate matters of

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1 substance - the witness is here - but I was just saying that the question was put. The
2 witness said he didn't know. So I think this is truly a vain attempt to exert influence
3 upon the witness. He said he didn't know. Now the Prosecution says, "Oh, well,
4 you were chief of district. You should know." I think this is an attempt to subject
5 influence, a certain influence, or put pressure on the witness.

6 PRESIDING JUDGE TARFUSSER: [12:13:16] So it is exactly what I thought you
7 would ask.

8 Please go ahead with your questions.

9 MR GARCIA: [12:13:25] (Interpretation)

10 Q. [12:13:27] Once again, did the BMO men have firearms upon them, in their
11 possession? Simple question.

12 A. [12:13:43] Let me clarify, counsel. The CECOS people were not under the
13 responsibility of the district heads. So when the CECOS was involved in law
14 enforcement operations, I was not in a position to know whether the CECOS men
15 had weapons or not, because they did not report to the district chief whether they
16 were armed that day or not or whether they were -- I do not know whether they
17 were armed or not.

18 Q. [12:14:20] Just for the sake of the case record, just for the case record, generally
19 speaking in light of your knowledge, at that time did they have -- did they bear
20 firearms normally?

21 A. [12:14:40] I suppose that they had weapons because the CECOS originally was
22 established to fight against major crime events, and I would imagine -- I would
23 imagine that they were armed.

24 Q. [12:15:20] Now, a few moments ago, sir, in response to one of my questions,
25 namely, whether the police officers had weapons, you said that you didn't know

1 whether the police officers under your command had weapons that day.

2 A. [12:16:11] I am saying that on the day, the 16th of December, when the
3 instructions from the prefect were to cross-check the information about the march,
4 once it had been cross-checked and the instruction was given to disperse the
5 demonstrators with weapons, that is to say conventional weapons or means used by
6 law -- by that I mean tear gas and other methods, I don't know whether that day, the
7 day that the police officers went off on that particular operation, whether they were
8 bearing arms. However -- however, generally speaking, the national police have
9 weapons in Côte d'Ivoire. They are given handguns, pistols and they are individual
10 pieces of weaponry, they are individual.

11 Q. [12:17:22] Did you receive a report from another police station that day?

12 A. [12:17:46] I received a report from -- well, several, from several police stations
13 that day.

14 Q. [12:17:57] You told us about the 3rd arrondissement and its police station, but
15 I think you also mentioned the police station in the 11th arrondissement; is that
16 correct?

17 A. [12:18:10] That is correct.

18 Q. [12:18:14] And what report did you receive from the police commissioner of
19 the 11th district?

20 A. [12:18:29] He too called me on the telephone and told me that the intervention
21 was open at the Djeni Kobenan intersection. There were some people who had
22 been marching towards 220 Logements area, so he dispersed them with the CECOS
23 men who he came across who were already there when he arrived. And thus, there
24 were a number of injuries, 8 people were injured, 8 people were injured. He called
25 me, he told me that there had been 8 people injured.

1 THE INTERPRETER: [12:19:16] Djeni Kobenan was the name of the intersection
2 mentioned by the witness in his response.

3 MR GARCIA: [12:19:25] (Interpretation)

4 Q. [12:19:26] You mentioned the CECOS. Once again, was that the BMO
5 people?

6 A. [12:19:35] Yes, that is what the police commission told me.

7 Q. [12:19:47] Did he tell you how many units belonging to the BMO were there
8 when he got there?

9 A. [12:19:51] I don't remember whether he told me if there was one team or
10 several, but he just told me that -- I remember he said that there were some BMO
11 teams there.

12 Q. [12:20:23] Now, you were telling us, sir, that when you received the called
13 from the commissioner of the 11th arrondissement, he told you - and this is at page
14 53, line 25 onwards - quote:

15 "That he dispersed them with some CECOS men who were already there when he
16 got there and, thus and so there had been 8 people injured."

17 Is that your -- that is your testimony today. But when you met with the
18 Prosecution, did you mention anything else to the effect, for example, that when the
19 commissioner got there, there were already injured people at that site, at that
20 location?

21 A. [12:21:21] Counsel, I must acknowledge that the day I gave a statement to the
22 ICC investigators, they surprised me with those questions so I didn't have all the
23 necessary information. And that was the initial, the first response that I gave,
24 because there was some confusion perhaps in my mind because it had been five
25 years since the actual events. But with time I thought very carefully and cast my

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1 mind back to what had happened that day. And I'm here to tell truth and I'm
2 telling you exactly what was said between the commissioner and me when he called
3 me.

4 Q. [12:22:06] Mr Witness, I'll just take you back to what you actually said to the
5 OTP investigators, 0081-0199, page 0223. This is what you told the investigators on
6 10 March 2015. You were asked some questions about the intervention, and I quote,
7 line 831, you were speaking -- you made reference to the commissioner and you said
8 this:

9 "He called me that he had got there. But the -- well, one of the CECOS units called
10 the law enforcement brigade, the BMO. And BMO is written on the side of their
11 vehicles. BMO."

12 Line 835, these are your words, sir:

13 "The BMO intervened. There were some injuries."

14 Line 836: "How did he know that there were injuries?"

15 And your answer was this, sir: "Well, since he got there to the location when he got
16 there, the BMO was already there. When he got there, there were two, two teams,
17 two BMO teams were already there. He didn't see them actually intervene. But
18 once he got there, people had finished with the intervention, the people had
19 dispersed. He saw some injured people."

20 So, Mr Witness, those are your words at the time, not all that long ago, March 2015.
21 You told the investigators that when the commissioner got there, the intervention
22 was already over for all practical purposes and that there were already injured
23 people there. That's the truth, isn't it?

24 MR N'DRY: [12:24:24] (Interpretation) Your Honour, with your leave, your Honour,
25 if I could make an observation. I think that my observation needs to be made with

1 the witness absent from the courtroom.

2 PRESIDING JUDGE TARFUSSER: [12:24:46] Okay. Then please, could you
3 accompany the witness outside of the courtroom.

4 (The witness stands down)

5 PRESIDING JUDGE TARFUSSER: [12:25:13] Maître N'Dry.

6 MR N'DRY: [12:25:14] (Interpretation) Your Honour, august members of the Bench, I
7 do wish to make the following observation. We certainly realise where the
8 Prosecution is going, but I think we need to be fair in relation to the entirety of the
9 witness's statement that he gave to the OTP investigators. We have heard the
10 witness. He is speaking viva voce and he himself has said that, yes, it is true, when
11 the investigators of the OTP took a statement, took a statement from him, he was in a
12 particular state of mind. And yet today, this is what he's telling the Court.

13 And what does the Prosecution do? The Prosecution is trying to have the witness
14 make statements that fit into the general framework of their case. And I would
15 point out that in the same statement, the same witness statement, I think we need to
16 be fair, the witness said that there might have been a problem with memory.

17 The Prosecution does not pick up on that because it does not suit the Prosecution. I
18 think we need to be fair to the witness. If we only read out part of the witness's
19 statement in a way that suits the Prosecution's case, well, that is one thing. But I
20 think we also need to mention the witness's statement that perhaps he is having
21 some memory lapses. The witness has said before this Chamber that the
22 circumstances under which he gave his statement to the OTP Prosecution were one
23 thing, and then today he says he remembers everything and he is giving testimony
24 viva voce. I make these observations. We must be fair to the witness, particularly
25 when we are dealing with excerpts in which the witness mentions memory issues.

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1 MR GARCIA: [12:27:56] I am conducting the examination-in-chief on facts that I feel
2 are important to expose to this Chamber. Now, the witness may very well at this
3 point say that he doesn't agree with certain facts, but I want those facts -- the things
4 that he's stated in the past to be put before this Chamber. And at a certain point in
5 time this Chamber will be able to determine what is the probative value or which is
6 the truth, what the witness is saying presently or what the witness said before to
7 certain investigators.

8 Defence counsel can adequately address all his issues in cross-examination. So I'd
9 ask to please continue with the cross -- with the examination of the witness.

10 PRESIDING JUDGE TARFUSSER: [12:28:31] Yes, may I. For clarity of the record,
11 because we have to read this and to -- I would instruct to put the question. Then
12 the answer comes as it comes. And then if this answer doesn't, as said by the
13 counsel, suit you because it is in contrast with what you have on paper, confront him
14 with what is on the paper - that's it - instead of trying to achieve it another way
15 around.

16 So we have the two versions and then we will, it's up to us to read them and to
17 decide; otherwise, we don't understand what he said here and what he said on
18 the -- in the written statement. That is confronting the witness with a previous
19 statement, to read it out and ask him which one is true, what you say here or what
20 you said then? And then that's it.

21 MR GARCIA: [12:29:28] Thank you for that, your Honours, for the guidance. But
22 this is exactly why I put to the witness his previous statement.

23 PRESIDING JUDGE TARFUSSER: [12:29:34] Yes.

24 MR GARCIA: [12:29:34] And obviously the witness you've seen has maintained his
25 previous line, so this is why.

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1 PRESIDING JUDGE TARFUSSER: [12:29:40] Yes. Well, that is a comment --

2 MR GARCIA: [12:29:43] From my understanding. This is the way I'm going to be
3 proceeding obviously.

4 PRESIDING JUDGE TARFUSSER: [12:29:49] Please let the witness come in again,
5 please.

6 MR AOUN: Before, your Honour --

7 PRESIDING JUDGE TARFUSSER: [12:29:53] Yes.

8 MR AOUN: [12:29:54] I have a problem that I know that I have the statement given
9 by the Prosecution, but I'm trying to follow -- I don't have the same references like
10 you. Like he was talking about line 830, but it's not the same as I have here. I don't
11 know. Thank you, your Honour.

