

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 Wednesday, 15 February 2017
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:36] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:33:50] Good morning.
15 Here is the oral decision on the issues raised by counsel of the witness. And I will go
16 very slowly for the benefit of the interpreters.
17 The Chamber, noting the request by Rule 74 counsel of Witness P-46, I'm referring to
18 confidential filing number 810, and having heard the submissions of the parties,
19 decides as follows:
20 As to the legal advisor's request that the entire testimony be heard in private session
21 for the purpose of Rule 74, the Chamber notes that it was the Prosecutor who advised
22 the Chamber that the testimony of Witness P-46 may raise issues of self-incrimination.
23 Pursuant to Rule 74(8) in this scenario, the Chamber may impose measures outlined
24 in Rule 74(7) for all or part of the testimony of that witness.
25 Since, as noted by the Prosecutor, there are several topics likely to be covered by

1 Witness 46's testimony which will not raise issues of self-incrimination, the Chamber
2 finds the requested measures disproportionate, vis-à-vis the paramount principle of
3 the publicity of the proceedings.

4 The Chamber has also taken note of the confidential (Interpretation) Memorandum
5 of Understanding agreement between the Republic of Côte d'Ivoire and the
6 International Criminal Court (Speaks English) where provision is made as to the
7 immunities granted to witnesses appearing before the Court.

8 In light of this, the Chamber deems it appropriate to limit the hearing in camera of
9 Witness P-46 only to those parts of the testimony which do raise issues of
10 self-incrimination.

11 The Chamber notes that whenever the testimony is only partially heard in camera
12 pursuant to Rule 74(8) of the Rules and in-court protective measures are not
13 otherwise warranted, disclosure of the witness' identity cannot be avoided and there
14 is therefore no room for the application of Rule 74(7)(b) insofar as the witness' identity
15 is concerned.

16 Accordingly, and consistently with the established practice of the Chamber, private
17 sessions will be ordered on a case-by-case basis as appropriate and warranted in the
18 course of testimony.

19 As to the request to provide a general blanket assurance to Witness 46 for the purpose
20 of Rule 74 of the Rules of Procedure and Evidence, the Chamber consistently with its
21 established practice will provide the assurance under Rule 74 in the context of the
22 general instructions at the beginning of the testimony.

23 It will be the responsibility of Rule 74 counsel, so as of all the questioning parties to
24 alert the Chamber every time that a particular question or line of questioning calls for
25 ordering a private session.

1 As to the request to be provided with the agreement between the Court and the Ivory
2 Coast, the Chamber notes that this matter not only exceeds the scope of the mandate
3 vested by counsel, but that the agreement is confidential and therefore it can't be
4 granted.

5 The scope of the assurance to be given by the Court is clearly defined by Rule 74(3).

6 Finally, as to the request that immediate measures be ordered to preserve the
7 confidentiality of documents relating to Witness P-46's interview with the Office of
8 the Prosecutor, the Chamber notes that these documents are already classified as
9 confidential and, as such, not subject to being disclosed to the public, apart of the
10 confrontation which can be done in court, in part. And no additional matters are
11 therefore required in order to preserve the confidentiality of these documents.

12 Accordingly, the Chamber rejects the request by Rule 74 counsel.

13 Well, I don't know why I used at page 2, line 10, the word draft. The agreement.

14 When I say, page 2, line 10, draft agreement, the agreement. No. In English it's
15 called draft agreement, but of course I refer to the agreement, not the draft agreement.

16 MR LAUCCI: [9:41:07] (Interpretation) If I may, your Honour, could I have five
17 minutes to explain the Chamber's decision to the witness?

18 PRESIDING JUDGE TARFUSSER: [9:41:15] At exactly 10 o'clock, and this is for the
19 court officer, with the witness inside, okay? Ten o'clock. Thank you.

20 THE COURT USHER: [9:41:25] All rise.

21 (Recess taken at 9.41 a.m.)

22 (Upon resuming in open session at 10.01 a.m.)

23 THE COURT USHER: [10:01:40] All rise.

24 Please be seated.

25 PRESIDING JUDGE TARFUSSER: [10:02:03] So good morning once again.

1 Good morning to you. Good morning to you, Mr Witness. I think you have been
2 advised, you have consulted with counsel and have been advised properly; is that
3 correct?

4 WITNESS: CIV-OTP-P-0046

5 (The witness speaks French)

6 THE WITNESS: [10:02:46] (Interpretation) That is correct.

7 PRESIDING JUDGE TARFUSSER: [10:02:49] So you feel, you feel okay? Do you
8 feel at ease?

9 THE WITNESS: [10:03:01] (Interpretation) Yes, indeed.

10 PRESIDING JUDGE TARFUSSER: [10:03:02] Now, this said, we have, before
11 starting the questioning by the Office of the Prosecutor, followed by the Defence
12 counsel for Mr Gbagbo and Mr Blé Goudé, I have to ask you something, give you
13 some information, et cetera.

14 So first of all, your identification, I would ask you to give your name, place, date of
15 birth, nationality and your current occupation. Thank you.

16 THE WITNESS: [10:03:45] (Interpretation) My name is Brédou M'Bia. I was born
17 on 20 April 1955 in Tanguélan, I am Ivorian, and I'm a policeman.

18 PRESIDING JUDGE TARFUSSER: [10:04:10] You are still policeman in which rank?

19 THE WITNESS: [10:04:17] (Interpretation) Mr President, I am still a policeman. I
20 am not yet retired. I am general administrator of the national police.

21 PRESIDING JUDGE TARFUSSER: [10:04:33] Thank you very much. I will continue
22 and everybody here in court will continue to call you "Mr Witness," not with your
23 name, in order so because we're used to doing it like this.

24 Now I have to give you some information about the big issue we have discussed, the
25 self-incrimination issue. You have been assigned a lawyer to provide you with legal

1 advice, what he did. And the Prosecutor has indicated that Rule 74 assurances
2 would be appropriate in your case.

3 Mr Laucci is present, and if any concern arises during the course of the testimony, he
4 will be able to advise you and he will be able to talk to you and to raise those concerns
5 you might have with the Chamber and then we react, we would react appropriately.
6 The Chamber in any case gives you the assurance pursuant to Rule 74(3) of the Rules
7 that your testimony will in no case be used either directly or indirectly against you in
8 any subsequent proceedings by this Court, except under Article 70 and 71, which are
9 the offences against the Court if you do not say the truth.

10 All the rest, the relation with Ivory Coast is covered by the memorandum of
11 understanding with Ivory Coast. So if any question is asked that could lead to your
12 self-incrimination, we will hear your answer in private session and keep this answer
13 confidential.

14 The parties, the questioning parties are each responsible to asking prior -- to asking
15 questions that may lead the witness to incriminate himself, to incriminate himself, to
16 ask for private sessions, and obviously, duty counsel is always alert to intervene if he
17 deems it appropriate. This to Rule 74.

18 Now we're talking about the language. You will be obviously testifying in the
19 French language and we need to ensure that you are well understood in orally and in
20 writing, that means by the interpreters on the one side and by the court reporters and
21 the others who transcribe what you are saying. And this has to be done in French
22 and in English and, therefore, it is absolutely necessary that you speak slowly, like I'm
23 speaking slowly now, in order to guarantee a good interpretation and a good
24 transcription of what you are saying, of what we all are saying. This in particular is
25 necessary when you are questioned in French and you respond, and you tend to

1 respond immediately, so you have to be aware that you have to speak slowly and to
2 let some time from the end of the question until the beginning of your answer; is that
3 understood?

4 THE WITNESS: [10:09:14] (Interpretation) Mr President, I have understood you
5 well.

6 PRESIDING JUDGE TARFUSSER: [10:09:20] In any case, I will be always alert to
7 and give you a sign to slow down or something like this.

8 Now we come to your testimony. You are certainly aware that this Chamber has
9 been established to try the case of the Prosecutor against Mr Gbagbo and
10 Mr Blé Goudé, and you as a witness are called to assist the Chamber in the search of
11 the truth. You are here a witness to the truth and not a witness of one or the other
12 party, so what you are saying, the only thing what you have to do is to say the truth.
13 And in order to ensure this, you have to make a solemn undertaking requested by
14 law to this effect, and I would ask you to read the formula you have in front of you,
15 which is the solemn undertaking requested by Rule 66(1) of the Rules of Procedure
16 and Evidence.

17 THE WITNESS: [10:10:44] (Interpretation) I solemnly declare that I shall speak the
18 truth, the whole truth and nothing but the truth.

19 PRESIDING JUDGE TARFUSSER: [10:11:02] Thank you very much. The last thing
20 before giving the floor to the Office of the Prosecutor, which as calling party starts
21 with the questioning, is to inform you that obviously giving false testimony is an
22 offence against the Court and as such punishable. Also this is understood, I guess?

23 THE WITNESS: [10:11:37] (Interpretation) Yes, indeed, Mr President.

24 PRESIDING JUDGE TARFUSSER: [10:11:40] Okay. Thank you very much. So
25 with more or less 20 hours of -- 24 hours of delay, we can start the questioning by the

1 Office of the Prosecutor and to this effect I give the floor to Mr MacDonald.

2 MR MACDONALD: [10:12:02] Thank you, your Honour.

3 QUESTIONED BY MR MACDONALD:

4 Q. [10:12:08] (Interpretation) Good morning, Mr Witness. Can you hear me
5 well?

6 A. [10:12:29] I am hearing you well.

7 Q. [10:12:31] Very well. So as the President was just saying, I'm going to be
8 referring to you as "Mr Witness" throughout the proceedings because it is indeed the
9 manner in which we proceed with all witnesses, whoever they may be. I shall be
10 putting questions to you in French, but I shall be addressing the Chamber in English
11 whenever there are discussions between the parties or if there is any information to
12 impart to the Chamber.

13 In view of the fact that we are speaking French and that everything is being
14 interpreted for the Chamber, you can see that I am speaking slowly, this is to enable
15 the interpreters to interpret.

16 I'm not going to come back on all that the Presiding Judge just said to you with regard
17 to procedure, but what is very important to us is to avoid all overlapping. So I shall
18 put a question to you, we shall observe a pause, and then you will answer, after
19 which I will then put follow-up questions to you and you will see that this is much
20 easier to say than to do. And when we are in the heat of the action, when we are
21 putting questions, it's not that easy.

22 To start off, I would like to come back to your professional background or biography.
23 I understand that until very recently you were the inspector general of the national
24 police of Côte d'Ivoire; is that correct?

25 A. [10:14:37] That is correct, but for the last three years I have not been inspector

1 general. I am now general administrator. Things evolve.

2 Q. [10:14:52] Very well. And I understand that this position came to an end
3 recently. Can you provide us with a date, please?

4 A. [10:15:01] I ceased to occupy the position of director general of the national
5 police of Côte d'Ivoire on 11 January 2017.

6 Q. [10:15:27] Very well. So let us go back somewhat to the moment in time or we
7 are all are aware here that at the time of the post-election crisis you were director
8 general of the national police of Côte d'Ivoire. We shall come back to that in a
9 moment. But maybe you could furnish us with some biographical details with
10 regard to the studies that you followed and how it is that you came, the background
11 or the pathway of your various positions before you became director general of the
12 national police.

13 A. [10:16:14] Thank you. I did following primary school in my village Tanguélan,
14 and when I went to the sixth grade, I then went to the Kirmann College in
15 Abengourou. That was '70 to '74. And '74 to '77 I was at the Yopougon Kouté
16 seminary. And from '77 after the bacc, I went on to university at the faculty of law in
17 Abidjan. At that time there was only one university. In the year 1980 I went to the
18 police academy for officers in Abidjan, and in 1987 I went back to the police academy,
19 and on that occasion I went to the commissioner's school. After, in 1982, 1983 I went
20 to the armed forces academy for the reserve officers of the army and I took up my
21 position as a policeman in 1984.

22 In 1984 I was at the central police station in Abidjan and as I said, and until 1987 that
23 is, when I then went into the national police academy. In 1989 I came out of that
24 training, training for commissioners, and on that occasion I took up a position in the
25 judicial police until 1999. In 1999 after the coup d'état, I remained for two months at

1 home before being called up again as the deputy préfet de police at the préfecture of
2 police in Abidjan. Subsequent to which, that was in the year 2000, I was then
3 appointed préfet de police in Yamoussoukro. I spent 11 months there, after which I
4 became director of the intervention units for the national police. There I spent six
5 years, after which I was the director of the intervention units. After that I went back
6 to work as the préfet of police for Abidjan. After that I was the deputy director
7 general for public security. And since 2008 I was the director general or up to
8 January 2017. Thank you.

9 Q. [10:19:25] Very well. Just for the dates to be indicated on the record, I
10 understand that you met with the investigators of the Office of the Prosecutor initially
11 on 9 September 2011. Do you recall that first encounter on 9 September 2011?

12 A. [10:20:13] With regard to the precise date of 9 September 2011, I do not recall the
13 exact date. But I do remember that I met with the investigators of the Office of the
14 Prosecutor in 2011.

15 Q. [10:20:32] And you had the opportunity, in the context of your preparation here
16 in the VWU, you had the opportunity to read through the statement that you
17 furnished to the Office of the Prosecutor. When I say "statement" this is the term that
18 we use in the OTP. We don't use the word "record." So this statement commenced
19 on 23 November 2011. Do you recall that?

20 A. [10:21:05] Yes, indeed.

21 Q. [10:21:16] I also understand that this continued over a number of days?

22 A. [10:21:24] That is correct.

23 Q. [10:21:32] I would like to briefly hark back to your career, just seeking a point of
24 clarification. In 2005, specifically at the time when the CECOS was set up, what
25 were your functions at the time?

1 A. [10:22:01] Yes, that was a mission, indeed. In 2005 I was the director of the
2 intervention units. As I said to you, that was the period between the year 2000 and
3 2008. And in the same period, in parallel, I also was the deputy commander of the
4 CECOS.

5 Q. [10:22:33] I understand that this mission can be explained. Can you remind us
6 of the groups that fall under the CECOS?

7 A. [10:22:49] Well, in the CECOS there were policemen, there were gendarmes and
8 there were soldiers.

9 Q. [10:23:03] And you were the deputy of the commander, commander IB or Guiai
10 Bi Poin?

11 A. [10:23:17] That is correct. I was the deputy of the CECOS commander until the
12 year 2008, when I was appointed -- no, not 2008, but I was appointed préfet de police
13 of Abidjan. And when that happened, that is when I ceased to perform within the
14 CECOS.

15 Q. [10:23:55] We know, and in view of the fact that we are covering this subject of
16 the CECOS, and you will see in my questions that I am following a certain logic, but
17 sometimes I pause with regard to some subjects. We know that the CECOS was with
18 a view to fighting against banditry and criminality in the wider sense of the term.
19 Could you tell us what was the motivation behind the institution of the CECOS in
20 2005?

21 A. [10:24:34] Well, the CECOS was with a view to fighting against major crime. If
22 you consider the date of 2005, we were in the midst of the crisis and the police that
23 were supposed to take care of urban crime did not have the necessary equipment to
24 do so. So it had to work in a permanent manner side by side with the gendarmerie.
25 And as the gendarmerie itself did not have sufficient means, it had the support of the

1 army. That is why the three units were working hand in hand.

2 Q. [10:25:30] I would now like to move on and continue. As the director general
3 of the police at the time of the facts, the facts under consideration by this Chamber,
4 we have a backdrop. Could you just please describe to us what the role of the police
5 in Côte d'Ivoire was, what its mission was?