12 PRESIDING JUDGE TARFUSSER: [12:30:09] Thank you. But this is a general
13 problem here that references are given, so as if numbers were not really something
14 precise. But this is since the beginning of the year, so I wondered very often why
15 the numbers given are just numbers and not the right ones.

16 Maître Altit.

17 MR ALTIT: [12:30:36] (Interpretation) Thank you, Mr President. I have one
18 question. And I'm sorry I didn't follow the last exchanges, but did the witness's
19 counsel say that he had the statement or he did not? Maybe I'm mistaken. What
20 did he say? If that is the case, then we need to remind the counsel that he does not
21 have to show the prior statement to the witness, if he has it.

22 PRESIDING JUDGE TARFUSSER: [12:31:04] That is what I did by saying that he is
23 counsel only for Article 74 -- for Rule 74 reasons, and not to give any other
24 suggestion to the witness. So this should be clear.

25 MR ALTIT: [12:31:27] (Interpretation) Thank you, Mr President.

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1 MR AOUN: [12:31:30] I can say to my learned friend that I know my duties very
2 well, and --

3 PRESIDING JUDGE TARFUSSER: [12:31:35] Yes, yes.

4 MR AOUN: [12:31:36] -- I'm not going to show anybody the statement for sure. But
5 for my use I'm trying to follow, I cannot because the references are different than
6 what I have here.

7 PRESIDING JUDGE TARFUSSER: [12:31:45] And I think it's right that he has it
8 because then he understands better if we are in a Rule 74 or we are going into a Rule
9 74 situation. So this is -- everything is right. So please, court usher, could you
10 bring the witness in again.

11 No. What?

12 MR N'DRY: [12:32:10] (Interpretation) Mr President, just to make things clear, can
13 we wait? Mr President, I rose on a comment. And you stated some clarifications
14 which I did not quite understand in relation to my concern. My concern, by the
15 way, is that we are now hearing the witness viva voce. If anybody wants to
16 challenge his previous statement, then it must be fair to proceed by reminding him
17 of what he said, which -- and that's my concern. Let me just provide an example,
18 just an example on the same issue, CIV-OTP-0081-0290, page 25.

19 This is what the witness says on the same issue, this is what the witness says:

20 "Okay. So what I don't remember -- well, it is possible that as I already told you at
21 that time I was not feeling very well. Maybe, maybe they participated with the
22 work with BMO maybe, but I do not remember."

23 Mr President, my point is the following: If we want to challenge the witness's
24 previous statement, we must relate to him all the aspects of the statement dealing
25 with that point and not simply focus on the aspect that sits well with the Prosecutor,

1 because what will happen in the end as a matter of difficulty, Mr President, is that
2 the witness, having been guided towards a number of questions or towards a
3 number of answers at least, that would put him in such a psychological state that he
4 will no longer be able to return on what he has already denied. He cannot reject
5 that any longer. That's my fundamental concern. So as we seek the truth, we
6 can - and I agree with that - place the previous -- the prior statement before the
7 witness, but in all its aspects.

8 PRESIDING JUDGE TARFUSSER: [12:34:54] That's what I said to the Prosecutor,
9 what I said before. And what also is for the Defence to do when it comes to the
10 questioning by the Defence. So it's for all parties to do this that way and not to give
11 the whole part, relevant part, and not to give only the part which suits the case. So
12 this is for all the parties to do the same.

13 So now I would like to bring the witness in again, and I would like just to say: Put
14 questions. If the questions are not the one you are expecting with a view to the
15 previous statement, confront with the previous statement, then that's it and we'll
16 discuss.

17 Please bring the witness in.

18 And obviously all the relevant part as said also by Maître N'Dry.

19 (The witness enters the courtroom)

20 MR GARCIA: [12:36:49] (Interpretation)

21 Q. [12:36:50] Mr Witness, when you stepped out or before you stepped out, I
22 read out your statement to the investigators of the OTP. I was reading out your
23 statement. And you basically said that there were two BMO teams that were
24 already there and that they had finished their intervention and that people had been
25 dispersed and that he saw the injured persons. Is that the truth?

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1 A. [12:37:37] What I would like to say is that at the time of the interview with the
2 OTP, at the time of that statement, on that very day it was five years since the
3 situation had taken -- had occurred. So at the time those questions were being put
4 to me by the OTP, I may have had another or a rather vague idea of what had
5 happened. So that was the first version that I provided.

6 But at that time I didn't have everything in my head. I had forgotten some things.
7 I remembered a few things. But that is exactly the version I provided at the time
8 when the Office of the Prosecutor asked me those questions.

9 But before I came here I remembered a few things much more clearly. I had time to
10 think through these things more appropriately and about the circumstances in which
11 I said what I had said.

12 So with your leave, I would like us to get to that point with your leave.

13 But as far as that day is concerned, let me repeat that when the commissioner called
14 me up and told me that the intervention had been completed, he told me that he had
15 intervened with a team from the CECOS and BMO and that 8 persons had been
16 injured. That is what he told me at the end of the intervention.

17 Q. [12:39:43] Mr Witness, to be clear, are you saying that your recollection of
18 what happened on that day is clearer today than it was at the time this report was
19 provided in 2015?

20 PRESIDING JUDGE TARFUSSER: [12:40:00] That is exactly what he says. I don't
21 think that has to be clarified, something which is clear. So the truth -- the true
22 version, which one was it, the one you say today or the one you have said to the
23 Office of the Prosecutor, just two years ago or something like that?

24 THE WITNESS: [12:40:20] (Interpretation) Mr President, the truth lies in what I have
25 told you today.

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1 PRESIDING JUDGE TARFUSSER: [12:40:28] Okay. So, Maître Altit, but that --

2 MR ALTIT: [12:40:31] (Interpretation) Mr President, just one word. Could the

3 witness be asked to take off his headsets, and I just want to say a thing or two to my
4 learned colleague.

5 Okay. I'll be brief.

6 MR GARCIA: [12:40:50] If it touches the substance, your Honour, then once again --

7 PRESIDING JUDGE TARFUSSER: [12:40:52] The word is to Maître Altit --

8 THE INTERPRETER: [12:40:54] Overlapping speakers.

9 PRESIDING JUDGE TARFUSSER: [12:40:56] The word is to Maître Altit, and then
10 we'll see what he has to say, I don't know.

11 MR ALTIT: [12:41:01] (Interpretation) I thank my learned colleague opposite for his
12 attention, but the issue is not there. The issue is about how the witness is being
13 confronted, how he's being treated, and how he's being tested in terms of what he's
14 saying.

15 I think that we've gone very far when it comes to the manner in which we should
16 conduct and hear an examination in this Court. Now, my learned colleague has
17 repeated several times whether this is the truth, is this the truth? With a little
18 overtone of threat in French, let me say. Dealing with his own witness, this can be
19 somewhat problematic.

20 Mr President, let me again address what my learned colleague said previously.
21 There is a problem with examining a witness in this manner. Thank you, Mr
22 President.

23 PRESIDING JUDGE TARFUSSER: [12:42:05] That's why I say and then I stop -- that's
24 why I say the question has to be put. If the question is in discrepancy of what was
25 said, one puts in quotation what was said and then asks which is the true version,

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1 that's it, without trying to achieve things which probably will not be achieved. And
2 I would leave it here, the whole discussion, and continue the examination, which is
3 much more important than this -- these discussions on what we are discussing. So
4 please, go ahead with the questioning.

5 MR GARCIA: [12:42:51] (Interpretation)

6 Q. [12:42:52] Mr Witness, I just simply want to understand, I want to understand
7 clearly. Now, in 2015 you provided a version of your -- of the facts to the
8 investigators --

9 PRESIDING JUDGE TARFUSSER: [12:43:04] No, no, no, no. This is already said.
10 This, he already said this. So now please go ahead with the questioning and not --

11 MR GARCIA: [12:43:12] If I may have the floor, your Honour, just to indicate one
12 thing which is very important. Now, your Honour, it's not the first time obviously
13 a witness is going to come to a court and maybe change his version of events.
14 What is important - and the reason why I'm asking this question - is at the end of the
15 day we need to know why there has been a change of version. That is a question
16 which is directly relevant to the probative value or the relevance of what the witness
17 is coming to tell you today.

18 PRESIDING JUDGE TARFUSSER: [12:43:38] That's right. But first --

19 MR GARCIA: [12:43:40] That is why I am going about these questions.

20 PRESIDING JUDGE TARFUSSER: [12:43:43] Yes. But first of all we have to have on
21 the record the answers to the questions, and then at the end one asks, in case it is like
22 this, the relevant question.

23 I want you to go ahead with the questioning and, if necessary, the confrontation
24 with discrepancies, that's what we have to do.

25 MR GARCIA: [12:44:03] I understand.

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1 PRESIDING JUDGE TARFUSSER: [12:44:04] We have four hours.

2 MR GARCIA: [12:44:06] I understand, your Honour, but the witness is who he is
3 obviously and I need to verify for the Court record.

4 PRESIDING JUDGE TARFUSSER: [12:44:13] No but -- no, there is no but. I want
5 you to continue the questioning.

6 MR GARCIA: [12:44:19] Just for the record, your Honour, do I understand that the
7 Court is foreclosing me the possibility of asking why he has changed his version
8 from now till then, from before to now?