6 A. [10:26:17] I really didn't understand what you mean by "describe". Do you
7 want an organisational chart or the mission itself?

8 Q. [10:26:27] What we call in our jargon the structure or the organisational chart,
9 which we'll come back to that in a moment, but let's come back to the principles.
10 What was the mission of the police?

11 A. [10:26:46] The police's mission is to protect the population and to protect their
12 possessions. That is the main mission of the police.

13 PRESIDING JUDGE TARFUSSER: [10:27:11] Which we know.

14 MR MACDONALD: [10:27:14]

15 Q. [10:27:15] Mr Witness, were there any underlying missions in addition that fell
16 under the responsibility of the police?

17 A. [10:27:36] The police is a republican institution, with regards to Côte d'Ivoire
18 anyway, and I would admit that I do not know whether there was any other
19 underlying mission as such. What I know is what I've told you.

20 Q. [10:28:10] Very well. Could you explain to us the distinction between the
21 responsibilities of the police, the mission of the police and the mission of the
22 gendarmerie?

23 A. [10:28:19] As I was saying to you a moment ago, the police has as a mission to
24 protect the population and the possessions in an urban environment. The
25 gendarmerie, which is under the ministry of defence, they are soldiers, has the same

1 mission, 80 per cent of that mission is the same, to protect the population and their
2 possessions, but in a rural environment. That is the distinction between the police
3 and the gendarmerie.

4 Q. [10:29:09] So let's come back or, rather, let's follow on with the question of the
5 organisational chart. The director general of the national police, and this was the
6 position that you occupied, who did you report to?

7 A. [10:29:44] The director general of the national police reports to the minister of
8 the interior.

9 Q. [10:29:55] And at the time of the facts during the crisis, I understand that it was
10 Mr Guiriéoulou?

11 A. [10:30:07] Well, it depends which period you're talking about, whether it is from
12 2010-2011 then it is indeed Mr Guiriéoulou.

13 Q. [10:30:27] And to your knowledge the minister of the interior reports to whom?

14 A. [10:30:35] The minister of the interior is a member of the government. He is
15 part of the Council of Ministers presided over by the president who has appointed his
16 ministers. And of course he then reports to the president of the republic.

17 Q. [10:31:00] Very well. Let us go down a bit further in this organisational chart.
18 Can you tell us how it functions, and of course we will see it even more clearly with a
19 series of other documents that we'll take a look at in the coming hours. Now, I see
20 that there is a general directorate of the national police. How is the directorate
21 organised in terms of the various posts, the various positions within the directorate?

22 A. [10:31:55] The general directorate has a cabinet, and there is a chief of cabinet;
23 and alongside of that you have three deputy directorates: You have the general
24 directorate in charge of public security, whose mission is to coordinate the activities
25 of the intervention units and the police préfecture. Then you have the deputy

1 general directorate in charge of judiciary police, which coordinates activities in
2 particular regarding drug trafficking. And then you have criminal police and the
3 economic and financial police.

4 The third deputy director general deals with the forensic police division.

5 THE INTERPRETER: [10:33:10] Message from the interpreter: Could the chart
6 please be shown on the screen to assist us in our job. Thank you.

7 PRESIDING JUDGE TARFUSSER: [10:33:16] Excuse me. The interpreters would
8 like to have the chart displayed on the screens, if possible, in order to help them.

9 MR MACDONALD: [10:33:27] It's a personal chart of mine that I'm happy to send
10 for the purposes of the interpretation.

11 PRESIDING JUDGE TARFUSSER: [10:33:35] Okay.

12 MR MACDONALD: [10:33:36] We will organise that in the next minute.

13 PRESIDING JUDGE TARFUSSER: [10:33:40] Okay.

14 MR MACDONALD: [10:33:41] So we'll make the necessary -- if you allow me just
15 one second so I can speak to our case manager.

16 PRESIDING JUDGE TARFUSSER: [10:33:49] Yes, of course.

17 MR MACDONALD: [10:33:50] Because there are different charts and I just want to
18 make sure we have the right one.

19 PRESIDING JUDGE TARFUSSER: [10:33:54] Yes.

20 (Counsel confer)

21 PRESIDING JUDGE TARFUSSER: [10:34:00] Not the right, but the same.

22 Thank you. Please go ahead.

23 MR MACDONALD: [10:34:28] Thank you, your Honour. If you allow me just one
24 second.

25 MR MACDONALD: [10:35:10]

1 Q. [10:35:15] (Interpretation) Let me just clarify, you mustn't be surprised if
2 Mr Gbagbo leaves the courtroom for a moment. Occasionally people do move
3 around in the courtroom.

4 MR ALTIT: [10:35:34] (Interpretation) I don't believe that kind of comment is
5 absolutely necessary, your Honour.

6 PRESIDING JUDGE TARFUSSER: [10:35:39] I thought the same. I don't even think
7 that he realized this too much. But I think we just go ahead with --

8 MR MACDONALD: [10:35:48] I'll go ahead, but there was a glance, your Honour.
9 There was a movement of the head, so I just wanted to explain.

10 PRESIDING JUDGE TARFUSSER: [10:35:54] Okay. Let's go ahead.

11 MR MACDONALD: [10:35:56] There is no -- anyway.

12 Q. [10:36:01] (Interpretation) I would like to concentrate on the general director
13 for public security, the deputy director of public security.

14 Now, under this directorate, this sub-directorate, you mentioned that there were
15 intervention units, is that correct, and that there were the various préfecture? Could
16 you describe in further detail under your general sub-directorate and under the
17 public security directorate, can you describe the organisational chart that comes
18 underneath that directorate for public security?

19 A. [10:37:09] The general director for public security coordinates the activities of
20 the police préfecture. There are currently 12 préfecture as well as the activities of the
21 intervention units. Now, the intervention units, you have the CRS, the CRS. There
22 are four companies for public security.

23 Q. [10:37:46] Let me interrupt you, if I may. You're referring to the CRS?

24 A. [10:37:55] Yes. The CRS, the republican security company, CRS, commonly
25 abbreviated as CRS. So there were four. And then there is the BAE, the riot brigade,

1 the BAE, and then the special protection brigade.

2 Q. [10:38:30] You mentioned, and here I am referring to the period of the
3 post-electoral crisis, which for the period of the case, for the purposes of the case is
4 from November, December 2010 until the month of April 2011. During that period,
5 we're discussing the organisational chart during that precise period; is that
6 understood? You said there were 12 police préfecture. Is it correct that there were
7 indeed 12 préfectures during that period?

8 A. [10:39:18] Yes, you're right. Now there are 12, but at the time there were not 12
9 because the Khorogo, the Man and a third --

10 THE INTERPRETER: [10:39:36] The third was inaudible.

11 THE WITNESS: [10:39:39] (Interpretation) -- were not operational. So those went
12 into the southern zone.

13 PRESIDING JUDGE TARFUSSER: [10:39:43] Which one was the third? It was not
14 heard by the interpreters. You said Khorogo, Man and another one.

15 THE WITNESS: [10:39:59] Odienné.

16 PRESIDING JUDGE TARFUSSER: [10:40:01] Thank you.

17 MR MACDONALD: [10:40:04] (Interpretation)

18 Q. [10:40:06] So you're saying that the men in those three préfecture were sent
19 elsewhere in the other operational préfecture; is that correct?

20 A. [10:40:26] Your Honour, I should have mentioned Bouaké as well. So in fact
21 there were four. So let me repeat, Khorogo, Man, Odienné and Bouaké.

22 So to come back to your question, those four préfecture, the men who were there sent
23 to the southern zone.

24 Q. [10:40:58] Let's concentrate on Abidjan. How many prefectures were there in
25 Abidjan?

1 A. [10:41:10] I'm afraid I didn't understand your question.

2 Q. [10:41:24] Well, setting aside the eight remaining, let's concentrate on Abidjan.

3 How many préfectures were there in Abidjan?

4 A. [10:41:36] Thank you. There was only one, it's the Abidjan police préfecture.

5 Q. [10:41:47] Am I right that there was an acronym which was PPA?

6 A. [10:41:53] Yes. The three letters of the three -- the first letters of the three words,
7 that's correct, PPA is the abbreviation used.

8 Q. [10:42:10] Now, under the Abidjan préfecture, there are six districts; is that
9 correct?

10 A. [10:42:16] Yes, that's perfectly correct.

11 Q. [10:42:27] To be absolutely clear, I'd like to give the names. There is Abobo I
12 believe?

13 A. There is the Abobo district.

14 Q. Port-Bouët, which includes Koumassi?

15 MR GBOUGNON: [10:42:52] (Interpretation) Monsieur le Président.

16 PRESIDING JUDGE TARFUSSER: [10:42:55] I do not understand the problem, but
17 please tell us.

18 MR GBOUGNON: [10:43:01] (Interpretation) Your Honour, you're going to
19 understand. I think it would be preferable that questions be put to the witness so
20 that he answer, rather than say the préfecture was in Abobo, and he says no, it was in
21 someplace else. Wouldn't it be better to ask him questions so that he be able to
22 answer? I understand that we're trying to -- I think we need to save time, and for the
23 clarity of things, the Prosecutor should ask questions that the witness can answer
24 clearly.

25 PRESIDING JUDGE TARFUSSER: [10:43:35] Yes. I think in principle you're right,

1 but in this case there are not very dangerous questions, I would say, so let the
2 Prosecutor proceed.

3 But ask him how many, what was their names. I think it's easier also for the witness
4 to respond that way. But I think it's up to you.

5 MR MACDONALD: [10:44:00] I was -- your Honour, well noted. I was just trying
6 to indeed save time, but I will take my time.

7 Q. [10:44:12] (Interpretation) Witness, I misspoke earlier. I referred to the
8 territory of each district. So you heard this discussion. Could you perhaps identify
9 the name of each district and the territory included in these districts, please?

10 A. [10:44:46] Thank you. The Abobo district, which is the first, has competency
11 over Abobo and not Anyama. So I repeat, the city of Abobo only.

12 Then district 2 is Port-Bouët, is competent for Port-Bouët and Koumassi because when
13 that district was created the purpose was to provide security in the southern area of
14 Abidjan. That was our purpose.

15 And district 3 was Yopougon, which is competent for that area, the area of Yopougon.

16 Then district 4 is Adjamé, but which also covers Adjamé, Attecoubé and the Plateau.

17 District 5 is Cocody, which is responsible for Cocody, but not Bingerville.

18 And lastly, six, district 6, is Marcory, which shares the competency for the southern
19 area with district 2.

20 Perhaps to be perfectly precise, Anyama was not an arrondissement district.

21 Bingerville was also a different type of police station. And the others that were
22 related to the city of Abidjan that are in the suburbs. Thank you.

23 Q. [10:46:50] So these police stations, the circonscription as you've called them, sub
24 districts, in the suburbs are connected to the Abidjan police; is that what you're
25 saying?

- 1 A. [10:47:11] You have Anyama, Bingerville, Dabou, Grand Lahou, Sikensi, Sikensi.
- 2 Q. [10:47:35] Could you spell that one, please?
- 3 A. [10:47:37] Well, which alphabet do you want me to use?
- 4 Q. [10:47:43] Whatever is easier for you?
- 5 PRESIDING JUDGE TARFUSSER: [10:47:50] The Latin, the Latin alphabet.
- 6 MR MACDONALD: S for Sierra.
- 7 PRESIDING JUDGE TARFUSSER: No, I just --
- 8 THE WITNESS: [10:48:02] (Interpretation) S-I-E-K-E-N-S-I, Sikensi.
- 9 MR MACDONALD: [10:48:31] (Interpretation)
- 10 Q. [10:48:33] Sorry for interrupting. You may continue.
- 11 A. [10:48:38] Sikensi, Dabou, Grand Lahou, and then Grand Bassam. Then there is
- 12 Adzopé, Agboville and Akoupé.
- 13 Q. [10:48:58] Could you tell us how many police stations there were, how many
- 14 arrondissement police stations there were in Abidjan?
- 15 A. [10:49:28] At the period we are referring to there were 35 police stations.
- 16 Q. [10:49:38] You said 35. Wasn't there a 36th that was set up during the crisis?
- 17 And if not, when was it set up, the 36th?
- 18 A. [10:50:09] No, there are not 36 police stations in Abidjan, there were 35, because
- 19 in fact, one police station was built but didn't actually function. So when people
- 20 refer to 36 it's because there were 36 buildings, if you will, but only 35 were
- 21 functioning. It was after the crisis that the 37th was created because in fact, the 36th
- 22 had never actually functioned.
- 23 Q. [10:50:40] To be perfectly clear, do you know which police station, if you know,
- 24 was not actually functioning during the period?
- 25 A. [10:50:58] I told you it was the 35th that had not yet been actually set up, that

1 was not functioning.

2 Q. [10:51:11] Very well. I have another question in order to understand the logic
3 of all this. In each district, there are several police stations. And could you explain
4 from a geographical point of view why the various districts, 1, 2, 3, 4, 5, 6, why they
5 are not in the same district?

6 A. [10:51:52] Well, simply because the districts were created way after the police
7 stations. After the independence there was the 1st arrondissement, the Plateau, the
8 2nd, and the 3rd, which was Adjamé, and the 4th in Marcory, and the 5th Port-Bouët.
9 So obviously you can understand that that didn't correspond to the way that police
10 stations were then set up thereafter.

11 Q. [10:52:32] I'd like to have for each of these districts the names of the police
12 stations. So you have the Abobo district. Could you tell us the name or the number
13 of each police station.

14 THE INTERPRETER: [10:53:01] Interpreter's correction: The 2nd arrondissement
15 was Treichville in the preceding answer.

16 A. [10:53:14] In Abobo you have the 13th, the 14th, the 15th, the 23rd, the 34th, and
17 there is another one, but I can't remember. It's on the other side of the tracks.

18 THE INTERPRETER: [10:53:44] It's called Derrière Rails, the interpreter apologises,
19 Derrière Rails.

20 MR MACDONALD: [10:53:51]

21 Q. [10:53:51] (Interpretation) So the 32nd?

22 A. [10:53:56] Yes, the 32nd.

23 Q. [10:53:58] So district 2 you said Port-Bouët includes --

24 A. [10:54:07] Well, in district 2 you have the 5th arrondissement; the 6th, which was
25 Koumassi, the 24th, Gonzague; the 33rd, that's the airport, aéroport; the 28th,

1 Koumassi Campement.

2 Q. [10:54:44] And when you say that you referred to the 36th, was that near
3 Port-Bouët; is that what you said? Did that come under Port-Bouët?

4 A. [10:55:03] The 36th, I don't remember which neighbourhood that was in.

5 Q. [10:55:12] Was it Koumassi?

6 A. Koumassi Terminus.

7 Q. [10:55:26] Can we go to district 3, that is Yopougon. We know we have the
8 16th and we'll be talking more about that later on in your testimony.

9 A. [10:55:39] The 16th, the 17th, the 28th, and the 19th. I already mentioned the
10 19th I think, yes.

11 Q. [10:55:57] District number 4, I'm also going to ask you -- well, go ahead.

12 A. [10:56:15] District number 4 you have Attecoubé, Williamsville.

13 Q. [10:56:30] Sorry, the numbers too, please.

14 A. [10:56:31] Onzième is Williamsville, 10th is Attecoubé, 3rd is Adjamé, the 1st is
15 the Plateau, and 220, deux cent vingt is the 7th. And there is also a police station in
16 Carena?

17 Q. [10:56:55] Could you please clarify that you've just said to us, that there is a
18 police station where?

19 A. [10:57:00] There is a police station in Carena.

20 Q. [10:57:06] So district number 5, Cocody?

21 A. [10:57:20] District 5 Cocody and the 8th. So there is the 8th arrondissement,
22 there is Cocody. There is the 12th, which is Deux Plateaux. There is the 22nd,
23 which is Deux Plateaux as well. There is the 35th. Well, the 35th in fact is the
24 Riviera area. The 28th is also the Riviera, but the 35th is more towards the
25 Palmeraies. But the 28th is more Riviera.

1 Q. [10:58:02] When you say the 28th, do you mean the 18th?

2 A. [10:58:05] Yes, I mean the 18th. I do apologise. That's at the Riviera.

3 Q. [10:58:16] And is there also a 30th arrondissement that covers that district?

4 A. [10:58:20] Yes, there is the 30th, that is Attoban.

5 Q. [10:58:32] And district number 6, that is to say Marcory, that encompasses
6 Treichville?

7 A. [10:58:39] District number 6 you have the 3rd -- or, rather, the 2nd, that means
8 Treichville; 4th is Marcory zone 4th, zone 4; the 31st, Pergola; and you have the Biafra
9 police station and I don't remember the number.

10 Q. [10:59:03] And the 9th?

11 A. [10:59:08] No. The 9th is Marcory. But there is one police station at the Biafra.

12 Q. [10:59:17] The 26th?

13 A. [10:59:21] Rather, the 27th I believe. I believe it's the 27th, but I don't remember.
14 There is a police station in Biafra.

15 Q. [10:59:33] Very well. Each of the districts has its office or its headquarters, I
16 apologise, and what is the term for that? Is it a district préfecture or what is it
17 called?

18 A. [11:00:07] The district is under the command of a chief of district, who is based
19 in the district in the district office.

20 Q. [11:00:17] So the office, the bureau, the district office -- we'll come back to that,
21 Mr Witness, because I'm being told that it's time for us to take a break.

22 PRESIDING JUDGE TARFUSSER: [11:00:31] I just wanted to tell you if you come to
23 the end of the question, if you want to conclude this line of questioning, I don't know
24 how long you have.

25 MR MACDONALD: [11:00:39] I'll have to continue, your Honour, after the break on

1 this current line.

2 PRESIDING JUDGE TARFUSSER: [11:00:43] Okay. So we take the break and we
3 come back at 11.30, half an hour break. Thank you.

4 THE COURT USHER: [11:00:50] All rise.

5 (Recess taken at 11.00 a.m.)

6 (Upon resuming in open session at 11.33 a.m.)

7 THE COURT USHER: [11:33:48] All rise.

8 Please be seated.

9 PRESIDING JUDGE TARFUSSER: [11:34:06] Good morning once again, Mr Witness.
10 I give the floor immediately to the Office of the Prosecutor for his questioning.

11 MR MACDONALD: [11:34:22] (Interpretation) Thank you, Mr President.

12 Q. [11:34:27] Mr Witness, let us continue. Let us continue where we left off. We
13 will come back to the location of each of the bureaus of the offices of the districts
14 because I was announcing to the Court at an earlier stage that there would be an
15 exercise with the map, according to which -- well, upon which the various parties
16 have reached an agreement, and we need to be patient, because the exercise will be
17 somewhat lengthy. But we'll get there, because we're asking the witness to annotate
18 certain locations or mark certain locations.

19 Mr Witness, I would like to continue now with the units, the intervention units that
20 you referred to, and I would like for us to locate them orally now in view of the fact
21 that we're still looking at the organisational chart.

22 And I would seize this opportunity in order to assist the Chamber in following what
23 the witness has just mentioned, if they would very kindly, my learned colleagues,
24 consent to tendering into evidence the annex 2 organigram to the witness's statement
25 that we have under ERN 0010-0020. This is the organisational chart from the general

1 directorate of the national police under decree of the month of May 2007 that the
2 witness himself has provided us with or provided us with during his discussions with
3 the Office of the Prosecutor in the month of November 2011.

4 Could it please be brought up on the screen. We do have a hard copy for the
5 witness.

6 Mr Witness, can you see that hard copy before you? Let's briefly start with that,
7 Mr Witness. Are there any marked differences with the organisational chart that
8 was in force at the time of the post-election crisis?

9 A. [11:37:42] There are no differences.

10 Q. [11:37:45] Very well. I would like us to move forward with the directorate of
11 the intervention units. Firstly, where was that directorate located?

12 A. [11:38:10] Could you please explain your question? Do you mean -- situated,
13 do you mean geographical position?

14 Q. [11:38:19] The location of the directorate itself, in which neighbourhood of
15 Abidjan was it located?

16 A. [11:38:26] Okay. The directorate of the intervention units is located within the
17 ministry of the interior.

18 Q. [11:38:41] And who was the director at the time of the crisis, the post-election
19 crisis?

20 A. [11:38:59] At the time of the crisis it was the principal commissioner Claude
21 Yoro.

22 Q. [11:39:15] We see that under his responsibility you mentioned at an earlier stage
23 the riot squad, the BAE, could you please indicate to us initially the geographical
24 location of the riot squad's barracks.

25 A. [11:39:37] The riot squad, the BAE, is located in Yopougon, not far from the

1 Yopougon hospital, CHU.

2 Q. [11:39:47] So that is in the neighbourhood, the Gesco neighbourhood if I'm not
3 mistaken?

4 A. [11:40:00] The Gesco neighbourhood is a bit further afield. It's not far from the
5 CHU, the hospital in Yopougon, as I said.

6 Q. [11:40:07] We'll come back to that later on.

7 Now, before it was located in Yopougon, it was in another location in Yopougon, was
8 it not?

9 MR GBOUGNON: [11:40:25] (Interpretation) Mr President, the Prosecutor has just
10 said that it was situated in Yopougon Gesco, and the witness said it was not in
11 Yopougon Gesco, the BAE, the riot squad.

12 MR MACDONALD: [11:40:42] (Interpretation) Mr President, that's what the
13 witness said. He said that the Gesco neighbourhood was a bit further afield. He
14 said that it was the CHU, the hospital of Yopougon. I was asking him a clarification
15 question when I suggested Gesco as a neighbourhood and he clarified. I don't see,
16 you know, what this is all about. There might be a transcript correction, but in terms
17 of the hearing, there is no problem.

18 MR GBOUGNON: [11:41:10] (Interpretation) Can I read the transcript to you, Mr
19 President?

20 Page 28 of the French transcript, the OTP says, "So it's in the Gesco neighbourhood if
21 I'm not mistaken?"

22 Answer from the witness, "The Gesco neighbourhood is a little further afield. I said
23 not far from the CHU in Yopougon."

24 So the witness did not say that the riot squad, the BAE was located in the Gesco
25 neighbourhood.

1 MR MACDONALD: [11:42:06] I'll continue, your Honour, I think.

2 PRESIDING JUDGE TARFUSSER: [11:42:12] Yes, but I don't see even the problem at
3 least in the English transcript because it continues, it continues after what you said,
4 "The Gesco neighbourhood is a bit further afield. It's not far from the CHU, the
5 hospital in Yopougon, as I said."

6 And the Prosecutor said, "Well, I'll come back to this later on. Now, before it was
7 located in Yopougon, it was in another location in Yopougon, was it not?" This is the
8 question.

9 I don't understand the objection. The Prosecutor just tried to clarify, just tried to
10 clarify something better which he seemed not to have been much -- very clear.
11 Please go ahead, Mr Prosecutor.

12 MR MACDONALD: [11:43:02] Thank you, your Honour.

13 Q. [11:43:03] (Interpretation) I shall rephrase the question. The location where
14 the BAE, the riot squad is located in Yopougon is located there since what date?

15 A. [11:43:38] Well, at the CHU in Yopougon, that was during the crisis, but
16 before -- well, initially it was at the military camp in Yopougon.

17 Q. [11:43:54] Do you remember the month and the year? You say before the crisis.
18 Can you give us the period, quite simply?

19 A. [11:44:04] I can't tell you the period exactly, but I can say that it was set up when
20 Minister Tagro Désiré was still minister of the interior. So it was before that period,
21 the period that you quoted, that is from November to April 2011.

22 Q. [11:44:24] And in view of the fact that you have named the minister, Mr Tagro,
23 we have the minister Guiriéoulou at the time of the facts, the events, the crisis. Who
24 was minister of the interior just before Minister Guiriéoulou?

25 A. [11:44:46] It was indeed Minister Tagro Désiré.

1 Q. [11:44:54] Very well. And could you indicate to us, I believe you mentioned
2 the Yopougon military camp, in which neighbourhood of Yopougon is that to be
3 found?

4 A. [11:45:14] It is in Yopougon Toits Rouges.

5 Q. [11:45:21] Very well. So let's move on to CRS1. Where was it located
6 geographically speaking?

7 A. [11:45:31] The compagnie républicaine de sécurité number 1, CRS1 was always
8 in Williamsville.

9 Q. [11:45:47] And who was the commander?

10 A. [11:45:53] At the time or during the indicated period from November to April
11 2011 it was commissaire Gbagro Djédjé, Commissioner Gbagro Djédjé.

12 Q. [11:46:18] Let me come back to the riot squad commander. Who was the
13 commander of the riot squad, the BAE?

14 A. [11:46:23] From the period that you quoted from November, December till April
15 2011 it was the first class commissioner Loba Emmanuel Patrice.

16 Q. [11:46:55] Now, CRS2, where was that located within Abidjan?

17 A. [11:47:00] The compagnie républicaine de sécurité number 2 was located in zone
18 4 not far afield from the Abidjan patisserie.

19 Q. [11:47:18] So that's in Marcory; is that correct?

20 A. [11:47:23] Yes, in the greater Marcory, but as I said in zone 4.

21 Q. [11:47:34] And who was the commander?

22 A. [11:47:44] There was also the commissioner, second class commissioner Touré
23 Marius, Touré Marius.

24 Q. [11:48:08] What is the mission of the BAE, the riot squad?

25 A. [11:48:12] The riot squad, as its name indicates, supports the compagnie

1 républicaine de sécurité in law enforcement matters, so it has a vocation of
2 maintaining order.

3 Q. [11:48:38] What are the organic means at their disposal, at the disposal of the
4 BAE?

5 A. [11:48:45] Well, that is a very wide question. Can you clarify, specify so that I
6 can answer you because the word "organic" in terms of law enforcement, I want to
7 understand what you are getting at.

8 Q. [11:49:05] Well, vehicles and law enforcement equipment, both?

9 A. [11:49:15] Well, the BAE, the riot squad was set up in order to support the
10 compagnie républicaine de sécurité, the republican security company, because we
11 had difficult times in terms of law enforcement because people were armed and it
12 was wilfully that the late Houphouët-Boigny brought in some riot squad tanks with a
13 view to providing law enforcements, and in addition to those tanks, the BAE has
14 vehicles, law enforcement vehicles, that is to say troop transportation vehicles to
15 transport troops. Now, in addition to those mobile means you have law
16 enforcement equipment. These are the same pieces of equipment that law
17 enforcement uses. You have the hand grenade. You have the rifles. If you talk
18 about rifles, we're talking about FLGs, the grenade launchers. You have the things
19 to protect the officers that they hold in their hands, shields.

20 Q. [11:50:49] Let's concentrate on the period from November 2010 to April 2011, all
21 right? You mentioned tanks, you mentioned tanks during the time of
22 Houphouët-Boigny, but in November, the period of the crisis, the BAE, did it have
23 any tanks?

24 A. [11:51:22] Yes, indeed, the BAE did have anti-riot tanks. But those anti-riot
25 tanks during that period, there were two that had been placed at the disposal of the

1 rapid intervention detachment and two others that had remained at the BAE that
2 were out of service.

3 Q. [11:51:52] And what type of tanks are we talking about?

4 A. [11:52:08] I would admit that I can't tell you the type. I can just tell you they
5 are law enforcement tanks. They are not the same tanks that are used at war.
6 That's all I can tell you.

7 Q. [11:52:25] Well, the actual make?

8 A. [11:52:28] I can't give you the make. I know that these are tanks that were
9 brought -- bought from the South Africans, but I really don't know the make or
10 manufacturer.

11 Q. [11:52:41] How are they identified?

12 A. [11:52:57] There are two groups. There's a small group that are a bit like vans
13 that are called kittens or chatons. And those chatons or kittens can protect up to six
14 people, whereas the larger riot tanks can take up to 10 people.

15 Q. [11:53:12] And when you say riot tanks or anti-riot tanks, what do you mean
16 when you use the word "tank"? I understand therefrom that these are not military
17 vehicles, these are vehicles that are used in the context of riots. But why are they
18 called tanks?

19 A. [11:53:43] Well, we use the term "tank" because they are armed vehicles. And
20 as I said, they are used when there are armed demonstrations because they give extra
21 protection to those elements that come to support the CRS. And as they are
22 armoured vehicles, we called them tanks. But they are not equipped with any
23 further means apart from the conventional means.

24 Q. [11:54:12] Last question in this regard. What colour are they and what
25 markings do they bear in any way whatsoever for them to be identifiable?

1 A. [11:54:29] The colour of the riot squad tanks is blue police or police blue. It's a
2 little bit, it's a dark blue, if you like, and written on the side are the letters "BAE".

3 Q. [11:54:47] In addition to those two tanks that were at the DMIR, within the BAE,
4 were there any other vehicles for transporting troops?

5 A. [11:55:07] Yes, indeed. There were vehicles, as I said earlier, vehicles for
6 transporting troops that can transport an entire section, that is to say 24 elements plus
7 their chiefs. We didn't have any further vehicles.

8 Q. [11:55:27] And what is the make of said vehicles?

9 A. [11:55:31] Generally speaking we use Canters, Mitsubishi Canters.

10 Q. [11:55:41] So Mitsubishi Canter. And the colour, please? And do they bear
11 any markings?

12 A. [11:55:56] Once again we're talking here about police blue in terms of colour.
13 And generally speaking "BAE" is marked on the side so that we can see visibly that
14 this vehicle belongs to the BAE.

15 Q. [11:56:08] Did the BAE have any four-by-four vehicles?

16 A. [11:56:20] Once again I shall come back to this to cast further light. Are we
17 talking about dual cabin four-by-fours or are we talking about ordinary four-by-fours,
18 because there are two types?

19 Q. [11:56:38] All of them.

20 A. [11:56:42] Apart from the commander who had a dual cabin four-by-four, there
21 were no other four-by-fours.

22 Q. [11:56:53] Colour and marking, please, of this dual cabin?

23 A. [11:57:00] I would say that I can't say much about that. I don't know, I can't
24 recall whether there was any particular colour because this was a vehicle that he
25 would use in his capacity as commander. It didn't have any specific markings. I

1 can't say anything particular.

2 Q. [11:57:19] So these vehicles, if I understand correctly, I just want to understand
3 things correctly, there was nothing exceptional about them?

4 A. [11:57:33] Yes, this dual cabin four-by-four used by -- the four-by-four was given
5 to a sales person, but he used it in his capacity as commander.

6 Q. [11:57:48] So it was a professional vehicle, if you like?

7 A. [11:57:53] Yes, indeed.

8 Q. [11:58:01] A service vehicle?

9 A. [11:58:02] Yes, indeed.

10 Q. [11:58:03] Let's come back to the equipment. They had a shield. You
11 mentioned that. You talked about hand grenades and grenade launchers if I'm not
12 mistaken, do correct me if I am wrong. What type of grenades? Let's be clear.