9 PRESIDING JUDGE TARFUSSER: [12:44:29] No, it's not.

10 MR GARCIA: [12:44:31] All right. Then --

11 PRESIDING JUDGE TARFUSSER: [12:44:32] Now we have not, we have not arrived
12 yet there, I would say. But please.

13 MR GARCIA: [12:44:38] I will pursue, your Honour, but I will come back.

14 Q. [12:44:42] (Interpretation) Mr Witness, when you received the call from the
15 commissioner of the 11th arrondissement, did he mention anything about injured
16 people?

17 A. [12:44:55] Let me repeat myself. I am here under oath to tell the truth. So let
18 me repeat: When the commissioner called me, he told me that the intervention was
19 effectively over and that there had indeed been a group of demonstrators who had
20 taken the road towards the 220 and that he had intervened with the assistance of the
21 two teams of CECOS version BMO and, according to the intervention, 8 people had
22 been injured.

23 Q. [12:45:38] Mr Witness, did you tell the OTP that the BMO teams left the
24 injured persons at the location and simply went away?

25 A. [12:45:55] I told them that. But let me be clear, let me be clear, because if I am

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1 not specific, we are going to continue this discussion and not be able to forge ahead.
2 What I am saying is this: When I was interviewed by the OTP, the question they
3 put to me was one that elicited the answer that I provided at the time, but there was
4 some confusion in my mind. There was lack of clarity in my mind.

5 But maybe with time as we continue the examination, I will be able to tell you on
6 what occasion I was told what you are referring to.

7 Q. [12:46:55] Mr Witness, just for the clarity of the record, let me remind you of
8 your statement.

9 THE INTERPRETER: [12:47:03] Mr President, can counsel be asked to slow down in
10 giving out the numbers.

11 PRESIDING JUDGE TARFUSSER: [12:47:06] Yes, please slow down giving out the
12 numbers, otherwise --

13 MR GARCIA: [12:47:09] I apologise, Mr President.

14 Q. [12:47:10] (Interpretation) 0081-0199 to 0227, at line 1000 and follows and you
15 said, and you are the one being interviewed:

16 "When they finished I told them -- I told them when they finished they left.

17 "Interviewer: Did they leave immediately?

18 "Answer: Voila, yes.

19 "Question: Did they leave the --

20 "Answer: There, yes.

21 "Question: The wounded -- injured at the location?

22 "Answer: Yes, yes. They left the injured persons at the location, and I'm the one
23 who told him to take the injured persons by vehicle to the préfecture of the police."

24 Is that correct, that this is what the commissioner told you when he called you; is
25 that correct?

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1 A. [12:48:19] I have sworn to speak the truth. Can I speak the truth?

2 Q. [12:48:26] Mr Witness, it's up to you. Is it correct that this is what you told
3 the Office of the Prosecutor? You said that the BMO left the injured people at that
4 location and that this is what the commissioner told you at the time. Is that the
5 truth or not?

6 A. [12:48:44] On the day of the events, that is not what the commissioner told me.
7 It was on the day of the march of the 16 March -- rather 16 of December. That's not
8 what the commissioner told me. That's why I told you a short while ago that
9 during the taking of the statement, there was a confusion in my mind. Therefore,
10 on the day, on the day on which the commissioner called me, that's not what he told
11 me.

12 Q. [12:49:12] Am I right, therefore, to say that you subsequently provided a
13 report to the police commissioner, to the police prefect in relation to the information
14 that was provided to you about the events of that day of 16 December?

15 A. [12:49:27] Yes. I made a report following what they had reported to me.

16 Q. [12:49:32] I will now show you the report, CIV-OTP-0010-0031.

17 PRESIDING JUDGE TARFUSSER: [12:49:41] Read slower because it's also for the
18 interpreters, court reporters.

19 MR GARCIA: [12:49:50] (Interpretation) 0010-0031. I'm sorry. I'm sorry, CIV.

20 There are two numbers on the record CIV-OTP-0076-1526. We have two numbers
21 on the report.

22 Is the report now on the screen? Okay.

23 Q. [12:51:01] Mr Witness, you can now see the report which I have referred to on
24 your screen.

25 A. [12:51:09] Yes, I can see it.

1 Q. [12:51:13] For the record, is this the report that you forwarded to the prefect of
2 the police who was the main addressee in relation to the events of 16 December 2010;
3 is that correct?

4 A. [12:51:35] Yes, that is correct.

5 Q. [12:51:39] Mr Witness, isn't it correct that when you met with the investigators
6 of the OTP, this report was discussed with you, namely, what you had reported to
7 the prefect of the police; is that correct?

8 A. [12:52:09] It was after, after, after the OTP asked me questions and showed me
9 the questions that I provided this report. It was after that they showed me this
10 report. It was afterwards that they showed me this report.

11 Q. [12:52:29] Just to be clear for the record, we started by putting a number of
12 questions to you in relation to the marches and then subsequently showed you your
13 report, and at that time we discussed that report with you and discussed each item
14 of information that is contained in the report. Is that correct, is that what
15 happened?

16 A. [12:52:53] Yes, that is correct. They started by putting a number of questions
17 to me and as I said a few moments ago, at the time of that interview with the ICC,
18 five years had already gone by. And I did not have a mastery in my mind of all the
19 information relating to that matter. So I gave them what I would consider to be the
20 first part of the information, and then subsequently this report was shown to me.
21 Do you understand that?

22 Q. [12:53:31] Mr Witness, isn't it correct, isn't it correct, Mr Witness, that the
23 investigators asked you why there were contradictions between the oral reports that
24 you received from the commissioners on the field and this official property that you
25 sent to the "préfet," did you discuss that matter with the investigators?

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1 A. [12:54:01] Yes. But I have just told you that at the time they asked me that
2 question, I did not have all the information because I was taken by surprise at that
3 time. Today I am here and I have had time to think over these things, and I have all
4 the information about this matter, so I am now telling you the truth in relation to the
5 oath under which I am speaking.

6 PRESIDING JUDGE TARFUSSER: [12:54:29] Is it possible that we can hear
7 always -- we are turning around the same, always around the same thing and we
8 have always the same response, that today he is clearer than he was two years ago
9 for each question?

10 MR GARCIA: [12:54:44] Your Honour, I have a different line of questioning at this
11 precise moment.

12 MR N'DRY: [12:54:53] (Interpretation) Well, if you are moving onto another line of
13 questioning, I'll let go.

14 MR GARCIA: [12:54:59] (Interpretation)

15 Q. [12:55:00] Witness, is it correct that when you met with the investigators you
16 told them that you were afraid of the CECOS at the time and that this is the reason
17 for which you drafted your report along these lines?

18 A. [12:55:20] I don't remember saying that, but if it is in part of my statement,
19 please point it out to me.

20 PRESIDING JUDGE TARFUSSER: [12:55:30] Excuse me. The question would have
21 been: Have you been afraid of the CECOS? Whatever the answer was, say you
22 said this and then -- instead of have you had, have you said to the police once. You
23 know, it's the way of questioning that I think is a little bit misleading also the --

24 MR GARCIA: [12:55:52] Your Honour, I can't possibly ask the question more
25 directly. I'm asking the question has he said that to our investigators, this precise

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1 thing. I mean, I can ask it another round, but it would seem to be less direct. But
2 I'm in the Court's guidance obviously.

3 PRESIDING JUDGE TARFUSSER: [12:56:08] Maître N'Dry.

4 MR N'DRY: [12:56:08] (Interpretation) Mr President, a short while ago I said we
5 needed to be fair, and I know why. I have this witness's statement and I know it by
6 heart. And through it I was able to understand the methods used by the
7 investigators of the OTP. Let me read out part of a statement to you, Mr President.

8 PRESIDING JUDGE TARFUSSER: [12:56:44] No, no, I don't -- no, I don't let you read
9 out the statement in front of the witness.

10 MR N'DRY: [12:56:46] (Interpretation) That's fair. In the absence of the witness, but
11 this is very important, Mr President. It's very important, Mr President.

12 PRESIDING JUDGE TARFUSSER: [12:56:57] so can we bring the witness out, please.
13 (The witness stands down)

14 PRESIDING JUDGE TARFUSSER: [12:57:28] Maître N'Dry.

15 MR N'DRY: [12:57:29] (Interpretation) Thank you, Mr President. A short while
16 ago when I rose, it was so that a number of things may be brought out for your
17 attention and this is what I want to do, to read out CIV-OTP-0081-0291. On the
18 same report the Prosecutor has selected the bit that suits him when he says: "You're
19 afraid of CECOS."

20 But the same report, and this is what the witness said, I can quote for you, Mr
21 President, at line 937, from line 937 to line 940, this is what the witness says:

22 "Yes, it is ... if it is written, and this is in relation to the report, it is because it is
23 actually what happened. It is because that is exactly what happened. That's it.

24 Maybe I am the one who did not perceive the oral reports. Now, what I have
25 maintained here is what I have told you, but if this is what I showed you and I

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1 signed it, then it must reflect exactly what happened." End of quote.

2 In relation to the same report -- now, when I talk about fairness to the witness and in
3 the quest for judicial truth, if we want to confront the witness on the assumption that
4 his current statement contradicts his previous statement, then we have the duty to
5 read everything out to the witness so that he has a full understanding of his prior
6 statement. And it's only thereafter that he can in full responsibility make the
7 statements that he had made today.

8 Now, and I want to say, Mr President, that we observe that we note that for this
9 witness, I'm not sure whether this is an examination or torturing. I say so because,
10 Mr President, the witness has said several times over -- let me move on.