13 A. [11:58:41] Well, with regard to the Ivorian police we only use tear gas.

14 Q. [11:58:48] What type of firearm did the BAE have?

15 A. [11:59:00] Police generally speaking use handguns. It might be an automatic
16 pistol or a revolver. And I said that not all of the BAE had weapons. When I say
17 "weapons" I mean handguns. We had a few Kalashnikovs, maybe 10 maximum, and
18 as we often came under attack, these Kalashnikovs enabled us to protect our barracks.

19 Q. [11:59:42] Did they have any other type of equipment apart from the
20 grenades -- or, rather, apart from the shields, grenade launchers, handguns, a few
21 Kalashnikovs and so on?

22 A. [12:00:18] To my knowledge, nothing else.

23 Q. [12:00:27] How were the members of the BAE dressed? And please be specific
24 about the colour and any insignia worn by the members of the BAE.

25 A. [12:00:47] The members of the BAE dress in a black uniform, shirt and trousers,

1 and each member of the police had a badge with a rhinoceros on it. And this is what
2 was used to identify them.

3 Q. [12:01:18] Very well. Just a second, please.

4 (Counsel confer)

5 MR MACDONALD: [12:01:35] (Interpretation)

6 Q. [12:01:37] Now let us move to CRS1. You said that it was located in
7 Williamsville. I'm going to ask you the same questions. What were the resources
8 that they had in terms of vehicles and equipment?

9 A. [12:02:11] With regard to the republican security company, CRS1, they had only
10 troop carriers, that is Mitsubishi Canters, the tear gas and grenade launching rifles.
11 The commander of the BAE and the CRS commanders both also owned four-by-four
12 unmarked vehicles.

13 Q. [12:02:51] What is the colour of the CRS vehicles?

14 A. [12:02:57] It is the same colour, the police blue, except that the CRS vehicles had
15 CRS1 marked on them, unlike the BAE. So the administrative vehicles of course
16 have their licence plate numbers which are not the same.

17 Q. [12:03:24] And just to be certain, the Mitsubishi Canters of the CRS, were they
18 the same models as those of the BAE?

19 A. [12:03:44] These vehicles are assembled on the same assembly line so it is the
20 same model.

21 Q. [12:03:54] And the CRS1 vehicle, apart from the commander who had a
22 four-by-four, were there any other four-by-fours identified at the CRS?

23 A. [12:04:09] No. As I have said, the commander had a service vehicle and there
24 were other troop transport vehicles. And to my knowledge there were no other
25 vehicles available to them.

1 Q. [12:04:23] How were they dressed, that is the officers of the CRS?

2 A. [12:04:38] It was the same uniform, except that the BAE wore blue, the top and
3 the trousers. And in fact the BAE was black, but for the CRS there was the same
4 badge, and the bottom, there could have been a difference between CRS1 and 2.

5 Q. [12:05:13] I'm sure there was a slip of the tongue there. You had said that the
6 BAE was wearing black, and then later on you said blue, but then you corrected
7 yourself afterwards. And let me repeat BAE, they had a black uniform and the CRS
8 wore blue. Was this police blue or a different type of blue?

9 A. [12:05:40] It was the police blue.

10 I didn't make a slip of the tongue. I said unlike the BAE, who wore black uniforms,
11 the CRS wore blue.

12 Q. [12:06:04] Still during the post-election crisis, what were the weapons at the
13 disposal of the CRS, CRS1, 2, 3 or 4?

14 A. [12:06:20] Let me repeat, the weapons include everything that can be used to
15 control riots, to enforce law and order. And you had tear gas canisters and rifles to
16 launch the grenades.

17 For the BAE it was the same thing, we had about five or six Kalashnikovs to defend
18 the barracks because during this period they were attacked on several occasions.

19 Q. [12:07:02] What about handguns?

20 A. [12:07:07] The same thing, the Ivorian policemen carry handguns, revolvers or
21 pistols. But let me say it once again, not all the police people carried handguns.

22 Q. [12:07:27] Just to be clear, Mr Witness, I do understand that these questions may
23 appear to you of common knowledge, but we are asking the questions just to ensure
24 that your answers are included in the record.

25 You have said that there was a special protection brigade. What was the name of the

1 commander?

2 A. [12:07:59] During that period he was a police officer, if I'm not mistaken, it was
3 Lieutenant Kouadio, who was in command of that brigade.

4 Q. [12:08:28] What is the mission of that special brigade?

5 A. [12:08:32] The special protection brigade has as its mission to protect
6 personalities. It could be an authority visiting Côte d'Ivoire, a minister or
7 ambassador. So their mission is to protect those dignitaries.

8 Q. [12:08:58] And just to be clear, the directorate of the intervention units and Mr
9 Yoro was responsible for that. This was under the deputy director general
10 responsible for public security; is that correct?

11 A. [12:09:35] Yes, indeed. As indicated in the organisation chart, it was the
12 director of public security who gave orders directly to the officers of the intervention
13 units.

14 Q. [12:09:55] And during the post-election crisis, what was the name of the deputy
15 director general responsible for public security?

16 A. [12:10:12] Sami Bi Irié.

17 Q. [12:10:28] Sami Bi Irié Dieudonné.

18 Now, at the time of the events, who was in charge of the Abidjan police préfecture,
19 who was the prefect?

20 A. [12:11:11] During that period the préfet was Djehannin Bi Tra.

21 Q. [12:11:20] Can you spell that name for the record please?

22 A. [12:11:34] Djehannin is D-J-E-H-A-E-N-I-N. And then you have B-I.

23 Q. [12:11:53] I think that is okay, thank you. So it is Bi Tra in two words.

24 Who was the deputy of Mr Djehannin Bi Tra?

25 A. [12:12:18] It was principle commissioner Kouyaté Youssouf.

1 Q. [12:12:31] Was there another deputy or was Mr Kouyaté the only one?

2 A. [12:12:36] There were two of them. Kouyaté, who was the operational deputy
3 in charge of operations on the ground, and there was another deputy responsible for
4 administrative affairs.

5 Q. [12:12:54] So the préfecture of police in Abidjan is responsible for the districts
6 and the police stations. Is that préfecture responsible for any other groups or for any
7 other things?

8 A. [12:13:30] Yes. The Abidjan police préfecture had what was known as the
9 brigade Mondaine, which was responsible for drinking places. It had an
10 intervention group, CIPPA, C-I-P-A -- or rather, C-I-P-P-A.

11 Q. [12:14:16] Apart from that intervention company, were there other brigades or
12 units under the Abidjan préfecture?

13 A. [12:14:28] Yes. There was the motorcycle brigade, the traffic brigade and the
14 neighbourhood police brigade.

15 Q. [12:14:48] What about -- you said violin brigade?

16 A. [12:15:02] No, I didn't say violin brigade. I said the intervention brigade of the
17 préfecture of police CIPPA.

18 Q. [12:15:15] Yes, indeed. Let me rephrase. Violon, what is that?

19 A. [12:15:27] That is a unit for, responsible for supervising those who are kept in
20 detention. That was the unit in the Abidjan préfecture responsible for that.

21 Q. [12:15:56] Very well. Now is the time for me to ask you to look at the map.
22 And we have a joint map which was admitted by the parties and it is now being
23 displayed on your screen. So we can zoom in, and I will give certain instructions to
24 the court officer. Can we zoom in further please. Again, further, and then scroll
25 down. Scroll down again please and move towards the west. And scroll up a little

1 bit. Further up. Very well.

2 We can see there the Plateau neighbourhood. You have a pencil, a pen. You will
3 receive some assistance.

4 Mr Witness, I will ask you to mark for us the headquarters of the DGPN.

5 A. [12:17:59] You had the Boulevard de la République here at the very centre, that
6 is where the DGPN was.

7 Q. [12:18:10] That is just to make it easier. Do not mark the Boulevard de la
8 République for now. We have a large circle, and that is the Place de la République.
9 Perhaps you should simply mark "DGPN" at the precise location of the DGPN please.

10 A. [12:18:45] I do not know whether you can see. It is here.

11 Q. [12:18:51] Very well.

12 Now can we enlarge that area a little bit. Very well.

13 Please write next to that mark "DGPN" using your very best handwriting because
14 there are many people watching you now.

15 Very well. Now, is it possible for you to locate the police préfecture of district
16 number 4?

17 A. [12:19:38] There is no préfecture in district number 4.

18 Q. [12:19:45] I'm sorry. I meant the office of the district.

19 A. [12:19:49] The district is in Adjamé, and here we are at the Plateau. We have to
20 move to Adjamé.

21 Q. [12:19:58] Very well. We will come to that. Now, the Abidjan police
22 préfecture?

23 A. [12:20:12] I'm sorry, the map is not quite right.

24 Q. [12:20:17] Do you need someone to zoom in?

25 A. [12:20:22] Just a moment. There is no indication. If we had the city

1 administrative, I would say it is right next door.

2 MR MACDONALD: [12:20:37] I'm sorry, your Honour. I'm going to speak in

3 English right now. I'm sorry for the interpreters.

4 Do we need to -- before moving the map, do we need to screenshot this? Okay.

5 Let's do that then. I mean, save, do a screenshot of the -- to save the marking.

6 Actually before doing that, before doing that, very, very sorry, let's do it right now.

7 Q. [12:21:07] (Interpretation) Can you mark the commissariat of the 1st

8 arrondissement on that screen?

9 A. [12:21:19] I repeat, there are no annotations on the map, so it is difficult to locate
10 myself.

11 Q. [12:21:28] To the best of your knowledge, as far as you can read that map?

12 A. [12:21:40] There are no points of reference, there is nothing at all. If there was
13 Hotel Tiama I would have said it is opposite.

14 Q. [12:21:49] Opposite Hotel Tiama? Very well.

15 MR MACDONALD: So let us save this image, please.

16 THE COURT OFFICER: [12:22:28] Can we delete the previous annotation? Yes, it's
17 saved. Thanks.

18 PRESIDING JUDGE TARFUSSER: [12:22:36] Can you always also give us
19 immediately the reference number.

20 THE COURT OFFICER: [12:22:43] My apologies, your Honour. It's
21 CIV-REG-001-0134.

22 PRESIDING JUDGE TARFUSSER: [12:22:54] Thank you, court officer.
23 Mr Prosecutor.

24 MR MACDONALD: [12:23:05] I'm going to ask the court clerk to go up just a little
25 bit. Now I would like you to zoom in at that very position, zoom in again, go down.

1 Okay, you'll have to zoom out.

2 Q. [12:23:38] (Interpretation) Mr Witness, let me ask you once again, are you able
3 to mark for us, let's go up a little bit, can you locate the police préfecture,
4 approximately of course?

5 A. [12:24:02] It is difficult for me. There are no points of residence, points of
6 reference. You have the Plateau and the neighbourhood, but there is nothing else.
7 If it is the police préfecture, it is not far from the cité administrative, but we have to
8 know where that cité administrative is located. There is nothing on the map.

9 Q. [12:24:32] I'm putting you the question because the last witness managed to
10 mark that location.

11 PRESIDING JUDGE TARFUSSER: [12:24:43] Maybe can I be of help.

12 MR MACDONALD: [12:24:46] Of course.

13 PRESIDING JUDGE TARFUSSER: [12:24:47] Because we have other two maps
14 which are more -- always agreed maps.

15 MR MACDONALD: [12:24:53] Let's use those.

16 PRESIDING JUDGE TARFUSSER: [12:24:55] Which are more detailed.

17 MR MACDONALD: [12:24:56] Let's use those ones.

18 PRESIDING JUDGE TARFUSSER: [12:24:58] Where this one is the whole Abidjan
19 map and now we have other maps on --

20 MR MACDONALD: Yeah, those two other maps --

21 PRESIDING JUDGE TARFUSSER: [12:25:07] -- the neighbourhoods. One is at
22 0092-0006, which is Plateau Adjamé map, and then 0007 is the other one. Those are
23 the two maps which could be of help.

24 MR MACDONALD: [12:25:19] Indeed, your Honour. Thank you very much for
25 that. We will do that. Unfortunately those two maps you just referred to do not

1 necessarily cover the whole of Abidjan, but it's fine. We'll start with that.

2 PRESIDING JUDGE TARFUSSER: [12:25:41] It's 0409, ERN 0092-0409. Although
3 generally I do agree that some street, some name of a street would help. I don't
4 know why the parties agreed on such maps which don't say anything and really, it's
5 really not helpful, very much helpful.

6 MR MACDONALD: [12:26:16] I know.

7 PRESIDING JUDGE TARFUSSER: [12:26:17] Yes.

8 MR MACDONALD: [12:26:18] I know, your Honour. Unfortunately we are
9 confronted with the maps we have.

10 PRESIDING JUDGE TARFUSSER: [12:26:23] Yes.

11 MR MACDONALD: [12:26:55] (Interpretation)

12 Q. [12:26:56] Very well. Please be reassured, Mr Witness, it's simply to give the
13 Chamber an idea of the locations. Obviously there might be a few differences. I
14 asked you questions about the 1st arrondissement, it is next to Hotel Tiama and
15 which is a well-known hotel and we would like the Chamber to know it one day.
16 But this is an exercise that we are carrying out just to have some geographical
17 precision, and there is always a margin of error.

18 If we can zoom in please. Go up a little bit. And zoom in once again. Go down.
19 Very well.

20 Is that more helpful? We can see a policeman.

21 A. [12:28:05] This is the senior command. This is exactly opposite the police
22 préfecture of Abidjan.

23 Q. [12:28:23] Please draw a circle there.

24 A. [12:28:30] Once again the map is not very helpful. When you look at the
25 Avenue de la Gendarmerie, I don't know what it is because I've never seen that, and I

1 can see the boulevard Carde, which is in front of or, rather, leaves from the
2 administrative neighbourhood. It is really difficult for me to be precise about
3 anything here.

4 Do we have another map that is clearer? Well, let us assume that the avenue de la
5 gendarmerie passes in front of the main headquarters, then opposite that there should
6 be the police préfecture. But I see a park, a car park there. So that is confusing.

7 Q. [12:29:50] Just draw the circle where you think the police préfecture is,
8 Mr Witness.

9 A. [12:29:55] I cannot do that because if I do something here, you can come back
10 afterwards and say no, because I can see the boulevard Carde, it passes in front of the
11 administrative neighbourhood, but it is not precisely the place. I can see it is written
12 there "parking." I don't know what it is for.

13 PRESIDING JUDGE TARFUSSER: [12:30:22] Promise we will not, we will not come
14 back to you, also if there is a slight mistake in the drawing.

15 THE WITNESS: [12:30:43] (Interpretation) Thank you. Under such conditions if
16 we think that the gendarmerie is up the top here, maybe where there is the sign,
17 maybe that means that's where the préfecture de police was located, is located.

18 MR MACDONALD: [12:31:03] (Interpretation) Very well. We shall therefore take
19 a screenshot of this image, please.

20 THE COURT OFFICER: [12:31:43] So the next number will be 0135 for this image.

21 MR MACDONALD: [12:31:59] One of the values is adapting to uncertain
22 circumstances or events, and that's what the Prosecution will do and move on now to
23 the other map if we can have the other map please, because I'm not -- I was intending
24 of going everywhere in Abidjan to pinpoint certain things, but obviously we will not
25 be doing that at this stage in the testimony. I'll have a chat with my colleagues about

1 how ridiculous, and I emphasise the word, that we cannot use Google Map or
2 something just to place, indicate certain things with witnesses, on buildings. And if I
3 cannot get an understanding on the part of my colleague, I will be making a motion to
4 the Chamber to be able to use it, because we have a witness here who is able to use a
5 detailed map, be it where it comes from, and pinpoint using streets where buildings
6 are located, buildings. Thank you.

7 So if we could have the map of Yopougon, please.

8 PRESIDING JUDGE TARFUSSER: [12:33:25] What is -- Maître Gbougnon.

9 MR GBOUGNON: [12:33:31] (Interpretation) Yes, thank you, Mr President. It's
10 just to talk in terms of the future. I think that when the OTP talks to you in English
11 it's so that the witness doesn't understand, but the witness did say in his statement
12 that he speaks and understands English. So it isn't very useful if we don't want him
13 to understand. I think we should just show him out of the courtroom. I presume
14 that the Prosecutor is talking to the Chamber in English for the witness not to
15 understand, and if so, if we don't want him to understand, then we should have him
16 shown out of courtroom.

17 PRESIDING JUDGE TARFUSSER: [12:34:04] No. In this case it was a very neutral
18 statement, where the Prosecutor said that it is ridiculous that we are looking at a map
19 where we do not understand anything and that to use a common map would be more
20 helpful. And I, well, I don't say at this moment what I think, but for sure this is
21 neutral to vis-à-vis what the witness is called to testify about.

22 Please go ahead in the questioning and then we will deal also with this, with this
23 issue on the maps.

24 MR MACDONALD: [12:34:41] Thank you, your Honour. I'll move on to the other
25 map that you suggested recommended using.

1 Q. [12:34:51] (Interpretation) Mr Witness, we're going to zoom in.

2 A little bit more. (Speaks English) If you can just go up a bit. If you could zoom in
3 again, please. Zoom in more. Okay, all right. Give me one second, please.

4 (Interpretation) Take the time to look at what you can see on the map. And I
5 would request that you identify the commissariat, the police station of the 16th, if you
6 are in a position to identify the commissariat of the 16th, please.

7 A. [12:36:01] Could you zoom in a little bit more? I can see the Figayo space.

8 Q. [12:36:31] Could we move down a little bit more. Move down. Try and zoom
9 in. Okay, like that.

10 We are in your hands. Could you please tell the usher whether to go up or down,
11 left or right.

12 A. [12:36:54] If he could zoom in a bit. I can see "pharmacie."

13 THE INTERPRETER: [12:37:05] Inaudible.

14 THE WITNESS: [12:37:19] (Interpretation) Could he move somewhat to the left?
15 There we are.

16 So I believe that the commissariat, I can see the Saint André pharmacy. If you go
17 down, the Celibataire Bloc is a little bit further down. I think it's around there,
18 around here.

19 Q. [12:37:59] Please indicate it to us.

20 A. [12:38:00] I believe so, because there is no indication, no specific indication.

21 Q. [12:38:11] Could you indicate with a spot so that we can see it. (Speaks English)
22 Sorry, I didn't see it. I see it now, yes. (Interpretation) The 16th. Could you please
23 indicate the number 16 or 16th. Sorry.

24 PRESIDING JUDGE TARFUSSER: [12:38:42] It looks very much 46, but Valentino
25 Rossi.

1 MR MACDONALD: [12:38:45] We can move on. I see that you like fast
2 motorcycles, no?

3 Now can we seize the, make a screenshot please. And we will move away from
4 maps for now because -- and come back.

5 THE COURT OFFICER: [12:39:18] The image will be saved under number 0136.

6 MR MACDONALD: [12:39:32] (Interpretation)

7 Q. [12:39:33] Now, Mr Witness, if we could take the image away from the map, I
8 think the witness is still looking at that map. We'll come back to that, we'll attempt
9 to come back to that, Mr Witness. No worries for the time being.

10 I would like to come back to the CIPPA, C-I-P-P-A. I would like for you to indicate
11 to us first and foremost who the commander of the CIPPA was, or the person in
12 charge.

13 A. [12:40:19] I would admit that I do not recall to the person in post during that
14 period.

15 Q. [12:40:27] What was the mission of the CIPPA?

16 A. [12:40:35] The intervention company of the préfecture of Abidjan has the same
17 mission as the compagnie républicaine de sécurité. But the CIPPA works with the
18 préfecture de police in Abidjan, so it has jurisdiction over Abidjan or jurisdiction of
19 the territory of Abidjan, whereas the compagnie républicaine de securité had national
20 jurisdiction. It's the same mission but they have different jurisdictions, if you like.

21 Q. [12:41:10] How were they identified in terms of attire in terms that were used to
22 describe the BAE or the CRS, for example?

23 A. [12:41:28] During the crisis, the policemen of the CIPPA were dressed like any
24 other policemen. So they had a blue uniform on which the word "police" was
25 written.

1 Q. [12:41:49] So whether it be a policeman in charge of traffic or a policeman in the
2 CIPPA, you can't make a distinction? I'm trying to understand here.

3 A. [12:42:01] The policemen in charge of traffic is generally speaking not working
4 wearing uniform. But the other -- or is not wearing fatigues. Generally speaking
5 the other policemen did wear fatigues with the word "police" written on it. The
6 other policemen did not have a logo with the word "CIPPA" on it. So it is that
7 CIPPA that makes the difference. That's what we said about the BAE and that's
8 what we said about the CRS.

9 Q. [12:42:34] So there is a badge you said on the left arm each time with the word
10 "CIPPA" on it?

11 A. [12:42:41] Yes.

12 Q. [12:42:41] Where was their base?

13 A. [12:42:51] The CIPPA is located in the compound of the Abidjan préfecture de
14 police. It is a unit that is based at -- placed at the disposal of the Abidjan préfecture
15 de police.

16 Q. [12:43:09] What are the organic means at their disposal?

17 A. [12:43:19] This is a unit for law enforcement. So in terms of organic means it's
18 the same as the CRS, that is to say troop transportation vehicles, launch grenades and
19 hand grenades.

20 Q. [12:43:52] How are the vehicles identified? Because you refer to the fact that
21 the CRS, CRS1, 2, 3, 4, would write that on the side of their vehicles. What did the
22 CIPPA do?

23 A. [12:44:12] The CIPPA vehicles had the insignia CIPPA to mark the difference
24 with the other services and they are police blue in colour.

25 Q. [12:44:38] Do you know how many -- well, how many men were there in the

1 CIPPA? How numerous were they and how were they divided up?

2 A. [12:44:56] The CIPPA at that moment in time, there must have been 200 of them,
3 200, 300 maximum. And they had companies. And after the companies there were
4 the sections.

5 Q. [12:45:21] And so all of these individuals were posted at the Abidjan préfecture
6 de police?

7 A. [12:45:29] No. They were not posted. They might have been in service at the
8 préfecture de police, because that is where designation is made. As I said, the
9 CIPPA has jurisdiction over the préfecture de police. So they take up their service at
10 the Abidjan préfecture de police.

11 Q. [12:45:54] So their base was the préfecture de police as the BAE base was at the
12 Yopougon CHU. So the CRS1 is at Williamsville. CRS2 Marcory. So the base for
13 the CIPPA is at the préfecture de police?

14 A. [12:46:14] That is correct. The base for the CIPPA is at the préfecture in
15 Abidjan.

16 Q. [12:46:22] Do you know how many vehicles they had?

17 A. [12:46:27] They didn't have any vehicles. They just had the one vehicle. They
18 had only one vehicle for the transportation of troops.

19 Q. [12:46:40] Now, to complete these organic means, the CRS1, they had handguns,
20 revolvers. Did they have any Kalashnikovs?

21 A. [12:46:58] I repeat that the policemen in general did not all carry weapons, but
22 there were some weapons. There were handguns. They had difficulties. They
23 might have had three Kalashnikovs in order to protect their base. They had
24 handguns in the form of revolvers and automatic pistols.

25 Q. [12:47:31] I shall take the 12 minutes before the lunch break to just confirm 15, 15.

1 We have a hard copy that we can hand over to the witness, but I would like to call up
2 0048-1355 on the screen.

3 This is indeed the decree marking your appointment?

4 A. [12:48:47] That is correct.

5 Q. [12:48:49] This is dated, it is a decree dated 2010-263, dated 16 December 2010,
6 promoting the contrôleur général de police 133 --

7 THE INTERPRETER: [12:49:16] Message from the interpreter: Counsel is going at
8 great speed with figures. Could he please repeat and slow down.

9 PRESIDING JUDGE TARFUSSER: [12:49:23] Slow down please when you read.
10 Thank you.

11 MR MACDONALD: [12:49:26] (Interpretation)

12 Q. [12:49:46] Could you please explain to us, this is an act of promotion dated 16
13 September 2010. So this is a progression?

14 MR LAUCCI: [12:50:06] (Interpretation) Mr President.

15 PRESIDING JUDGE TARFUSSER: Yes, please.

16 MR LAUCCI: [12:50:10] (Interpretation) With your permission I would like to have
17 clarification in terms of procedure.

18 THE INTERPRETER: There is no microphone for Mr Laucci.

19 PRESIDING JUDGE TARFUSSER: Microphone, please.

20 MR LAUCCI: [12:50:19] (Interpretation) I do apologise. With your permission, as
21 I was saying, I would like to have clarification with regard to procedure. I have no
22 particular objection with regard to this document being produced. I would like to
23 just observe that it is not part of the documents that were supplied to me in the
24 preparatory phase for my intervention here. I would like to know whether this is
25 normal and should I expect that other documents that were not supplied for my

1 preparation and the discussions that I had with my client be supplied in future in the
2 hearing?

3 MR MACDONALD: [12:50:57] If you --

4 PRESIDING JUDGE TARFUSSER: [12:50:58] Mr Prosecutor.

5 MR MACDONALD: [12:50:59] -- yes, allow me, your Honour. Thank you.

6 (Interpretation) Now, the answer to the question is that indeed in the documents
7 that we can give for the preparation of the witness, this has nothing to do with it, we
8 do hand over documents that were discussed during the meeting itself when the
9 statement was taken, the transcripts and the annexes thereto, we handed over to the
10 Defence teams and to the Legal Representatives and the Chamber a list of documents
11 that we intended to. This list is not handed to the witness himself beforehand.
12 All of this is done in the courtroom because the Chamber rendered a decision saying
13 that it was not possible to prepare the witness. So there are a number of documents
14 that are going to be used during this hearing.

15 MR LAUCCI: [12:52:05] (Interpretation) I thank you for this clarification. I will be
16 vigilant with regard to these documents as with regard to everything else.

17 MR MACDONALD: [12:52:12] And the parties as well, of course.

18 Q. [12:52:19] (Interpretation) So could you please explain, could you please
19 explain, apologies, Mr Witness, the context of said promotion? Give us some details
20 to your knowledge.

21 A. [12:52:33] I would say that I haven't got any details to furnish. This is a
22 promotion. I don't know whether somebody takes part in their own promotion. I
23 can't really give you any context.

24 Q. [12:52:51] Your promotion, your prior promotion in terms of rank, when did
25 that date back to?

1 A. [12:53:00] Well, I was appointed director general in 2008 with the rank of
2 commissaire divisionnaire major. And I think that six months later I was appointed
3 comptroller general. So I think it's nearly two years before I was appointed
4 inspecteur général de police, police general inspector, inspector general.

5 Q. [12:53:31] During that same period to your knowledge, what about promotion
6 in terms of rank for your underlings, whether it be at préfecture level, in the police
7 stations, in the intervention units and elsewhere, was there or were there any
8 promotions for these people?

9 A. [12:53:59] Thank you very much. You know, when you have a company, it is
10 the head of the company who decides who gets a promotion amongst his co-workers,
11 his or her co-workers. If you are of the opinion that somebody has done a good job
12 and that you need to make him happy giving him a higher rank, I do not believe that
13 that does not depend on your employee. It's not your employee's say.
14 So I am taking well to the fact that this rank was given to me, but I'm not saying why I
15 was given that rank. I don't know whether you can go and go and see your boss and
16 say, "Well, why did you give me such and such a rank?"

17 Well, as for other people, there were some people, for example, the deputy director of
18 the sécurité publique was promoted to comptroller general. That's what I can tell
19 you in that regard.

20 Q. [12:55:07] And who was he promoted by to your knowledge, your deputy to
21 public security to the rank of general comptroller?

22 A. [12:55:22] Well, as I said, only the president of the republic can appoint a
23 commissioner to a higher rank. So if a commissioner is given a higher rank, it is the
24 president of the republic who has done so. So it is the same person who signed that
25 same decree.

1 Q. [12:55:42] Very well.

2 PRESIDING JUDGE TARFUSSER: [12:55:45] May I ask a question, because this is -- I
3 had noted this question to put at the end, but now that we are talking about the rank,
4 I think it's the appropriate moment.

5 At the very beginning of this testimony, of your testimony, the Prosecutor asked you
6 about your position, and you said that until 11 January this year you had a certain
7 position, and now you have another position within the police.

8 I don't identify now the two positions, because one should have been directeur
9 général of national police and now inspecteur general. That's what is written on the
10 transcript.

11 But I would ask you to tell us what was your rank and your concrete occupation
12 before 11 January and what is it now? First question.

13 THE WITNESS: [12:57:04] (Interpretation) Thank you, Mr President. To date I
14 have the rank of administrator general of the national police, I repeat. However,
15 since 11 January 2017, I am not in post. I am just a simple policeman, because I have
16 not yet retired. I don't know whether I have been well understood.

17 PRESIDING JUDGE TARFUSSER: [12:57:35] The question why -- the reason why I
18 put this question is to find out if as from 11 January you have been, say, your rank has
19 lowered or risen? This is what I have not understood, because just by the wording it
20 seems that now you have a lower rank than you had before, which wouldn't be very
21 normal. So that's what I'm interested in.

22 THE WITNESS: [12:58:21] (Interpretation) Thank you, Mr President. The rank is
23 a personal thing, so I was promoted to the rank of administrator general of the police
24 and I remain at that rank. However, my function of director general I am no longer
25 fulfilling since the 11th of January. And whatever the rank, one remains a

1 policeman.

2 PRESIDING JUDGE TARFUSSER: [12:58:47] No, I do understand the difference
3 between rank and the function. I understand perfectly. So in this moment you
4 don't have any function, concrete function, you have maintained the rank, but you
5 don't have any function; is that correct?

6 THE WITNESS: [12:59:03] (Interpretation) That is correct.

7 PRESIDING JUDGE TARFUSSER: [12:59:13] And why don't you have any function,
8 although not being retired?

9 THE WITNESS: [12:59:20] (Interpretation) Let me explain. The function or title is
10 given by the head of state and particularly at that level, director general. If they feel
11 that at one point I'm no longer doing the job, I would be relieved of my functions.
12 And you followed the events in Côte d'Ivoire, all the heads of the police, gendarmerie
13 and the army, all three were relieved of their functions. That is what the situation is.

14 PRESIDING JUDGE TARFUSSER: [13:00:10] This in 2007, a month ago?

15 THE WITNESS: [13:00:18] (Interpretation) Yes, indeed, your Honour.

16 PRESIDING JUDGE TARFUSSER: [13:00:21] So this has nothing to do with the
17 post-election crisis but with the recent events?

18 THE WITNESS: [13:00:29] (Interpretation) Yes, indeed, Mr President.

19 PRESIDING JUDGE TARFUSSER: [13:00:38] okay, understood.

20 Mr Prosecutor, I think we can -- no. Mr Knoops.

21 MR KNOOPS: [13:00:42] Mr President, just in the transcripts, the English transcript,
22 line 10, it says 2007. It's 2017, of course.