11 PRESIDING JUDGE TARFUSSER: [13:00:10] Come on, come on, no, no, no, no. No,
12 no, I don't -- no, I do not accept this language -- no, I do not accept this language.
13 Okay?

14 MR N'DRY: [13:00:13] No problem.

15 PRESIDING JUDGE TARFUSSER: [13:00:14] No, not no problem. No, I do not
16 accept the language. Here nobody is torturing anybody, just to be clear, s you have
17 to take it back. Not do like this. You have to take back this word. Nobody is
18 torturing here.

19 MR N'DRY: [13:00:34] (Interpretation) Mr President, I will get there. I will get
20 there --

21 PRESIDING JUDGE TARFUSSER: [13:00:40] No, no --

22 MR N'DRY: [13:00:40] (Interpretation) -- I will get there, but --

23 PRESIDING JUDGE TARFUSSER: [13:00:43] You have to take this word back. I will
24 not let you continue to speak if you don't take this word back, because here nobody
25 is torturing anybody.

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1 MR N'DRY: [13:00:53] (Interpretation) Well, I will withdraw the word "torture" from
2 the words I pronounced earlier. I think that's clear for the transcript. And let me
3 continue in saying, your Honour, we cannot accept here in this courtroom that the
4 Prosecutor only want to hear what he wants the witness to say.

5 The witness is here to make the truth known. The witness has described the
6 circumstances whereby he was called in to testify before the investigators of the
7 OTP, and he has said what must be remembered is what I'm saying here today.
8 That's perfectly clear.

9 But if you only want to take certain portions of his former testimony and ask him
10 whether or not he said that, I don't think that's proper in terms of the manifestation
11 of the truth, and that's what I wanted to say, your Honour. Thank you.

12 PRESIDING JUDGE TARFUSSER: [13:01:57] Well, I repeat, nobody is torturing here
13 anybody, right?

14 Mr Prosecutor.

15 MR MACDONALD: [13:02:04] Thank you, your Honour, to intervene. The
16 Prosecution understands the Chamber's position and the new guidance of
17 confronting a witness with prior record. I was about to draft an email asking
18 permission to address the Chamber at the following session, and I can -- we can do
19 that, but I think there was a misunderstanding as to the question that was asked
20 earlier by my colleague, Mr Garcia, when he was, once the witness said the truth is
21 what I'm saying here, which is fine, we understand that, there is no problem, but the
22 witness was giving an explanation as to what he had said before the investigators
23 why it may be inaccurate and the truth lies here today. And he seemed to be
24 indicating, but we wanted to have that cleared up on the record, because memory
25 evolves, that his memory, we were asking him if his memory was better now than

1 what it was before. Now, your Honour, this is a deduction that you're making right
2 now. And if we don't have that answer on record, and that's what we were doing,
3 and it is a fair question we say to ask.
4 That's my first point.
5 Coming back on what was said earlier.
6 On this point right now, of course the Prosecution, when confronting a witness, is
7 confronting him with the parts relevant to the question. And if later on in an
8 interview the witness would have said a different thing, I think that's what my
9 learned friend is referring to, of course we put both to the witness so that we're being
10 fair to the witness.
11 And that's what we've said before raising the same issue with the Defence. What
12 the Defence is doing right now, we submit respectfully, is obstructing the
13 Prosecution ability to seek the truth from a witness that obviously has issues of being
14 here before this Chamber, being uncomfortable, there may be reasons for that that
15 we can elucidate if need be eventually; but right now we're not there. And we're
16 conducting our examination using a certain strategy. And I will go even further.
17 According to your own rules or directives, if need be we can even have the witness
18 declared hostile; and we're not there yet, but we're confronting the witness with
19 what he said previously.
20 So when we're saying that we're threatening the witness by saying: "Is this the
21 truth or not," we're trying to help and go to the heart of the matter. And right now I
22 feel that the Prosecution is not being permitted within the legal boundaries allowed
23 to do that by the objections that are continuous. And, your Honours, respectfully,
24 we've been proceeding in the same way we've been before, and we've been doing
25 that since the very beginning.

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1 Now I understand the Defence I understand why they're jumping on this occasion
2 right now, but the point is we need to be able to do also our examination.

3 PRESIDING JUDGE TARFUSSER: [13:05:42] Maître Altit, and I don't know why you
4 didn't stand up before.

5 MR ALTIT: [13:05:48] (Interpretation) Yes, indeed, I must rise and I must say I regret
6 that. But once again, a number of inappropriate comments have been made in the
7 courtroom. The Defence is exercising its rights in particular in a circumstance
8 where the witness states and repeats that he's saying the truth, that he's under oath,
9 and that what he's saying here today is something that he has reflected upon and
10 thought about and that that is what we must listen to. And it's a witness for the
11 OTP. It's very strange indeed that the OTP not want to hear that and that they call
12 into question their own witness and that they use means that I believe go beyond the
13 framework that is previously defined.

14 Your Honour, this type of comment as regards obstruction on the part of colleagues
15 or commenting on the fact that the Defence is rising to express legitimate fears, that
16 is simply not acceptable and I'd like to state that very clearly, your Honour.

17 PRESIDING JUDGE TARFUSSER: [13:06:59] Yes. I would have appreciated it more
18 if you would have also said it's not acceptable that we -- that your colleague from the
19 Defence talks about torture, so -- which is, I would say, the same -- not even on the
20 same line. But I think we calm down first of all. We break. We come back at 2.45
21 for the continuing of the questioning. And I really would like the Prosecutor, ask
22 questions, listen to the answers. If the answers are not in line with what they think
23 should be, confront them and that is it. And then ask: Which is the right, without
24 any polemic, that's it. I mean, this is how things should be done.

25 And I would also remind the Defence that they have all the time to make their

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1 questions, to integrate and to read out other parts when they have their examination,
2 when it's their part. But it's not up to the Prosecutor is choosing what he thinks is
3 relevant to his case, and then you are -- have all the time to do what you have to do
4 to defend your clients.

5 Thank you. The hearing is adjourned to 2.45.

6 (Recess taken at 1.08 p.m.)

7 (Upon resuming in open session at 2.48 p.m.)

8 THE COURT USHER: [14:48:14] All rise.

9 Please be seated.

10 PRESIDING JUDGE TARFUSSER: [14:48:40] The floor goes to the Office of the
11 Prosecutor, and I would really ask the parties not to -- the animosity, to leave it
12 aside, out of courtroom, to put questions, receive answers, make your contest, if you
13 have to contest, and that's it. Thank you very much. Yours is the floor.

14 MR GARCIA: [14:49:20] Thank you, Mr President, your Honours.

15 MR N'DRY: [14:49:25] (Interpretation) Your Honour.

16 PRESIDING JUDGE TARFUSSER: [14:49:28] Yes, please.

17 MR N'DRY: [14:49:29] (Interpretation) I had opened my microphone indeed. Thank
18 you.

19 Colleagues, your Honours, before the Prosecutor takes the floor, I did want to
20 apologise to the Chamber for the words I used earlier today. And very respectfully,
21 I would like to express my apologies.

22 PRESIDING JUDGE TARFUSSER: [14:50:01] Thank you very much. Thank you
23 very much. Well received and appreciated. Thank you very much.

24 Now, please, Mr Prosecutor.

25 MR GARCIA: [14:50:09] (Interpretation)

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1 Q. [14:50:19] Good afternoon, Witness.

2 A. [14:50:24] Good afternoon.

3 Q. [14:50:26] Witness, when we finished this morning, I had asked you a number
4 of questions regarding a police report that you drafted for the police prefect in
5 Abidjan.

6 Could we have the document back on the screen and give the document -- a hard
7 copy. It's document CIV-OTP-0076-1526. Sometimes it's more convenient to have
8 a hard copy rather than having to read from the screen.

9 I believe, Mr Witness, that you had an opportunity to take a quick look at the
10 document this morning; is that the case?

11 A. [14:51:35] Yes, that's correct.

12 Q. [14:51:38] Before I ask you any questions about the document, I would like to
13 ask you the following. This person -- this document, rather, was sent to the prefect
14 of the police in Abidjan, and it's dated December 16, 2010; is that correct?

15 A. [14:52:03] That's correct.

16 Q. [14:52:07] There are other pieces of information on the document. I see at the
17 top it says "Fax number" and there is a date December 17, 2010. What does that
18 date correspond to?

19 A. [14:52:33] I'm assuming it was the date when the document was sent to the
20 police prefect.

21 Q. [14:52:56] Thank you. Aside from the individual mentioned here, that is the
22 police prefect, it's copied to the 4th district, et cetera. Everyone can read it. Am I
23 to understand that the report was sent to the prefect of the Abidjan police, but it was
24 also sent to the individuals mentioned under "copied to"; is that correct?

25 A. [14:53:28] No, that's not correct.

1 Q. [14:53:31] Could you explain, please?

2 A. [14:53:36] Thank you. In Côte d'Ivoire, when you draft a letter, you have the
3 heading, and it is in terms of the hierarchical order that it is listed. You have the
4 ministry of the interior, then you have the general directorate of the national police,
5 and then you have the deputy general directorate in charge of public security
6 services, and then you have the police préfecture and then it says the 4th
7 arrondissement. This is always what we list at the top of the letter when we draft a
8 letter. These are not recipients of the letter. This is the heading.

9 Q. [14:54:23] Thank you, Witness, for having explained that.

10 Do you know whether or not the document was sent to those various recipients or
11 those various offices, rather, at some further point in time; do you know that?