23 PRESIDING JUDGE TARFUSSER: [13:00:49] Of course, of course. Thank you very
24 much.

25 MR KNOOPS: [13:00:51] You're welcome.

1 PRESIDING JUDGE TARFUSSER: I think we've reached -- no.

2 MR MACDONALD: [13:00:55] Just one last question on this if you allow.

3 PRESIDING JUDGE TARFUSSER: [13:00:57] Yes, of course, of course.

4 MR MACDONALD: [13:00:59] Then we can take the break and move onto another
5 topic.

6 Q. [13:01:03] (Interpretation) Mr Witness, when you became an inspector general
7 of police first class on 16 September 2010, what is the equivalent, if there is any, in the
8 Ivorian army?

9 A. [13:01:31] Yes, indeed, there is an equivalent, because the Ivorian police is
10 militarised, so an inspector general of police is the equivalent of a brigadier general,
11 and the rank I have now is the rank of lieutenant general.

12 MR MACDONALD: [13:01:59] Your Honour, I suggest we take the break now.
13 Thank you.

14 PRESIDING JUDGE TARFUSSER: [13:02:01] Thank you very much. We take the
15 break and come back at 2.30. The hearing is adjourned. Thank you.

16 THE COURT USHER: [13:02:05] All rise.

17 (Recess taken at 1.02 p.m.)

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

19 THE COURT USHER: [14:32:32] All rise.

20 Please be seated.

21 PRESIDING JUDGE TARFUSSER: [14:32:58] Good afternoon.

22 Mr MacDonald, the floor is yours for one hour and a half until 4 o'clock. Thank you.

23 MR MACDONALD: [14:33:15] Thank you, your Honour.

24 Q. [14:33:20] (Interpretation) Good afternoon.

25 MR LAUCCI: [14:33:32] (Interpretation) It appears the witness did not get the

- 1 translation of the first words from the Presiding Judge.
- 2 PRESIDING JUDGE TARFUSSER: [14:33:49] Did he say something?
- 3 MR MACDONALD: [14:33:52] There was no translation.
- 4 PRESIDING JUDGE TARFUSSER: [14:33:54] Of what?
- 5 MR MACDONALD: [14:33:56] In French of what you would have mentioned in the
- 6 earphones, according to the witness.
- 7 PRESIDING JUDGE TARFUSSER: [14:34:01] Yes. But I didn't say very much. I
- 8 only gave you the floor. So I didn't say anything meaningful to the trial or the
- 9 outcome of the trial, I would say.
- 10 MR MACDONALD: [14:34:19] (Microphone not activated)
- 11 PRESIDING JUDGE TARFUSSER: [14:34:22] You don't have the -- yes.
- 12 MR MACDONALD: [14:34:29]
- 13 Q. [14:34:30] (Interpretation) Mr Witness, the Presiding Judge was simply
- 14 handing the floor to me. You mean you don't have the sound?
- 15 PRESIDING JUDGE TARFUSSER: [14:35:32] Yes, I would say we can proceed. Can
- 16 you hear? Okay. Good.
- 17 MR MACDONALD: [14:35:38] (Interpretation) Very well.
- 18 Q. [14:35:41] Mr Witness, good afternoon. I will continue, but before that I would
- 19 like to backtrack a little bit. To begin with, I understand that you had an
- 20 administrative deputy.
- 21 PRESIDING JUDGE TARFUSSER: [14:36:21] There is no sound, I can guess, from
- 22 the gesture of Maître Gbougnon.
- 23 MR GBOUGNON: [14:36:30] (Interpretation) Mr President, I have no sound still.
- 24 PRESIDING JUDGE TARFUSSER: [14:36:37] Same is said by LRV. Maybe the
- 25 volume. Let's try and see, I speak only in order for you to -- no? Not to say things

1 which are very interesting, but just as a try. I'm informed that it works, it works.

2 Does it work?

3 MR GBOUGNON: [14:37:26] (Interpretation) It has just started working, your
4 Honour.

5 PRESIDING JUDGE TARFUSSER: [14:37:30] We can proceed.

6 MR MACDONALD: [14:37:40] (Interpretation)

7 Q. [14:37:48] Can you confirm that you hear me now? Yes, I can see you nodding.
8 Perfect.

9 Now let us go back to something we talked about, some points of clarification about
10 certain people in the organisation chart. To begin with, I would like to come back to
11 the people in the police préfecture. This morning you identified the prefect and one
12 of his deputies. There was a second deputy, I believe you had forgotten the name.
13 I do not know whether you have been able to remember the name of that person?

14 A. [14:38:48] Yes, indeed, it was Commissioner Kanga.

15 Q. [14:38:55] Can you give the complete name?

16 A. [14:38:58] I know it is Kanga. I cannot remember the other name.

17 Q. [14:39:02] I would like to put a name to you. Obviously you will decide
18 whether that is the right person. Mr Diagouri Gnawa Honoré. Who was he?

19 A. [14:39:17] Diagouri was the deputy prefect in charge of operations before
20 Kouyaté.

21 Q. [14:39:32] Was he still in that position during the post-election crisis?

22 A. [14:39:37] Yes, yes, he was occupying that position.

23 Q. [14:39:43] What was his position?

24 A. [14:39:46] Deputy prefect in charge of operations and he was later replaced by
25 Kouyaté.

1 Q. [14:39:54] Very well. And once Mr Kouyaté arrived what happened to Mr
2 Diagouri?

3 A. [14:40:10] I believe there was some confusion. In fact he is the one who
4 replaced Kouyaté, it was Diagouri who replaced Kouyaté when he was relieved of his
5 duties in January 2011.

6 Q. [14:40:26] So in January 2011, Mr Youssouf Kouyaté was dismissed from his
7 position. We are going to come back to the circumstances that led to that. So it was
8 Mr Diagouri Gnawa who replaced him?

9 A. [14:40:47] Yes.

10 Q. [14:40:47] Thank you. Before that he was a deputy?

11 A. [14:40:52] Yes.

12 Q. [14:40:54] So he was a deputy of the prefect of Abidjan in October-November?

13 A. [14:41:02] That is correct.

14 Q. [14:41:05] Very well. Now, let us go back and for the record identify the
15 various chiefs of the district bureaus. For district number 4, we do not need to give
16 that name. But I would like you to give us the name of the chief of district number 1,
17 Abobo.

18 A. [14:41:46] I cannot quite remember the name of the person in Abobo. If I
19 remember, I will tell you.

20 Q. [14:42:05] Let me try to jog your memory. Mr Kouka Koudou Michel?

21 A. [14:42:22] That is correct, Koudou Kouka Michel.

22 Q. [14:42:26] District number 2?

23 A. [14:42:35] Number 2 is Port-Bouët.

24 Q. [14:42:41] That is correct.

25 A. [14:42:42] I can't remember that name either.

1 Q. [14:42:47] Karamoko Gouassou?

2 A. [14:42:51] That is correct, that is the one.

3 Q. [14:42:55] We can provide those names later to the court reporters. Now
4 district number 3, Yopougon, who was the chief of district?

5 A. [14:43:21] I believe it was Tiagnéré. There is another name which I can't
6 remember.

7 Q. [14:43:35] Jean-Louis?

8 A. [14:43:37] That is correct, Tiagnéré Jean-Louis.

9 Q. [14:43:42] We know that district 4 was Mr Adomo Bonaventure. Now, district
10 number 5, Cocody?

11 A. [14:44:00] I do not remember.

12 Q. [14:44:04] Zoumana Kamagaté?

13 A. [14:44:07] Yes, Zoumana Kamagaté.

14 Q. [14:44:10] And lastly district number 6, Treichville Marcory?

15 A. [14:44:26] Can you help me with that also?

16 Q. [14:44:30] Very well. Alah N'Guessan?

17 A. [14:44:33] Yes, that is correct.

18 Q. [14:44:35] Very well. Now we'll go on to identify certain commissariats or
19 police stations, and if you are able to you can give us the names of the commissioners
20 during the post-election crisis. Just a moment, please.

21 Let us begin with the 4th, that is the police station or commissariat of the 4th.

22 A. [14:45:36] I do not know.

23 Q. [14:45:37] The 8th?

24 A. [14:45:39] Let me say that I did not really work very directly with them, so I
25 cannot have the names at the tip of my tongue. I can't remember the names just like

1 that.

2 Q. [14:46:05] Very well. What we will do is we will come back with a list of names,
3 but I will give you the police stations that we would like to identify. I will give you
4 the numbers. The 4th, the 8th. And talking about the 8th, Mr Kambou Sansan?

5 A. [14:46:48] Yes, that is correct.

6 Q. [14:46:49] It is S-A-N-S-A-N?

7 A. [14:46:57] No, it is S-A-S-S-A-N.

8 Q. [14:47:04] The 12th?

9 MR MACDONALD: [14:47:20] If you allow me just one second, your Honour, just
10 30 seconds, not even.

11 The 12th and then the 13th, do you remember the name?

12 A. [14:48:04] No.

13 Q. [14:48:08] As for the 13th, I will put the following name to you, Joseph, Joseph
14 Sabona?

15 A. [14:48:39] I'm trying to think about it. There were transfers later. I want to
16 remember whether he was still there.

17 MR MACDONALD: [14:48:47] (Interpretation) I will sit down, Mr Altit.

18 MR ALTIT: [14:48:52] (Interpretation) Thank you, Mr President. A brief
19 observation, if we continue like that, then all the names would have been given to the
20 witness by the Prosecutor. Of course he can jog the witness's memory. But if this
21 becomes systematic to this level, you can see the problem. If the witness does not
22 remember a name, then he does not remember. If he forgets one name out of ten,
23 then that is acceptable. But if it is nine out of ten names, if it is ten names, then that
24 is a problem. So we are at the very limit of what should be done and what should
25 not be done. I don't know whether I've been clear enough.

1 PRESIDING JUDGE TARFUSSER: [14:49:37] You have been absolutely clear.

2 Maître Gbougnon.

3 MR GBOUGNON: [14:49:43] (Interpretation) Mr President, following what my
4 colleague has said, and I fully subscribe to what he has said, the witness has said -- I
5 can't locate the transcript --

6 MR MACDONALD: [14:50:01] Perhaps the witness can be removed from the
7 courtroom if my colleague is going to try to say, quote the witness. We've seen the
8 witness. I don't --

9 PRESIDING JUDGE TARFUSSER: [14:50:11] It depends on what he says. I think
10 I've said since always that it is the responsibility of the one who intervenes, because I
11 cannot look into the brain, the responsibility of the person who intervenes to decide
12 or to ask the witness to be accompanied out or not.

13 MR GBOUGNON: [14:50:45] (Interpretation) Your Honour, I do not believe that
14 we need to have the witness out for that. It is because he has said I do not work very
15 much directly with the commissioners given his position. So this is not jogging his
16 memory because that would be done if he -- if he has forgotten. But in this situation
17 it is possible that he does not even know those names. That is why I'm wondering.

18 PRESIDING JUDGE TARFUSSER: [14:51:19] Yes, I don't know if it's the right person
19 giving these names. On the other side, I think these names are public. It's not a
20 secret. Those names are not secret. It's the posts which some of those people had,
21 and therefore I really don't see the problem. If he does not know because he's not in
22 a position to know, then I think it's the wrong person. Otherwise, if he doesn't
23 remember names which are in the public domain, public I mean obviously not here,
24 but in there, I don't think any -- it doesn't cause any problem. Therefore I would ask
25 the witness, do you recall these names? Do you know these names and these

1 persons?

2 MR MACDONALD: [14:52:16] If you --

3 THE WITNESS: [14:52:18] (Interpretation) First of all, you will agree with me that
4 this was in 2010-2011. After that there have been a lot of movement, transfers. And
5 since I do not work on a daily basis with them, I cannot give you precise names. But
6 I can say whether it's correct or not.

7 PRESIDING JUDGE TARFUSSER: [14:52:47] So it's you that you do not recall some
8 of these names because you can't put them in the period, it's not that you don't have
9 anything to do with these people?

10 THE WITNESS: [14:53:04] (Interpretation) That is correct. It is because of the
11 period. It is very short from November to April so there was a lot of movement. I
12 cannot remember the exact position of each individual during every period.
13 Otherwise I recall these names, they are still working, but I cannot tell you who was
14 working where.

15 PRESIDING JUDGE TARFUSSER: [14:53:32] Understood. Therefore,
16 Mr Prosecutor, proceed, please.

17 MR MACDONALD: [14:53:36] Thank you, your Honour.

18 Q. [14:53:39] (Interpretation) Let me continue. The 13th, I said Mr Joseph
19 Sabona.

20 A. [14:54:02] I told you that I'm thinking about it, because right now he's the préfet
21 of Odienné after having passed through Liji (phon). So if I remember, then I will
22 point it out to you.

23 Q. [14:54:17] Very well. The 14th, that is the Abobo town hall?

24 A. [14:54:25] I do not know whether you can propose something to me. If you
25 have the list on a paper give me the paper and we can save time. But the period is

1 very short. It's as if you ask me who are the judicial police officers in the Abidjan
2 commissariat. I cannot know.

3 MR MACDONALD: [14:54:56] (Overlapping speakers) We can do that. I will
4 finish, I'll just ask for one now to see if the witness remembers that is more --

5 PRESIDING JUDGE TARFUSSER: [14:55:03] You can --

6 MR MACDONALD: [14:55:04] And then I think we could maybe provide that list of
7 numbers, we give it, and then the witness can think about it and we can come back on
8 this.

9 PRESIDING JUDGE TARFUSSER: [14:55:14] Yes. But now he doesn't remember.
10 Can you suggest a name, refresh the memory?

11 MR MACDONALD: [14:55:24]

12 Q. [14:55:24] (Interpretation) Let me go directly to the commissioner of the 16th.
13 Do you remember the name of the commissioner of the 16th arrondissement in
14 Yopougon?

15 A. [14:55:43] Yes, because he's still in that position. There is no problem.

16 Q. [14:55:46] What's the name?

17 A. [14:55:47] Lezoutier.

18 Q. [14:55:53] His full name?

19 A. [14:55:55] I do not know his full name.

20 Q. [14:56:00] Bertin N'Datieu Touré?

21 A. [14:56:04] That name doesn't ring a bell. It was Lezoutier who was there
22 during the events, but if someone else has replaced him I am not aware. N'Datieu
23 was commissioner of the 16th. I don't know whether after the events he went to the
24 15th. I am not sure. That is why I am telling you the period is very short.

25 Q. [14:56:38] We will come back to that.

1 And we will provide the names to the court reporters so that the record should be
2 correct if the Chamber agrees, otherwise we can spell them outright now?

3 PRESIDING JUDGE TARFUSSER: [14:56:58] Agreed, agreed. Don't spell them out
4 right now, please.

5 MR MACDONALD: [14:57:03] (Interpretation)

6 Q. Except the last one which does not appear at all, can you spell it out, N'Datieu.

7 A. [14:57:14] N'Datieu, you are the one who suggested the name.

8 Q. [14:57:27] Bertin, it's fine. N-'-D-A-T-I-E-U. Touré, T-O-U-R-É.

9 And you said Lezoutier, what is the spelling?

10 A. [14:58:01] It is L-E-Z-O-U-T-I-E-R.

11 Q. [14:58:07] Very well. Now, let us move on to something completely different.

12 Mr Witness, do you recall having met with two members of the Office of the
13 Prosecutor and you were assisted by some colleagues, given that the OTP wanted to
14 carry out an operation to look for documents in the DGPN as well as in the
15 prefectures and the districts and so on and so forth?