12 A. [14:54:41] I don't remember. I'm assuming, however, that the prefect sent it
13 to his own hierarchical superiors.

14 Q. [14:54:53] Is it the normal procedure when you have this type of report that
15 then the prefect send it to the other members of the hierarchy? Is that what you are
16 telling us?

17 A. [14:55:04] Yes, that's correct.

18 Q. [14:55:09] Thank you, Witness. Let's take a look at the content of this
19 document. I don't know if you've had time to re-read it briefly, quickly. I'll give
20 you a few moments to do so if you like.

21 A. [14:55:40] I'm ready. Go ahead.

22 Q. [14:55:45] First of all, am I right to understand that it's your stamp and your
23 signature that we can see on page 2 of the document?

24 A. [14:55:59] That's correct.

25 Q. [14:56:07] Thank you, Witness. Let's take a look at the content now. Have

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1 you had time to re-read the report rapidly?

2 A. [14:56:25] Yes.

3 Q. [14:56:33] Let's take a look at the second paragraph.

4 "At the same time we remove the barriers that had been positioned on the main
5 roads," and you refer to "Attecoubé, 220 Logements, the Djeni Kobenan intersection,
6 the demonstrators were dispersed using conventional methods."

7 This the information contained in the second paragraph that I've just read out, who
8 gave you that information, do you remember?

9 A. [14:57:06] The various commissions who were in charge of the various police
10 stations who had been to these different places.

11 Q. [14:57:31] Which arrondissement -- which police station from which
12 arrondissement are you referring to?

13 A. [14:57:39] I told you Attecoubé, that was the 10th arrondissement; The 220,
14 that's the 7th arrondissement; and the Carrefour Djeni Kobenan, that is the 11th
15 arrondissement. Those were the various police commissariats that were
16 responsible.

17 Q. [14:58:03] I don't believe you mentioned the name. Who was the chief
18 commissioner at the 10th, in the 10th arrondissement?

19 A. [14:58:14] Bakayoko. I can't remember the rest of his name, but I think he
20 was called Bakayoko.

21 Q. [14:58:31] You mentioned the commissariat from the 17th. Did you mean the
22 17th or the 7th?

23 A. [14:58:47] It was the 7th.

24 Q. [14:58:51] Do you remember his name?

25 A. [14:58:55] No, I don't remember his name. I didn't have many dealings with

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1 him, so I don't remember his name.

2 Q. [14:59:20] Do you remember as regards the information contained in this
3 paragraph, did you receive it in writing, orally? How did you learn about what is
4 written here?

5 A. [14:59:35] As regards the Djeni Kobenan intersection, this is the one we've
6 been talking about, it was after the events -- after the intervention of the police
7 commissariat. He called me before sending me a report.

8 As regards the 220 and Attecoubé, they didn't call. They sent me a report in the
9 afternoon to inform me about the overall situation throughout the area.

10 Q. [15:00:18] To be perfectly clear, so that the case file be clear, the commissioner
11 in the 11th is Ossohou; is that correct?

12 A. [15:00:35] Yes, that's correct, Ossohou.

13 Q. [15:00:39] Let's go on to the third paragraph. Here this refers to the
14 commission of the 3rd arrondissement; is that correct?

15 A. [15:00:56] Yes, that's correct.

16 Q. [15:01:00] Could you read out the third paragraph, Mr Witness, the third
17 paragraph of this report, please?

18 PRESIDING JUDGE TARFUSSER: [15:01:23] Can I ask you why read it? We have it
19 in front of us.

20 MR GARCIA: [15:01:30] I can ask the questions, your Honour.

21 PRESIDING JUDGE TARFUSSER: [15:01:33] Okay. Thank you.

22 MR GARCIA: [15:01:34] Thank you.

23 Q. [15:01:36] (Interpretation) In order for the case file to be perfectly clear,
24 Mr Witness --

25 PRESIDING JUDGE TARFUSSER: [15:01:47] After conferring with the colleague, I

1 think you're right, it's better to read it out so we have also the translation on the
2 record.

3 MR GARCIA: [15:01:55] The Chamber prefer that I read it out or --

4 PRESIDING JUDGE TARFUSSER: [15:01:58] It doesn't matter, but so that we have
5 the --

6 MR GARCIA: [15:02:01] That's fine.

7 Q. [15:02:02] (Interpretation) Witness, if you don't mind, would you be so kind,
8 Witness, as to read out the third paragraph?

9 A. [15:02:09] "At the level of the Adjamé town hall, a considerable number of
10 demonstrators, approximately 1,000 individuals from Boribana and from Quartier
11 Rouge that is behind the town hall, had invaded the Forum zone, the zone of the
12 markets and Boulevard Nandjui Abrogoua. They were dispersed by the
13 commissariat of the 3rd arrondissement which headed the intervention group aided
14 by CECOS soldiers in BMO formation. At the end of this operation, there was one
15 death and three injured who were evacuated to the CHU, the university hospital, in
16 Cocody."

17 Q. [15:03:13] The person who died, did you have any information as to how the
18 person died? What information was given to you about that that afternoon?

19 A. [15:03:30] No. The commissioner did not report to me that very same day
20 about that. He told me that when he arrived, there were demonstrators blocking
21 the road, and therefore with the help of the CECOS in BMO formation, he dispersed
22 the crowd. And it was afterwards, after the crowd was dispersed, that they saw
23 that there was one death and three injured persons.

24 Q. [15:04:10] Did you ask how that person died during the dispersion of the
25 demonstrators?

1 A. [15:04:18] At the time, no, I didn't ask the question, because my first concern
2 was to report to the prefect and to see how we could evacuate the injured
3 individuals so that they receive proper care as quickly as possible. So no, I did not
4 ask the question.

5 Q. [15:04:42] As regards the three injured individuals, did you ask about that?
6 Did you ask how they had been injured, what kind of injuries they had sustained?

7 A. [15:04:54] Again, I did not ask those questions immediately at the time.

8 Q. [15:05:03] Did you ask that question later on, once you were drafting your
9 report, either before you drafted it or while you were drafting it?

10 A. [15:05:13] I didn't have time to ask those questions to the commissioners
11 because, as I told you, I was mainly concerned with evacuating the injured
12 individuals. And since I asked them to report to me, they explained roughly how
13 things had transpired and so I put that in the report.

14 PRESIDING JUDGE TARFUSSER: [15:05:38] The question was if later on, the day
15 after, two days after, three days after, whatever, you informed -- you were informed
16 on how this happened, the death and the injuries.

17 THE WITNESS: [15:06:03] (Interpretation) Thank you, your Honour. In any case,
18 I'm perfectly comfortable now explaining things exactly how they transpired.
19 Indeed, two or three weeks later, I don't remember exactly when, during a meeting
20 in the Abidjan district, I asked the question to the two police commissioners, that is,
21 the commissioner from the 3rd and the 11th arrondissement. I asked them, "How
22 can it be that during these interventions there were injured individuals and a death?"
23 And I emphasise this is two or three weeks, not months, two or three weeks
24 afterwards. And they answered me that when they arrived on site, BMO was
25 already there and it was BMO that had control of the operation, had carried out the

1 operation. So I asked them about how things had occurred, how the people had
2 been injured or killed, and they said that it was the BMO intervention that led to
3 those individuals being injured and that one person killed.

4 The question was then: Why is it that they didn't say that on the very day of the
5 operation? And they told me that when they gave me that information, they were
6 still with the CECOS soldiers. They were afraid. They were afraid. And since
7 some time had gone by, two or three weeks or months later, they were more
8 comfortable telling me what happened. And I said, "Well, but it was on the basis of
9 your report that I informed the prefect." And the environment at the time, the
10 atmosphere at the time, was such that they were not able to say certain things, and
11 that's why they didn't say it. That's the answer that they gave me.

12 And I told them that that was what I was thinking of, and that's why I gave that
13 answer initially when the OTP investigators asked me that question. I was not able
14 to distinguish between the date when I received the initial information and the
15 information I've just explained now. You see, that's why there is a slight nuance, a
16 slight difference or even a wee bit of confusion as regards this issue. But the truth is
17 a few -- sometime later during a meeting they gave me that information, and they
18 both said the same thing.

19 CECOS had just carried out the mission, the operation, and there had been injured
20 and one person killed. And it was toward the end of the demonstration. And
21 when they arrived, the CECOS had already carried out the operation. But it was
22 during this meeting, sometime later, that I was told that. And that's why there was
23 a wee bit of confusion in my head and I was not able to explain that when I
24 answered the investigator's questions.

25 PRESIDING JUDGE TARFUSSER: [15:09:47] So just to be clear, they didn't tell you

1 immediately because they were afraid of the CECOS?

2 THE WITNESS: [15:10:01] (Interpretation) They told me that they had not given me
3 that information because the atmosphere was such that it wouldn't have been a good
4 thing for them to do that, because CECOS was still there, especially in the case of the
5 3rd arrondissement. As regards the 11th arrondissement, if I remember correctly,
6 when they gave me the information, I think these CECOS people were still there as
7 well. That's what they told me.

8 PRESIDING JUDGE TARFUSSER: [15:10:30] Mr Prosecutor.

9 MR GARCIA: [15:10:32] (Interpretation)

10 Q. [15:10:33] Witness, on page 85, lines 5 and 6, you said:

11 "They said yes, the environment and the tension was such that they were not able to
12 say certain things."

13 What did they mean by this tension, this atmosphere that they referred to?

14 A. [15:11:01] Thank you. As I stated, on the radio -- on the police PC radio,
15 there was information about a march in many areas of Abidjan. And so it was
16 important to go and check that that was the case and, if that was the case, to disperse
17 the demonstrators. So it was at that point in time when they spoke to me. I was
18 not on site with them. But I was told that there might have been exchanges with the
19 demonstrators. Maybe there was tension. Maybe there were problems amongst
20 the demonstrators and perhaps that's what occurred, but I can't say precisely. All I
21 know is what they said. They said there was tension. I suppose it means in
22 relationship to the atmosphere at the time and that's why they said what they said.

23 Q. [15:12:11] You also said they were afraid. Who were they afraid of?

24 A. [15:12:29] That's what I've just said. When I asked them, "Why is it only
25 now," that is some time later, "why is it that it's only now that you're telling me this?"

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1 And they answered that they had been afraid because the environment was not
2 favourable and that the CECOS people were still there. That's what they told me. I
3 am merely repeating to you what they said to me.

4 Q. [15:13:06] Thank you. And how did you understand their comment about
5 the environment? Who were they afraid of in particular?

6 PRESIDING JUDGE TARFUSSER: [15:13:16] But it's clear. I don't know why we
7 always insist on things which are absolutely clear, I think.

8 MR GARCIA: [15:13:25] (Interpretation)

9 Q. [15:13:57] In order for things to be perfectly clear, when you say that the
10 commissioners of the 3rd and the 11th arrondissement told you that -- and this is in
11 the third and fourth paragraph of your report if I understand correctly; is that
12 correct?

13 A. [15:14:17] Yes, that's correct.

14 Q. [15:14:23] When you drafted this report to the police prefect, were you afraid?
15 Were you afraid of the CECOS or were you afraid of the BMO?

16 A. [15:14:51] Personally I wasn't afraid, because I was not on the ground. I
17 merely summarized all of the various reports that I had received, in particular from
18 the commissioner of the 3rd and the 11th arrondissement. I summarized all of
19 those reports and I wrote to the police prefect. But I was not afraid at that point in
20 time because I wasn't on the ground. I was, I was not actually involved in
21 maintaining public order on the ground.

22 Q. [15:15:31] Who was the commander of CECOS at the time?

23 A. [15:15:40] Well, CECOS took orders directly from their commander, at least
24 that's what we heard. They took orders from their commander.

25 PRESIDING JUDGE TARFUSSER: [15:15:59] Excuse me, but that's normal that a

1 police organisation takes order from the commander. The question is: Who is the
2 commander as far as you know? Who was the commander at that time?

3 THE WITNESS: [15:16:17] (Interpretation) Thank you, your Honour. I said that
4 CECOS took their orders directly from their commander, but you must realise that
5 CECOS is not a police unit. It is a group that brought together several different
6 people from several different organisations, the police, the gendarmerie and Guiai Bi
7 Poin, General Guiai Bi Poin was their commander at that time.

8 PRESIDING JUDGE TARFUSSER: [15:16:52] Mr Prosecutor.

9 MR GARCIA: [15:16:54] (Interpretation)

10 Q. [15:16:55] And what about the BMO, who was their leader, their commander?

11 A. [15:17:04] I just said General Guiai Bi Poin.

12 Q. [15:17:09] Was there anyone else responsible for the BMO lower than the
13 general on the org chart?

14 A. [15:17:23] I think that the BMO section also took orders directly from General
15 Guiai Bi Poin.

16 PRESIDING JUDGE TARFUSSER: [15:17:36] To be clear, you write here "CECOS
17 version BMO." Can you tell us what the difference is, the BMO in respect to the
18 CECOS? If this is special unit within CECOS? And if yes, why special or
19 particular?

20 THE WITNESS: [15:18:05] (Interpretation) Thank you, your Honour. I'm not
21 familiar with the exact terminology of CECOS, but I do know that CECOS had
22 within it -- because, you see, the CECOS was established to fight major crime in
23 Abidjan. And I believe they had one section within CECOS that only handled law
24 enforcement, maintaining of order. So, you see, the name was BMO, the brigade for
25 the maintenance of order.

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1 So I think it was a subsection or a unit within CECOS.

2 MR GARCIA: [15:18:54] (Interpretation)

3 Q. [15:18:55] Now, if I've understood correctly, when the BMO took action, at
4 that time they were not taking their orders from you at all?

5 A. [15:19:05] That is correct.

6 Q. [15:19:10] To the best of your knowledge, what did the BMO do when they
7 dispersed demonstrators at the time?

8 A. [15:19:20] Thank you. I really couldn't tell you because I never actually saw
9 them disperse people. I never had an opportunity -- well, let me -- I never had an
10 opportunity to see the BMO actually disperse people. I never had such an
11 opportunity.

12 Q. [15:19:47] Now, going by your own experience, sir, would it be a normal thing
13 for people to die during demonstrations or when police officers were dispersing?

14 PRESIDING JUDGE TARFUSSER: [15:20:31] This is not a question to be put to the
15 witness. Thank you.

16 MR GARCIA: [15:21:06] (Interpretation)

17 Q. [15:21:10] Mr Witness, I'd like to continue with questions about your report.

18 And if I could move onto the fifth paragraph, you said this in your report, I'll read it
19 out:

20 "At about 11 in the morning, the situation became calm. No barricades were set up.

21 No tyres were set on fire. And no demonstrators were seen in the streets any more.

22 A group of demonstrators that had been dispersed by our men at the monument to

23 the Martyrs gathered together again a bit further on on the boulevard Lagunaire on

24 their way to Plateau. They were dispersed by the CECOS men, the BMO version.

25 Two demonstrators were detained and one was killed. He was killed -- he was

1 shot. The situation was under control. The patrols continued to detect possible
2 pockets of resistance, particularly in the Adjamé village area," et cetera, et cetera.

3 Could you tell us, sir, where this information came from?

4 A. [15:22:39] Thank you. The area in question was part of the commissioner of
5 the 1st arrondissement, so it was the police commissioner of the 1st arrondissement
6 who made a report to me. And in his report, she -- it was a lady at the time, she
7 explained to me what had happened. So I only, I merely took that information from
8 her report in order to prepare my summary report that was intended for the police
9 prefect.

10 Q. [15:23:25] Just so that this is perfectly clear, so was this a written report or did
11 she report to you verbally, if you remember, of course?

12 A. [15:23:38] If I recall correctly, the commissioner, I believe the commissioner
13 broadcast something on the police radio to provide the information and, thus, in the
14 evening, when I received the report, I found the same words that she had uttered on
15 the police radio. And then I reproduced those very same words in this report.

16 Q. [15:24:25] Can you give us the name? Can you give us the name of this
17 particular police commissioner, the police commissioner of the 1st arrondissement?

18 A. [15:24:44] Touré Mabonga was her name, I believe.

19 Q. [15:25:02] Could you kindly spell out that name for us?

20 A. [15:25:04] Touré, T-O-U-R-E, Mabonga, M-A-G-O-N-G-A -- no.
21 M-O-N-B -- no. Mabonga, M-A-B-O-N-G-A.

22 PRESIDING JUDGE TARFUSSER: [15:25:43] Not so difficult this time.

23 MR GARCIA: [15:25:47] (Interpretation)

24 Q. [15:25:48] Thank you, Mr Witness. So on the last page of your report we read
25 the following, and it says "Seven deaths 13" -- I can't see the rest of that particular

1 sentence. And then the next sentence:

2 "At the Treichville CHU and 7 people detained. As for forces engaged for
3 maintenance of order, other than the elements of the police services coming under
4 district 4 of Adjamé, there was also as back-up two intervention groups from the
5 Abidjan police préfecture."

6 So if I've understood, this is basically the casualty count for the day?

7 A. [15:26:59] Yes.

8 MR GARCIA: [15:27:02] (Interpretation) Just for the case record, your Honour, I
9 believe it was 13 people injured. I think we can't entirely make it out, but I believe
10 it's 13 people injured.

11 Q. [15:27:30] (Interpretation) Now, regarding the seven deaths --

12 PRESIDING JUDGE TARFUSSER: [15:27:37] It is said "treize."

13 MR GARCIA: [15:27:38] Yes, we can see "treize," your Honour.

14 PRESIDING JUDGE TARFUSSER: [15:27:44] "Treize."

15 MR GARCIA: [15:27:45] It's the next word, just for the record.

16 PRESIDING JUDGE TARFUSSER: [15:27:47] Okay. A number.

17 MR GARCIA: [15:27:48] Yes.

18 Q. [15:28:04] (Interpretation) Now regarding the seven deaths sir, were you
19 exactly able to determine what happened to these people, how they died?

20 A. [15:28:11] For some of the deaths, yes, but not all of the deaths.

21 Q. [15:28:28] And the cases that you were able to clear up, what were the causes
22 of death?

23 A. [15:28:33] When I asked the commissioner of the 11th arrondissement, for
24 example, to bring the injured people in so that we could evacuate them, at the time
25 of the evacuation by the Red Cross and also at the Treichville CHU, the injured

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1 people, 13, I believe two -- a few, a few of those people died as they were being
2 evacuated or once they had got to the CHU. So the information was sent back to
3 me so that we could take stock of the number of people who died when they were
4 being transported or evacuated.