16 A. [14:59:18] Can you kindly repeat your question?

17 Q. [14:59:26] I can see that you are taking notes, Mr Witness. Just to be sure, what
18 are you noting down, the districts?

19 A. [14:59:37] You said I was accompanied, that is why I wanted you to be clear
20 about the question.

21 Q. [14:59:45] Do you remember having met with two investigators of the OTP, I'm
22 not going give their names because we are in open session, we can go to private
23 session and I give their names, you were assisted by your colleagues and the objective
24 at that time was to examine the documents of the DGPN, the written documents
25 produced during the post-election crisis.

1 A. [15:00:27] Yes, indeed. They came to my office at the general directorate; that's
2 correct.

3 Q. [15:00:38] For those individuals --

4 MR MACDONALD: [15:00:41] (Speaks English) I'm referring to a document that is
5 on our list of material which I cannot show this witness but it's CIV-OTP-0051-0059.
6 It's investigator report in relation to these.

7 (Interpretation) Do you remember the date, Witness?

8 THE INTERPRETER: [15:01:11] Microphone please. The witness' microphone has
9 been turned off.

10 THE WITNESS: [15:01:16] (Interpretation) I beg your pardon. I don't have the
11 document in front of me. They took a number of documents and I don't know which
12 one you're referring to.

13 MR MACDONALD: [15:01:24] (Interpretation)

14 Q. [15:01:24] What do you remember exactly? What was the goal? What was the
15 OTP looking for at the time? And how were things organised as far as you know in
16 order to provide access to the Office of the Prosecutor?

17 A. [15:01:39] Well, again, I don't really understand. What you're trying to ask is
18 how did the OTP have access to my office? Is that what you mean?

19 PRESIDING JUDGE TARFUSSER: [15:01:55] Can I ask a question?

20 What was the Office of the Prosecutor looking for? Did they ask you something?

21 THE WITNESS: [15:02:05] (Interpretation) During the discussion, the Prosecutor
22 asked me if I could provide certain pieces of evidence, and so they came to my office
23 to obtain those documents. The Prosecutor came to my office. That's why I hadn't
24 understood the question earlier. Thank you.

25 MR MACDONALD: [15:02:33] Can we go quickly, your Honour, in private session?

- 1 PRESIDING JUDGE TARFUSSER: [15:02:38] Let's go in private session, please.
- 2 (Private session at 3.02 p.m.)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Open session at 3.04 p.m.)
- 18 THE COURT OFFICER: [15:04:22] We're in open session.
- 19 PRESIDING JUDGE TARFUSSER: [15:04:27] Thank you.
- 20 Mr MacDonald.
- 21 MR MACDONALD: [15:04:29] (Interpretation) Very well.
- 22 Q. [15:04:35] Do you know the details of what was decided with the
- 23 representatives of the OTP in order for them to have access to these documents; in
- 24 other words, what was the logistics? What orders did you give to your subordinates,
- 25 I'm assuming, in order for the OTP to carry out their mission?

1 A. [15:05:00] Well, it depended on the questions. They asked if we had
2 documents relating to law enforcement and et cetera, and that's why I provided
3 certain notes that were written during the post-electoral crisis.

4 Q. [15:05:28] Very well. Let us now take a look at some of these documents. To
5 start with, and we will continue in the following days but, as a start, I'm going to ask
6 you some questions about the written documents that were to be found within the
7 police, that is documents from the police.

8 What kind of documents were there that came from the base and were sent up
9 through the hierarchy, and can you describe the name of these documents?

10 PRESIDING JUDGE TARFUSSER: [15:06:22] Maître Laucci.

11 MR LAUCCI: [15:06:23] (Interpretation) Thank you, your Honour. I don't exactly
12 know what Mr MacDonald is thinking about, if we are going to be discussing the
13 actual substance of these documents, and given that these documents may contain
14 information about what my client was aware of, had knowledge of during the
15 events --

16 THE INTERPRETER: The microphone has been turned off unfortunately.

17 MR LAUCCI: (Interpretation) Sorry. Let me start over.

18 Thank you, your Honour. I don't know exactly what line of questioning the
19 Prosecutor has in mind, but if he intends to examine the content of these documents,
20 which apparently relate to what the witness, my client, knew at the times of the event
21 and measures that he may or may not have taken at the time, I think that these
22 documents may, could have an impact in terms of self-incrimination regarding
23 hierarchical superior responsibility under Article 28 of the Rome treaty as well as
24 Article 141 of the Ivorian penal code; and therefore I request that we go into closed
25 session, your Honour, please.

1 PRESIDING JUDGE TARFUSSER: [15:07:43] Let me first ask a question to the
2 witness.

3 You said that the Prosecutor came and that they were searching for documents.

4 Now, first of all, did you -- can you hear me? Can you hear me?

5 THE WITNESS: [15:08:09] (Interpretation) No, your Honour, I can't.

6 It's working now. Thank you.

7 PRESIDING JUDGE TARFUSSER: [15:08:24] Okay. So did you provide the Office
8 of the Prosecutor with documents?

9 THE WITNESS: [15:08:34] (Interpretation) Yes.

10 PRESIDING JUDGE TARFUSSER: [15:08:39] Can you approximately say how many
11 documents?

12 THE WITNESS: [15:08:50] (Interpretation) I really can't say. There were many.

13 And they -- they took some and then they returned some, so I really don't know how
14 many exactly were given to them.

15 PRESIDING JUDGE TARFUSSER: [15:09:09] In any case, many?

16 THE WITNESS: [15:09:12] (Interpretation) Yes, indeed.

17 THE INTERPRETER: Says the witness.

18 PRESIDING JUDGE TARFUSSER: So hundreds?

19 THE WITNESS: (Interpretation) No. Well, when you say many, more than three,
20 I don't know the exact number.

21 PRESIDING JUDGE TARFUSSER: [15:09:26] Well, three, I would say not -- I would
22 say a few. But okay. We'll find this out with the Office of the Prosecutor.

23 Just to respond to Maître Laucci, I don't know either. I also can expect, can think
24 about what the line of questioning of the Prosecutor is. But as I said at the beginning,
25 that it is the responsibility of the Prosecutor, he knows where he's going, he knows if

1 this can lead to self-incrimination and therefore he has the obligation to ask for
2 private session. In this moment I think it's a little bit too early to do so, but I'm
3 happy to remind the Prosecutor to do so.

4 MR LAUCCI: [15:10:14] (Interpretation) I understand, your Honour. That was
5 indeed the purpose of my comment. Thank you.

6 PRESIDING JUDGE TARFUSSER: [15:10:20] Thank you very much.

7 Mr Prosecutor, so you can proceed.

8 MR MACDONALD: [15:10:25] (Interpretation)

9 Q. [15:10:35] In order to reassure my colleague, the witness's counsel, when we
10 display certain documents we can do so on a confidential basis if they come under
11 that category.

12 So let me rephrase my question. Obviously in police work, reports are drafted.
13 You're nodding yes.

14 Do you agree with what I said for the transcript?

15 A. [15:11:23] Yes.

16 Q. [15:11:27] What exactly is the role or the purpose of a report in the function of a
17 police officer?

18 A. [15:11:44] It's very important that subordinates report to their hierarchical
19 superiors to report on a mission or an incident that occurred. It's extremely
20 important in terms of police discipline.

21 Q. [15:12:03] I would like to display the document 0045-1143. This can be
22 displayed on a confidential basis, but for the time being I don't think there is any
23 particular problem. We also have a paper copy, a hard copy that we could give to
24 the witness if need be.

25 Witness, do you recognize this document?

1 A. [15:13:13] Yes, definitely.

2 Q. [15:13:17] Who drafted it?

3 A. [15:13:19] I myself signed it.

4 Q. [15:13:22] So we can see the date, November 23, 2010?

5 A. [15:13:27] Yes, that's correct.

6 Q. [15:13:31] Since this is the first document, we'll take a closer look at some of the
7 different elements and then we'll be able to go through them more quickly. It states
8 ministry of the interior at the top, general directorate of national police, cabinet, and
9 then there is an identification number, reference number, and then there is a list of
10 recipients.

11 So is this the method for classification of documents, Witness.

12 MR LAUCCI: [15:14:09] (Interpretation) Could I have a word with my client just a
13 moment, please?

14 PRESIDING JUDGE TARFUSSER: [15:14:14] You can, but I don't understand why.

15 MR LAUCCI: [15:14:19] (Interpretation) Thank you, your Honour.

16 (Pause in proceedings)

17 MR LAUCCI: [15:14:41] (Interpretation) Thank you, your Honour.

18 PRESIDING JUDGE TARFUSSER: [15:14:46] Thank you.

19 MR MACDONALD: [15:14:47] (Interpretation)

20 Q. [15:14:49] Given that we're discussing it, I don't believe there is any particular
21 problem with this document being displayed publicly, am I correct?

22 PRESIDING JUDGE TARFUSSER: [15:15:06] Can we not just start to ask questions
23 on this document? I mean, if there is no problem of self-incrimination, there is also
24 no problem -- no reason why to debate on this, I think.

25 MR LAUCCI: [15:15:20] (Interpretation) I cannot exclude that there not be an issue

1 of self-incrimination given that the concept of responsibility of hierarchical superior
2 in Ivorian law involves the fact that reasonable measures need to be taken in order to
3 prevent or to refer to the competent authorities, and this document shows indeed that
4 the witness did take some measures, but not all possible measures. Perhaps those
5 measures were taken elsewhere, but there is no mention made in this particular
6 document.

7 MR MACDONALD: [15:16:02] (Interpretation) Well, your Honour, I'm going to
8 ask a few questions to the witness. For the time being the document is confidential,
9 but we are in a public hearing but the public cannot see the document.

10 Q. [15:16:23] So, Witness, this is a so-called circular note. What is exactly meant
11 by that?

12 A. [15:16:32] Well, it's an instruction given to subordinates and that's exactly what's
13 being done here.

14 Q. [15:16:45] So it is sent to the deputy general directors, et cetera, all the way
15 down to the unit commanders and police commissioners, heads of departments; is
16 that correct?

17 A. [15:17:01] Yes, that's correct.

18 Q. [15:17:05] Very well. Why did you draft this so-called circular note in
19 order -- where it states "within its functions the police officer must report before,
20 during and after a mission," and then you give details?

21 A. [15:17:52] Well, in my opinion this note is very clear. I was reminding the
22 officers, of course, it's not anything new, it's just a reminder that when a mission takes
23 place, a report must be given, and that's what I've stated here.

24 Q. [15:18:09] Very well. So we can see your stamp, your signature and it says
25 "general director of national police," et cetera?

1 A. [15:18:23] Yes, indeed, that's correct.

2 Q. [15:18:28] I'd like to take a look now, you said that these circular notes are
3 instructions of sorts, instructions that you give to your subordinates. I'd like to take
4 a look at the type of report that your subordinates would circulate to their hierarchy.
5 In order to do so, I'd like to display document 0045-1530.

6 And we have a hard copy for the witness, your Honour.

7 (Speaks English) Mr President, I think your microphone is on.

8 (Interpretation) Witness, I'd like you to look at the last page of this document.

9 Could we display the last page, please. At the bottom of the page you'll find the
10 reference 1532 that corresponds to the ERN number. Is this your name and your
11 signature?

12 A. [15:21:09] Yes.

13 Q. [15:21:11] Could we come back to the page 1531, that is the previous page,
14 please. We can see the date is November 23, 2010. Do you remember this?

15 A. [15:21:34] Yes, indeed.

16 Q. [15:21:37] Did you write this document?

17 A. [15:21:39] Yes.

18 Q. The purpose is failure to produce reports on facts, important facts and incidents.
19 Now, the previous document was also dated the very same day, November 23, do
20 you remember that, where you were recalling the importance of reporting before,
21 during and after, and here we have a report dated the very same day. Is there a link
22 between these two reports, that is your instruction given in the preceding document
23 and this document?

24 A. [15:22:22] Yes, indeed.

25 Q. [15:22:23] And what is that relationship?

1 A. [15:22:28] The first document was a follow-up to the second document because
2 we had taken note of this failure to produce and we reminded that we needed to be
3 informed that therefore we published the instruction saying that reports had to be
4 sent in.

5 Q. [15:22:55] Very well. We can see at the first page to be complete that the
6 deputy director general in charge of public security sent it to the police prefect in
7 Abidjan; is that correct?

8 A. [15:23:21] Yes, indeed, because the individuals mentioned here all come under
9 the authority of the prefect of police, that is the various different units, traffic,
10 regulation, et cetera.

11 Q. [15:23:41] Very well. I'd like to show you another example of a report, two
12 ERN numbers, two documents, which is 0045-0750 and 0045-0751, because in fact
13 those two documents follow one another.

14 And we do have hard copies for the witness. Let me just reassure everyone that
15 there are no annotations on the hard copies that are being given to the witness.

16 Witness --

17 MR LAUCCI: [15:26:02] (Interpretation) Your Honour, given the content of these
18 documents I think it would be preferable to go into closed session for reasons of
19 potential self-incrimination.

20 MR MACDONALD: [15:26:16] It's okay, your Honour.

21 PRESIDING JUDGE TARFUSSER: [15:26:17] Mr MacDonald.

22 MR MACDONALD: [15:26:19] It may be safer, may be safer indeed. But right now
23 I'm not -- I'm more interested, well, yes -- of course, the whole document is being
24 submitted, so it's content too is being submitted, but yes.

25 MR ALTIT: [15:26:37] (Interpretation) Mr President.

1 PRESIDING JUDGE TARFUSSER: [15:26:39] Yes, please, Mr Altit.

2 MR ALTIT: (Interpretation) Your Honour, unless I'm mistaken, this is not a
3 document drafted by the witness nor is it sent to the witness. I see no risk of
4 self-incrimination here. And -- one moment, please.

5 And I have been told that the OTP has not presented any foundation in order to
6 present this document to the witness in addition to what I just said.

7 PRESIDING JUDGE TARFUSSER: [15:27:17] Well, the foundation is in itself because
8 it was seized at the office of the witness, so it's not about the foundation. But it's
9 about self-incrimination.

10 Well, I would really urge you not to exaggerate now with this issue, but we go into
11 private session for this questioning and then we'll see how it works. Otherwise, if it
12 doesn't go along that line, we will come back in open session. So we have to go in
13 private session for some minutes.

14 MR LAUCCI: [15:28:02] (Interpretation) Thank you, your Honour.

15 (Private session at 3.28 p.m.)

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13 Page redacted – Private session

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17 (Open session at 3.36 p.m.)

18 THE COURT OFFICER: [15:36:23] We are in open session, your Honour.

19 PRESIDING JUDGE TARFUSSER: [15:36:30] Now on this discussion by the parties
20 on the use of documents, we are again in open session. I give the floor to the office
21 of -- well, no, but you asked him to go out.

22 MR MACDONALD: [15:36:43] Yes, but I interrupted them.

23 PRESIDING JUDGE TARFUSSER: [15:36:46] No, no.

24 MR MACDONALD: [15:36:46] They were making an objection.

25 PRESIDING JUDGE TARFUSSER: [15:36:48] No.

1 MR MACDONALD: [15:36:48] I interrupted so the witness could be removed from
2 the courtroom, your Honour. It's their objection --

3 PRESIDING JUDGE TARFUSSER: [15:36:52] Yes, but --

4 MR MACDONALD: [15:36:54] -- to my way of proceedings, and I understand the
5 Court asked me --

6 PRESIDING JUDGE TARFUSSER: [15:36:58] Yes.

7 MR MACDONALD: [15:36:58] -- if it was the proper, if the witness could discuss
8 this. That's -- but I'm willing to take -- I can take the floor.