5 As for the town hall in Adjamé, I believe there was one person injured and, once
6 again, during the evacuation or the transfer, there were a number of injured people.
7 Other cases were reported by the police commissioners, in particular one person
8 died as a result of a bullet wound and another person died in Macaci, and another
9 person I believe that the total -- I believe that total, the number of injured, seven was
10 the total --

11 THE INTERPRETER: [15:30:19] The witness corrects himself.

12 A. [15:30:21] -- seven people died.

13 Q. [15:30:24] And these 13 people who were injured, how were they injured?
14 What were the causes? What kind of injuries did they sustain?

15 A. [15:30:35] No, I couldn't tell you exactly what their injuries were. I don't
16 know how they were injured, but I suppose -- I suppose it was during the
17 intervention to disperse the people. Surely, some of them were injured then or
18 perhaps -- well, perhaps, perhaps during the chaos when everything sort of went out
19 of control. That's what I can tell you.

20 Q. [15:31:07] Just so that is very clear, you haven't received that information since
21 that time exactly what kind of injuries were sustained by those people?

22 A. [15:31:22] No. No, I don't have that information.

23 Q. [15:31:26] Now, as of district chief or district number 4, did you conduct any
24 kind of investigation into what the commissions from the 3rd and the 4th
25 arrondissement had reported back to you, did you conduct an investigation?

1 A. [15:31:50] Thank you. As the chief of the district, I did not conduct an
2 investigation because I did not receive any instructions in that regard.

3 Q. [15:32:02] Just so that it's perfectly clear, did you on your own initiative
4 because of -- in your capacity, your official capacity, was it possible for you to take
5 the necessary measures to determine exactly how those people had been injured
6 when the demonstrators were dispersed?

7 A. [15:32:26] The district's mandate is not to conduct investigations, so I did not
8 make arrangements or issue orders for investigations. Usually it's the police
9 préfecture that has a general investigation unit that conducts investigations. But at
10 the district level, that is not our job. We do not conduct investigations at that level.

11 Q. [15:32:55] And sometimes do you punish any police officers or commissioners
12 who have carried out illegal acts? Is that part of your responsibility?

13 A. [15:33:11] No, that's not --

14 PRESIDING JUDGE TARFUSSER: [15:33:13] Maître Gbougnon.

15 MR GBOUGNON: [15:33:13] (Interpretation) Your Honour, to use this expression
16 "illegal acts" really, it is not the Prosecution's job to describe such acts.

17 PRESIDING JUDGE TARFUSSER: [15:33:36] On the other hand, he can't ask if he
18 punished someone for legal acts, I would say. Okay.

19 Please go ahead, Mr Prosecutor.

20 MR GARCIA: [15:33:57] (Interpretation)

21 Q. [15:33:57] You told us that these whole issues of conducting investigations,
22 punishing commissioners if necessary, that was at the préfecture level?

23 A. [15:34:12] No. That's not what I said. What I'm saying is within the district,
24 it is not our mandate to conduct investigations unless we receive instructions
25 through the official channels to carry out a specific investigation. In this case, we

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1 did not receive any instructions to conduct investigations into the deaths or the
2 injuries that were sustained during the march. If an investigation was to be done, it
3 was the préfecture that should or would have done it because they have an
4 investigation unit there. And if the prefect asks for an investigation, then we can
5 carry out an investigation; but we did not receive any such instructions.

6 Q. [15:35:05] To your knowledge, are you aware of any investigation whatsoever
7 into these deaths and these injuries that occurred on the 16th of December 2010?

8 A. [15:35:20] In all honesty, no. I have no such knowledge.

9 Q. [15:35:31] Are you familiar with the GPP, the Groupement patriotique pour la
10 paix? Does that name ring a bell?

11 A. [15:35:56] Yes.

12 Q. [15:35:56] Now, when you were the chief of the district, at that time did you
13 have any dealings with the GPP?

14 A. [15:36:20] Yes, that is correct.

15 Q. [15:36:21] Do you remember how many times you had occasion to deal with
16 them?

17 A. [15:36:30] Twice.

18 Q. [15:36:38] Just to situate us in time, now when was the first time you had
19 some dealings with the GPP, which month, which year?

20 A. [15:36:51] I can't recall exactly, but I think it would have been December or
21 January.

22 Q. [15:37:11] Just so that's quite clear for the record, December 2010 and January
23 2011, are those the months in question?

24 A. [15:37:18] Yes, that is correct.

25 Q. [15:37:26] Tell us about this first opportunity you had to deal with the GPP;

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1 where did that happen?

2 A. [15:37:33] I believe that -- well, I don't remember the exact time. It might
3 have -- I can't remember if it was morning or afternoon, but they came to the police
4 station, the police station in Abidjan, and they asked to see me. And I believe that
5 my men called me and I went down and there they were. I met up with them at the
6 police station. And I asked them what they wanted and they said that they wanted
7 some weapons to help us handle the situation that was prevailing.

8 I told them that I could not provide them with weapons because I did not have
9 enough, enough to protect my own unit. And I also said I could not provide them
10 with weapons because they were not a legally constituted force because if they
11 conducted certain actions, they would have to bear responsibility for such actions.
12 They complained. They gave -- they complained and then they were --

13 Q. [15:39:07] Now, was that before the march upon the RTI or after, this first
14 contact with the GPP?

15 A. [15:39:25] I don't remember. I don't remember.

16 Q. [15:39:32] Could you tell us whether it was before the election or after?

17 A. [15:39:37] After the election.

18 Q. [15:39:39] Very well. Thank you, Mr Witness. Now, when they came to the
19 police station, how many were there? How many of them were there?

20 A. [15:39:54] The day they came to the police station, they were a group of five or
21 six.

22 Q. [15:40:08] Did you know these people? Had you met them beforehand?

23 A. [15:40:13] No.

24 Q. [15:40:14] How did you know that they were part of the GPP?

25 A. [15:40:23] Because when they came in they introduced themselves as such, as

1 members of the GPP.

2 Q. [15:40:32] Did they provide their names or nicknames or anything like that?

3 A. [15:40:39] No, not that day. They did not give me their names. But someone
4 was actually speaking on behalf of them. They all came. They came as a group.
5 But I don't remember whether they provided any names. I don't remember.

6 Q. [15:41:00] Do you remember how they were dressed?

7 A. [15:41:05] Normally, jeans, polo shirt, I think two of them had camo slacks.
8 One had a yellow shirt that had "GPP" written on it.

9 Q. [15:41:34] Were you able to see whether they were bearing arms or not?
10 Were they carrying any weapons?

11 A. [15:41:42] No. That day they were not armed.

12 PRESIDING JUDGE TARFUSSER: [15:41:53] One question. When they said they
13 are from the GPP, did you learn this, the existence of the GPP the first time, in that
14 moment, or did you already know the existence of the GPP and that on that date?

15 THE WITNESS: [15:42:16] (Interpretation) I knew that the GPP did exist. They even
16 had -- well, they even occupied a building. That's where they stayed at 220, close to
17 one of the police stations. I had that information from one of the police
18 commissioners who met with them regularly. But it was the first time that they
19 came to the police station.

20 THE INTERPRETER: [15:42:58] Interpreter correction: The arrondissement just
21 mentioned was the 7th arrondissement.

22 MR GARCIA: [15:43:23] (Interpretation)

23 Q. [15:43:24] Mr Witness, you mentioned 220 Logements. What is that exactly?

24 A. [15:43:32] It's a neighbourhood within Adjamé. And the police station of the
25 7th arrondissement has jurisdiction in that particular area. So you see, it's a

1 neighbourhood of Adjamé.

2 Q. [15:43:51] And you said that it was the police commissioner of the 7th
3 arrondissement who gave you the information about the GPP; is that what you said?

4 A. [15:44:01] No. I said that the GPP already existed. It had been in existence
5 for a long time. But at that time they -- their location, well, it was the police
6 commissioner in 7th arrondissement who told me that they were in a particular
7 building.

8 Q. And this police commissioner met with them regularly why? Why did this
9 person meet with them regularly?

10 A. [15:44:35] Well, he often told me that these people disturbed the public order.
11 They often would come and make trouble for them. And often they would have to
12 have words with them and settle them down and ask them not to continue with their
13 actions.

14 Q. [15:44:58] Exactly what did they do to disturb the public order?

15 A. [15:45:05] I really couldn't tell you. I don't know. But this is what I heard
16 about from the police commissioner. But exactly what they were doing, I really
17 couldn't tell you. I don't know.

18 Q. [15:45:19] Did he tell you anything else about the GPP?

19 A. [15:45:26] The commissioner? No, he did not.

20 Q. [15:45:31] You personally, you may have received some information, do you
21 know for how long they had been at the 220 Logements, that is the GPP?

22 A. [15:45:42] I cannot be exact in telling you since when they had been there.
23 But when I took office on 17 September 2010, there was information to the effect that
24 they had already been occupying the building. They were already at the 220.

25 Q. [15:46:01] Just to give us an idea, when you say "they" you are referring to

1 GPP, was it a number of people, a group of people? How many of them would that
2 have been?

3 A. [15:46:16] It was a group of youth, but I cannot provide an exact number.
4 According to the commissioner, quite a number of them were living in the building.

5 Q. [15:46:27] Can you help us, when you say quite a number of them, are we
6 looking at 50 or 100 people or how many people approximately?

7 A. [15:46:36] No, I cannot. If I provide a number I would be lying. No, I
8 cannot. But the commissioner told me that there were many of them.