9 PRESIDING JUDGE TARFUSSER: [15:37:09] What is the objection about?

10 MR O'SHEA: [15:37:12] The objection was that the witness has effectively disowned
11 the document, and for my learned friend to pursue the matter in the way he was was
12 argumentative.

13 PRESIDING JUDGE TARFUSSER: [15:37:20] No. That's what --

14 MR O'SHEA: [15:37:22] Yes.

15 PRESIDING JUDGE TARFUSSER: [15:37:22] I thought I had already responded to
16 this, because I said to the Prosecutor: Why do you continue to ask questions on the
17 document the party has declared twice has never seen?

18 MR O'SHEA: [15:37:38] Your Honour, yes.

19 PRESIDING JUDGE TARFUSSER: [15:37:39] So I thought this argument was already
20 closed and then the Prosecutor stood up and said we should discuss this outside the
21 courtroom. And therefore I have given you the floor.

22 MR MACDONALD: [15:37:58] Your Honours, these documents were all seized in
23 the hands of the police. Now, of course, being the head of the police, I'm going
24 through documents, documents that it is likely that he has not seen. That is true.
25 Could be documents also that he has seen even though his name doesn't appear,

1 because he didn't draft them but he received them because he was le destinataire.
2 Here we have what Witness 560 mentioned about the first page. It's on record.
3 Now I'm going beyond that and I'm asking if this is the type of documents that had
4 been the compte rendu that were used by the police. Now, he says no. I
5 understand. I didn't ask him anything about the content here. I'm asking him
6 about the form. I'm asking him about the phone numbers. So it's not about -- I
7 mean, I was basically done. It's not about if he drafted it. It could be "Have you
8 ever seen this?" he says "No", fine, but I'm just starting out now. It's the third
9 document I'm showing.
10 That's what we're doing at the moment, establishing the way of reporting of the police
11 from the ground up and from the top down during the events. And these are police
12 documents, your Honour. There is a hierarchy.
13 And I will use the example of a bank; you have the teller that writes information.
14 Let's go back in the old days when it was in written form. The teller writes banking
15 documents, passes on to the director, which is ultimately used for the audits that will
16 be done, let's say, yearly. Here it's police documents. There is a hierarchy.
17 Everything is based on the fact that reports are from ground up or bottom down.
18 There is a reporting system and so on.
19 While these documents also may be based some of them on hearsay, there is also
20 some reliability to them. And these events are during the period in question. And I
21 should be allowed to also ask the question about such events to the witness since he
22 was ultimately the inspecteur général of the police.
23 So that's what we're doing with these documents, authentication in a way. I know
24 you don't like that word. I know. We're submitting them on record, going through
25 them and so on.

1 So it's just, you know, like I said earlier, the chain of custody. That's it. That's what
2 we're doing. And I think if we're not allowed to do that, well then, I mean, it's just
3 submit a whole bar table motion and hope for the best.

4 PRESIDING JUDGE TARFUSSER: [15:41:44] No. You are obviously -- I give you
5 the floor immediately, you are allowed to do that, but once one says "I've never seen
6 this document, I don't know what it is" that's it. It's the insisting, the third question
7 trying to elicit from the witness something he already stated he does not know.
8 But now I give the floor to the Defence.

9 MR O'SHEA: [15:42:07] Yeah, it's a question of looking at things document by
10 document. And in the last document, which has been shown to the witness, the
11 witness has not only disowned the content of the document, but also the form of the
12 document. And procedurally, that should basically close the door on that document
13 is what I'm saying. And the Prosecution can't then come back and start trying to
14 argue with the witness over what, whether it's a form that he should recognize or not.

15 PRESIDING JUDGE TARFUSSER: [15:42:35] I'm very surprised that you say this
16 because you were closing all the doors, you are the one who said I've got to close all
17 the doors from every side, you know, so --

18 MR O'SHEA: [15:42:44] That's a different use of the word "door".

19 PRESIDING JUDGE TARFUSSER: [15:42:47] Yeah, yeah, okay. That's a different
20 word of the use of the word "door".

21 So Mr Knoops.

22 MR KNOOPS: [15:42:55] Yes, Mr President. Mr President, the establishing of the
23 chain of command or in hierarchy is a very important issue in this case. Maybe we
24 can qualify it as the ultimate issue, one of the ultimate issues in this case.

25 And it's our view that this element of the Prosecution case cannot be established or

1 based on documents which the witness contests, didn't see, cannot comment on
2 otherwise and, therefore, apart from showing the witness a document and obtaining
3 the answer that the witness hasn't seen the document before, cannot reasonably
4 comment on it is sufficient.

5 And the Prosecution should not be permitted to pursue then the line of questioning
6 because it will amount to leading questions, eliciting opinion evidence based not on
7 facts and it's, I think, also in contravention with the non-preparation protocol
8 indirectly because the reason why the Prosecution is not allowed to present a witness
9 beforehand with its list of materials is exactly to prevent a witness to be influenced
10 during the examination-in-chief.

11 And lastly, Mr President, you rightly pointed out to your directives that documents
12 are to be submitted on its face, but it's also in the directions that the examining party
13 may be required to indicate the relevance of a certain document, once this is
14 questioned.

15 And it's our submission that, for instance, with this last document, there is no
16 relevance to pursue the questioning of the witness on this document, simply he has
17 closed the door for that document to use the same words.

18 So our objection is indeed that with these type of documents, Prosecution after having
19 shown the document cannot be permitted to pursue questioning on alleged chain of
20 commands, hierarchies, based on such disputed documents, thank you.

21 PRESIDING JUDGE TARFUSSER: [15:45:19] Well, I think the Prosecutor can show
22 all the documents to the witness which have been seized at the witness' headquarters.
23 He can put the questions. The problem is how far can he go after having had an
24 answer which cuts the head or closes the door? If still our door is open, they have to
25 be closed, otherwise we proceed and go to the following document.

1 So this is quite an easy task, I would say, just ask and get the answer and on the basis
2 of the answer you continue or not. This is how I see it.

3 MR MACDONALD: [15:46:01] Yes, your Honour. We fully agree, but sometimes
4 clarification questions we feel can be asked --

5 PRESIDING JUDGE TARFUSSER: [15:46:09] Yes, of course, absolutely.

6 MR MACDONALD: [15:46:10] -- and we'll judge. Here the witness says he didn't
7 recognize that --

8 PRESIDING JUDGE TARFUSSER: Indeed.

9 MR MACDONALD: -- that document, which was seized at his -- he recognizes the
10 authority that signed it, we know, because we saw that witness.

11 PRESIDING JUDGE TARFUSSER: [15:46:23] Yes.

12 MR MACDONALD: [15:46:24] And he testified about it. He explains the facts.

13 PRESIDING JUDGE TARFUSSER: [15:46:28] Yes, but --

14 MR MACDONALD: [15:46:29] That's it.

15 PRESIDING JUDGE TARFUSSER: [15:46:31] I would now -- in any case, the Defence
16 has all the time and all the possibilities to question then the witness on the same
17 document re-closing or re-opening the doors as they deem appropriate, Mr O'Shea,
18 okay.

19 MR O'SHEA: [15:46:49] Thank you for that, your Honour.

20 PRESIDING JUDGE TARFUSSER: [15:46:52] Yes.

21 Can the witness be brought in again.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE TARFUSSER: [15:47:14] Mr Prosecutor, I recall we are in open
24 session. So I will just tell you to be vigilant.

25 MR MACDONALD: [15:47:30] That's a very good reminder, your Honour. I had

1 forgotten.

2 PRESIDING JUDGE TARFUSSER: [15:47:34] That's why I'm here.

3 MR MACDONALD: [15:47:43] Let's go into private session just to avoid any
4 problems.

5 PRESIDING JUDGE TARFUSSER: [15:47:48] Let's go into private session, please.

6 (Private session at 3.47 p.m.)

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5 (Open session at 3.50 p.m.)

6 THE COURT OFFICER: [15:50:33] We're in open session, your Honour.

7 PRESIDING JUDGE TARFUSSER: [15:50:43] Thank you.

8 Mr MacDonald.

9 MR MACDONALD: [15:50:46] (Interpretation)

10 Q. [15:50:47] Mr Witness, can you define to us what is a daily information bulletin?

11 A. [15:51:03] The daily information bulletin, as its name indicates, is a daily report.

12 This means that each day all police commissioners send us a report on their activities
13 on that day. That is why it is daily. It is the report of the day.

14 Q. [15:51:38] And who prepares that document?

15 A. [15:51:43] Each police commissioner, either of an arrondissement or of a specific
16 area.

17 Q. [15:51:53] So all the places that you named, that is the 35 or 36 arrondissements
18 and the police posts send a BQI every day to the hierarchy?

19 A. [15:52:13] No. The commissioners of the arrondissement and of the
20 circonscription send their reports to the police prefect and it is the prefects who send
21 the documents to the director general. So instead of having 105 documents from the
22 commissioners we have only 12 from the prefects.

23 Q. [15:52:42] Now in the entire territory of Côte d'Ivoire, for Abidjan, you have a
24 BQI from the prefect of Abidjan?

25 A. [15:52:57] That is correct.

1 Q. [15:52:58] Very well. Now let us take document 0045-0735 as an example.

2 Of course we have a hard copy to be shown to the witness.

3 We should not read the entire document. Let's go stage by stage. Do you recognize
4 the document?

5 A. [15:53:58] The form and the substance show that it is a police document.

6 Q. [15:54:04] Very well. Before we continue, to your knowledge, is this something
7 copied and pasted?

8 PRESIDING JUDGE TARFUSSER: [15:54:16] Which document are we talking about?

9 MR MACDONALD: [15:54:18] Sorry, we're talking about CIV.

10 PRESIDING JUDGE TARFUSSER: [15:54:22] Yes, but we don't have it yet. We
11 don't have it yet on the screen, that's why.

12 MR MACDONALD: [15:54:28] Sorry.

13 PRESIDING JUDGE TARFUSSER: [15:54:48] Now we have it.

14 MR MACDONALD: [15:54:49] Okay. And we can even maybe zoom in a bit.

15 Q. [15:54:53] (Interpretation) My question is as follows: In general, the
16 preparation of a BQI in the Abidjan police préfecture, well, the commissioners send
17 the information. As far as you know, how is the BQI drafted, that is based on the
18 information from the police stations? Is it copy and paste?

19 A. [15:55:33] No, it is not copying and pasting. Each commissariat sends its
20 bulletin to the prefect of police and the police prefect produces a summary. He
21 collates all that information and it is that summary that is sent to the director general.

22 Q. [15:56:03] Can we display the last page, please.

23 And this is indeed the signature of the police prefect and the name of the prefect?

24 A. [15:56:33] That is correct.

25 Q. [15:56:37] Very well. We will come back later to the substance of this

1 document.

2 What I would also like to confirm is once again there is that fax number at the top,
3 and I will read it out for the record, because if I come back to the previous document
4 that you did not recognize, it is basically the same fax number, 22520224176. Is that
5 the fax number of the Abidjan police prefect?

6 A. [15:57:33] Yes, it is the fax number. But I would like to repeat what I said a
7 short while ago. When you look at the form of this document, there is a sender and
8 there is an addressee.

9 Q. [15:57:54] A recipient?

10 A. [15:57:55] Yes, indeed.

11 Q. [15:58:02] And the addressee MI is what?

12 A. [15:58:05] It is the ministry of interior.

13 THE INTERPRETER: [15:58:10] Mr MacDonald is not observing the pause, your
14 Honours. It's going too fast.

15 PRESIDING JUDGE TARFUSSER: [15:58:15] Mr MacDonald, you are not observing
16 the pause, you're going too fast, is what comes in my ears.

17 MR MACDONALD: [15:58:31] (Interpretation)

18 Q. [15:58:32] We are overlapping. It was simply to gain some time so as to be able
19 to end this afternoon's session.

20 I would like with the leave of the Chamber to move on to another document. I think
21 we can end with that.

22 PRESIDING JUDGE TARFUSSER: [15:59:03] Okay. Yes, please go ahead.

23 MR MACDONALD: [15:59:09] (Interpretation)

24 Q. [15:59:12] What is a special daily bulletin?

25 A. [15:59:31] The daily information bulletin is general, you will see that there are

1 many events, whereas the special daily bulletin, it covers just one event.

2 Q. [15:59:53] I would like to call up document number 0045-0192. And we have a
3 hard copy for the witness.

4 We have the document on the screen. This is a special daily information bulletin,
5 number 123, dated March 1, 2011.

6 Witness, do you recognize this document?

7 A. [16:00:56] Yes, indeed.

8 Q. [16:00:58] It has the same heading?

9 A. [16:01:00] Yes, yes, the same heading, the same registration system, the same
10 signature, I recognize it.

11 Q. [16:01:10] Let's take a look at the last page, please. There is a name, but there is
12 no signature. Is that exceptional?

13 A. [16:01:37] Well, the Abidjan police prefect is very busy, and it may occur that the
14 daily information bulletin be ready. And since there is a deadline, sometimes the
15 daily information bulletin is sent out without a signature. And that takes nothing
16 away from its content, because the important aspect is the information contained in
17 the report. It's not so much a question of form but a question of substance. It's
18 important that the information be sent to the authorities in keeping with the
19 appropriate deadline.

20 Q. [16:02:19] And what is the appropriate deadline for a daily information bulletin?

21 A. [16:02:28] Normally it should arrive at 4 o'clock in the afternoon, 1600 hours. It
22 needs to be sent therefore before it's too late.

23 Q. [16:02:51] And what about the special daily information bulletin, what time of
24 day must it be finished?

25 A. [16:02:59] It's the same hour, the same. Whether it's the daily information

1 bulletin or the special daily information bulletin, it's the same deadline.

2 Q. [16:03:15] One last point here. Earlier you said that the special daily
3 information bulletin concentrates on one particular incident. Is it one incident for
4 the entire city of Abidjan or for one particular district? How does it work?

5 A. [16:03:42] It depends on the event. You may also have a special daily
6 information bulletin for the entire country. Let's say if it's a teachers' strike, the
7 préfet, the prefect may send out a special information bulletin referring to that
8 national event. If you're talking about a strike in a particular city or -- then it may
9 only apply it a district.

10 Q. [16:04:12] I'd like to finish with this, because on the first page of this document
11 which ends in 0192 it refers to Port-Bouët, and then on page 0193 it refers to the
12 district of Adjamé. Nothing for Yopougon, nothing for Cocody, and then it says
13 district of Marcory and the others that you referred to earlier. So this is the
14 specificity of the special daily information bulletin?

15 A. [16:04:58] Yes, that's one aspect, but it's not the only aspect. Indeed, it refers to
16 the entire territory that comes under the prefect of the area of Abidjan, but it refers to
17 one event which could have an effect to certain sub-prefectures or even throughout
18 the entire territory.

19 Q. [16:05:25] Thank you, Witness. That's all for today. We'll be back tomorrow.

20 PRESIDING JUDGE TARFUSSER: [16:05:31] Thank you very much.

21 Now for today we are finished. We adjourn to tomorrow morning at 9.30 and we
22 will see you back here for the continuing of the questioning by the Office of the
23 Prosecutor. The hearing is adjourned to tomorrow 9.30.

24 THE COURT USHER: [16:05:49] All rise.

25 (The hearing ends in open session at 4.04 p.m.)