9 Q. [15:46:44] You referred to the commissioner of the 7th arrondissement. What
10 was his name?

11 A. [15:47:02] At the time the commissioner was Gnakoua Charles, that was his
12 name.

13 Q. [15:47:06] Mr Witness, can you kindly spell out that name for us?

14 A. [15:47:09] G-N-A-K-O-U-A, Charles as in Charles.

15 Q. [15:47:31] Thank you, Witness, as in Charles indeed.

16 So the area occupied 220 Logements was a building; is that correct?

17 A. [15:47:38] Yes, that is what the commissioner told me.

18 Q. [15:47:40] If you know, Witness, can you tell us what type of building the 220
19 Logements was?

20 A. [15:47:54] It was a building of three to four floors. It had a storey building of
21 three to four floors right next to the police station of the 7th arrondissement.

22 Q. [15:48:23] Before moving on, you said that you had met members of the GPP
23 and that when they arrived - and I'm referring to page 97, lines 4 onwards - they said
24 they needed weapons to help us deal with the prevailing situation. Can you
25 explain to the Court what that situation was and why they needed the weapons?

1 A. [15:49:09] I am not able to tell you exactly why they needed the weapons.
2 But I take it that, as I told you at the beginning, the situation prevailing at the time
3 was one of discontent mainly on the part of some of the supporters of one of the
4 candidates, I would say, because as I told you at the beginning, the two candidates
5 to the presidential election had both been declared victorious, one by the
6 international community and the independent Electoral Commission and the other
7 by the constitutional court. So clearly --

8 Q. [15:50:17] I've understood. Let me be more specific.

9 A. [15:50:22] Well, I'm getting there. So I said that there must have been
10 unhappy persons in one group as opposed to the other. So they came to see me
11 asking for weapons in order to deal with the prevailing situation. So but I'm not
12 able to tell you exactly what was happening. So I take it that they had their reasons
13 for which they wanted weapons. That is it. They may have had their reasons.
14 They wanted weapons for that purpose, and that is why they said they were going to
15 help me to manage the situation, but the situation was not as serious to require
16 firearms. So they told me that they wanted weapons to be able to help me. That's
17 what they told me.

18 Q. [15:51:14] Did you have knowledge of other activities of the GPP in Adjamé,
19 either on your own or through someone else?

20 A. [15:51:24] No. In Adjamé, no. I was not aware of any activities of the GPP.
21 As I told you, I was in office only for five months. And during that time, I didn't
22 learn that the GPP had done this or done that.

23 Q. [15:51:38] Did you hear anything else in relation to the GPP and the United
24 Nations?

25 A. [15:51:45] With the United Nations? Please, can you be more specific. I

1 don't understand your question.

2 Q. [15:52:01] Let me put the question in more general terms. Did you hear of
3 GPP activities anywhere else in Abidjan across the city?

4 A. [15:52:13] No, because before I came to the 4th district in Adjamé in Abidjan, I
5 was in the hinterland of the country; and from there, it was not possible to find out
6 what exactly what was happening in Abidjan in relation to such and such a thing.
7 Had I been in Abidjan throughout that period, I may have been in a position to
8 answer your question; but right now, I'm not able to provide you with an answer.

9 Q. [15:52:43] I understand, Witness, that you met again with other persons from
10 the GPP; is that correct?

11 A. [15:52:59] Yes, correct.

12 Q. [15:53:05] How long after the first meeting did that second meeting take place
13 approximately?

14 A. [15:53:14] Approximately one month later.

15 Q. [15:53:19] Where did that meeting take place?

16 A. [15:53:26] That meeting on that occasion took place in my office. They came
17 to the secretariat and the secretary came to inform me that a group of GPP people
18 were there and they wanted to meet with me, so I brought them into my office.

19 Q. [15:53:52] How many of them?

20 A. [15:53:55] Three of them on that day.

21 Q. [15:54:01] Did they give you their names or nicknames or anything?

22 A. [15:54:06] Yes, but I've forgotten that. That was a long time ago. I've
23 forgotten.

24 Q. [15:54:14] What did they tell you on that day?

25 A. [15:54:20] On that day when they returned, they reiterated their request for

1 weapons to be supplied. They asked me that on that occasion they wanted to go on
2 the field or on the ground - I don't know what they meant - and I again said no. I
3 told them that I did not recognize them, that they were not legitimate to my eyes,
4 and that I could not give them any weapons.

5 If they had been a group that had been created legally, at that time I may have
6 understood. But they were not a legally constituted group, so I could not give them
7 weapons, because otherwise if they engage in any activities that would turn against
8 me tomorrow, and I would be asked why I provided them with weapons, whereas
9 they were not legally constituted. So I was not going to give them the weapons.

10 Q. [15:55:25] What was their reaction when you told them that you would not
11 give them weapons?

12 A. [15:55:32] They were angry. They started to threaten me. They were
13 praying and praying to God that the president should remain in office. And
14 praying to have President Gbagbo at the time remain in office. No, I'm sorry.
15 They said I should pray that if the president remains in power, I will hear from
16 them. They said that it was because I was connected to the Golf, because at the time
17 the current president was at the Golf Hotel. They said that it is because I had
18 contacts or connections with the Golf that I did not give them -- provide them with
19 weapons, and that I was letting people do whatever they wished to, and that when
20 they came to ask for weapons to go settle the situation, I refused to give them the
21 weapons.

22 So they said I should pray to God that if the president were still there, I would hear
23 from them; after that, they left.

24 Q. [15:56:57] For clarity, you said that they said -- they asked you to pray to God
25 that the president should remain, but that if the president were still there, you will

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1 hear from them.

2 Can you be clear, what president are you talking about? Who are you talking
3 about? Who were they talking about at that time?

4 A. [15:57:35] That is about what they told me, more or less, if my recollection is
5 correct. That is about what they told me. At the time President Gbagbo was the
6 president. So they said that since I had connections with the people at the Golf, and
7 when he said people at the Golf, he was referring to the current president who was
8 in waiting at the Golf at the time.

9 So he said since I had connections with people at the Golf, I should be praying,
10 because if the president were going to remain then I would be hearing from them.
11 That's what they told me.

12 Q. [15:58:13] You say that they said that if the president were still there, then you
13 would hear from them. What was your understanding of that?

14 A. [15:58:30] I believe that without being exact or specific as to what they said,
15 what I can say is that what they intended to say to me was that after things calmed
16 down, if President Gbagbo were to continue to be in power, then I would be hearing
17 from them.

18 Q. [15:59:00] Was that a threat?

19 PRESIDING JUDGE TARFUSSER: [15:59:06] It's three times that he's repeating the
20 same thing, isn't it?

21 MR GARCIA: [15:59:13] (Interpretation)

22 Q. [15:59:15] What was your reaction when they said that to you, Mr Witness?

23 A. [15:59:20] I had no reaction. I didn't say anything. I was looking at them.
24 They finished what they were saying and then they left my office. I had no
25 reaction.

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1 Q. [15:59:30] I want to understand something simply, Mr Witness, in relation to
2 that incident. At that time when they came to ask for weapons from you - you were
3 the chief of district - why did you not simply arrest them? Why did you not simply
4 detain them because of that threat or on the grounds of that threat?

5 A. [15:59:55] I think that if I did do so, it was because I wanted to calm things
6 down. I wanted to -- I wanted for things to calm down. That's it.

7 Q. [16:00:23] In your last answer you said you wanted to maintain calm. Let me
8 conclude with this question: They came and asked you for weapons. That was not
9 a legal situation. Were you not concerned about that at the time?

10 A. [16:01:22] What could I do? I couldn't do anything. Well, people came
11 asking for weapons, and I said no. And then they threatened me. Well, it wasn't
12 necessary to arrest them, I found, so they left.

13 Q. [16:01:43] Thank you, Mr Witness.

14 MR GARCIA: [16:01:43] I think our estimates demonstrate that we have about 30 or
15 40 minutes left estimate. I would ask that we break here and what I'll do over the
16 weekend is look over certain things and try and cut that down, so it will be quite
17 efficient on Monday morning.

18 PRESIDING JUDGE TARFUSSER: [16:02:04] We have another 10 minutes.

19 THE INTERPRETER: [16:02:06] Microphone.

20 PRESIDING JUDGE TARFUSSER: [16:02:08] I'm sorry. We would have another 10
21 minutes because we started at quarter to -- at quarter to 3. Yes.

22 MR GARCIA: [16:02:18] Your Honours, just on the question of efficiency, I believe
23 that if we had the chance to look over this over the weekend, I will be able to shave
24 things down on certain questions. It will make things much more efficient.

25 PRESIDING JUDGE TARFUSSER: [16:02:32] Now I tell you exactly where we are on

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- 1 the basis of what the court officer is telling me in a minute.
- 2 THE COURT OFFICER: [16:02:53] Yes, Mr President. The Prosecution so far has
- 3 used 2 hours 52 minutes.
- 4 PRESIDING JUDGE TARFUSSER: [16:03:01] Even less.
- 5 MR GARCIA: [16:03:04] Apparently, your Honour. What I do commit myself to is
- 6 reducing the amount of time, if we can use the weekend obviously, look over the
- 7 material and it will be much more efficient on Monday morning. It may be just on
- 8 documentary evidence.
- 9 PRESIDING JUDGE TARFUSSER: [16:03:20] Okay. Thank you very much. So I
- 10 think we close here for this week, and we resume on Monday morning at 9.30 sharp.
- 11 Thank you to everybody. It was quite heated, but okay. That's part of the
- 12 joke -- well, the joke? Part of the trial. Thank you very much. The hearing is
- 13 adjourned to Monday 9.30. Thank you.
- 14 THE COURT USHER: [16:03:48] All rise.
- 15 (The hearing ends in open session at 4.03 p.m.)